Charities in Warwickshire in the Eighteenth and Nineteenth Centuries

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Abstract

Recent decades have seen proliferating debate about charity and welfare provision. Passing beyond a satisfaction with the welfare state in its mid-twentieth century form, such discussion has been associated with the contested revision of state welfare, with the ways in which public sympathies were drawn to third-world famine and related crises, and with the possible effects of national lotteries upon charitable giving. Historians need to set such modern concerns into perspective, and this thesis is a historically focused contribution towards that. It explores the changing legal, structural and social aspects of charity in Warwickshire. Warwickshire was chosen partly to redress the generalised or metropolitan bias of many previous studies. The county comprised the ancient city of Coventry, the burgeoning conurbation of Birmingham and a varied rural hinterland. It thus provides three very different socio-economic contexts within which to examine the operation of charitable institutions and organisations. The thesis takes a long perspective on charity – bearing in mind the ancient origins and legal forms of charity – although the main focus is on the eighteenth and nineteenth centuries. The period under closest consideration straddles the pivotal decades in English history from the mid-1780s to the mid-1830s, during which there was a major reassessment of social responsibility. This was manifested by much debate on the role of public welfare and private charity, with the poor law enquiries resulting in important legal revisions. At the same time, there was a shift in the foundation of new charities from the endowed to the voluntary form. This transitional period has been little studied by historians of charity, and the present work goes some way towards filling this lacuna.

The thesis begins with a review of the historiography of charity and of the theoretical writing on the subject, both historical and modern. Chapter 2 explores the development of the law governing endowed charities, which itself reflected changing attitudes towards charity and its recipients. The next two chapters are detailed analyses of the structures of endowed and voluntary charities, and of the incidence of the two types in Warwickshire. Having drawn out the distinctiveness of these forms of charity, the following two chapters examine their similar objectives. An investigation is made of the ways in which these objectives were pursued by endowed and voluntary charities, organised under the headings of the promotion of religion, the advancement of education, the relief of poverty, and other objects of public utility. Among the concerns here are whether certain objects were more likely to be supported by one form of charity than another, and whether there were any changes over time in the kind of support given. The way in which voluntary and endowed charities interacted with each other and with agencies of the state, sometimes in co-operation and sometimes in competition, emerges from this examination. The final chapter examines the motivations for and meanings of the charitable impulse, and discusses patterns of localism and tradition which informed charitable acts even at the end of the nineteenth century.

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Abbreviations

Ag.Hist.Rev.	Agricultural History Review
Analytical Digest	Analytical Digest of the Reports of the Commissioners of Inquiry, 1819-37, P.P. 1843 [433] [435] XVI, XVII
B. A. A.	Birmingham Archdiocesan Archives
B. C. A.	Birmingham City Archives
Brougham	Reports of the Commissioners to Inquire concerning Charities relating to the County of Warwickshire, 1819-1837 (1843; 1890)
B. R. L.	Birmingham Reference Library, Local Studies
C. C. A.	Coventry City Archives
Econ. Hist. Rev.	Economic History Review
Education	Report on the Education of the Poor, P.P. 1819 (224) IX Part 1, IX Part II, Select Committee on Education of the Poor, Part II, pp. 983-1004
E.H.R.	English Historical Review
Gilbert	Gilbert Returns of Charitable Donations, P.P. 1816 (511) XVIa (Returns for Warwickshire, W. C. R. O. QS 69/4)
P. P.	Parliamentary Papers
P.&P.	Past and Present
L. J. R. O.	Lichfield Joint Record Office
Supplementary Inquiry	Supplementary Inquiry of the Charity Commissioners, 1867-75, P.P. 1877 LXVI. (Published with Brougham (1890), pp. 1105-1183)
Taunton	Reports from the Schools Inquiry Commissioners, P. P. 1868 [3966]
Tudor	O. D. Tudor, On Charities (1906; 1995, J. Warburton and D. Morris, eds).
V. C. H.	Victoria County History of Warwickshire, 8 vols (1904-69)
W. C. R. O.	Warwick County Record Office
Worcs. C. R. O.	Worcester County Record Office & Diocesan Registry

In references the place of publication is London unless otherwise stated.

Preface

The definitions of charity have been many and various, and have changed over time. As Hugh Cunningham wrote, 'in the seventeenth to nineteenth centuries the terms 'charity' and 'philanthropy', like the modern term 'welfare', designated broad areas of concern, rather than particular modes of addressing those concerns' and 'contemporaries were in fact quite as likely to attempt to distinguish 'charity' from 'philanthropy', as voluntary action from state action.'[1] Although the relief of poverty is the first thing which springs to mind on hearing the word charity, it was by no means the only activity which was covered by that word, or by the term philanthropy. The promotion of religion, the support of education and the improvement of many aspects of public life have all been considered charitable. This study takes a wide interpretation of charity, encompassing endowed trusts and voluntary associations operating in many spheres, exemplifying Sir William Grant's dictum that charity 'denotes all the good affections that men ought to bear towards each other.[2]

The period under consideration is slightly unusual, in that it embraces what are seen as two different eras in the operation of charity. As is explored more fully in Chapter 1, the historiography of early modern charity to the mid-seventeenth century is quite extensive. For the later-nineteenth and twentieth centuries much attention has been paid to a supposed decline in voluntary and charitable activity, and the rise of state-funded welfare and educational provision. It is only in recent years that the history of charity from the late-seventeenth to the early-nineteenth centuries has received much attention from historians. The decades of the 1780s to 1830s, especially, saw much debate on public welfare and private charity, and are seen by historians as signalling a change in the nature of charitable provision, as

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1 H. Cunningham, 'Introduction', in H. Cunningham and J. Innes (eds), *Charity, Philanthropy and Reform from the 1690s to 1850* (Basingstoke, 1998)), p. 2.

2 In *Morice* v. *Bishop of Durham* (1805)9 Ves. 399, 405: 10 Ves. 522. *Tudor*, p. 1.

well as in the poor law. By taking a long perspective on charity, though concentrating on the eighteenth and nineteenth centuries, it has been possible to make some comments on the pace of change from endowed to voluntary forms of charity, and on 'fashions' in the type of charity promoted. It has also enabled an identification of the durability of the endowed charitable trust, and of certain common factors in charities, and in the motives of those involved with them.

Many of the previous studies have been generalised or metropolitan in their focus, or have looked at individual provincial cities. It was felt that a more regional approach would be beneficial, incorporating both urban and rural aspects of charity. Warwickshire seemed well suited to this purpose, being a well-populated county of some economic and social variety in the eighteenth and nineteenth centuries. The Arden, to the north of the river Avon, was an area of rapidly expanding population in scattered hamlets, often engaged in a variety of by-industries. On the plateau to the north-west Birmingham developed from a busy market and manufacturing town into a modern conurbation during the period of this study. The far north of the county had some mining and manufacturing employment, centring on the towns of Nuneaton, Bedworth and Atherstone. The valley of the Avon formed a distinct *pays* of its own, with rich agricultural land on either side of the river, strung with a number of busy towns along its length, from Rugby in the east to Alcester in the south-west. The Felden in the south-east remained mainly agricultural. In the whole county there were some fifteen small market towns, as well as the shire town of Warwick. The city of Coventry was populous and industrial, but was doomed to be eclipsed in economic importance by Birmingham during the nineteenth century. Coventry was an ancient borough which enjoyed county status until 1842, while Birmingham was governed by parish and manor institutions until granted incorporation in 1838.[3]

[3] I have included Coventry with Warwickshire throughout this study, amalgamating figures for the County of Coventry with those for the County of Warwickshire where necessary.

The starting points for the research were the three published reports on endowed charities: the Gilbert Returns of 1787-8, the reports of the Commission of Inquiry under Lord Brougham, 1819-37, and the Supplementary Inquiry of the Charity Commission, 1867-75.[4] There followed research into the extant records of individual charities, both endowed and voluntary. Local newspapers were perused, both to find references to charities and societies and also to understand something of the local society at the time. To further this understanding and place it in a national context, contemporary journals and published diaries and collections of letters were read. A certain amount of fieldwork was undertaken, which produced some evidence not available in the written record. More work needs to be done in the future on the physical location of charitable institutions, exploring the significance of, for example, almshouses next to churchyards, and of asylums and hospitals on the periphery of settlements. What Miri Rubin said for understanding charity in the middle ages is equally valid for later periods: 'the attempt to unravel the practice of charity must be related both to the economic and physical environment, but also to the ideas and perspectives through which it was conceived.'[5]

The thesis begins with a review of the historiography of charity and of the theoretical writing on the subject, both historical and modern. Chapter 2 explores the development of the laws which regulate endowed charities. This sheds light on contemporary theories of what constituted charity, and also an insight into what value past societies placed on it. The permissive and encouraging legislation, in conjunction with the many benignant constructions made in cases relating to charities, indicates the importance given to charity. This legal approach has to an

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[4] Gilbert Returns of Charitable Donations, P.P. 1816 (511) XVIa (Returns for Warwickshire, W. C. R. O. QS 69/4), cited throughout as *Gilbert;* Reports of the Commissioners to Inquire concerning Charities relating to the County of Warwickshire, 1819-1837 (1843; 1890), cited as *Brougham*; Supplementary Inquiry of the Charity Commissioners, 1867-75, P.P. 1877 LXVI. (Published with *Brougham* (1890), pp. 1105-1183), cited throughout as *Supplementary Inquiry.*

[5] M. Rubin, *Charity and Community in Medieval Cambridge* (Cambridge, 1987), p. 4.

extent influenced the subsequent shape of this work. Chapter 3 examines the structure of endowed charities, looking at the legal forms by which they were established, by whom they were given, and the identity and functions of trustees. Chapter 4 examines the structure of voluntary charities, charting the different types from the most formal county institution, through *ad hoc* emergency appeals, to the operation of private charity or paternalism. It had been my intention to have included details of their activities and objectives within this structural format. However, the research soon made it apparent that the differences in objective were not that distinct. Certain types of charity, such as almshouses, were almost invariably provided by endowed charities, and some, such as dispensaries, were chiefly the result of associative philanthropy, but it soon became clear that many charitable activities were supported by both types of funding, as well as by occasional aspects of commercial enterprise and, increasingly through the nineteenth century, state-funding in the form of grants and fees. For this reason Chapters 5 and 6 explore the objectives of voluntary and endowed charities together, organised under the headings of the promotion of religion, the advancement of education, the relief of poverty, and other objects of public utility. This draws out the common factors in charitable activity – the needs which it addressed, as they were perceived at different periods, and the changing methods by which these objectives were pursued. The final chapter explores the motives which drew people to make a charitable response, and identifies strands of localism and tradition which ran throughout the period, even to the end of the nineteenth century.

Chapter 1:

The Literature of Charity

Charity has drawn much comment over the centuries, much of it of a theoretical or hortatory nature. While charity has figured in the works of theologians, social commentators and social theorists, it has not received a great deal of attention from historians until recently.[1] When they have written about charity they have tended to eschew its theoretical implications.[2] However, charity and its symbols permeated society, having religious, economic, social and cultural meanings. This chapter will begin with a brief discussion of the theoretical understanding of charity, then proceed to a chronologically focussed survey of its historiography.

The theoretical understanding of charity

For centuries charity was understood as a religious duty, enjoined upon adherents of the Judaic, Muslim and Christian faiths, having common origins in the Mishnic era in Jerusalem. The Hebrew concept of *zedaqa* (*sadaka* in Arabic) originally meant justice, but came to mean alms. Something of the original implication of justice or fairness has imbued much thinking about charity ever since.[3] The Church Fathers, and later theologians, built up a body of canon law on charity, which was given added impetus by the development of the doctrine of Purgatory.[4]

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1 'An enormous volume of historical writing in recent decades has revitalised the study of the history of charity', C. Jones, 'Some recent trends in the history of charity', in M. Daunton (ed.), *Charity, Self-interest and Welfare in the English Past* (1996), pp. 51-63.

2 A. J. Kidd, 'Philanthropy and the 'social history' paradigm', *Social History*, 21 (1996), pp. 180-92.

3 M. Mauss, *The Gift: Forms and Functions of Exchange in Archaic Societies* (1926; 1970, trans. by I. Cunnison), p. 15; F. J. Gladstone, *Charity, Law and Social Justice* (1982).

4 For example, St. Augustine, *Christian Instruction: Faith, Hope and Charity, Fathers of the Church, Vol. 4* (Washington, 1950); St. Thomas Aquinas, *Summa Theologiae: vol. 35: Consequences of Charity* (Washington,1972). For a detailed discussion, see B. Tierney, *Medieval Poor Law: A Sketch of Canonical Theory and its Application in England* (Berkeley, 1959). For Purgatory, see J. Le Goff, *La Naissance du Purgatoire* (Paris, 1981); M. Rubin, 'The Poor', in

From the late middle ages, in many European countries, communities developed an element of compulsion in the support of the poor, yet at the same time they continued to justify it in terms of the Biblical injunction to 'love thy neighbour as thyself.[5] In England, despite the enactment of laws providing for a compulsory rate for the maintenance of the poor, divines continued to urge the need for charity upon their congregations. During the Restoration period many sermons were preached and books printed on this theme. *The Whole Duty of Man*, 'popular with all denominations throughout the reign of Charles II', stressed that charity was a matter of justice, alms-giving 'is so much a due from us, that we sin not only against charity, but justice too, if we neglect it.'[6] Despite a general tendency during the eighteenth century to eschew enthusiasm and favour rationality, a religious framework for understanding the world and for proposing social action was maintained.[7] As Tawney said, in relation to the work of the Society for the Promotion of Christian Knowledge, it was 'in the first place a religious movement, and in the second place a social movement. It was only through the bearing of education on religion and society that it was also an educational movement.'[8]

From the mid-eighteenth century there developed a diffuse religious revival, affecting many denominations, and generally defined as evangelicalism. This occurred contemporaneously with profound economic changes and swiftly rising

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R. Horrox (ed.), *Fifteenth- Century Attitudes: Perceptions of Society in Late Medieval England* (Cambridge, 1994), pp. 169-82, p. 174.

5 F. R. Salter (ed.), *Some Early Tracts on Poor Relief* (1926).

6 R. S. Schlatter, *The Social Ideas of Religious Leaders, 1660-1688* (Oxford, 1940), pp. 10, 127.

7 Writing about that favourite form of Georgian philanthropy, the hospital, Porter said that during the Tudor and Stuart age 'the springs of doing good had become polluted through sectarian theological warfare ... The Georgians by contrast breathed a sigh of relief to discover in the infirmary a vehicle for practical benevolence which seemed proof against theological sniping.' R. Porter, 'The gift relation: philanthropy and provincial hospitals in eighteenth-century England', in L. Granshaw and R. Porter (eds), *The Hospital in History* (1989), pp. 149-78.

8 R. H. Tawney, 'Review of M. G. Jones, *Charity School Movement*', in *Econ. Hist. Rev.,* 1st ser. 9 (1939), pp. 201-4.

population, factors which increased the 'earnestness [which] invaded governing circles and the church of England.' This revival 'altered the impulse to charity and imparted a new energy to it.[9] Many serious-minded people devoted their energies to missionary works and schemes for the reform of morals, both at home and abroad. Although some of their work had temporal benefits for the recipients, the main objective was their spiritual well-being. So great was the amount of this activity in the late eighteenth and early nineteenth centuries 'that in the public mind the word 'philanthropist' became all but synonymous with 'evangelical'", and 'philanthropy was applied to the good works that appealed most to evangelical tastes.'[10] This association of evangelicalism and philanthropy was to continue throughout the Victorian period.

Whilst Christianity continued to be a powerful motivator for charitable action, and an accepted explanation for its existence, other modes of thought developed which challenged religious understanding of social phenomena.[11] Statistical investigation led to what was believed to be a more scientific grasp of social problems, and to belief in the possibility of solving them. The movement began with the 'political arithmetic' of the late seventeenth century and reached its apogee with the 'statistical movement' of the Victorian era.[12] From the later years of the eighteenth

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9 J. S. Watson, *The Reign of George III* (Oxford, 1960), p. 353.

10 D. Owen, *English Philanthropy, 1660-1960* (1965), pp. 3, 93-96. Owen refers to Chapter 9, 'Ten Thousand Compassions' in K. F. Brown, *Fathers of the Victorians* (Cambridge, 1961) as illustrating the evangelical heritage of the Victorians, p. 93, n. 8. See also J. Bradley, *The Call to Seriousness: The Evangelical Impact on the Victorians* (1976); F. K. Prochaska, *The Voluntary Impulse: Philanthropy in Modern Britain* (1988), pp. 21-24.

11 For a brief discussion of the 'bewildering variety of attitudes' see A. W. Coats, 'The relief of poverty: attitudes to labour and economic change in England, 1660-1782', *International Review of Soical History,* 21 (1976), pp. 98-115. A more recent discussion, which sets English trends in their European context, is J. Innes, 'The 'mixed economy of welfare' in early modern England: assessments of the options from Hale to Malthus (c. 1683-1803), in M. Daunton (ed.), *Charity, Self-Interest and Welfare in the English Past* (1996), pp. 139-80.

12 C. Wilson, 'Political Arithmetic and Social Welfare' in Wilson, *England's Apprenticeship, 1603-1763* (1965), pp. 226-239; H. L. Beales, *The Making of Social Policy in the Nineteenth Century* (1946) discusses the development of social investigation in the face of *laissez-faire* attitudes; M. J. Cullen, *The Statistical Movement in Early Victorian Britain* (1975).

century, alongside evangelicalism and statistical enquiry, grew theories of political economy, stemming from Adam Smith's exposition of impersonal market forces. Not only did political economy affect the administration of the poor law, and some approaches to charity (notably the later charity organisation movement), but it also influenced the theoretical understanding of human relations.[13] By the middle of the twentieth century 'Polanyi posited a 'great transformation' from socially embedded reciprocity to impersonal price-driven market exchange, which he saw as culminating in late eighteenth-century Britain.'[14] The model of the market has been used to explain charity in terms of exchange and reciprocity ever since.

Although Prochaska suggested that 'nineteenth century poverty and disease were so immediate and so overwhelming that abstract debates about the underlying causes of poverty and the value of philanthropy seemed little more than an irrelevance to those on the ground', such debates did take place.[15] The development of the social sciences in the nineteenth century was to have a profound effect not only on contemporary understanding of the role of private philanthropy in social welfare, but also on the historical understanding of that phenomenon. Much has been written about 'secularisation' and its effects, and, indeed, that concept itself has undergone changes in interpretation.'[16] Interestingly, the person who could with most justification be called the father of modern social science, Emile Durkheim, 'had no doubt that social life hung as firm upon religion as religion upon social life, and the more experienced he became the more prominent became this aspect of his

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13 D. Collard, *Altruism and Economy: A Study in Non-Selfish Economics* (Oxford, 1978), pp. 51-53.

14 A. Offer, 'Between the gift and the market: the economy of regard', *Econ. Hist. Rev.*, 2nd ser. 50 (1997), pp. 450-76.

15 Prochaska, *Voluntary Impulse*, p. 51; J. R. Poynter, *Society and Pauperism: English Ideas on Poor Relief, 1795-1834* (1969).

16 O. Chadwick, *The Secularization of the European Mind in the Nineteenth-Century* (Cambridge, 1975), p. 5; Marshall wrote about the role of secularisation in the transition from charity to the welfare state, T. H. Marshall, *Social Policy* (1965), p. 15.

thinking.'[17] He, and the social scientists following him, 'focused attention upon the relation between societies and their religion.'[18]

Durkheim's nephew and pupil, Marcel Mauss, made a seminal study of gift relationships in archaic societies, understanding them 'as indeed Durkheim taught that they should be seen - in their totality ... at the same time economic, judicial, moral, aesthetic, religious, mythological and socio-morphological phenomena.'[19] By studying systems of exchange of commodities, and conspicuous destruction of wealth (potlatch) in Polynesia, Melanesia and North-West America he identified one of the 'spiritual mechanisms ... which obliges us to make a return gift for a gift received. ... Another theme plays its part in the economy and morality of the gift, that of the gift made to men in the sight of gods or nature.'[20] From this Mauss went on to discuss the evolution of alms in more developed societies:

> Alms are the result on the one hand of a moral idea about gifts and wealth and on the other of an idea about sacrifice. Generosity is necessary because otherwise Nemesis will take vengeance upon the excessive wealth and happiness of the rich by giving it to the poor and the gods. It is the old gift morality raised to a position of a principle of justice; the gods and spirits consent that the portion reserved for them and destroyed in useless sacrifice should go to the poor and the children.[21]

Later studies have extended the idea of reciprocity identified by Mauss, and explored it in other social contexts. Lévi-Strauss began his discussion of the principle of reciprocity by referring to the work of Mauss, and then explained the existence of similar gift exchanges in our own society, describing Christmas as 'nothing else than a

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17 Chadwick, *Secularization*, p. 5
18 Chadwick, *Secularization*, p. 7.
19 Mauss, *The Gift*, p. 5.
20 Mauss, *The Gift*, p. 12.
21 Mauss, *The Gift*, p. 15.

giant potlatch.'[22] Blau analysed philanthropy as 'indirect social exchange.' He described how 'wealthy business men and members of the upper class make philanthropic contributions to conform with the normative expectations that prevail in their social class and to earn the social approval of their peers.' He went on to say that 'middle class transmitters of charity tend to enforce the deference with which the class of recipients of assistance is expected to repay the contributions of the upper classes. These exchanges between collectivities help to sustain the class structure as well as the system of organised charity.[23] Homans examined social behaviour in terms of behavioural psychology and elementary economics. From elementary economics he extrapolated 'the exchange of intangible services for social esteem.' The model for giving behaviour is taken from the individualist tradition of social exchange, in which social approval reinforces the giving behaviour.[24] At the same period Gouldner distinguished three aspects of reciprocity: reciprocity as a pattern of mutually contingent exchanges of gratification; the existential or folk belief in reciprocity; the generalised norm of reciprocity. He, too, identified the importance of this reciprocity in maintaining social order, and he pointed out that a failure to reciprocate could induce tension.[25] This stress on the social control aspect of reciprocity was to be very influential on studies of charity. Newby said that 'charity has long been, *in effect*, an integral part of the legitimation of social subordination, not only through its status enhancing properties, but because it has been used discriminatingly in favour of the 'deserving' (i.e. deferential poor) ... The gift, then, enables the deferential dialectic to function in some kind of dynamic equilibrium, in which periodic doles to the

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22 C. Lévi-Strauss, 'The principle of reciprocity', trans. L. Coser and G. Frazer, in L. Coser and B. Rosenberg, (eds), *Sociological Theory* (New York, 1976), pp. 74-84, first published as 'Le principe de reciprocité', in *Les Structures Elémentaire de la Parenté*, (Paris, 1949).

23 P. M. Blau, *Exchange and Power in Social Life* (New York, 1964), pp. 260-61.

24 G. C. Homans, *Social Behaviour* (1961), pp. 12-13.

25 A. W. Gouldner, 'The norm of reciprocity: a preliminary statement', *American Sociological Review*, 25 (1960), pp. 161-78.

deserving on a localised, personal basis forms an effective means of tension management.' The impact of nineteenth-century charities has been 'to deform the gift by rendering it more bureaucratically organised and impersonally dispensed on a less localised and discriminatory basis.'[26] This idea of the 'deformation of the gift' had been used by Gareth Stedman Jones in his study of the London poor, even to the extent of calling his chapter on organised charity 'the deformation of the gift.[27]

While sociologists, social policy makers and increasingly historians, have been influenced by these theories, some still maintain a residual belief in altruism, although it is a seldom pure and never simple altruism.[28] Of his study of the blood transfusion service, Titmuss said that it was essentially a study 'about the role of altruism in modern society', and defined altruism as 'the biological need to help.'[29] He said that 'the forms and functions of giving embody moral, social, psychological, religious, legal and aesthetic ideas', and that, as Lévi-Strauss said, they offer material for 'inexhaustible sociological reflection.'[30] Social gifts and actions carry no explicit or implicit right to a return gift, but are forms of 'creative altruism ... in the sense that the self is realised with the help of anonymous others, they allow the biological need to help to express itself.'[31] Titmuss went on to argue that in increasingly complex modern societies there is a need for more not fewer opportunities in which to express

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26 H. Newby, 'The deferential dialectic', *Comparative Studies in Society and History*, 17 (1975), pp. 139-64. As early as 1939 Tawney had spoken of the role of charity in maintaining social control through the inculcation of humility in charity school children. 'It resembled the badge once issued to a beggar. Poor men were not to be seen in public without it.' Tawney, 'Review of Jones, *Charity School Movement*', p. 204.

27 G. Stedman Jones, *Outcast London: A Study in the Relationship between the Classes in Victorian Society* (Oxford, 1971), pp. 241-61. However, in the preface to a new edition Stedman Jones did say that 'the confident and often incautious resort to sociology and anthropology, the innocent appeals to science and the particular political point of address all bear witness to the climate in which it was produced', (Harmondsworth, 1984), p. xxiv.

28 For example, D. Collard, *Altruism and Economy*.

29 R. Titmuss, *The Gift Relationship: From Human Blood to Social Policy* (1970), pp. 12, 198.

30 Titmuss, *Gift Relationship,* pp. 71, 209.

31 Titmuss, *Gift Relationship*, p. 212.

altruism, saying that 'if it is accepted that man has a social and biological need to help then to deny him opportunities to express this need is to deny him the freedom to enter into the gift relationship.'[32]

The links between the social sciences, especially sociology and anthropology, and history have been growing closer for the past forty years, but they are by no means unproblematic.[33] As Adrian Wilson said, the social sciences are basically a-historical, seeking universal truths and concepts, whereas history is engaged with the particularities of time and place.[34] This had been expressed even more forcefully by E.P Thompson: 'the increasing tendency to abstract some anthropological finding from its context, and to flourish it around as if it were possessed of some intrinsic value as a typological fact about all human societies is actively injurious to history.'[35] Much ink has been spilt on the debate.[36] Its implications for the study of charity have been reviewed by Kidd in his article 'Philanthropy and the 'social history paradigm.'[37] Kidd identified two distinct traditions for understanding 'giving' behaviour, the 'collectivist' and the 'individualist'.[38] The 'collectivist' tradition, stemming from the work of social anthropologists, emphasises the role of giving in acquiring rank and subordinating others. The 'individualist' tradition, deriving from the work of sociologists and ultimately from utilitarian concepts of self-interest, emphasises peer group ranking. However, Kidd also made the point that 'new social theories of

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32 Titmuss, *Gift Relationship,* p. 243.

33 Since the publication of E. E. Evans-Pritchard, *Anthropology and History* (Manchester, 1961), which was so enthusiastically welcomed by Keith Thomas in his article 'History and anthropology', *P.&P.,* 24 (1963), pp. 3-24.

34 A. Wilson, 'A critical portrait of social history', in Wilson (ed.), *Rethinking Social History: English Society, 1570-1920 and its Interpretation* (Manchester, 1993), pp. 9-58.

35 E. P. Thompson, 'Anthropology and the discipline of historical context', *Midland History,* 3 (1972), p. 43.

36 For example, P. Abrams, *Historical Sociology* (Shepton Mallet, 1982); P. Burke, *Sociology and History* (1980).

37 The phrase 'the social history paradigm' comes from Wilson, 'A critical portrait', pp. 15-20.

38 Kidd, 'Philanthropy', p.183.

philanthropy should be cognisant of relevant theories and concepts whatever their origin, but rather than turning historical enquiry into a testing ground for sociological, anthropological or cultural theory, such theories should be 'historicized' to reveal their ideological origins and intellectual history.[39]

Historiography

There have been very few monographs on philanthropy.[40] However, there have been innumerable histories of individual charities, ranging from the hagiographic to the analytical.[41] More often, charity has been discussed as an adjunct to, or as an aspect of, some other historical problem. Sometimes charity has been seen as 'charitye', as a quaint survival of out-dated mores, often accompanied by picturesque customs, uniforms and buildings.[42] As Colin Jones said, the history of charity has been 'a field long dominated by dewy-eyed sentimentalism, Whiggish

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39 Kidd, 'Philanthropy', p. 182.

40 The main recent texts are as follows. For the medieval period, M. Rubin, *Charity and Community in Medieval Cambridge* (Cambridge, 1987). For the early modern period, W. K. Jordan *Philanthropy in England, 1480-1660* (1959); *The Charities of London, 1480-1660* (1960); *The Charities of Rural England, 1480-1660* (1961). For the modern period, D. Owen, *Philanthropy* is the standard work. See also B. Harrison, 'Philanthropy and the Victorians', first published in *Victorian Studies,* 9 (1966), pp. 353-74, revised and republished in Harrison, *Peaceable Kingdom: Stability and Change in Modern Britain* (Oxford, 1982), pp. 217-59; F. K. Prochaska, *Women and Philanthropy in Victorian England* (1980), *The Voluntary Impulse: Philanthropy in Modern Britain* (1988), and 'Philanthropy', in F. M. L. Thompson (ed.), *The Cambridge Social History of Britain, 1750-1950* vol. 3 (1990), pp. 357-93. There are older studies which are still useful, such as B. K. Gray, *A History of English Philanthropy from the Dissolution of the Monasteries to the Taking of the First Census* (1905; 1967); E. Lascelles, 'Charity', in G. M. Young (ed.), *Early Victorian England 1830-1865,* 2 vols (Oxford, 1934), 2, pp. 317-47.

41 For example, J. Imray, *The Charity of Richard Whittington: A History of the Trust Administered by the Mercers' Company, 1424-1966* (1968); R. K. McClure, *Coram's Children: The London Foundling Hospital in the Eighteenth Century* (New Haven, 1981); A. Digby, *Madness, Mortality and Medicine: A Study of the York Retreat, 1796-1914* (Cambridge, 1985); P. Joyce, *Patronage and Poverty in Merchant Society: The History of Morden College, Blackheath, 1695 to the Present* (Henley-on-Thames, 1982). E. A. Sherlock, *Birmingham Hospital Saturday Fund: The Golden Years, 1873-1973* (Birmingham, 1974).

42 For charity costumes see P. Cunnington and C. Lucas, *Charity Costumes of Children, Scholars, Almsfolk and Pensioners* (1978), which includes a discussion of attitudes to the picturesque aspect of charity costumes pp. 288-305.

certitudes and time-worn antiquarianism.'[43] Many of the earlier references to charity fall into this category, and much local history of the antiquarian type has its obligatory section on 'ancient charities', as do the volumes of the Victoria County Histories. Warwickshire, because of its connection with Shakespeare, has had more than its fair share of topographical guides, which also dwelt on the picturesque aspect of ancient charities.[44] Charity is touched upon tangentially by other historians in discussions of such issues as poverty, the poor law, social control, gender and class. There is a teleological tradition tracing the origins of the welfare state to nineteenth-century voluntary initiatives. Different periods of history have suggested particular topics to those studying them, and over the years historians have used various methodologies and models, as discussed above.[45] However, certain themes recur in the historiography, and while the bulk of this chapter is concerned with the period 1700-1900 there will be brief discussions of the major texts and main themes of writers on the earlier periods.

Medieval Charity

For the historian of the middle ages the study of charity has long been closely linked with religious studies, and often treated as part of the debate over the decline of religion in the later middle ages. One of the main sources for assessing the strength of charitable donation and religious piety has been wills.[46] Attitudes to medieval charity

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43 C. Jones, 'Some recent trends', p. 51.

44 For example, C. Holland, paintings by F. Whitehead R.B.A., *Warwickshire*, (1906), pp. 59-60, 78, including an illustration of the bread dole in St. Mary's Church, Warwick.

45 There is a good discussion of the historigraphy of charity in the introduction to M. Gorsky, *Patterns of Philanthropy: Charity and Society in Nineteenth-Century Bristol* (Woodbridge, 1999), pp. 1-20.

46 C. Burgess, ' 'By Quick and by Dead': wills and pious provision in late medieval Bristol', *E.H.R.*, 102 (1987), pp. 837-58, argues that wills are only a partial source and that many major donations, such as provision of almshouses, were made during life; P. Cullum, "And Hir Name was Charitie': charitable giving by and for women in late medieval Yorkshire', in P. J. P. Goldberg (ed.), *Woman is a Worthy Wight: Women in English Society, c.1200-1500* (Stroud, 1992), pp. 182-211.

were coloured by the antagonism to the Roman Catholic Church which permeated much nineteenth-century historical writing in Britain and Protestant northern Europe.[47] Hallam wrote of 'the blind eleemosynary spirit inculcated by the Romish Church'.[48] This attitude became the standard approach, affecting writers into the middle of the present century. It was accepted that monastic charity (the only type usually referred to in the discussion) was at best patchy and at worst pernicious, and that the sweeping away of the monasteries allowed their wealth and premises to be used for the benefit of the wider community.[49]

Recent historians have challenged this view. Harvey, in her detailed examination of the monastic experience, devoted her first chapter to charity. Conceding that most historians still saw monastic charity as 'patchily useful, more useful in the north of England than in the south, and to the end obstinately old fashioned', she admitted that she would 'not attempt the hopeless task of demonstrating that, on the contrary, the monks did well'. Yet what she did, in a survey of monastic charity from the late eleventh to the early sixteenth century, was to refute the main criticism of such charity, which was that it was indiscriminate. By examining the resources of Benedictine houses (a rich order, usually established near

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47 The 'most trenchant' nineteenth-century critic was Albert Emminghaus, in his introduction to *Das Armenwesen und die Armengesetzgebung* (1870); Sir William Ashley, in his account of medieval poor relief in *Economic History* (1893), spoke of 'haphazard and demoralising charity'. Both texts cited in Tierney, *Medieval Poor Law*, p. 47.

48 Cited in G. Nicholls, *A History of the English Poor Law, in Connection with the State of the Country and the Condition of the People*, 3 vols (1904), 1, p. 4.

49 'The promiscuous charity distributed at the monastery door bred beggars as well as relieved them ... The abolition of the monastic dole had helped to make England consider the problem in a national light and to make scientific provision for the poor a civic duty enforceable by law', G. M. Trevelyan, *History of England* (1926), p. 284; 'This happened wherever the Reformation established itself, and it took much the same course in all Protestant Europe. Monastic wealth was used to support the poor and the monasteries themselves became poor houses or, at times, hospitals for the insane.' This was written in an Open University text in the 1960s, H. G. Koenigsberger and G. L. Mosse, *Europe in the Sixteenth-Century* (1968; 1975), pp. 136-137. Jordan, too, regarded medieval charity as 'eccentric', if not downright 'injurious to the society.' *Charities of London*, p. 89.

centres of population), and the records of their disbursements, and by a case study of the *post obit* doles of Westminster Abbey, she built up a picture of monastic discrimination sometimes at odds with the more indiscriminate (and possibly vainglorious) largesse of the laity in their testamentary benefactions.[50] She referred to the arguments for discrimination made by theologians and the Decretists, the commentators on canon law, a subject discussed earlier by Tierney. He also made the point that 'considering all the circumstances, it seems downright nonsense to suggest that the possibility of getting a free meal at some monastery half way across the country could have exercised a demoralising influence on the average thirteenth century villager.'[51] These twin themes of discrimination and demoralisation were also central to the nineteenth-century debate about charity, and figure largely in the literature.

In recent years historians have shown an interest in the concept of community, and medieval charity has had its part to play in the discussion; indeed, Rubin called her book *Charity and Community in Medieval Cambridge.*[52] Charles Phythian-Adams touched upon communal responsibility for the poor in his study of late medieval

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50 B. F. Harvey, *Living and Dying in England, 1100 - 1540: The Monastic Experience* (1993), pp. 7-33.

51 Tierny, *Medieval Poor Law*, pp. 44-67.

52 Issues of 'community' had arisen during the nineteenth-century discourse on the rise of the nation-state, and the absorption of local communities into the greater whole. As well as the work of the social scientists on contemporary society, historians turned attention to the past, with studies such as Sir George Gomme's *The Village Community* (1890). Although this was influential, historians tended to shy away from the developing ideas and methods of sociologists, and it was not until the mid-twentieth century that there was much cross-fertilisation, one of the key figures being G. C. Homans, a Harvard sociologist, who published *English Villagers of the Thirteenth-Century* (1941). Later, the 'Toronto School' carried out detailed analyses of particular communities, notably J. A. Raftis and his work on the manorial records of Ramsey Abbey. For a more detailed discussion of these developments see R. M. Smith, "Modernisation' and the corporate medieval village community in England: some sceptical reflections', in A. R. A. Baker and D. Gregory (eds), *Explorations in Historical Geography* (1984), pp. 140-79.

Coventry.[53] A more recent work focusing on the formation of community within the parish discussed charity as one of the activities tying people together.[54] This greater interest in lay charity was also shown in Barbara Hanawalt's study of parish guilds, and Judith Bennett's investigation of help-ales. Bennett emphasised the charitable aspect of these convivial gatherings, organised to raise money to help neighbours in difficulty. Maria Moisà challenged this interpretation, saying that they were rather 'the necessary giving and lending to keep the wheels of local society well oiled.[55] The role of women in charity is another theme which is common to all periods of study. So too is the perennial problem of poverty. The records of charities have been analysed to help shed light on the nature and extent of poverty, as well as on contemporary attitudes to it, and on theories of what to do about it. For the medieval period most work of this type seems to have been done on the continent, rather than in Britain, perhaps because of the greater survival of medieval charity records in Catholic southern Europe.[56]

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53 Guilds made payments to their impoverished brethren during years of crisis, and the city itself tackled the problem of 'deserving' and 'undeserving' beggars in 1521 by licensing the former, and forcing the latter to leave the city. C. Phythian-Adams, *Desolation of a City: Coventry and the Urban Crisis of the Late Middle Ages* (Cambridge, 1979), pp. 135-6; p. 196, n. 4.

54 B. Kümin, *The Shaping of a Community: The Rise and Reformation of the English Parish, c. 1400-1560* (1996).

55 B. A. Hanawalt, 'Keepers of the lights: late medieval English parish guilds', *Journal of Medieval and Renaissance Studies*, 14 (1984), pp. 21-37; J. M. Bennett, 'Conviviality and charity in medieval and early modern England', *P.&P.*, 149 (1992), pp. 19-41; J. M. Bennett and M. Moisà, 'Debate: conviviality and charity in medieval and early modern England', *P.&P.*, 154 (1997), pp. 223-42.

56 J. Henderson (ed.), 'Charity and the Poor in Medieval and Renaissance Italy', special issue of *Continuity and Change,* 3 (1988), pp. 135-311; A. Spicciani, 'The *'Poveri Vergognosi'* in fifteenth-century Florence. The first thirty years' activity of the *Buonomini di S. Martino'*, in M. T. Riis (ed.), *Aspects of Poverty in Early Modern Europe* (1981), pp. 119-182. C. F. Black, *Italian Confraternities in the Sixteenth Century* (1989); B. Pullan, *Rich and Poor in Renaissance Venice* (1971); J.-P. Gutton, 'Confraternities, *Curés* and communities in rural areas of the Diocese of Lyons under the *Ancien Régime*', in K. Von Greyerz (ed.), *Religion and Society in Early Modern Europe, 1500-1800* (1984), pp. 202-11.

Early Modern Charity

Studies of English philanthropy in the early modern period have been dominated for nearly forty years by the magisterial work of W. K. Jordan. His work has received criticism for the methodology adopted, but the sheer volume of his data, and the confidence with which he asserted his conclusions, seem to have inhibited fresh approaches to the modes and meaning of charity in this period.[57] Even though much of Jordan's work was on the changing patterns of endowments to charitable purposes, his real objective was to eulogise the role of the merchant classes and the Puritan ethic (though that begs definition) in the development of modern English society.[58] He spoke of the great merchants as 'the leadership of a movement of social reformation and of cultural enlightenment with truly revolutionary implications for

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[57] Coleman's review of *Philanthropy in England* when it was first published stands as a fair summation of subsequent criticism, and its first paragraph deserves quoting at length. 'This is a very odd book. Simply to emphasise that its main argument rests upon a statistical construction of manifest weakness would be to do justice neither to its value nor to its oddity. Its oddity rests in the fact that its author, after demonstrating his awareness of the gaping statistical trap beneath his historical feet, has with seeming contentment jumped into it; its value lies in many penetrating and perceptive observations on the social history of the period, and in the valuable light shed on the problem of poverty and on some relative changes in the patterns of English philanthropy.' D. C. Coleman, 'Review of *Philanthropy in England'*, *Econ. Hist. Rev.*, 2nd. ser. 13 (1960-61), pp. 113-15. Other reviewers made similar points at the time of publication of the volumes on London and Rural Charities, and the monographs on Kent and Lancashire. E.g., G. E. Aylmer, 'Review of *The Charities of Rural England'*; A. Everitt, 'Review of *The Social Institutions of Kent'* and T. S. Willan, 'Review of *The Social Institutions of Lancashire', Econ. Hist. Rev.,* 2nd ser. 15 (1962-63), pp. 155-56; 376-77; 541. Stone agreed with these views, and was the first to suggest that Jordan's data should be re-processed using the Phelps Brown index to take account of inflation. L. Stone. 'Review of *Philanthropy in England'*, *History,* 44 (1959-60), pp. 257-60. This was done by William Bittle and Todd Lane in their article 'Inflation and Philanthropy in England: a Reassessment of W. K. Jordan's data', *Econ. Hist. Rev.*, 2nd ser. 29 (1976), pp. 203-10. In a very detailed argument about inflationary trends J. F. Hadwin challenged the methods of and findings of Bittle and Lane, and concluded 'Jordan may have done his cause no good by the form in which he presented some of his supporting evidence but the thesis itself is not necessarily invalid, although it does need some qualification'. J. F. Hadwin, 'Deflating Philanthropy', *Econ. Hist. Rev.*, 2nd ser. 31 (1978), pp. 105-17. While most criticism of Jordan has rested on his failure to take account of inflation and rising population, Feingold shifted attention from his economics to other 'serious flaws in [his] interpretation of the historical and social scene' namely the role of the merchant and gentry classes (already touched upon by Stone in his review), and the influence of Puritanism. He explored these themes in the context of educational provision. M. Feingold, 'Jordan revisited: patterns of charitable giving in sixteenth and seventeenth century England', *History of Education,* 8 (1979), pp. 257-73.

[58] His first book was *The Development of Religious Toleration in England* (1932).

the whole realm.'[59] He identified secular and anti-clerical trends in the philanthropy of the merchant classes, at the same time as giving the form of their wills as evidence for their Puritan sympathies. He concluded that 'these were the men who were the architects of modern England and, it is not too much to say, of the western world.'[60] Of the whole period he concluded:

> The institutional shape and the moral content of the world in which we live were largely fashioned by the actions of men and women in the period with which we have been concerned. They came to possess a vision of a society which bore little relation to the world which medieval man had inhabited for so long, and this society they created with their own substance as they found means to implement the aspirations which they held so tenaciously and which they defined so clearly. Men of the sixteenth and seventeenth century were able by their charities, by their private actions, to build so mightily, because during this relatively long and this critical historical era they came to possess a consensus of aspirations. They were creating and they were ordering a world for themselves and for their children which fitted more exactly the grand design which their ethical sentiments delineated with such remarkable clarity. This new world and the institutions which framed it were intensely secular, even though there was much of piety, much of the fear of God, and much of evangelical fervour implicit in the complex of aspirations which moved them to noble and historical action.[61]

Although Jordan asserted that more was expended on poor relief by private charity than by public funds, he could not omit to notice that it was during this period that English society increasingly organised and legislated poor relief. Other studies have raised the question of how unique, or even 'Protestant', these English aspirations for civil society were.[62] 'Elsewhere in the early sixteenth century, cities in heavily urbanised regions of Europe, whether Venice in Northern Italy or Ypres, Mons or

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59 Jordan, *Charities of London*, pp. 64.

60 Jordan, *Charities of London*, pp. 79, 318.

61 Jordan, *Charities of Rural England*, p. 436.

62 As long ago as 1893 Sir William Ashley declared that 'the Poor Law of Elizabeth was but the English phase of a general European movement of reform; it was not called for by anything peculiar to England either in its economic development up to the middle of the sixteenth century, or in its ecclesiastical history.' *Economic History*, p. 350, quoted in the preface by Sidney Webb to Salter, *Some Early Tracts on Poor Relief*, p. vii.

Lille in the Low Countries, found traditional indiscriminate and random private charity, usually in the form of pious bequests or foundations, unsuitable for the numbers and types of poor within their walls.'[63] In Spain, contemporaneously with the passing of the great Elizabethan Poor Law Acts in England, Juan de Mariana published his *De rege et regis institutione*, in which he confirmed the new emphasis on state intervention by urging that 'piety and justice necessitate relieving the poverty of invalids and the needy, caring for orphans and aiding those in want. Among all the duties of the Sovereign, this is the chief and most sublime.' Mariana went on to say 'the state is bound to compel us to this, by organising poor relief in each locality as one of the public tasks.'[64] Kamen pointed out that this 'contradicts a common assumption that it was the Reformation that was responsible for the laicization of charity and for the substitution of municipal for clerical relief. Secularisation was, in fact, common to Catholic and Protestant alike, and was a logical response to the need for control.'[65]

The problem of poverty and its implications for social control is a theme common to both the early modern and modern periods of history, influenced by the growth of sociological understandings of historical situations.[66] Local studies of the problem in early modern Warwickshire were undertaken by A. L. Beier. In an article examining the social problems of the county town of Warwick in the decade 1580-90,

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63 E. Cameron, *The European Reformation* (1991), p. 258.

64 H. Kamen, *European Society, 1500-1700* (1984), pp. 179-80.

65 Kamen, *European Society*, p. 180. As Beier said, 'the *locus classicus* for Protestantism's supposed new approach to the poverty problem is R. H. Tawney, *Religion and the Rise of Capitalism* (1926), Ch. 4, pt iv.' A. L. Beier, 'The social problems of an Elizabethan country town: Warwick, 1580-90', in P. Clark (ed.), *Country Towns in Pre-Industrial England* (Leicester, 1981), pp. 45-85, n. 135. For a discussion of the shift in the interpretation of Catholic and Protestant approaches to charity see B. S. Pullan, 'Catholics and the poor in early modern Europe', *Transactions of the Royal Historical Society*, 5th ser. 26 (1976), pp. 15-34.

66 A. L. Beier, *The Problem of the Poor in Tudor and Stuart England* (1983); Beier, *Masterless Men: the Vagrancy Problem in England, 1560-1640* (1985); Riis (ed.), *Aspects of Poverty*; P. Slack, *Poverty and Policy in Tudor and Stuart England* (1988).

he explored some of the major themes: the causes and scale of poverty, the methods used to combat it, including suppression of begging, employment schemes, public relief and private charity. Although the poor and their problems figured largely in the records of the town's magistrates, the limitations of local sources frustrated Beier's attempts to write a 'total history' of poverty in Warwick in the manner of the 'Annales' school. He felt unable to answer the normative question 'why were the poor treated the way they were in the sixteenth century?', yet he made a very detailed contribution to answering the question 'how were the poor treated?'[67]

Modern Charity

Just as Jordan dominated the early modern period, so did Owen bestride the modern.[68] Although his book was called *English Philanthropy, 1660-1960*, it really concentrated on the period 1820-1914. Owen was also quite narrow in the aspects of philanthropy that he chose to study. While conceding philanthropy to be 'a wide field', he proposed 'to take a rather limited view'. He said that the 'primary test applied here is pecuniary', and that he would leave out 'good works, personal service, or labors in the public interest.' He warned that 'unless the investigator takes himself firmly in hand, he will be carried far off the main path - into an exploration of social work, assorted reform movements, early socialism, state social policy, and even such an unlikely domain as church finance.'[69] It was just this attempt to cover a very long period, combined with his narrowness of perspective, that drew criticism at the time of publication. Brian Harrison said that the book was 'in some respects unsatisfactory', though he congratulated Owen on 'tackling so vast and so surprisingly neglected a

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67 A. L. Beier, 'Studies in poverty and poor relief in Warwickshire, 1560-1640', (PhD thesis, University of Princeton, 1969); Beier, 'Warwick, 1580-90'.

68 Earlier studies of the period include W. S. Lewis, *Private Charity in England, 1747-1757* (1938); B. Rodgers, *Cloak of Charity: Studies in Eighteenth Century Philanthropy* (1949).

69 Owen, *Philanthropy*, p.1.

topic.' He felt that in effect what had been written was 'yet another history of 'the origins of the welfare state', and that what would have been 'more valuable would have been an account which included a thorough analysis (free from hindsight) of rival attitudes to social welfare - of religious missions, temperance societies, reforming pressure-groups.' Harrison also suggested that 'if he had chosen fewer charities but examined them more exhaustively, or if he had limited himself to studying the role of charity in the life of particular communities, Mr. Owen might have told us more.'[70]

What Owen did write about was the structural framework within which philanthropy operated, charting the reforms of charity law of the early to mid-nineteenth century, and the establishment of the Charity Commissions. He examined the workings of the Brougham Commission of Inquiry, and of the permanent Commission which regulated the operations of endowed charities. He also examined the fiscal obligations of charities, a topic not discussed by other writers.[71] He made detailed studies of particular types of charity such as educational trusts, and housing schemes, and the development of 'scientific charity', as manifested by the Charity Organisation Society. Indeed, his chapter on the C.O.S. is one of the best histories of that organisation.[72] Although he included one chapter on 'Benevolence beyond the metropolis: York and Liverpool', his work tended to suffer from the metropolitan bias to which so many general histories are prone.[73]

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70 B. Harrison, 'Review of *English Philanthropy, 1660-1960'*, *Econ. Hist. Rev.,* 2nd ser. 19 (1966), p. 422. Harrison made a more detailed reply to the questions which he felt had been raised by Owen's omissions in 'Philanthropy and the Victorians', *Victorian Studies*, (1966), pp. 353-74.

71 Owen, *Philanthropy*, pp. 182-205, 299-329, 330-45. For the legal history of charities see Chapter 2.

72 Owen, *Philanthropy,* education, pp. 247-75, 330-46; housing, pp. 372-93; C.O.S., pp. 215-46.

73 Owen, *Philanthropy*, pp. 443-68.

Interest in eighteenth-century charitable activity has tended to focus on particular beneficiary groups, such as hospitals and asylums for the physically and mentally ill, homes for foundlings, charity schools for the children of the poor, slaves or prisoners. Often these works have been written in the form of biographies of leading exponents of the particular type of charity.[74] These foundations were often funded by 'the method of the voluntary society, 'associated philanthropy', with the standard devices of subscription list, charity sermons, and collections', which has been a topic of study in itself.[75] Studies of eighteenth century charity schools have identified a 'charity school movement', fostered by the Society for the Propagation of Christian Knowledge, which was founded in 1699 to promote parochial libraries. However, much of the pre-eminence given to the work of the S.P.C.K. in the historiography has been due to the fortuitous survival of the Society's voluminous records, and the fact that they were so meticulously kept by their first secretary, Henry Newman, who made the last entry on the day before his death in 1743.[76] Rather than

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[74] B. Rodgers, *Cloak of Charity* has chapters on 'Homeless Children: Captain Coram and Jonas Hanway', 'Paupers and Prostitutes: Jonas Hanway', 'Prison Reform: The Travels of John Howard', 'Schools of Industry: Mrs. Trimmer'; J. S. Taylor, *Jonas Hanway: Founder of the Marine Society* (1985).

[75] Owen said that Gray's *History of English Philanthropy* was a 'pioneer study [which] lays great stress on the idea and techniques of associated philanthropy', *Philanthropy*, pp. 12; 596. R. J. Morris, 'Voluntary societies and British urban elites, 1780-1850: an analysis', in P. Borsay (ed.), *The Eighteenth Century Town: A Reader in English Urban History, 1688-1820* (1990), pp. 338-66. M. J. D. Roberts, 'Head Versus Heart? Voluntary Associations and Charity Organisation in England c. 1700-1850', in H. Cunningham and J. Innes (eds), *Charity, Philanthropy and Reform from the 1690s to 1850* (Basingstoke, 1998), pp. 66-86.; P. Clark, *British Clubs and Societies, 1580-1800: The Origins of an Associational World* (Oxford, 2000) puts philanthropic societies in a broader context of social development. For studies of nineteenth-century voluntary associations see M. B. Simey, *Charitable Effort in Liverpool in the Nineteenth Century* (Liverpool, 1951) which charted the rise and hey-day of the voluntary association, and S.Yeo, *Religion and Voluntary Organisations in Crisis* (1976) which looked at such bodies in decline.

[76] W. O. B Allen and E. McLure, *Two Hundred Years: The History of the Society for Promoting Christian Knowledge, 1698-1898* (1898); W. K. Lowther Clarke, *A History of the S. P. C. K.* (1959); M G. Jones, *The Charity School Movement* (Cambridge, 1938); Owen, *Philanthropy*, pp. 20-224; T. Hitchcock, 'Charity Schools', unpublished paper read to the British Records Association Conference, 3 December 1997. For the definition of 'charity school', see R. Hume, 'Some terminological difficulties in the history of education', *History of Education Society Bulletin*, 31 (1983), pp. 19-24.

direct a coherent movement, what the S.P.C.K. did was to collect information about the various charity schools around the country and encourage their establishment. The widespread and diverse nature of these schools is reflected in local studies, which, like all writing on charities, range from antiquarian anthologies to critical analyses.[77] A number of Warwickshire endowed schools have been examined in detail by Lucy Allen.[78] Another eighteenth-century charity for children which has received much attention, again partly because of its extensive and well-kept archive, is the Foundling Hospital, established in London in 1757.[79]

The growth of medical history and the social history of medicine has included work on medical charities and monographs on particular hospitals.[80] The development of specialist care for particular categories of patient is charted in the historiography, with recent work especially concentrating on mental illness.[81] Although not strictly speaking a medical category, except as victims of venereal disease and thus patients of the Lock Hospital, 'fallen women' also received special care in the eighteenth century. Their treatment has received renewed attention under the impact of women's

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77 P. Cunningham, *Local History of Education in England and Wales: A Bibliography* (1976); P. J. Wallis, *Histories of Old Schools: A Revised List for England and Wales* (1966).

78 L. Allen, 'The changing face of philanthropy in eighteenth-century Warwickshire' (M.A. dissertation, University of Warwick, 1990).

79 R. K. McLure, *Coram's Children*; R. H. Nichols and F. A. Wray, *The History of the Foundling Hospital* (1935); Owen, *Philanthropy*, pp. 14,15, 53-7, 200; the involvement of William Hogarth in fund-raising for the Hospital is examined in B. Allen, 'Engravings for charity', *Journal of the Royal Society of Arts,* 134 (1986), pp. 646-50.

80 D. Andrew, 'Two medical charities in eighteenth century London: the Lock Hospital and the Lying in Charity for Married Women', in J. Barry and C. Jones (eds), *Medicine and Charity Before the Welfare State* (1991), pp. 82-97; A. Wilson. 'Conflict, consensus and charity: politics and the provincial voluntary hospitals in the eighteenth century', *E.H.R.*, 111 (1996), pp. 599-619; J. Woodward, *To Do the Sick No Harm: A Study of the British Voluntary Hospital System to 1875* (1975).

81 R. Porter, *Mind-Forg'd Manacles: A History of Madness in England from the Restoration to the Regency* (1987); J. Andrews, ' 'Hardly a hospital, but a charity for pauper lunatics'? Therapeutics at Bethlehem in the seventeenth and eighteenth centuries', in J. Barry and. C. Jones, (eds), *Medicine and Charity*, pp. 63-81; L. D. Smith, 'The pauper lunatic problem in the West-Midlands, 1815-1850', *Midland History*, 21 (1996), pp. 101-118.

history and gender studies. [82] This is especially true of research about the nineteenth-century campaigns against prostitution and the crusade for moral purity. While much of this has concentrated on Ellice-Hopkins and the national campaigns, some work has been done on the provinces. For example, a recent study has examined the work of the Ladies' Association for the Care and Protection of Young Girls in Birmingham.[83]

The amount of historical writing on philanthropy and related topics increases for the nineteenth century, partly reflecting the growth of voluntary activity during that period, but also often reflecting the interests of historians seeking to expound theories of class formation, social control, and gender issues through studies of charity. Harrison, in his re-written article on 'Philanthropy and the Victorians' emphasised not only the large sums of money distributed through voluntary and endowed charities, but also the incalculable 'non-monetary elements - the intellectual and physical voluntary labour, the time and emotion expended.[84] He acknowledged the great variety of charitable activity, the pride the Victorians took in it, and its role in acting in some measure as the glue of society. In the third part of the article he examined the critique which undermined that cohesion towards the end of the century, and which eventually removed philanthropy from her high Victorian pedestal.[85] The role of charity in class relations was examined by Stedman Jones, who looked at the rhetoric of 'demoralisation' deployed against the poorer classes by the 'respectable'. He also examined the balance between private charity and the poor law, which was upset

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82 S. Lloyd, "Pleasure's golden bait': prostitution, poverty and the Magdalen Hospital in eighteenth-century London', *Historical Journal*, 41 (1998), pp. 57-70; S. Nash, 'Prostitution and charity: the Magdalen Hospital, a case study', *Journal of Social History*, 17 (1984), pp. 617-628; D. Andrew, 'Two medical charities'.

83 P. Bartley, "Preventing Prostitution: The Ladies' Association for the Care and Protection of Young Girls in Birmingham, 1887-1914', *Women's History Review*, 7 (1998), pp. 37-60.

84 B. Harrison, 'Philanthropy and the Victorians', in B. Harrison, *Peaceable Kingdom* (1982), p. 219.

85 Harrison 'Philanthropy and the Victorians' (1982), pp. 240-55.

by the exodus of the wealthier elements in society from the inner city areas. This led to an increased flow of charity from the West End to the East End of London in the 1860s, and an ever widening gulf between donor and recipient, which exacerbated the problems of indiscriminate charity and demoralisation.[86] Many nineteenth-century commentators linked social order with the moralisation of the poor, and this theme was taken up by Durkheim and later sociologists who developed theories of social control mechanisms. Although Stedman Jones and Hay have been critical of unthinking use of such theory by historians, that use has become commonplace among writers on social welfare.[87] Morris wrote of charity as one of the 'social mechanisms' for inculcating normative behaviour, and of the importance of charities in class formation and the assertion of class power, as well as their role in social control.[88] Other studies have also explored the role of elites in local charities, and the overlapping personnel and spheres of activity of charitable work and local government.[89] Van Leeuwen and Mandler have made interesting re-assessments of the function of charity from the perspective of the recipients. Mandler argued that for too long historians have accepted the middle-class Victorian interpretation of charity, that it 'was a business of giving but not of receiving, a self-interested obsession of the

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86 Stedman Jones, *Outcast London*.

87 A. P. Donajgrodzki (ed.), *Social Control in Nineteenth-Century Britain* (1977), pp. 9, 16. Donajgrodski pointed out that philanthropy may result in social control, but that does not negate the religious or humanitarian promptings, pp. 14-15.

88 R. J. Morris, *Class, Sect and Party: The Making of the British Middle Class, Leeds, 1820-1850* (Manchester, 1990), especially pp. 280-317; see also Morris, 'Voluntary societies and British urban elites.'

89 A. J. Kidd, 'Outcast Manchester: voluntary charity, poor relief and the casual poor, 1860-1905', in A. J. Kidd and K. W. Roberts (eds), *City, Class and Culture: Studies of Social Policy and Cultural Production in Victorian Manchester* (Manchester, 1985), pp. 48-73; M. E. Rose, 'Culture, philanthropy and the Manchester Middle Classes', in Kidd and Roberts (eds), pp. 103-17; P. Shapeley, 'Voluntary charities in nineteenth century Manchester: organisational structure, social status and leadership' (Ph.D. thesis, Manchester Metropolitan University, 1994). For Warwickshire, Peter Searby analysed the men involved in the relief of the poor, both charitable and poor law, in the first half of the nineteenth century, in a chapter of his thesis on the Coventry silk weavers, later published as an article. P. Searby, 'Weavers and freemen in Coventry, 1820-61' (Ph.D. thesis, University of Warwick, 1972); 'The relief of the poor in Coventry, 1830-1860', *Historical Journal*, 20 (1977), pp. 345-61.

rich that hardly figures in the lives of the poor.[90] Taking evidence from London, Antwerp, New York and Paris, amongst other places, he examined the function of charity in the survival strategies of the poor. Van Leeuwen pointed out that taking the model of two groups of actors, the elite for whom poor relief was a form of social control, and the poor, for whom it was a survival strategy, can simplify the historian's approach to the problem, but that there are dangers of oversimplification.[91] Mandler also made the telling point that charity was probably a more important resource for women than for men, which is a neat counterbalance to all the work done on the role of women in philanthropy and of philanthropy in women's lives.[92]

Studies of women and philanthropy have been particularly prolific in America and in Great Britain and Ireland, and there has been broad agreement in the findings. Most studies have explored the impact of the theory of philanthropy as being an essentially feminine sphere of action, though D. W. Elliott took a step behind that to investigate how the image of feminine philanthropy was constructed. She made a case study of the life, work and writing of Hannah More, whom she regarded as key 'to this process of naturalising philanthropy as part of a woman's role.[93] Another American historian looked at the issue in the United States, and detected a shift in the rhetoric of benevolence from gender to class.[94] One of the most prolific writers on women and

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90 P. Mandler, *The Uses of Charity: The Poor on Relief in the Nineteenth-Century Metropolis* (Philadelphia, 1990), p. 1.

91 M. H. D. van Leeuwen, 'Logic of charity: poor relief in pre-industrial Europe', *Journal of Interdisciplinary History*, 24 (1994), pp. 589-613; M. H. D. van Leeuwen, 'Surviving with a little help: the importance of charity to the poor of Amsterdam, 1800-50, in a comparative perspective', *Social History*, 18 (1993), pp. 319-38.

92 Mandler, *Uses of Charity*, p. 20.

93 D. W. Elliott, 'The Angel out of the House': women's philanthropy and the redefinition of gender in eighteenth and nineteenth century England', (Dissertation, John Hopkins University, 1994); Elliott, 'The care of the poor is her profession': Hannah More and Women's philanthropic work', *Nineteenth-Century Contexts*, 19 (1995), pp. 179-204.

94 L. D. Ginzberg, *Women and the Work of Benevolence: Morality, Politics and Class in the Nineteenth Century United States* (Princeton, 1990).

philanthropy has been Frank Prochaska, who has written widely on the extent and the nature of women's involvement with philanthropy in the nineteenth century, as well as producing studies of particular charities such as Bible Nurses, mothers' meetings and training for domestic servants.[95] In these studies Prochaska brought out the involvement of women of many classes with philanthropy, some as paid employees of charities. Other historians have concentrated on the 'Lady Bountiful' image of upper-class women dispensing charity to the deserving poor.[96] Margaret Preston focused on middle and upper-class women in her study of charity in Dublin in the later nineteenth century, as did Maria Luddy in her work on Irish female philanthropy.[97] Similar studies have been undertaken for other European countries.[98] The examination of women's role in charity has been brought forward to the twentieth century by Jane Lewis.[99]

One aspect of Victorian philanthropy which has generated a historiography of its own is the charity organisation movement, and in its own way this reflects many of

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95 F. K. Prochaska, *Women and Philanthropy in Nineteenth Century England* (Oxford, 1980); 'Body and soul: Bible Nurses and the poor in Victorian London', *Historical Research*, 60 (1987), pp. 336-48; 'Female philanthropy and domestic service in England', *Bulletin of the Institute of Historical Research,* 54 (1981), pp. 79-85; 'A mother's country: Mothers' Meetings and family welfare in Britain, 1850-1950, *History*, 74 (1989), pp. 379-99.

96 J. Gerard, 'Lady Bountiful: women of the landed classes and rural philanthropy', *Victorian Studies*, 30 (1987), pp. 183-210; P. Horn, *Ladies of the Manor: Wives and Daughters in Country House Society, 1830-1918* (Stroud, 1991); K. D. McCarthy, *Lady Bountiful Revisited: Woman, Philanthropy and Power* (New Brunswick, 1990). While these works tend to confirm the 'separate spheres' thesis, Mary Martin contended that the philanthropic activities of 'elite' women in Walthamstow and Leyton, 1740-1870 did not differ substantially from that of men. M. C. Martin, 'Women and philanthropy in Walthamstow and Leyton, 1740-1870', *London Journal*, 19 (1994), pp. 119-50.

97 M. Luddy, *Women and Philanthropy in Nineteenth Century Ireland* (Cambridge, 1995); M. H. Preston, 'Lay women and philanthropy in Dublin, 1860-1880', *Eire*, 28 (1993), pp. 74-85.

98 B. S. Smith, *Ladies of the Leisure Class: The Bourgeoise of Northern France in the Nineteenth Century* (1991); S. Woolf, 'The *Société de Charité Maternelle*, 1788-1815', in J. Barry and C. Jones (eds), *Medicine and Charity*, pp. 98-112.

99 J. Lewis, *Women and Social Action in Victorian and Edwardian England* (Aldershot, 1991); Lewis 'Women, social work and social welfare in twentieth-century Britain: from (unpaid) influence to (paid) oblivion?', in Daunton (ed.), *Charity, Self-interest and Welfare*, pp. 203-24.

the concerns of the wider historiography, in seeing charity organisation as a mechanism for social control, and as a precursor of modern social work. The origins of the idea of charity organisation are somewhat obscure, further confused by a controversy which arose during the late nineteenth century among those involved in it.[100] However, the idea, and the organisation bearing the name, have continued to excite historical research, perhaps out of proportion to its actual achievements at the time. The work of self-publicising which was undertaken by the London Society for Charity Organisation has continued to impress historians.[101] Some have concentrated on the social theories of the C.O.S., and the relationship of the C.O.S. with the Poor Law authorities and its impact on the Majority Report of the Royal Commission on the Poor Law in 1909.[102] Others have emphasised the influence of the C.O.S. and its methods on the development of modern social work practice.[103] There have been detailed local studies of provincial Charity Organisation Societies, which provide a useful counterbalance to the metropolitan focus of most work on this subject. Warwickshire has fared particularly well, having studies of the C.O.S. in Birmingham

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100 The Family Welfare Library has a collection of pamphlets and clippings on the controversy, which is discussed in Owen, *Philanthropy*, p. 218, n. 13.

101 C. S. Loch, *Charity Organisation* (1890); H. D. Bosanquet, *Social Work in London, 1869-1912* (1914; Brighton, 1973, with introduction by C. S. Yeo, facsimile reprint) C. L. Mowat, *The Charity Organisation Society, 1869-1913: Its Ideas and Work* (1961); Owen, *Philanthropy*, pp. 215-46; M. Rooff, *A Hundred Years of Family Welfare: A Study of the Family Welfare Association, 1869-1969* (1969); J. Lewis, *The Voluntary Sector, the State and Social Work in Britain: The Charity Organisation Society/Family Welfare Association since 1869* (Aldershot, 1995).

102 J. T. Treble, 'The national leadership of the C.O.S., old age poverty and old age pensions in Britain, 1878-1908', *Journal of the Scottish Labour History Society,* 18 (1983), pp. 18-42; A. W. Vincent, 'The Poor Law Report of 1909 and the Social Theory of the Charity Organisation Society', *Victorian Studies,* 27 (1984), pp. 343-63; C. Woodward, 'The Charity Organisation Society and the rise of the welfare state' (Ph.D. thesis, University of Cambridge, 1961)

103 B. K. Adams, 'Charity, voluntary work and professionalism in late Victorian and Edwardian England, with special reference to the C.O.S. and Guilds of Help' (M. A. dissertation, University of Sussex, 1976); J. Fido, 'The Charity Organisation Society and social casework in London 1869-1900', in Donajgrodzki (ed.), *Social Control*, pp. 207-30. Leiby pointed out that although historians have seen the origins of the welfare state and of social work in the charity organisation movement, the members of the movement saw themselves as religious people, working in a religious tradition, and this view of their theological beliefs about love and community puts them in a very different light. J. Leiby, 'Charity Organisation reconsidered', *Social Service Review*, 58 (1984), pp. 523-38.

and Leamington Spa, two very different contexts.[104] Recently more attention has been paid to the Guilds of Help, a not dissimilar movement which developed in the Edwardian period, and which grew to be a national phenomenon from origins in the north of England.[105]

Private philanthropy and voluntary social action in the twentieth century have received less attention from historians. During the thirties and forties many books were written exploring the possible roles for voluntary action in an increasingly state-funded welfare world, and while providing the modern historian with material in themselves, they often contained an historical survey of developments in the preceding decades.[106] Attention has been has focused on the role of charity as 'junior partner in the welfare firm', as Owen entitled his chapter on twentieth-century developments.[107] Much has been written on the voluntary hospitals, perhaps because of the crisis of funding which they faced at the end of the first world war.[108] Some

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104 R. Humphreys, 'The Poor Law and Charity - the Charity Organisation Society in the Provinces, 1870-1890' (Ph.D. thesis, London School of Economics, 1991); S. Flavell, 'Charity Organisation Society in Leicester, 1876-1914' (M. A. dissertation, University of Leicester, 1972); N. Moreland, 'Petit-Bourgeois hegemony in Birmingham in the nineteenth century. A case study of the Birmingham Charity Organisation Society' (Ph.D. thesis, University of Warwick, 1982); D. C. Ward, 'Deformation of the gift: the C.O.S. in Leamington Spa' (M. A. dissertation, University of Warwick, 1975).

105 K. Laybourn, 'The Guild of Help and the changing face of Edwardian philanthropy', *Urban History*, 20 (1993), pp. 43-60; J. Lewis argued that while the Guilds of Help had similar methods to the C.O.S., the nature of their partnership with the state was significantly different, being much more civic minded and pragmatic, 'The boundary between voluntary and statutory social service in the late nineteenth and early twentieth centuries', *Historical Journal*, 39 (1996), pp. 155-77. M. J. Moore argued that the Guilds of Help soon outstripped the better known C.O.S. in terms of size and influence, in 'Social work and social welfare: the organisation of philanthropic resources in Britain, 1900-1914', *Journal of British Studies*, 14 (1977), pp. 85-104.

106 For example, Lord W. Beveridge, *Voluntary Action: A Report on Methods of Social Advance* (1948); C. Braithwaite, *The Voluntary Citizen: An Enquiry into the Place of Philanthropy in the Community* (1938); E. MacAdam, *The New Philanthropy: A Study of the Relations between the Statutory and Voluntary Social Services* (1934); H. A. Mess (ed), *Voluntary Social Services since 1918* (1947).

107 Owen, *Philanthropy*, pp. 527-53.

108 Owen, *Philanthropy,* p.528; S. Cherry, 'Before the National Health Service: financing the voluntary hospitals, 1900-1939', *Econ. Hist. Rev.,* 2nd ser. 50 (1997), pp. 305-26; S. Cherry, 'Change and continuity in the cottage hospitals, 1859-1948', *Medical History*, 36 (1992), pp.

attention has been given to the foundation of large general purpose trust funds, a phenomenon originating in late nineteenth-century America, and not really established in Britain until this century.[109] There has not been much analysis of the social or psychological function of charity in the twentieth century, except in Jane Lewis' work on the experiences of women.[110]

The many rich streams of the social sciences, social history, 'history from below', and microhistory have all flowed into what was once the quietly appreciative backwater of the history of charity. It is now a teeming lake in which historians, sociologists and social administrators fish, each after their own favoured catch, and each with their own netted methodology with which to land it. Some have focused on the recipients of charity, others on the donors, others again on the nature of the relationship between the two. Some have explored the concept of voluntarism, usually seen as quite separate from, and often ante-dating, public social welfare. However, as Jones said, 'these bipolarities, and the teleological trajectory invariably underpinning them, have been subjected to heavy nuancing or else to outright rejection by recent studies.'[111] He pointed to the work of Marco van Leeuwen in particular as representing 'a more pluralistic and dynamic reading of the charitable encounter than has been conventional in a domain long dominated by binary, dichotomised approaches.'[112] As well as reviewing recent trends in the historiography, he suggested

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271-89; S. Cherry, *Medical Services and Hospitals in Britain, 1860-1939* (Cambridge, 1986); G. Palliser, *The Charitable Work of Hospital Contributory Schemes* (Bristol, 1984); F. K. Prochaska, *Philanthropy and the Hospitals of London: The King's Fund, 1897-1990* (New York, 1992); Sherlock, *Birmingham Hospital Saturday Fund.*

109 H. A. Mess and C. Braithwaite, 'The great philanthropic trusts', in H.A. Mess (ed.), *Voluntary Social Services since 1918* , pp.172-87; Owen, *Philanthropy*, pp. 554-72; A. R. Hall, *Physic and Philanthropy: A History of the Wellcome Trust, 1936-1986* , (Cambridge, 1986); L. E. Waddilove, *Private Philanthropy and Public Welfare: The Joseph Rowntree Memorial Trust, 1954-1979,* (1983).

110 See note 99 above.

111 Jones, 'Recent trends', p. 52.

112 Jones, 'Recent trends', p. 54.

a possible direction for future work: 'The history of charity, it would appear, opened less on to social than to a more broadly conceived cultural terrain. The target is less to map out tensions and conflicts than to investigate the diversity of cultural meanings for all protagonists involved in the charitable act.'[113] These are approaches that this thesis will develop further.

[113] Jones, 'Recent trends', p.56.

Chapter 2:

The Law and Regulation of Charity

The majority of texts that have been written on the laws relating to charities have been precisely that, law text books, written for the benefit of trustees and lawyers. While charities are affected by many laws, and therefore figure in texts relating to trusts, bequests, taxation and much else, there have been a few major texts which encompassed all the laws relating to charity.[1] The latter have usually included a brief discussion of the development of the law until the time of writing, but have seldom put it in its social and historical context, and have rarely commented on whether the laws were well observed or effective. Most historical writing on charity has largely ignored the legal context, concentrating instead on histories of particular charities, or those with a common object. Even those which do treat the legal aspect tend to cover the earlier period, stopping short of the Victorian reforms.[2]

For the past two or three hundred years many of the legal cases concerning charities have hinged upon whether a particular entity is a charity in law, perhaps because there has never been any statutory definition. Over the years there have been suggestions that a review of charity law should include a definition of the term 'charity'. However, it has remained as the self-referential definition that a charity in law is a charity within the meaning of the preamble to the 1601 Statute of Charitable

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1 G. Duke, *Law of Charitable Uses* (1676); G. W. Keeton and L. A. Sheridan, *The Modern Law of Charities* (1962; Belfast, 1971) References in this text are to the second edition, unless otherwise stated. L. Shelford, *A Practical Treatise of the Law of Mortmain and Charitable Uses* (1836); O. D. Tudor, *On Charities* (1906; 1995, J. Warburton and D. Morris (eds)). Hereafter cited as *Tudor*.

2 The main texts on the history of the law of charity are G. Jones, *History of the Law of Charity, 1532-1827* (1969); W.K. Jordan, *Philanthropy in England, 1480-1660* (1959), pp. 109-143. D. Owen, *English Philanthropy 1660-1960* (1965), interweaves legal and fiscal developments throughout his work. For a brief history which comes up to date see N. Alvey, *From Chantry to Oxfam: A Short History of Charity and Charity Legislation* (Chichester, 1995).

Uses.[3] Even the most recent edition of the main text book, *Tudor on Charities*, began by rehearsing some well-known judicial comments on the elasticity of the term.[4] While much of the current understanding of the law of charities refers to the 1601 statute, it is important to remember that the practice and regulation of charity long ante-dated the Elizabethan codification. There follows here a survey of the development of the law of charity, from its medieval origins through the Tudor developments, showing how these formed the basis of later legislation. The major charity legislation of the mid-nineteenth century, and later amendments, were reforms in the management of trusts, a form of property-holding that had medieval origins. The regulation of charities was mainly by the device of a commission, another ancient instrument first applied directly to charities in 1597.

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3 For a more detailed discussion of the Statute of Charitable Uses see below, pp. 43-50. 'It became the practice of the courts to refer to the statutory list as a sort of index or chart, and to proceed by analogy.' Keeton and Sheridan, *Modern Law of Charities*, p. 22. Judicial pronouncements were instrumental in refining the definition of charity. In 1891 came the very influential classification of types of charity by Lord Macnaghten, in the case of *Income Tax Special Purposes Commissioners v. Pemsel,* the adoption of which was recommended by the Nathan Committee in 1952. *Tudor*, p.2. However, not all lawyers have thought Macnaghten's classification to be helpful, suggesting that it 'became, in fact, a fresh start for endless argument about and about, and the drawing of subtle distinctions between purposes beneficial to the community which are benevolent and patriotic but not charitable, and purposes which are legally charitable'. N. Bentwich, 'The wilderness of legal charity', *Law Quarterly Review*, 49 (1933), pp. 520-527. See also J. W. Brunyate, 'The legal definition of charity', *Law Quarterly Review*, 61 (1945), pp. 268-285.

4 For example, Sir William Grant M.R. said that the word 'charity' in the widest sense denotes 'all the good affections that men ought to bear towards each other; in its more restricted and common sense it denotes relief of the poor'. *Morice v. Bishop of Durham* (1805) 9 Ves. 399, 405: 10 Ves. 522. In the case of *Income Tax Special Purposes Commissioners v. Pemsel* (1891) A.C. 531, 581, 582, Lord Macnaghten said of 'charity', 'of all the words in the English language bearing a popular as well as a legal signification I am not sure that there is one which more unmistakably has a technical meaning in the strictest sense of the term, that is a meaning clear and distinct, peculiar to the law as understood and administered in this country, and not depending upon or coterminous with the popular or vulgar use of the word'. O. D. Tudor, *On Charities* (1906; 1995, J. Warburton and D. Morris, eds), p.1. (Hereafter cited as *Tudor).*

Medieval Background and Tudor Developments

The role of religion

The Church Fathers not only wrote about the spiritual benefits of charity, both for the donor and the recipient, but also discussed at length the correct method of delivering charity. Contrary to much nineteenth-century criticism of 'indiscriminate' medieval charity, there was much learned debate on the necessity for discrimination in alms-giving. The main advocates of discrimination were St. Augustine and St. Ambrose, Bishop of Milan in the fourth century, and 'one of the most practical poor relief administrators of all time'. His *De Officiis,* a handbook on pastoral duties for priests, gained wide circulation and authority by being included in the *Decretum* of Gratian.[5] The system of tithes for the support of the clergy and for distribution to the needy had biblical authority.[6] In England by the eighth century tithes were to be divided into three - for the poor, for the Church and for the clergy - and the system was recognised by the civil power.[7] Problems occurred when the tithes of a parish were appropriated to a monastery or cathedral, and in 1392 an Act was passed stating that in every licence issued for the appropriation of tithes, there should be a stipulation that a portion should be returned to the parish, for the poor.[8] The bishops

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5 B. Tierny, *Medieval Poor Law: a Sketch of Canonical Theory and its Application in England* (Berkeley, California, 1959), pp. 44-67. Harvey discussed the growth of discrimination in monastic alms giving from the twelfth to the fifteenth centuries, concluding that the monks had always exercised discrimination, but that attitudes to the undeserving poor hardened in the fifteenth century. She also suggested that, with their continued provision for funeral doles, the laity were, in this respect, less discriminating and more conservative than the monks. B. F Harvey, *Living and Dying in England 100-1540: the Monastic Experience* (Oxford, 1993).

6 Genesis xiv. 20, xxviii. 22; Lev. xxvii. 30; Numb. xvii. 21.

7 Canon 5 of the *Excerpts* of Egbert, Archbishop of York, 740 A.D.; Canon 17 of the Witenagemote of Chelsea, 785 A.D. Quoted in J. H. Blunt, *The Book of Church Law, Being an Exposition of the Legal Rights and Duties of the Parochial Clergy and the Laity of the Church of England* (2nd edn 1876), p. 334.

8 15 Rich. II, c. 6, confirmed under 4 Hen. IV c.12. Leonard thought that this second act seemed to have been reasonably well observed, for in *The Complaynt of Roderick Mors*, written in 1542, it was stated that 'if the personage were impropered, the monkes were bound to deale almene to the poore and to keepe hospitalytie as the writings of the gyftes of such personages and landes do playnly declare.' E. M. Leonard, *The Early History of English Poor Law* (1900), p.7. Henry Brinkelow, the author of *The Complaynt of Roderick Mors*, urged the use of expropriated monastic lands in a wide ranging programme of charity, including the relieving

were the instruments of the Church in enforcing on the clergy the obligation to dispense charity.[9] The bishops were also responsible for supervising legacies for pious uses, from which developed the Church's jurisdiction in testamentary matters.[10] The Church encouraged bequests *ad pias causas*, reinforcing the encouragement by the threat of excommunication and interment in unconsecrated ground for the impious testator who omitted such bequests.[11]

The impact of the Reformation on English life is a hotly debated topic.[12] Even to discuss its possible effects on the changing levels, motives and objects of charity is beyond the scope of this chapter.[13] However, the Church continued to have an

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of the tax burden on the country. Jordan, *Philanthropy*, p.162. Jordan did not believe in the effectiveness of the 1392 Act. He cited 'chronic' complaints in Parliament in the fifteenth century of non-payment of these tithes. He quoted a work by Hartidge which suggested that in twelve impropriated parishes studied, only 2% of the tithes were made available for alms. Jordan, pp. 81, 82, n. 1.

9 In the time of Edward II the parishioners of Wessington complained to the Bishop of Durham at his visitation that hospitality was not shown by the church, nor alms given to the poor. 'The bishop therefore ordered that a portion of the revenue should be given to the poor, and especially set aside the tithes of the new assarts of Sir Walter de Wessington for this purpose.' (*Historic Manuscript Commission MSS. of J. R. Ormsby Esq. 1020B)*, cited in Leonard, *Poor Law*, p.6, n. 1. By 2 Hen. V, c. 1 (1414), it was enacted that ecclesiastical authorities should enquire into abuses in the administration of hospitals for the reception of 'impotent men and women, lazars, men out of their wits, and poor women with child, and to nourish, relieve and refresh other poor people in the same.' However, Jordan argues that there is little evidence that these laws were put into full effect. G. Nicholls, *A History of the English Poor Law*, 3 vols (1904), 1, p.72; Jordan, *Philanthropy*, pp. 114-115.

10 Keeton and Sheridan, *Modern Law of Charities*, p.1. In England the Church had gained complete control over the testament of personalty by the time of Henry III. Jones, *Law of Charity*, p. 4.

11 Jones, p. 3.

12 See D. Cressy, *Religion and Society in Early Modern Britain* (1995); A.G. Dickens, *The English Reformation* (1964; 1989); E. Duffy, *The Stripping of the Altars. Traditional Religion in England, c.1400 - c.1580* (New Haven,1992); J. J. Scarisbrick, *The Reformation and the English People* (Oxford, 1984). For an examination of the continuities in parochial structures and income throughout the period see B. Kümin, *The Shaping of a Community: the Rise and Reformation of the English Parish, c.1400-1560* (1996).

13 Jordan contended that the Protestant Reformation ushered in a qualitative as well as a quantitative change in the pattern of charitable giving. He posited a shift from primarily religious objects of charity to secular ones, notably the relief of the poor, and much greater discrimination in the distribution of such largesse. Beier contended that this 'picture ... turns out to be full of distortions when tested in the urban locality.' Beier's study of 500 Warwick wills from 1480-1650 showed that doles 'remained the most common type of charity throughout the period.' Beier also made the point that 'it is incorrect to assume that English Protestants gave charity for secular objects with only secular aims in mind.' A. L. Beier, 'The social problems of an

important role in the regulation and administration of charity. The ecclesiastical courts were still responsible for testamentary matters, including charitable bequests, and disputes arising therefrom. Although Chancery continued to be a court of appeal in cases of charitable bequests and uses, it is significant 'that after Nicholas Bacon had ceased to be Lord Keeper in 1579 suits to enforce legacies were in practice directed to be heard in the ecclesiastical courts. "None ... ought to have recourse *ad extraordinum remedium ubi competit et ordinarium,"* for it is "more meet" that such matters should be heard "in the Ecclesiastical Court than in this Court."'[14] The statute of Charitable Uses 1601 confirmed the ordinary's jurisdiction, 'that he may lawfully in every cause execute and perform the same, as if this act had never been, had or made.'[15] The collection and distribution of alms continued to be a duty of the minister of the parish.[16] The impropriation of tithes by lay owners at the dissolution of the monasteries weakened the reality of parochial support for the poor, but the ideal of local aid for local people remained a criterion of voluntary and statutory welfare provision for centuries to come.[17] The clergy and churchwardens were responsible for the collection of charity briefs. These public appeals for donations for cases of exceptional hardship had their origins in the papal breve. From the thirteenth century episcopal briefs were issued for charitable purposes usually connected with the

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Elizabethan country town: Warwick, 1580-90', in P. Clark (ed.), *Country Towns in Pre-industrial England* (Leicester, 1981), pp. 44-85. For a fuller discussion of Jordan and his critics, p. 14, n. 57 above.

14 *Nelson v. Norton* (1591), Cecil Monro's *Acta Cancellariae* (London, 1847), p. 10; *Browne v. Richards* (1600), Monro, p. 761, both cited in Jones, *Law of Charity*, pp. 17-18.

15 43 Eliz. I, c. 4, s. IV.

16 This is still part of Canon Law. 'The parochial Church Council shall provide and set up in a convenient place in every Church and Chapel a box for the alms and devotions of the people; which alms and devotions are to be applied to such charitable and pious uses as the Minister and Parochial Church Council shall think fit; wherein, if they disagree, the ordinary shall determine the disposal thereof.' Edw. VI Injunctions (1547), 19; Royal Injunctions (1559), 25; 1603 Canon 84. *Canon Law of the Church of England* (1947), p. 188.

17 27 Hen. VII , c. 20 and 32 Hen. VIII, c. 7 enforced the payment of tithes. Blunt, *Church Law*, p. 356. By 1560 probably one third of parochial revenues were in lay hands. Jordan, *Philanthropy*, p. 308.

church, such as the repair of the fabric. Although they were made void by Act of Parliament in the time of Henry VIII, they could be made effective by royal approval. Many such royal briefs were issued over the next couple of centuries.[18] Application was made to the justices of the peace, who forwarded an application to the Lord Chancellor, on whose authority the briefs were circulated to the parishes. Burn said that briefs were directed to 'the collectors of the poor and their officers'.[19] Although declining in popularity during the eighteenth century because of the disproportionate cost of administration compared to revenue, they were not finally abolished until 1828.[20]

The clergy and parish officers were heavily involved with the relief of the poor, charitable and statutory, and this was the locus of many of the power struggles within the parish polity.[21] The minister and churchwardens and the collectors and overseers of the poor were often appointed trustees and administrators of charitable trusts. Trusts were 'aggregate bodies holding land in perpetual succession without being incorporated ... feoffments of land to a number of parishioners to the use of the poor of a parish are common from the latter part of the fifteenth century.[22] The role of parish officers in this capacity in later centuries will be examined in Chapter 3.

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18 So many were issued in the 1660s that Samuel Pepys noted in his diary his determination to make no more contributions. Early in the reign of Queen Anne an attempt was made to rectify abuses of the system, and to regulate the administration by providing printed forms, and requiring the recipients to maintain a register of briefs received and amounts collected. (4 & 5 Anne, c. 25, 1705). W. A. Bewes, *Church Briefs* (1896); M. Harris, ' 'Inky blots and rotten parchment bonds': London charity briefs and the Guildhall Library', *Historical Research*, 66 (1993), pp. 98-110; W. E. Tate, *The Parish Chest* (1946), pp. 119-23.

19 R. Burn, *The History of the Poor Laws with Observations* (1764), p. 114.

20 9 Geo IV, c. 42, An Act to Dismantle Church Briefs. W. M. Jacob, *Lay People and Religion in the Early Eighteenth Century* (Cambridge, 1996), p. 198.; B. F. L. Clarke, *Building the Eighteenth-Century Church* (1963), pp. 96-103. As late as 1801 one Warwickshire clergyman read out eleven briefs on Sunday, 15 November. MS. Diary of Rev. John Morley, W.C.R.O. CR 2486.

21 S. Hindle, 'Power, poor relief and social relations in Holland Fen, c. 1600-1800', *The Historical Journal,* 41 (1998), pp. 67-96.

22 T. C. Stebbings, 'Charity land: a mortmain confusion', *Journal of Legal History*, 12 (1991), p. 9.

The most obvious effect of the Reformation on charity was the abolition of religious charities, such as the maintenance of lamps and altars, the saying of masses for the dead, and the support of priests. Even before the official break with Rome there were attacks on chantries and gilds. In 1532 there came an act to curb religious trusts. It was in the tradition of mortmain legislation, but it also declared void feoffments made 'to the uses and intentes to have obittes perpetuall, or a continuall service of a Priste for ever.' Land so conveyed for a term greater than twenty years was to escheat to the mesne lord.[23] In 1545 the first of the Chantry Acts was passed, enquiring into chantries and making their lands forfeit to the crown, on the pretext, as put forward in the preamble, that many of the endowments had been misappropriated.[24] The powers conferred by this act were confirmed in the first year of Edward VI, but then the preamble took a much more theological objection to chantries, 'consydering that a greate part of superstition and errors in Christian Religion hath byn brought into the myndes and estimacion of men ... by devising and phantasinge vayne opynions of Purgatorye and Masses satisfactorie to be done for them which be departed.' Both these acts met with considerable opposition, and the latter was only passed on the Crown's assurance that only endowments to 'superstitious uses' were forfeit, and by concessions made to the City of Coventry and the town of Lynn.[25] In Warwick in 1545 the wardens of the combined gilds of St. George the Martyr and the Holy Trinity, fearing the worst, gave their hall and a third

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[23] 23 Hen. VIII, c. 10. Stebbings commented that the attack on charitable trusts was analogous to mortmain legislation, but that the distinction between charitable trusts and corporations was maintained by lawyers during the sixteenth and seventeenth centuries, and that it was really only in the eighteenth century that the confusion between charity and mortmain legislation became embodied in the so-called Mortmain Act, 1736. Stebbings, 'Charity land ' pp. 9-10; Jones, *Law of Charities*, p. 11; Alvey, *From Chantry to Oxfam*, p. 10.

[24] 37 Hen. VIII, c. 4. The act set up enquiries into the purposes of charities, and whether the benefactor's intentions had been carried out. Tate, *Parish Chest*, p. 108.

[25] 1 Edw. VI, c. 14. Jones, *Law of Charity*, pp. 12-13.

of their property to the newly incorporated burgesses, before their gild was indeed dissolved in 1547.[26]

While the immediate effect of these acts was to abolish chantries, gilds and fraternities and, in many cases, destroy schools, they had a longer term effect on the law of trusts. By introducing the concept of 'superstitious uses' they created a whole new class of legal difficulties, which were to dog charities for years.[27] These early assaults on chantries and gilds, combined with the vagaries of English established religion, led to a great wariness in setting up charities of a religious nature.[28] The doctrine of 'superstitious uses,' and the terms of the Act of Uniformity of 1558, meant that it was illegal to set up charities of a Roman Catholic character. This remained true even after the passing of the Roman Catholic Relief and Emancipation Acts in the late eighteenth and early nineteenth centuries.[29] It became usual for Roman Catholics to make their charitable bequests by secret trust, which fell foul of the laws against frauds, as well as those against 'superstitious uses'.[30] This was a doubly dangerous way of proceeding: not only was it illegal, but it made it easy for the fund to be maladministered or misappropriated. However, it was the Catholic nature of their objects that made them illegal, not the fact that they had been established by a Catholic. It was also a measure of the favourable treatment given at law to charitable

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26 The burgesses used the guildhall as their 'burghall' for 25 years, until in 1571 it was granted to Robert Dudley, Earl of Leicester as the foundation of his hospital for old soldiers. *V.C.H.*, 7, pp. 423, 490, 495.

27 Keeton and Sheridan, *Modern Law of Charity* (first edn, 1962), pp. 45-59.

28 The only mention of a 'religious' charity in preamble to the Charitable Uses Act 1601 is for 'repair of churches'. This led to confusion over such issues as whether charities for the support of ministers were valid.

29 The case law on the admissibility of Catholic charities has been very confused, with seemingly conflicting decisions being taken. The plea of 'superstitious uses' in a Catholic context was finally laid to rest in 1919, *Bourne v. Keane* A.C. 815, although the concept was not abolished even in the Charities Act 1960. Keeton and Sheridan, *Modern Law of Charities*, pp. 54-56.

30 22 Car. II, c. 3, Statute of Frauds, 1670.

trusts that 'a recusant could be a feoffee to charitable uses, although he could not hold to non-charitable uses.'[31]

Common Law

The regulation of gifts to the church, whether for its own purposes or for distribution to the needy, was not just of concern to the ecclesiastical hierarchy. Secular powers, too, had interests in estates given to charity.[32] When land was held by a series of complicated forms of tenure, rather than freehold, it was in the interest of the chief lord (ultimately the king) that the various services and feudal incidents should not become extinguished. One of the ways in which this could happen was by the property coming into the possession of a corporation, or body which could not die.[33] Throughout the thirteenth century there developed a corpus of law regulating the alienation of land, culminating in the First Statute of Mortmain in 1279, which referred to grants made to the Church.[34] Further legislation extended this to grants made to any corporation, whether ecclesiastical or secular, and, later, to

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31 Duke, *Law of Charitable Uses*, p. 138, quoted in Jones, *Law of Charity*, p. 69, n. 1. For example, in Warwickshire in 1786 the Catholic agent to the Throckmorton family of Coughton, John Wilks, held land for the parochial charities. *Gilbert.*

32 One of the first Christian Roman emperors had prohibited the aggrandisement of the church by excessive acquisition of land. However, the Edict of Milan, 313, confirmed the Church's proprietary rights, and various privileges, including freedom from taxation, accrued to land held by religious corporate bodies such as monasteries, almshouses and orphanages. A. H. Oosterhoff, 'The law of mortmain: an historical and comparative review', *University of Toronto Law Journal,* 27 (1977), pp. 260-261.

33 Religious corporations were not liable to the vagaries of human life, so the incidents on the death of a tenant never became payable, and they were exempted from the civil obligations. Similar problems arose from trusts: 'when one feoffee died, his share of the land would simply accrue to his fellow feoffees by the *jus accrescendi*, the right of survivorship, with no problems of devolution ... feudal incidents did not attach to equitable interests, only to the passing of the legal estate by descent.' Stebbings, 'Charity land' pp. 8-9.

34 Reissue of *Magna Carta,* 1217, c.39: tenants were not to alienate so much of their fee that their services could not be properly performed. 7 Edw. I *De Viris Religiosis*, 1279: established a system for licensing grants of property given in perpetuity into the 'dead hand' of the church. The licence was obtained by a writ of *ad quod damnum*. Remedy was provided by giving a right of entry to the next lord. If he failed to exercise this right it was regarded as a waiver of his claims, and tantamount to a licence in mortmain. Oosterhoff, 'Law of mortmain ...', p. 268. S. Raban, *Mortmain Legislation and the English Church, 1279-1500* (Cambridge, 1982).

unincorporated bodies.[35] Although modified over the centuries, mortmain legislation was not finally abolished until the Charities Act, 1960.[36]

As the Crown and lords continued to devise regulations restricting the freedom of their tenants to alienate or devise property, so donors and recipients developed strategies to circumvent these restrictions. The most significant, and the one that has had most importance for charities, was the trust or 'use'. Deriving from the Latin *ad opus*, meaning 'for the benefit of', this device conveyed property from party 'A' to party 'B', for the use of party 'C': as feudal burdens only fell on those seized of the land, they 'could be avoided by the selection of suitable feoffee to uses'. At first the courts would not recognise uses, and regarded party 'B' as seized of the land, but in 1446 there was a decree in favour of *'cestui qui use'* (party 'C'). 'Equitable relief was probably given early in the fifteenth century' often in Chancery, later becoming enforceable only through that court, 'and the great cleavage between legal and equitable interests was made'.[37] This development was to have great significance for the future of charity legislation.

'By the time of the Wars of the Roses, it was said, the greater part of the lands in England were held in use' - though not all was to the use of charities.[38] However,

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35 13 Edw. I, Statute of Mortmain, 1285; 15 Rich. II, c. 5 Statute of Mortmain, 1391, which brought municipal corporations within the Statute of Mortmain; 23 Hen. VII, c. 10 Statute of Mortmain, 1531, which extended the reach of the law to unincorporated bodies. R. E. Megarry and H. W. R. Wade, *The Law of Real Property* (1957; 1966), p.159.

36 For a discussion of later mortmain legislation see below pp. 59-61, 78-80.

37 For a discussion of the medieval origins of uses see W. S. Holdsworth, *An Historical Introduction to the Land Law* (1927), pp. 140-151; Megarry and Wade, *Real Property*, pp. 156-160. For a revision of Holdsworth's views and an examination of the development of equity, see T. S. Haskett, 'The medieval court of chancery', *Law and History Review*, 14 (1996), pp. 245-313. Stebbings, 'Charity land'. 'Trust' and 'use' were used interchangeably in the sixteenth century. Later, lawyers distinguished between the passive use and the active use or trust. Jones, *Law of Charity*, p. 6, n.5.

38 Megarry and Wade, *Real Property*, p. 158.

'during the reign of Henry VIII a pamphleteer was able to claim that ecclesiastics "have begged so importunately that they have gotten into their hands more than a third part of your Realm."'[39] The development of the 'use' had muddied the clear waters of the feudal tenurial system; it was increasingly difficult to see where title lay, or who was responsible for services and taxes. The device also had the effect of making it possible to devise land by will, something theoretically impossible under feudal tenure. Henry VIII attempted to redress these problems by the Statute of Uses in 1536.[40] It had a hard passage through parliament, and that part of it which curbed the devising of freehold estates had to be revised a few years later by the Statute of Wills.[41] The main effect of the Statute of Uses was to transfer the legal title from the trustee to *cestui qui use.* This prevented landholders from hiding behind a pretended trust to avoid feudal incidents and the jurisdiction of the common law. In the case of charitable uses 'there was no such beneficiary, for legal title could not be vested in a purpose (for example, church repair).'[42] To claim the protection of Chancery 'ownership and use had to be vested in a charitable trust.'[43]

Although most of the legal regulation of charity was either by statutory law and the King's courts or by ecclesiastical law and church courts, there was some regulation of what could be called charity by customary law and manorial courts. The prime example of this is in the institution of the 'help-ale'. This was a way in which neighbours and friends helped each other in times of crisis or need, or funded repairs of the church nave. Money was raised by organising a convivial gathering, brewing

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39 Alvey, *From Chantry to Oxfam*, p. 11.

40 27 Hen. VIII, c. 10. This legislation shared some of the aims of the laws against religious trusts. 'In the next reign the Protestant lawyers maintained that the statute struck at superstitious uses only and left charitable uses unaffected.' Stebbings, 'Charity land', p. 9, n. 16.

41 32 Hen. VIII, c. 1.

42 B. Kümin, *The Shaping of a Community*, p. 207.

43 Alvey, *From Chantry to Oxfam*, p. 15; Jordan, *Philanthropy*, pp. 109-112

ale especially for the purpose.[44] Attendance at church ales was often enforced on parishioners, and was sometimes recorded in the churchwardens' accounts. For example, at Elvaston and Ockbrook in Derbyshire on the eve of the Reformation it was noted 'y't eu'y inhabitant of the s'd town of Okebrooke shall be at the s'd ales, and eu'y husband and his wife shall pay 2d., and eu'y cottyer 1d. and all the inhabitants of Eluaston, Thurlaston, and Ambaston shall come to the said ales.'[45]

The relief of poverty

The Crown also interested itself in the matter of charity as part of its increasing concern with poverty, or, to be more precise, with the potential threat to civil order posed by poverty. The general response was in line with current theological thinking - that charity was good, but that indiscriminate giving of alms was bad. As early as 1349 it was enacted 'that because many valiant beggars, as long as they may live by begging, do refuse to labour, giving themselves to idleness and vice, and sometimes to theft and other abomination, none, upon pain of imprisonment, shall, under the colour of pity or alms, give anything to such as may labour, or presume to favour them in their sloth, so that thereby they may be compelled to labour for their necessary living.'[46] Nicholls, writing a history of the Poor Law in the nineteenth century, considered that this prohibition of giving alms to those able to work amounted to a sanction on giving alms to those unable to do so.[47] This interpretation is supported by legislation passed in 1388, which confirmed the strictures of the Statute of Labourers, but which also introduced the concept of 'beggars impotent to serve', with the expectation that the people of their locality would

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44 J. M. Bennett, 'Conviviality and charity in medieval and early modern England', *P.&P.*, 149 (1992), pp. 19-41

45 B. Kümin, *The Shaping of a Community*, p. 47. Examples are also given at Woodbury in Devon and from Wiltshire.

46 23 Ed. III, c. 1, Statute of Labourers,. Nicholls, *Poor Law*, 1, pp. 36-7.

47 23 Ed. III, c.1, Statute of Labourers; Nicholls, *Poor Law*, 1, p. 37.

support them.[48] This act is often seen as the origin of the Poor Law in England, though it has no element of compulsion in it, but only expects that people should voluntarily support the 'impotent'. The Act of 1414 giving ordinaries powers to enquire into the administration of hospitals for the impotent further encouraged this expectation.[49] These acts illustrate the thesis that legislation at first acknowledged the validity of existing strategies for coping with human misfortune, only controlling them where they seemed to impinge on other rights, and protecting them in so far as they were beneficial to the common weal.

This concern with the common weal became more pressing during the sixteenth century, a period of sustained inflation, rising population and increasing social dislocation.[50] During this century, too, there was a growth of government, at national and local level, and an increasing optimism about what government could achieve. At first, legislation was aimed at punishing vagabonds and encouraging voluntary generosity to licensed beggars in their own parishes.[51] From time to time the severity of the punishment was mitigated, only to be re-introduced when the

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48 12 Rich. II, c. 7, 1388; Nicholls, 1, p. 58.

49 See p. 32, n. 9 above.

50 For general studies of the social and economic difficulties see A. L. Beier, *The Problem of the Poor in Tudor and Stuart England* (1983); W. R. D. Jones, *The Tudor Commonwealth, 1529-1559* (1970); J. Walter and K. Wrightson, 'Dearth and the social order in early modern England', *P.&P.*, 71 (1976), pp. 22-42. For local studies, see Beier, 'The social problems of an Elizabethan country town: Warwick, 1580-90.' in P. Clark and P. Slack (eds), *Crisis and Order in English Towns, 1500-1700* (Leicester, 1972); A. S. Appleby, *Famine in Tudor and Stuart England* (1978). For the demographic background see E. A. Wrigley and R. S. Schofield, *The Population History of England, 1541-1871. A Reconstruction* (1981). For the development of the poor laws in response to these crises, see Leonard, *Poor Law*; Nicholls, *Poor Law*; S and B. Webb, *English Local Government, Vol. 7: Poor Law History: Part I: The Old Poor Law* (1927).

51 19 Hen. VIII, c. 12; 22 Hen. VIII, c. 10; 22 Hen. VIII, c. 12; 27 Hen. VIII, c. 25. The latter act 'concerning the punishment of beggars and vagrants' ordered 'that mayors, constables and other head officers of cities, towns and parishes "shall most charitably receive such poor creatures or sturdy vagabonds as are specified in the said Act and shall succour, relieve, and keep the said poor people by way of charitable alms, in such wise as none of them shall of necessity be compelled to wander and go openly in begging" Any parish failing to observe the Act to forfeit 20/- every month in which it is omitted or not done.' Nicholls, *Poor Law*,1, pp 121-124.

numbers of, and the perceived threat from, vagabonds increased. An Act in the first year of the reign of Edward VI enjoined the curate of every parish to exhort his parishioners to remember the poor according to his means.[52] Gradually, these exhortations to charity began to be reinforced by directions for the rigorous administration of such alms, and eventually, by punishment for non-payment, voluntary alms became a compulsory poor rate.[53] Even so, the laws were permissive rather than mandatory - justices had the authority to set a rate if local charity was insufficient to relieve the neighbouring poor. By 1572 the old harsh laws against vagrants were revived, though 'abiding places' for the aged and impotent poor were to be provided. Justices of the Peace were to work out the weekly cost of maintenance of the poor in each parish, to set a local levy to cover it, and to appoint collectors and overseers to administer it.[54] Over the next thirty years various acts modified or sought to improve the provisions of 1572.[55] The final poor law measure of Elizabeth's reign was the great statute of 1601, which was to be the framework of poor relief in England until the Poor Law Amendment Act of 1834.[56]

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52 1 Ed. VI, c. 3. Nicholls, 1, pp. 131-132.

53 3 & 4 Ed. VI, c. 16, confirmed by 5 & 6 Ed. VI, c. 2. The latter stipulated that the parson/vicar/curate and churchwardens must keep a book containing the names of householders and the names of the poor. Each Whitsuntide the householders were to be asked how much they would contribute each week, and collectors were to be appointed. Non-contribution led to referral to the bishop. The element of compulsion became much stronger by 5 Eliz. I, c. 3 and 14 Eliz. I, c. 5, which gave powers to the bishop to refer a non-contributor to the justices of the peace. They could lay an assessment on the person, and imprison them if they still refused to pay. Nicholls, *Poor Law*, 1, pp. 133-134, 151-152; Jordan, *Philanthropy*, p. 87.

54 14 Eliz. I, c. 5. This local, parish based approach was to be an enduring feature of the poor law.

55 18 Eliz. I, c. 3; 39 Eliz. I, c. 3; 39 Eliz. I, c. 4; 39 Eliz. I, c. 5.

56 43 Eliz. I, c. 2. This Act also set the seal on the parish-based nature of poor law administration, relegating Justices of the Peace to a supervisory role. The locally raised rate, unique in Europe, was still a permissive affair, to be raised when needed, but 'by 1660 at least a third of parishes were probably well accustomed to raising rates'. P. Slack, *The English Poor Law, 1531-1782* (1990). S. Hindle has examined the early implementation of the poor law in Warwickshire in 'The birthpangs of welfare: poor relief and parish governance in seventeenth-century Warwickshire', *Dugdale Society Occasional Papers*, 40 (Stratford-upon-Avon, 2000).

At the same time that acts were being passed which recognised a social obligation, and introduced an element of compulsion, to care for the impotent, there were acts that encouraged voluntary charity. This legislation was not trying to introduce something new, or to revive a dying practice, but, by strengthening the legal safeguards surrounding charitable bequests, it aimed to increase voluntary provision to meet the growing need. In parallel with the major poor law legislation there was important charity legislation in 1572, 1597 and 1601. Indeed, the poor law and charity acts of 1597 and 1601 appear next to each other in the statute book, and can be seen as part of a unified approach to the care of the poor.[57] It was recognised to be an ancient obligation, jointly shouldered by King, Church and People. 'Coke in his Institutes tells us that it was ordained by kings before the Conquest that the poor should be sustained by parsons, rectors and parishioners, "so that no-one should die from lack of sustenance."'[58] By the close of the Tudor period there was a well-established practice of charity, sanctioned by religion, encouraged by the crown, and regulated by the courts. The Statute of Charitable Uses of 1601 provided both a re-affirmation of current practice and a framework for centuries to come.

The Statute of Charitable Uses 1601 and its legacy

Contrary to Jordan's suggestion, the statute of 1601 was not 'a great "gathering act" bringing under codification a long development ... in the growth of charitable trusts.'[59] What it, and its precursor of 1597, did was to acknowledge the importance of

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[57] 14 Eliz. I, c. 5, An act for the punishment of vagabonds, and for the relief of the impotent poor; 14 Eliz. I, c. 14, An act for the assurance of gifts, grants, &c. made and to be made to and for the relief of the poor in hospitals &c.; 39 Eliz. I c.3, An act for the relief of the poor; 39 Eliz. I, c. 4, An act for the punishment of rogues, vagabonds and sturdy beggars; 39 Eliz. I, c. 5, An act for erecting of hospitals, or abiding and work houses for the poor; 43 Eliz. I, c. 2, An act for the relief of the poor; 43 Eliz. I, c. 3, An act for the necessary relief of soldiers and mariners; 43 Eliz. I, c. 4, An act to redress the mis-employment of lands, goods and stocks of money heretofore given to certain charitable uses.

[58] E. A. Parry, *The Law and the Poor* (1914), p. 274.

[59] Jordan, *Philanthropy*, p. 114.

these developments, and to reinforce their legality by authorising commissioners to enquire into abuses, and to issue orders for the better management of the charities investigated. While the main motive of the legislation may well have been the enforcement of charitable trusts as part of the programme of social welfare, it was couched in terms of the private trust, and the obligations of trustees to observe the wishes of the donor, however bizarre. Already in 1572 there had been an act 'for the assurance of gifts, grants &c. made and to be made to and for the relief of the poor in the hospitals'. The preamble stated that 'whereas divers well-disposed and charitable persons' had given lands for the support of the poor in hospitals, and 'it is hoped many more hereafter will charitably give', certain of these gifts had failed because the correct name of the institution had not been used in the deed. This act made all such gifts 'good and available in law ... as if the said corporation had been ... rightly named.'[60] In 1593 and 1597 further encouragement was given to the establishment of hospitals for the poor and impotent and for maimed soldiers, and to the setting up of houses of correction to set the poor on work. Acts were passed which abrogated the need for royal licence for such foundations (requiring enrolment of deeds in Chancery instead), and which conferred the status of corporations on them.[61]

The 1597 Act for the relief of the poor was immediately followed by 'an Acte to reforme Deceiptes and Breaches of Trust, towching Landes given to charitable Uses'.[62] Although this was superseded by the act of 1601, it is worth examining in detail to understand the concerns it expressed and to compare it with the 1601

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60 14 Eliz. I, c. 14.

61 35 Eliz. I, c. 7; 39 Eliz. I, c. 5.

62 39 Eliz. I, c. 6. The text is given in Jones, *Law of Charity*, pp. 221-223. It was repealed by 43 Eliz. I, c. 9, 'saving for the execution of orders and decrees before made by commissioners according to this statute.'

version.[63] Both Acts began with a preamble enumerating the various types of charity in existence, and the gifts that had been made for their support, and stating that in many instances the donor's wishes had not been executed. The remedy prescribed by both Acts was the issuing of a commission to investigate allegations of abuse of trust. The 1597 version was much shorter, and less comprehensive, but was more vehement in its language attacking abuses. It spoke of trusts 'which have bene and are still like to be most unlawfully and uncharitably converted to the Lucre and Gayne of somme fewe greedy and covetous persons, contrary to the true intente and meaning of the givers and disposers thereof ', whereas the 1601 version said only that the funds 'have not byn imployed accordinge to the charitable intente of the givers and founders thereof.'[64]

The 'charitable uses' enumerated in the 1597 Act consisted of 'Colledges Hospitalles Alms houses and other Places ... for the Charitable Reliefe of pore aged and ympotent People maymed Soldyers Scholes of Learninge Orphanes and for such other good charitable and lawful purposes and yntentes .. as also for Reparacion of Highwaies Amendmentes of Bridges and Sea Banckes, for the Maintenance of Fre Schooles and Schollers, as also for the Reliefe and preferment of Orphanes and fatherless children.' The 1601 Act was much more specific, and dispensed with the phrase 'such other good charitable and lawful purposes and intents.' However, it was still an illustrative, rather than a prescriptive, list of charitable uses:

> some for Reliefe of aged impotent and poore people, some for Maintenance of sicke and maymed Souldiers and Marriners, Schooles of Learninge, Free

[63] The 1597 Act was not considered of major importance at the time of its passing. It was not referred to the principal committee of the house of Commons, but to a sub-committee consisting mainly of lawyers. It completed its passage through parliament in fourteen days in January 1597, but the debate on its 'continuance' in 1601 caused greater concern, and led to the abrogation of the original Act and the drafting of a new bill. The new Act 'was a better drafted and more sophisticated document than its predecessor.' Jones, *Law of Charity*, pp. 23-25.

[64] 39 Eliz. I, c. 6, 43 Eliz. I, c. 4.

> Schooles and Schollers in Univerities, some for Repaire of Bridges Portes Havens Causwaies Churches Seabankes and Highewaies, some for Educacion and prefermente of Orphans, some for or towards Reliefe Stocke or Maintenance of Howses of Correccion, some for Mariages of poore Maides, some for Supportacion Ayde and Helpe of young tradesmen Handicraftesmen and persons decayed, and others for reliefe or redemption of Prisoners or Captives, and for aide or ease of any poore Inhabitantes concerninge paymente of Fifteenes, setting out of Souldiers and other Taxes;[65]

That this list was illustrative of the types of activity long recognised as charitable is shown by comparison with a passage in *The Vision of Piers Plowman*, written in the late fourteenth century, where 'rich (and troubled) merchants' were counselled by *Truth* to gain full remission of sins and a happy death by the fruitful use of their fortunes:

> And therewith repair hospitals,
> help sick people,
> mend bad roads,
> build up bridges that had been broken down,
> help maidens to marry or to make them nuns,
> find food for prisoners and poor people,
> put scholars to school or some other craft,
> help religious orders, and
> ameliorate rents or taxes.'[66]

'The only important difference between the list of charitable objects there enumerated (the 1601 preamble), and those which were already traditional in the Middle Ages, is the omission of virtually all religious objects.'[67] Jordan put forward a case for the secular nature of late Tudor society and its charitable efforts.[68] One piece of evidence supporting this interpretation is the omission of any form of religious

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65 43 Eliz. I, c. 4.

66 W. Langland, *The Vision of Piers Plowman* (1906 edn), Passus VII 26-33, p. 80, cited in Jordan, *Philanthropy*, p. 112.

67 Keeton and Sheridan, *Modern Law of Charities*, p. 4.

68 He wrote of the 'burgeoning out of benefactions for poor relief, secular in form and content', and entitled one section of his book 'The changing pattern of aspirations: secularisation of the charitable impulse'. Jordan, *Philanthropy*, p. 147. For a counter argument, see Duffy, *Stripping of the Altars*, pp. 364-368, 504-505.

object from the 1601 preamble, save only the physical repair of churches. However, it was accepted that uses that were outside the statute could be charitable at law.[69] What was apparent, though, was a reluctance to establish a use which might be interpreted as 'superstitious'. Although 'the financial burden of repairing the church and of providing for the administration of divine service was imposed by common law on the parish', and the repair of the church was one of the uses listed in the preamble, it was a matter of some debate whether it were lawful to make an endowment to find a chaplain to celebrate communion. 'It was not until 1606 ... that the Chancellor and the Justices of the King's Bench finally held that a gift

> *cuidam Capellano ad Divina Celebranda*, in a certain church or chapel, is no superstitious use within the statute 1 Edward VI ... and the reason is, because it is the general case of all parsons in England.[70]

There is very little difference in the wording of the two Acts in the establishment of a commission to redress abuses of trust. Commissions were to be issued either by the Lord Chancellor, The Lord Keeper of the Great Seal, or the Chancellor of the County Palatine of Lancaster, to the diocesan bishops and their chancellors, and 'to other persons of good and sounde behaviour'. They, or any four of them, had authority to enquire 'as well by the Oaths of twelve lawfull Men or more of the countie as by all other good and lawfull waies and menes' into any allegations of abuse or neglect of the terms of the donation. They wisely added the proviso that no trustee or feoffee to charitable uses could be part of a commission examining the trust they administered. Once the commission had reached its conclusion, it could issue 'orders judgementes and decrees' that the funds 'may be duelie and faithfullie

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69 Such uses were not enforceable under the Act by process of commission and decree, but had to go through the old, 'tedious and chargeable' process of bill and answer in Chancery. Jones, *Law of Charity*, p. 33, nn. 3-4.

70 Jones, *Law of Charity,* p. 33, n. 1.

imployed' as intended by the donors. Such orders were then to be sealed by the commissioners, and given into the court of Chancery, or the Chancery of the County Palatine. The orders were to have the full authority of parliament, and were to stand unless altered by the Lord Chancellor on appeal.[71]

While this appeared to be a comprehensive Act covering most forms of charity, and giving wide powers of investigation and regulation, there were in fact a number of very significant provisos. None of the powers of the Act were to supersede those of the Ordinary in regulation of charities within his diocese.[72] There were certain classes of charity to which the equity of the Act did not extend:

a) the colleges of the universities of Oxford and Cambridge; the colleges of Westminster, Eton and Winchester; any cathedral or collegiate church.

b) corporate towns and cities which had special governors to manage charity lands or funds; colleges, hospitals or free schools which had special visitors, governors or overseers appointed by their founders.

c) the list of exemptions was extended in the later Act to include lands which had come into royal hands by surrender, exchange, escheat or attainder.

The 1601 Act also made the provision that anyone who had purchased or obtained charity land in all innocence was not to be impeached. However, anyone, being a trustee, who broke or defrauded a trust, was to be ordered by the commission to make recompense. The order extended to their estate after death.

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71 All quotations are from the text of 43 Eliz. I, c. 4.

72 From the earliest times, the bishop of a diocese had jurisdiction over all testamentary dispositions *ad pias causas* (later, by extension, over all probate matters). He also acted in the role of guardian to charitable trusts, enforcing their proper administration, as usually the beneficiaries of charities were not capable of taking legal action themselves to ensure proper administration. This was in addition to his role in regulating the clergy in their charitable duties. Jones, *Law of Charity*, pp. 4, 20-21. Even in the 1780s the Bishop could be expected to enforce charitable trusts, even if not always successful. The Minister of Stretton-on-Fosse wrote to his Bishop asking him 'reform abuses concerning [charity] land, but to very little purpose.' Observations in *Gilbert.*

At first this legislation was very effective. In the twenty-four years from 1597 to the death of James I over one thousand decrees were sealed, whereas there had been only one or two answers in Chancery each year for the preceding two hundred years.[73] The investigations were set in motion by allegations made by inhabitants of the parish, or by the clergy or parish officers, or sometimes by descendants of the donor. Such complaints could be addressed to the bishop, the Lord Chancellor or the Lord Keeper, the Privy Council, or to a commission already in being in the county. Sometimes a commission would conduct a county-wide inquisition into the affairs of charities.[74] Jordan wrote that 'the consequence was that charitable funds were on the whole administered with quite astonishing probity and skill and that a tradition of the highest fidelity in the discharge of duty was quickly established.[75] This happy state of affairs was not to survive the troubled times of the mid-seventeenth century. Not only did the Civil War cause disruption, but there was an increasing reluctance by men 'of good and sound behaviour' to sit on commissions.[76] After the Restoration there was some renewal in the effectiveness of the commission, but many people reverted to the old practice of laying informations before the Attorney General, which previously had only been used for charitable uses not within the equity of the 1601 Statute.[77] There was a steady decline in the appointment of commissions from the late 1680s, and the

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73 Jones, *Law of Charity,* p. 52

74 For example, in 1616 churchwardens from every parish in Nottinghamshire were required to give evidence and the probate registers were searched for wills containing charitable bequests. Alvey, *From Chantry to Oxfam*, p. 16.

75 Jordan, *Philanthropy*, pp. 116-117.

76 Jones referred to a 'society whose gentry served with reluctance as commissioners, whose jurors resented their jury service, whose parish officers were lax and inefficient, whose central government was inefficient, and whose Chancellor would not "oppress any man for the sake of a charity."' *Law of Charity*, p. 53. Jordan quoted the preface of John Herne's *Law of Charitable Uses* (1663), where Herne said that he had 'found the gentlemen ... commissioners, jurors ... grown almost weary of well-doing ... never cheerfully embraced these commissions ... and many inquisitions and decrees have ... miscarried.' *Philanthropy*, p. 117, n.1.

77 By the end of the seventeenth century this procedure was used to enforce all types of charitable trust, whether within or without the meaning of the 1601 preamble. Jones, *Law of Charity*, p. 120.

last commission was issued in 1787, though its findings were still being challenged in 1818.[78]

Although the appointment of commissions fell into desuetude, the Statute of 1601 was not formally repealed until 1888.[79] Even then, the form of the Statute remained important in shaping charity legislation The Statute may have had some effect on the amount of property left to charities, which was one of its main purposes, but here we are concerned only with the legal consequences.[80] The main legacy was the wording of the preamble and its role in shaping the definition of 'charitable purposes'.[81] The list of exemptions was also important, for the principle of exemption of certain charities from the provisions of the act, while maintaining their charitable status, has been included in every subsequent act on charitable uses. Each enactment has seen new categories of exempt bodies being added, so that the Charities Act 1993 has 29 exemptions, including the National Lottery Charities Board.[82]

1601 to the Brougham Commission

As has been shown above, by the beginning of the seventeenth century all the main characteristics of modern charity law were in place. Over the next two hundred years or so most of the legal developments were by case law, refining the laws on

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78 Jones, pp. 54-55, 160; Alvey, *From Chantry to Oxfam*, p. 16; Keeton and Sheridan, *Modern Law of Charities*, p. 11; Owen, *Philanthropy*, p. 85.

79 51 & 52 Vict., c. 42, Mortmain and Charitable Uses Act, 1888.

80 'In the one generation following the passage of the Elizabethan poor laws rather more was given for charitable uses than in the whole of the preceding four.' Jordan, *Philanthropy*, pp. 126-127. However, much doubt has been expressed about Jordan's interpretation of the figures. He made no allowance for the effect of inflation on the real value of legacies. W.G. Bittle and R.T. Lane, 'Inflation and Philanthropy in England: a re-assessment of W.K. Jordan's data', *Econ. Hist. Rev.*, 2nd ser. 29 (1976), pp. 203-210; J. F. Hadwin, 'Deflating Philanthropy', *Econ. Hist. Rev.*, 2nd ser. 31 (1978), pp. 105-117.

81 J. W. Brunyate, 'The legal definition of charity', *Law Quarterly Review*, 61 (1945), pp. 268-285; Jones, *Law of Charity*, pp. 120-127.

82 Charities Act 1993, Schedule 2. *Tudor*, pp. 558-559.

trusts and the privileges accorded to charitable uses. No new privileges were awarded to charities, apart from being exempted from certain taxation. Although many of the privileges were severely criticised during the early eighteenth century, almost all withstood such attacks. This section will examine the state of the law in this period under three heads: privilege, restriction, and regulation.

Privilege

In their desire to encourage private charity, the Crown and Parliament ensured that charitable trusts would not be frustrated by falling foul of the rigid formalism of the common law.[83] This sometimes took a statutory form, as in the 1572 Act to secure bequests to hospitals, but more often was evinced by judicial decisions making a benignant construction of the law.[84] This was held to be supported by the generous wording of the Statute of Charitable Uses, 1601.[85] After the passing of that Act 'it became the practice of the Court of Chancery to aid all kinds of defective execution of powers in favour of charity, it being assumed to have been intended to cover all defects and omissions in point of form in instruments giving property to charity.[86] As well as these privileges in the construction of charitable uses, there were a number of other privileges accorded to charity that over-rode the normal processes of common law, and each will be briefly treated below.

i) *The perfection of imperfect instruments.*

a) Defect of form: even before 1601 the Lord Chancellor had held good transfers of land to charity, even when they had not been correctly conveyed or

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83 Jones, *Law of Charity*, pp. 59-101, 134-159.

84 Keeton and Sheridan, *Modern Law of Charities*, p. 28; *Tudor*, p. 164.

85 'And for that, if it be equity for the charitable use, that is sufficient assets, although [it] be not law. And that is proved by the generous words of the statute, that is (Given, Appointed, Limited and Assigned) to the uses etc.'. Francis Moore, *Reading on the Statute of Charitable Uses* (1607), quoted in Jones, *Law of Charity,* p. 60.

86 *Tudor*, p. 165.

enrolled. Thereafter, 'though a transfer of property to feoffees to charitable uses was void at law because of a defect of form, yet it would stand as a declaration upon the statute of charitable uses.'[87] By the eighteenth century many of these decisions were unpopular, but for the most part they were upheld.

b) Incapacity at law: there were a number of categories of person who were held by common law to be incapable of holding property, and a transfer to such a person was void. Unincorporated bodies, such as the residents of a hospital, were incapable of holding property, but Chancery cases found the intent good, and vested possession in trustees, often the corporation of a town.[88] In common law, churchwardens were corporations only for the limited purpose of holding the personalty of the parish, such as the church plate and vestments. The realty was vested in the vicar. However, from the later sixteenth century onwards, cases were brought in Chancery by churchwardens to perfect a feoffment to the use of their church, and were upheld.[89] The perfection of many of these bequests was achieved by deeming them to be gifts *inter vivos.*[90]

ii) *The application of charitable funds* cy-près

The doctrine of *cy-près* is of ancient and uncertain origin, and has developed through complex case law.[91] In 1803 Lord Eldon said, in *Moggridge v. Thackwell:*

> In what the doctrine originated, whether, as supposed by Lord Thurlow in *White v. White,* in the principles of the Civil Law, as applied to charities, or in the religious notions entertained formerly in this country, I know not: but we

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87 *Pennyman v. Jenny* (1626), Jones, *Law of Charity*, p. 61, n. 4. For a more detailed discussion of defect of form see Jones, pp. 60-65, 135-138.

88 For example, *Mayor and Burgesses of Reading v. Lane* (1601), Jones, *Law of Charity,* p. 68.

89 Jones, *Law of Charity,* p. 67.

90 Megarry and Wade, *Law of Real Property*, p. 994.

91 L. A. Sheridan and V. T. H. Delaney, *The Cy-près Doctrine* (1959); Jones, *Law of Charity* pp. 72-93, 138-153; Keeton and Sheridan, *Modern Law of Charities*, pp. 134-164; *Tudor,* pp. 391-445.

> all know there was a period when in this country a portion of the residue of every man's estate was applied to charity; and the Ordinary thought himself obliged so to apply it; upon the ground, that there was a general principle of piety in the testator. When the Statute [Statute of Distribution, 22 & 23 Car. II c.10] compelled a distribution, it is not impossible, that the same favour should have been extended to charity in the construction of wills, by their own force purporting to authorise such a distribution.[92]

Cy-près was known to the Romans, and had a place in canon law. The ecclesiastical courts applied the doctrine with some latitude, which gives credence to Keeton's view that the term really meant 'as near as possible' (*aussi-près*), rather than 'near this' (*ici-près*).[93] The purpose of the doctrine was to ensure that a bequest to charity should not fail, as it would at common law, because of uncertainty, impossibility, or illegality. In such cases, where a general intent to give to charitable purposes was shown, the court could apply the trust to other similar purposes *cy-près*.

iii) *The application of surplus funds.*

When a testator left a certain sum of money, issuing from a piece of land, and being equivalent to the then value of the land, the problem arose of what to do with the surplus revenue generated when land values rose. Who should receive the difference - the charity, the feoffees or the testator's heir-at-law? Rules of construction were developed to deal with this problem, hinging upon the question of whether the testator meant to bequeath a set sum, or the proceeds of the land. Until the early eighteenth century all recorded cases were judged in favour of the charity, taking the view that the intention had been to give the whole value of the land. During the eighteenth century, with its concern for the rights of the heir and kin, there was increasing dislike of this principle. Judges, bound by precedent, continued to make similar decisions, sometimes in analogy with cases of *cy-près*.[94]

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92 Keeton, and Sheridan, *Modern Law of Charities,* p. 135.

93 Keeton, and Sheridan, *Modern Law of Charities*, p. 135.

94 Jones, *Law of Charity*, pp. 91-93, 153-156. The Brougham Commission judged a case of this type, that of Wilcox's Charity in Alcester, Warwickshire, 'to be not without considerable difficulty. The terms of the will afford no satisfactory grounds for conjecturing what the testator would

iv) *The waiving of the statutes of limitations and doctrine of laches*

It was accepted that charitable trusts were not affected by the statutes of limitations, nor by the doctrine of laches, which defeats stale claims, when a party has slept on his rights. No matter how long ago a transfer of property was made, and the charity had not entered into possession, the gift was still binding.[95] The Brougham Commission was thus able to revive lapsed charities.[96]

v) *The Chancellor would hear charity cases of a value less than forty shillings.*

In ordinary cases, before 1596, the Chancellor would not hear petitions concerning land with an annual income of less than forty shillings (increased to £10 in that year). This did not apply to charity lands.[97]

vi) *Charity suits not remitted to ecclesiastical courts.*

The Chancellor would not compel a petitioner, who sought to enforce a legacy to charity, to incur the additional cost and frustration of a suit in the ecclesiastical courts.[98]

vii) *Priority over creditors of a bankrupt feoffee to charitable uses*

If a feoffee to a charitable use became bankrupt the land he held for the charity could not count as part of his estate for the recompense of his creditors.

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have done ... but ... it seems to us most advisable, that the current rents, and the accumulation in hand, should be apportioned in the same manner in which the testator apportioned the amount of rent which he alone seems to have had in view, namely two-thirds to the minister, and one-third to the poor. *Brougham*, p. 15.

95 Jones, *Law of Charity*, pp.93-94.

96 In Warwickshire the Commission discovered that Nicholas Chamberlain had devised by will dated 4 July 1715 a rent charge of 40s. p.a. on an estate in Alveston to be paid to the churchwardens of Whitnash to teach poor children to read. Although it had not been paid for sixty years, the Commission notified the current owner, who had bought the property ten years before. He paid £10 arrears, and undertook to pay the 40s. p.a. in future, to provide a Sunday school at Whitnash. *Brougham*, pp. 217-18.

97 Jones, *Law of Charity,* pp. 94-95.

98 Jones, *Law of Charity,* pp. 17, 95.

However, if money given to a charitable use had been lent to someone who subsequently became bankrupt, the charity could have no preferential claim. 'But if the bankruptcy commissioners sold land, with knowledge that it was held to a charitable use, to a creditor, the charity commissioners could enforce the charitable use against the creditor even though he took without notice, at least where the bankrupt died without heir.'[99]

viii) *Marshalling of assets in favour of charity.*

In equity, as at law, it was generally the rule that debts had to be paid before legacies, but this was reversed in the case of charities if the testator left assets in equity. Also, in disputes between private legatees and a charity, the charity had priority. This had been true before the Statute of 1601, and was confirmed by Lord Ellesmere in *Damus'* case in 1614. However, in the eighteenth century 'debts were ordered to be paid before charitable legacies, and charitable and private legacies were required "to abate in proportion, for they were but legacies"'. Decisions of this nature were more frequent after the passing of the Mortmain Act, 1736.[100]

ix) *Restriction of the defence of bona fide purchase.*

The 1601 statute protected those

> persons which hath purchased or obtained, or shall purchase or obtain, upon valuable consideration of money or land, any estate in, or interest of, in, to or out of any lands, tenements, rents, annuities, hereditaments, goods or chattels that have been or shall be given, limited or appointed to any of the charitable uses above mentioned, without fraud or covin, (having no notice of the same charitable use).

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99 Jones, *Law of Charity*, pp. 95-96.

100 Jones, *Law of Charity,* pp. 96-97, 156-159.

> Decisions in Chancery limited the scope of this proviso. The consideration had to be land or money, and of a reasonable value. Notice given to an infant bound him as an adult, and notice was deemed to have been given in a wide variety of cases, so that it was very difficult for a purchaser to plead ignorance of the charitable use.[101]

In addition to these privileges in law and procedure, there were fiscal advantages in being a charity. Under the Poor Law Act, 1601, all real property was liable to a rate for the support of the poor. From 1601 until 1950 the assessment of rateable value (being the value of clear annual rent that the property could realise), was the responsibility of the local authority.[102] Over that period various exemptions and reliefs have existed, some by statutory authority, and some by discretion of the local authority.[103]

> Thus, where houses and lands given to charitable uses, were by a private act declared "freed, discharge, and acquitted of and from the payment of all and every manner of taxes, charges and assessments, civil or military whatsoever" and that the occupiers shall not at any time hereafter be rated, etc., for or towards any manner of public tax, assessment, or charge whatsoever, they were held exempt from the poor's rate, it being considered a public tax, or levy of the parish, within 3 Will. & Mary c.11 s.6.[104]

Appeals against assessment were to be referred to the general quarter sessions of the county, or to the corporation sessions of towns.[105] As with other aspects of charity law, the exemption from rates was built up by case law, often of a very confusing or even contradictory nature. It was not until the House of Lords decision in *Mersey*

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101 Jones, *Law of Charity*, pp. 97-101.

102 By section 33 of the Local Government Act, 1948, the responsibility passed to the valuation officers of the Inland Revenue. Keeton and Sheridan, *Modern Law of Charities*, p. 249.

103 Keeton and Sheridan, *Modern Law of Charities,* pp. 250-255; E. Cannan, *The History of the Local Rates in England in Relation to the Proper Distribution of the Burden of Taxation* (1898; 1927).

104 M. Nolan, *A Treatise of the Laws for the Relief and Settlement of the Poor,* 2 vols, (1805), 1, p.65.

105 Nolan, *Treatise of the Laws,* 2, pp. 268-269.

Docks and Harbour Board v. *Cameron* in 1836 that it was finally confirmed that charities only had exemption if conferred by statute.[106] In preceding cases it had generally been accepted that almshouses and hospitals were not rateable, although it usually only applied to those parts inhabited by the inmates. The quarters of masters and officers were rateable.[107] Property vested in feoffees to charitable uses, but not used for charitable purposes, was fully rateable.

These principles applied to other taxes and duties. House duty was not payable on any hospital or house for the reception of poor people. There were, however, conflicting decisions. In February 1779 judges determined that the officers' houses at Greenwich Hospital were exempt, yet in February 1781, in the case of Sutton's Hospital, 'commissioners were of the opinion, that the respective houses of the officers which were within the bounds and had communication with the hospital, were subject to the duty', and the judges agreed. House Duty was not payable 'for any dwelling house, cottage or tenement, whereof the occupier, by reason of his poverty only, is exempted to the payment from church and poor.'[108] Very similar judgements were made in relation to the payment of Window Tax, under 38 Geo. III, c.40.[109] The land tax assessments and exemptions, as stated in the Act of 4 Will. & Mary, were fixed as they stood on 25 March 1693, and were confirmed by 38 Geo. III, c.5.

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106 Keeton and Sheridan, *Modern Law of Charities*, p. 251.

107 *K.* v. *Walden* T. 23 Geo. III, almshouses deemed not rateable; *K.* v. *Woodward* M. 33 Geo. III, trustees of a Quaker meeting house were rated, but the rate was quashed, as the meeting house only housed a door keeper and certain poor people maintained by charity trustees; *K.* v. *John Catt* T.35 Geo. III, master of a free school appointed by a minister and inhabitants of a parish was liable for rates on a house provided to him free of rent. R. Burn, *The Justice of the Peace and Parish Officer,* 4 vols (Nineteenth edn, 1800), 3, p. 804. In principle hospitals were rateable 'for no man, by appropriating his land to a hospital, can discharge or exempt them from taxes to which they were subject before, and throw a greater burden upon his neighbours.' However, in the case of St. Luke's Hospital for Lunatics, M. 1 Geo. III, it was held that the part occupied by patients was not rateable, only that part occupied by officers of the hospital, the physician, chaplain, etc. Burn, *Justice*, 3, p. 806.

108 Burn, 2, p. 789.

109 Burn, 2, p. 771.

Exemptions were given to the colleges and halls of the universities of Oxford and Cambridge, the colleges of Windsor, Eton, Winton and Westminster, and other colleges, hospitals and almshouses, 'but this shall not discharge any tenants of any houses or lands belonging to the said colleges ... who by their leases or other contracts are obliged to pay and discharge all rates, taxes and impositions.' Lands given to charities since 4 Will. & Mary were not exempted, as 'this would lay a greater burden upon all the rest. But charities then exempted do lay no greater burden upon the rest, because they are not charged in the general sum upon the division at that time.'[110] 'The land tax was made perpetual at the current rate in 1798, with an option to redeem the tax. Trusts were required to sell property in order to meet this cost, and for small trusts it was a hardship. Thus in 1806 a waiver was granted to trusts with an income of £150 or less.'[111]

Restrictions

Although charity in general was approved, the reluctance to support religious charities continued, and the fear that people on their deathbed were being persuaded to make bequests to the church was one of the reasons for the passing of the Statute of Frauds in 1677.[112] This suspicion of church charities increased with the establishment of Queen Anne's Bounty in 1704, designed to augment the livings of the poorer clergy. Initially founded with the papal annates, which had fallen to the Crown at the Reformation, this charity soon began to acquire large estates, being exempted from current mortmain legislation.[113] There were concerns about the

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110 Burn, 3 p. 52

111 R. Tompson, *The Charity Commission and the Age of Reform* (1979), p.62.

112 29 Car. II, c. 3, 'Act for the Prevention of fraudulent practices in setting up Nuncupative Wills, which have been the occasion of much Perjury'; Alvey, *From Chantry to Oxfam*, pp. 19-20. For the anti-clerical spirit of the early eighteenth century see Jones, *Law of Charity*, p. 109.

113 2 & 3 Anne, c. 20; Alvey, p. 20; Jones, pp. 109, 111. In the debates before the passing of the Mortmain Act, 1736 'the Bounty is referred to over and over again in terms of fear and dread.'

amount of property coming under the control of other charities, too. Men complained that charities were benefiting at the expense of heirs. In 1721 Lord Harcourt said that he liked charity well, but he would 'not steal leather to make poor men's shoes.'[114] There was also a fear that land held in mortmain was in-alienable, and would thus restrict the land market, and result in economic stagnation. In fact this was a misunderstanding of the legal position. A corporation properly constituted had as much power over land as a natural person.[115] These fears, of over powerful corporations, of dis-inherited heirs, and of a restricted land-market were factors in the introduction by Sir Joseph Jekyll of a new Mortmain Bill in 1736.[116] 'Both in and out of Parliament the Bill was interpreted as an instrument for preventing "the mistaken Charity of men, who, in such Circumstances are apt to hope to compound for the faults of their past Life, by a Fine to be paid by their Heirs to some use which they call a Religious one."'[117] The wording of the preamble confirms these motives:

> Whereas Gifts or Alienations of Lands, Tenements or Hereditaments, in Mortmain, are prohibited or restrained by Magna Carta, and divers other wholesome Laws, as prejudicial to and against the common Utility; nevertheless this public Mischief has of late greatly increased by many large and improvident Alienations or Dispositions made by languishing or dying

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Oosterhoff, 'The law of mortmain ...' pp. 277-278, 280; Owen, *Philanthropy*, p. 87. For mortmain see above, pp. 37-8.

114 Alvey, *From Chantry to Oxfam*, p. 20; Stebbings, 'Charity land', p. 11.

115 The Master of the Rolls observed in 1818 'there is no positive law which says that in no circumstance shall there be an absolute alienation by charity trustees.' However, restrictions had grown up around the powers of alienation. Ecclesiastical corporations were the first to be affected, from 13 Eliz. I, c. 10, Ecclesiastical Leases Act 1571. 'These restrictions upon ecclesiastical corporations contributed to the mortmain confusion. [which] was, furthermore, reinforced by the exemption of charitable trusts from the rule against perpetual trusts... non-charitable trusts were subject to the rule ... could last no longer than the Common Law perpetuity period of a life and twenty-one years.' The powers of charity trustees to alienate did become restricted as part of the legislature's concern to see the proper application of funds to the stated objects. Stebbings, 'Charity Land', pp. 12-13.

116 9 Geo. II, c. 30 is known as the Mortmain Act, 1736, but its proper title is 'an Act to restrain the disposition of lands, whereby the same become inalienable.' Jones, *Law of Charity*, pp. 109-119.

117 Owen, *Philanthropy,* p. 87.

Persons, or by other Persons, to Uses called Charitable Uses, to take place after their Deaths to the Disherison of their Heirs.[118]

The remedy put forward by the Act was that gifts of land, or money to buy land, to charitable uses had to be made by deed, executed before two witnesses, at least twelve months before the decease of the grantor. It then had to be enrolled in the Court of Chancery within six months of execution. Transfers of stock had to be entered in the public books of stock transfer six months before the donor's death. Gifts made other than as directed by this act were utterly void. As with other charity legislation, the universities of Oxford and Cambridge, and the colleges of Eton, Winchester and Westminster were exempt. Section five did curtail the collection of advowsons by colleges. No college was to hold more advowsons than equalled half the number of fellows; if they already had that number, they were to acquire no more. Owen said that it is difficult to gauge the effect of the Act in limiting gifts to charities, but that the very strict construction which was put upon the law by the courts certainly frustrated many intended gifts. He quoted Lord Herschell, Lord Chancellor in the late nineteenth century, as saying that the Statute led to an enormous amount of litigation, and 'to distinctions being drawn which I do not think anybody could call other than absurd'.[119]

One of the more absurd results of this Act, according to Jones, was its effect of widening the definition of charity.[120] Now heirs, and their lawyers, had means to frustrate the charitable bequests of testators. Before the Mortmain Act there had rarely been a need to define 'charity'; the generally accepted understanding sufficed. In cases of doubt the preamble to the Charitable Uses Act served as a guide line, although it was always understood that there were charitable uses which were not listed there.

118 9 Geo. II, c. 30.
119 Owen, p. 88.
120 Jones, *Law of Charity*, pp. 128-133.

The main criterion used in deciding whether a use was charitable, was whether there was a 'public benefit'. In 1607 Sir Francis Moore, in his *Reading* on the Statute, had emphasised 'that all charitable uses were "publique" uses.'[121] In 1767 Lord Camden defined a charitable gift as:

> a gift to a general public use, which extends to the poor as well as the rich, [of which there are] many instances in the statute of 43 Eliz. carrying this idea, as for building bridges.[122]

Jones said that 'there is no reported case of a devise being saved from the Mortmain Act, 1736, by a finding that the particular public object was not charitable.' Consequently, many charitable bodies tried to divest themselves of charitable status, and much complicated litigation ensued.[123]

In 1804 a case came to court, *Morice* v. *Bishop of Durham,* during which counsel promulgated a classification of charity, which became the basis of all modern definitions. In fact, this was not a case of mortmain, but of failure of the devise because of uncertainty. The testatrix had bequeathed the residue of her personalty for 'such objects of benevolence and liberality as [her executor] the Bishop of Durham in his own discretion should most approve of.'[124] Much rhetoric was expended upon the question of whether 'benevolence and liberality' could be construed as 'charity.' Samuel Romilly, acting for the next of kin, argued that they could not. The Master of the Rolls, Sir William Grant, held that the bequest was void for uncertainty. He said that in court the meaning of 'charity'

> is derived chiefly from the Statute of Elizabeth (43 Eliz. c.4). Those purposes are considered charitable, which the State enumerates, or which by analogies are deemed within its spirit and intendment; and to some such purpose every

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121 Jones, p. 121

122 Jones, pp. 12-123.

123 Jones, p. 128.

124 Jones, pp. 122-127; Keeton and Sheridan, *Modern Law of Charities*, pp. 41, 134

> bequest to charity generally shall be applied. But it is clear liberality and benevolence can find numberless objects, not included in the statute in that largest construction of it.'[125]

The case went to appeal, before the Lord Chancellor, Lord Eldon, who upheld the finding of the lower court. During the hearing Sir Samuel Romilly put forward a categorisation of charity, based on the 1601 preamble:

> There are four objects, within one of which all charity, to be administered in this court, must fall. First, relief of the indigent; in various ways: money: provisions: education: medical assistance, etc.; Secondly, the advancement of learning: Thirdly, the advancement of religion; and Fourthly, which is the most difficult, the advancement of objects of general public utility.[126]

Thereafter, the Elizabethan preamble played a more prominent role in decisions on what constituted a charity. 'The equity, or "spirit" of the preamble, as it was to be called, was elevated into the Delphic oracle of legal charity'. The case also 'confirmed the fundamental distinction ... between the trust which is charitable and for the public benefit, and the trust which merely benefits the public.'[127] Much of this hair-splitting over what was or was not a charity stemmed from the Mortmain Act, 1736.

Regulation

The supervision of charitable trusts weakened during the eighteenth century. The steady decline of the commission under 43 Eliz. I, c. 4 has already been noted.[128] The alternative procedure of laying an information before the Attorney-General,

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125 (1804), 9 Ves. 399, 405; Jones, p. 124.

126 (1804), 10 Ves. 522, 532; Jones, p. 124. Romilly's categorisation was reformulated in 1891 by Lord Macnaghten in the case of *Commissioners for Special Purposes for Income Tax* v. *Pemsel.* While never accepted as definitive, 'there has been ... an assumption that some coherence is retained if reference is made to certain observations of Lord Macnaghten ..."Charity in its legal sense comprises four principal divisions: trusts for the relief of poverty; trusts for the advancement of education; trusts for the advancement of religion; and trusts for other purposes beneficial to the community, not falling under any of the preceding heads."' Keeton and Sheridan, *Modern Law of Charities,* p. 25

127 Jones, *Law of Charity*, p. 127.

128 See pp. 48-9 above.

representing the King as *Pater Patriae*, was not lightly to be undertaken. The relator, who made the allegation of abuse, was liable to be drawn into lengthy legal proceedings in the Court of Chancery, often to his own financial ruin.[129] There was one attempt to establish a Board for the Recovery of Charitable Bequests in 1758, but it had very little effect.[130] The first real attempt to examine the state of charities in England and Wales came in 1786, during a period of hard times, political disturbance, and agitation for political and administrative reform. In that year an Act requiring Returns of Charitable Donations was passed, promoted by Thomas Gilbert.[131] When the Act was passed, it was designed 'to supplement another Act, passed shortly before, which called upon overseers to report statistics on Poor Law expenditure for the years 1783-85. Clearly, both poor rates and charitable income must figure in a calculation of the nation's resources for the care of the poor.[132] The very act of responding to the enquiry must have made some parishes examine the records and administration of their charities, and many of the charity boards in churches date to this period. The churchwardens of Napton recorded on 14 September 1786, 'pd. for writing a Copy & filling up the Schedule of Charitys [sic] etc. 2s. 6d. Spent when carried the above to the meeting 3s.' Six years later they paid £3 7s. 9d. 'for Donations in the Church Writing & the Board over the porch door and Expenses.'[133]

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129 Jones, *Law of Charity*, p. 161; Owen, *Philanthropy*, p. 85. H. Horwitz and P. Polden, 'Continuity or change in the Court of Chancery in the seventeenth and eighteenth century?',*Journal of British Studies,* 35 (1996), pp. 24-57.

130 32 Geo. II, c. 28; Tate, *Parish Chest*, p. 112.

131 26 Geo. III, c. 58. Four years before, Gilbert had given his name to one of the most important statutes of poor law legislation, 22 Geo. III, c. 83 (Gilbert's Act). This was the culmination of a campaign for reform of the poor law which had been in train since the middle of the century. Thomas Gilbert was at the forefront of this campaign, and the 1782 Act provided for a combination of workhouse provision for the impotent, and work for the able, with subsidised wages or support for the unemployed if necessary. Slack, *English Poor Law*, p.43

132 26 Geo. III, c. 56; Owen, *Philanthropy*, pp. 85-86.

133 W.C.R.O. N1/5 Napton Churchwardens' accounts, 1764-1873.

The Act only applied to charitable trusts 'for the benefit of poor persons', and required ministers and churchwardens to return on oath answers to the following questions:

> Question the 1st. What charitable donations have been given, by deed or will, for the benefit of poor persons, within your parish (*or* place); by whom, when, in what manner, and for what particular purpose, were they given, to the best of your knowledge, information and belief?
>
> Question the 2d. Were the said respective donations in land or money; in whom are they now vested, and what is the annual produce thereof respectively, to the best of your knowledge, information and belief?[134]

Anyone concealing knowledge of land or money given to charitable uses which they held was liable to forfeit half the value. There was a very good response; it is said that only thirteen of the fourteen thousand parishes circulated failed to reply. However, when the replies were examined, it was discovered that much information was missing. A supplementary circular was sent to four thousand parishes, of which about four-fifths replied. A printed abstract was prepared, with the supplementary information given in red - in some cases 'the corrections and additions are so numerous as to give to the page a certain artistic elegance.'[135] Some charities were entered as 'lost', but there is no way of knowing from these returns how many charities were not even recorded as having once existed.[136] While much evidence was thus brought to light, nothing was really done with it, until thirty years later Lord Brougham began using the Gilbert Returns as part of his attack on the corruption of charity administration and the returns were reprinted by order of the House of Commons in 1816.[137]

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134 26 Geo. III, c. 58

135 Owen, *Philanthropy*, p. 86.

136 The returns for Warwickshire are analysed in Chapter 3. Jordan expressed a high opinion of the probity of trustees, *Philanthropy*, pp. 116-17.

137 Although Brougham himself called the returns 'exceedingly defective' in 1819, when making the case for the need for a new inquiry. Tompson, *Charity Commission*, p. 101.

During those thirty years, for the greater part of which England was at war with France, the cost of poor relief was rising, and was brought to crisis point by the end of the wars. Public concern was expressed not only about the heavy rates occasioned, but also about the seemingly endless increase in the numbers of the poor, and about the moral impact of relief upon them. Parliamentary Committees produced Reports on the Poor Laws in 1816 and 1817, and there was a Select Committee on Labourers' Wages in 1824.[138] As at previous times of social distress, the role and effectiveness of private charity was also investigated. In 1809 a Bill for 'registering and securing charitable donations for the benefit of the poor people of England' was introduced, but failed.[139] Over the next few years other similar Bills were introduced, seeking to ensure the registration and public knowledge of charitable trusts. During the debate on Lockart's Bill for charity registration in 1811, Samuel Romilly pointed out that the

> continuance of these abuses did not proceed from ignorance of the nature of the charitable institutions, for the nature of the institutions and the abuses committed with respect to them, were notorious; but from the difficult and expensive nature of the remedy provided by law ... [T]he true remedy for this evil was to put an end to all this expense and delay, and to enable the Chancellor and the Master of the Rolls to act ... in summary way, upon petition and affidavits. If this mode of proceeding were adopted ... these evils would soon be corrected.[140]

Lockart's Bill was re-introduced in 1812, with a clause drafted by Romilly to provide 'a more summary remedy'. This clause became a separate Act, and both were passed in July 1812. The Charities Procedure Act provided that any two or more persons could petition the Lord Chancellor or the Master of the Rolls about any breach of

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138 Oceans of ink have been spilt, both at the time and by later historians, upon the cost, administration and effect of the Poor Law during this period. For a brief overview, see J. D. Marshall, *The Old Poor Law, 1795-1834* (Second edn, 1985).

139 It was introduced by the evangelicals Samuel Whitbread, William Wilberforce, George Rose and Scrope Bernard. Tompson, *Charity Commission*, p. 90.

140 Jones, *Law of Charity*, p. 165.

trust, and that such petition should be heard 'in a summary way, upon affidavits or other such evidence as shall be produced.'[141]

Neither of these two Acts was very effective. The Procedure Act was 'hastily and loosely drafted' and 'it was restrictively interpreted in the courts.'[142] The Charitable Donations Registration Act was even more lamentably badly drafted, and poorly obeyed. The Act contained an even longer list of exemptions than usual, including the universities, royal foundations, friendly societies, and

> any charitable donation whatsoever which by the direction of the donor thereof, or by the lawful rules of any charitable institution whatsoever, may be wholly or in part expended in or about the charitable purposes for which the same may have been given, at the discretion of the Governors, Directors, or Managers, or the Trustee or Trustees of such charitable institution at any time whatsoever.[143]

As Tompson said, 'it is only surprising that nearly 700 trusts did register, for this clause exempted any charity whose trustees bothered to read it.'[144] The Warwickshire Clerk of the Peace obviously expected compliance, for he obtained a big new book to record the entries. Despite insertion of notices of the obligation to register in *Aris' Birmingham Gazette, Birmingham Chronicle, Warwick Advertiser* and *Coventry Mercury* only fifteen charities registered between 1813 and 1853, eleven of them in the first two years.[145]

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141 52 Geo. III, cc. 101 and 102; Tompson, *Charity Commission*, p. 91. Sir Frederick Thesiger, Attorney General in the mid-nineteenth century 'dryly remarked' that 'summary must be interpreted according to the glossary of the Court of Chancery'. 3 Hansard, 120:21, quoted in Owen, *Philanthropy*, p. 183. There was public interest in the legislation, and the re-introduction of Lockhart's Bill on 9 January 1812 was noted in the *Warwick Advertiser*, 18 January 1812.

142 Jones, *Law of Charity,* p. 165.

143 52 Geo. III, c. 102.

144 Tompson, *Charity Commission*, p. 92.

145 W.C.R.O. QS 69/1 Returns of Charitable Donations, 1813-53.

The Age of the Charity Commissions

Thus, at the beginning of the nineteenth century there was a long-established body of statute and case law governing the regulation of charitable trusts, of which there were many thousands in England and Wales.[146] There were also growing numbers of charitable enterprises that were not established by endowment. Since the seventeenth century it had been possible to create voluntary associations to further some charitable object (often the establishment of a school), with funds raised by subscription. The amount of this 'associated philanthropy' grew during the eighteenth century, and by the 1830s 'the probable total of non-endowed charity funds exceeded the endowed.'[147] The legal status of such organisations was ambivalent. Ever since the Thetford School case in 1610, voluntary associations had been regarded as 'express trusts', and therefore subject to the law of trusts.[148] Yet they were not 'charities' within the intendment of the preamble to the Charitable Uses Act, 1601. The case of 'collecting charities', a development of the nineteenth century whereby small sums were collected anonymously, was even further outside legal control. There were many charities whose funding was 'mixed', posing complicated questions of jurisdiction. There was mounting concern that in certain cases the law, and the wishes of the

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146 Scottish law did not recognise the device of a trust or use.

147 Tompson, *Charity Commission*, p. 183. For a general discussion of 'associated philanthropy' see Alvey, *From Chantry to Oxfam*, pp. 33-35; R. J. Morris, 'Voluntary societies and British urban elites, 1780-1850: an analysis' in P. Borsay, ed., *The Eighteenth Century Town: a Reader in English Urban History, 1688-1820* (1990), pp. 338-66; Owen, *Philanthropy*, pp. 3, 11-12, 71-72, 181, 596.; P. Clark has much of interest to say about the rise of associations, *British Clubs and Societies, 1580-1800: The Origins of an Associtional World* (Oxford, 2000), pp. 81-3, 105-9, 140 refer particularly to philanthropic societies. The development of philanthropical associations may have been influenced by the formation of joint stock companies, and also by the self-funding activities of various religious sects. This was not confined to Dissenting sects, as a number of Catholic congregations also maintained their priests and mass-houses from local subscriptions. Dom. S. Simpson, *A Centenary Memorial of St. Osburg's* (Bath, 1945), p. 8.

148 F. J. Gladstone, *Charity, Law and Social Justice* (1982), pp. 42-43. A Warwickshire example is the Hampton Town Lands Trust, the income of which was to 'apprentice a poor boy of Hampton to a handicraft trade'. The purchase money for the nine acres had been raised by subscriptions in 1686, from twenty-three persons, ranging from £20 from Sir Henry Parkes, to ten shillings from Elizabeth Gardener, widow. W.C.R.O. QS 69/1 ff. 61-64.

donors, were not being respected. It was also apparent that the machinery for dealing with such abuses (the Court of Chancery), was grinding too slowly to be effective.[149]

The early decades of the nineteenth century saw many campaigns for the reform of law, local government and poor relief, all of which had effects on charities and their administration. The attempts to reform the common and civil law faced great opposition from the vested interest of lawyers who profited from long drawn out cases, and of the court officials, whose income depended on fees for often repetitive and pointless procedures. The Lord Chancellor himself, Lord Eldon, was one of the chief opponents of reform of the Court of Chancery. It was Lord Brougham, that inveterate campaigner, who raised the question of legal reform in 1828. When he became Lord Chancellor himself 'he simplified the procedure of the high courts, laid down new rules for the court of chancery, abolished many sinecure posts, and, in spite of the opposition of chancery lawyers, set up a new court to deal with bankruptcy cases.'[150] However, even twenty years later there were still complaints about the slowness of chancery cases, so it is difficult to assess the real benefits to charities (and others) of these measures.

One of the main targets for reform was local government, particularly the government of the municipal corporations. Many of these bodies acted as trustees for

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149 In the sixteenth century the Court of Chancery had been seen as a source of speedy and equitable justice, but even from the early seventeenth century there were complaints about the slowness with which it dealt with cases. The number of cases referred to it declined in the late seventeenth century, but slowly began to increase again in the later eighteenth century, with a greater proportion being trust cases. By then the greater flexibility of Chancery procedure compared to Common Law had atrophied, and 'there can be no doubt that the Court of Chancery's performance degenerated seriously between the later seventeenth century and the later eighteenth and early nineteenth century.' Horwitz and Polden, 'Continuity or change in the Court of Chancery', p. 53.

150 Ll. Woodward, *The Age of Reform, 1815-1870* (1938; 1979), p. 472.

charitable estates, with varying degrees of probity and success.[151] In 1833 a Commission was established to investigate the municipal corporations. Commissioners, many of them young barristers of a reforming temper, visited each town and drew up a report on its structure and conduct. The overall report was 'rhetorical and unfair', but the main case for the reform of the corporations was unanswerable.[152] In Coventry the Town Clerk, Mr. Carter, interleaved his copy of the Commissioners' report with blank pages on which he wrote caustic comments on their findings. During the passage of the Bill he spent time in London with other Town Clerks lobbying the members of the House of Lords.[153] In September 1835, after a number of readings and amendments, the Municipal Reform Act was passed. One of its provisions was that any charities in the control of the old corporations should henceforth be administered by independent trustees. However, the representatives of the old dispensation continued to fight a rearguard action to influence the appointment of the new trustees. After the establishment of the new Town Council in Coventry Mr. Carter remained as Town Clerk and continued to work with others in similar positions. In the winter of 1836/37 he was corresponding with A. A. H. Beckwith, Town Clerk of Norwich, about the appointment of trustees for municipal charities, and mention was also made of the case of Exeter. There, they had been advised 'to carry in a new list of names, in the place of those in our first list who are town councillors they being objected to by Parkes on the ground that several Chancery suits are now pending against the Old Corporation which have descended to the Town

151 'The Municipal Corporation had, in nearly every case, undertaken more or less responsibility in the capacity of what we might call Public Trustee ... [and] had incurred a moral if not a legal responsibility.' S.& B. Webb *English Local Government, Vol. 2: The Manor and the Borough* (1908), pp. 286-87.

152 Woodward, *The Age of Reform*, p.460.

153 F. Smith, *Coventry: Six Hundred Years of Municipal Life* (Coventry, 1945), pp. 112-119. It has been suggested that the Municipal Corporations Commissioners' comments about the Coventry charities were deliberately 'contrived to present a picture of corruption.' *V.C.H.*, 7, p. 399.

Council as defendants and which will have to be taken up by the new Trustees as Plaintiffs.'[154] In Coventry the charities under the control of the old corporation were divided into the Coventry General and the Church Municipal Charities, under separate sets of trustees. In Warwick the old corporation charities were not divided, but became known as the Municipal Charities, under the care of 21 trustees.[155]

That smaller unit of local government, the parish, also came under the reformer's eye. Most parishes were governed by some form of vestry, either 'open' or 'close' or 'select'.[156] There was a double pronged attack on parish government, some legislation tending to tighten the control of select vestries, and others to strengthen the position of elected vestries. In 1818 and 1819 two Acts were passed, known as the Sturges Bourne Acts. They arose from enquiries into the administration of the poor law in 1817. These Acts enabled parishes to adopt government by a select vestry and instituted a system of voting which concentrated power ever more effectively in the hands of the wealthier householders.[157] On the other hand, Hobhouse's Act of 1831 allowed parishes, by a two thirds majority vote of ratepayers, to adopt a system of vestries to be elected by all ratepayers, men and women, by ballot. This system was not widely adopted outside the metropolitan area, partly because of the decline of the power of the vestry after the passing of the Poor Law Amendment Act, 1834.[158] Although that Act removed most responsibility for poor law relief from the vestry and the parish officers, it left them control of many parish charities. The rigorous recommendations of the Poor Law Amendment Act and the doctrine of 'lesser

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154 C.C.A., 14/6/16 –18 Correspondence of Town Clerk, 1836-37.

155 *V.C.H.*, 7, pp. 399, 544.

156 For the complex variety of local structures see S. & B. Webb, *English Local Government, Vol. 1: The Parish and the County* (1906), pp. 9-276.

157 58 Geo. III, c.69; 59 Geo. III c. 12. D. Eastwood, 'The republic of the village: parish and poor at Bampton, 1780-1834', *Journal of Regional and Local Studies*, 12 (1992), pp. 18-28, p.22. Webb, *Parish and County*, pp. 154-57.

158 1 & 2 William IV, c. 60. Webb, *Parish and County*, pp. 273-75

eligibility' reflected a wide-spread hardening of attitudes towards the feckless poor. This discrimination between the 'deserving' and the 'undeserving' was to be a common theme for statutory and charitable poor relief for the rest of the century, and beyond.

The Brougham Commission of Inquiry

This is not the place to examine in detail the origins, workings and findings of the Brougham Commission.[159] However, a study of the law of charity must acknowledge its impact on the administration of trusts, and on the formulation of later legislation. As part of a long and distinguished career in politics and the law, Lord Brougham waged many campaigns. The longest running, and the one for which he is best known, was that concerning charitable trusts. His concern began in 1816, with an investigation into the education of the poor in London, later extended into the provinces. Many schools were, of course, funded by endowments, and during the course of investigation many examples of maladministration and peculation came to light - though perhaps not so many as Brougham, with his rhetorical flourishes, led the House to believe, when he made speeches calling for a thorough investigation of charitable trusts. In 1818 Parliament acceded to his demands, though confining the Commission of Inquiry to educational trusts.[160] The following year the Commission was renewed, with widened powers to investigate all charitable trusts in England and Wales.[161] That Commission expired in 1830, and the following year a new Commission was issued, which expired in 1834. This Act gave the Commissioners power to certify gross instances of breach of trust into the equity courts.[162] The fourth

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[159] For a detailed study of the Commission see Tompson, *Charity Commission*; Owen, *Philanthropy*, pp. 182-208; K. Grady, 'The Records of the Charity Commissions: a source for urban history', *Urban History Yearbook* (1982), pp. 31-37.

[160] 58 Geo. III, c. 91 Inquiry Concerning Charities, 1818.

[161] 59 Geo. III, c. 91 Charity Estates, 1819.

[162] 1 & 2 Will. IV, c. 34 Charity Commissioners, 1831.

Commission was issued in late 1835, and finally expired in July 1837.[163] During the nineteen years of their operation, the Commissioners examined the title of thousands of trusts, their objects, and their current management, and certified some to the court of Chancery.[164] The results were published in a series of reports and digests.[165] 'The Final Report listed eleven faults in charitable trust administration, and for most of them it mentioned a vague course of corrective action. However, in no case did the Board go beyond recommendations to concrete proposals.'[166]

Despite popular perceptions of the effectiveness of Commissions of Inquiry, it seems that the Charity Commission had no immediate impact on legislation. 'The actual history of the aftermath shows that in only the least direct sense did the inquiry 'lead' to anything, especially the events of 1853.'[167] During the period 1818-1852 there were certain Acts which affected charities, but they were for the most part minor adjustments, modifying ecclesiastical leases, rates and income tax, or touching particular categories such as schools, or non-conformist chapels.[168] Most passed with little difficulty, but the Roman Catholic Charities Act of 1832 aroused considerable opposition. This Act gave Roman Catholic charities the same protection which Protestant non-conformist charities enjoyed under the Toleration Act of 1689.[169]

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163 5 & 6 Will IV, c. 71, Charity Commissioners, 1835.

164 This power was used with great discretion, other forms of pressure being preferred to persuade trustees of their duties. Between 1828 and 1852 only 281 cases were certified into Chancery. Tompson, *Charity Commission*, p. 185.

165 Reports of the Commissioners for Inquiring into Charities 32 Vols (1819-40); *Index to Commissioners' Reports*, P.P. 1840 [279] xix Part II. 1; *Digest of Commissioners' Reports*, P.P. 1831-32 (963) xxix I; *Analytical Digest of the Reports*, P.P. 1843 [434] xv 1. xvii 1.

166 Tompson, *Charity Commission*, p. 175.

167 Tompson, p. 202.

168 For example, 7 Geo. IV, c. 66, Clergy Residence Act, 1826; 4 & 5 Will. IV, c. 24, Superannuation Act, 1834; 6 & 7 Will. IV, c. 20, Ecclesiastical Leases Act, 1836; 6 & 7 Will. IV, c. 96, Parochial Assessment Act, 1836; 3 & 4 Vict., c. 89, Poor Rate Exemption Act, 1840; 5 & 6 Vict., c. 35, Income Tax Act, 1842.

169 2 & 3 Will. IV, c.115, Roman Catholic Charities Act, 1832. Roman Catholic charities were finally indemnified against their 'superstitious' origins by 23 & 24 Vict., c. 134, Roman Catholic Charities Act, 1860.

From the mid-1840s there were renewed campaigns to bring in reforms of charity law, and to create a permanent supervisory body. Books and articles were written in support of the campaign.[170] Thirteen Bills were introduced and defeated with monotonous regularity, until the Charitable Trusts Act was passed in 1853. 'While the inquiry of 1818-37 was a vital preliminary, in no way did it lead to the established board.'[171] The final spur was given by the Royal Commission of 1850-51, established to enquire into cases of abuse discovered by the earlier Commissions, but not certified into Chancery.

The Charity Commission

On 19 April 1853 Lord Cranworth introduced a new Bill into parliament, for 'the better Administration of Charitable Trusts.' After much debate and some amendment it received the royal assent on 20 August 1853.[172] Beginning with the words 'whereas it is expedient to provide Means for securing the due Administration of Charitable Trusts, and for the more beneficial Application of Charitable Funds in certain Cases', it went on, in 68 clauses, to set up a permanent Commission with wide powers of inquiry and regulation, which has endured in its essentials until today. The main provisions of the Act were as follows:

a) ss.1-7 The Board to comprise four Commissioners, one Secretary and one Inspector, with details of salary and method of operation.
b) s. 8 Reserving the right of the Attorney General to instigate actions.
c) ss. 9-15 Outlining the powers of investigation
d) s.16 Charitable Trusts may petition the Board for advice.
e) ss. 17-28 The legal procedures of the Board, including certifying cases into Chancery.
f) ss. 29-46 The jurisdiction of the Board and its relations with other courts.

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170 For example, W. F. Finlayson, *An Essay on the History and Effects of the Laws of Mortmain* (1853). In fiction, Charles Dickens satirised the workings of the law of trusts in the case of *Jarndyce* v. *Jarndyce* in *Bleak House,* which was published in monthly parts in 1852-3.

171 Tompson, *Charity Commission*, p.203.

172 16 & 17 Vict., c. 137, Charitable Trusts Act, 1853.

g) ss. 47-50 The Treasurer of the Board to be the Treasurer of Public Charities, a Corporation Sole capable of holding real property on behalf of public charities.
h) ss. 51-53 The Secretary of the Board to be official Trustee of Charitable Funds, to hold stocks and shares for public charities.
i) ss. 54-59 The Board to have power, upon application by the trustees, to apply new schemes for the application or management of the charity, with the approval of the attorney general.[173]
j) s.60 The Board to render annual reports to parliament.
k) s. 61 Charitable Trusts to return annual accounts to the Board, and to lodge copies thereof with the clerks of the county court.
l) s. 62 A long list of charities exempted from the provisions of the Act.
m) s. 63 Exempt charities may apply to be brought within the Act.
n) s. 64 Power of the Board to arbitrate in disputes among trustees and managers of exempt charities.
o) ss. 65-68 miscellaneous provisions, construction and title.

The Times greeted this Act with enthusiasm: 'We have never seen a more complete or efficient measure' it trumpeted.[174] While this is somewhat of an exaggeration, it is true to say that the 1853 Act laid the foundations for major reforms of charity administration. The powers of the Board were strengthened by various amending Acts between 1855 and 1869, particularly by abolishing the need for many of their decisions to be ratified by Chancery.[175] One of the most important provisions was the amendment in 1855 which nominated the Secretary of the Board as the Official Trustee of charity lands and stock, and which abolished the need for such transfers to be approved by the courts. Many small charities gratefully seized the opportunity of safe keeping for their lands and stock, while retaining the management of the income. Between 1853 and 1864 there were 12,828 applications to transfer title

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173 The original draft contained powers for creating *cy-près* schemes, but this was omitted from the Act as passed. The *cy-près* powers created by the Endowed Schools Act, 1869, passed to the Charity Commission in 1874 in regard to educational charities, until 1899, but it had no wider application until 1960. Keeton and Sheridan, *Modern Law of Charities*, p. 162.

174 *The Times*, 22 July 1853.

175 17 & 18 Vict., c. 124, Charitable Trusts (Amendment Act), 1855; 23 & 24 Vict., c.136, Charitable Trusts Act 1860; 25 & 26 Vict., c.112, Charitable Trusts Act, 1862; 32 & 33 Vict., c. 26, Trustee Appointment Act, 1869. See D. Lee, 'The role of the Charity Commissioners in the development of charity law', (unpub. LL. M. thesis, University of Leeds, 1976).

and stock to the Board.[176] Many applications for removal or replacement of trustees, and for advice on aspects of management, were also received, and the small staff of the Commission was in danger of being overwhelmed. However, some very able men were appointed, and they got through a prodigious amount of work in the early years.[177] The work of the Commission in Warwickshire will be touched upon in Chapter 3.

Educational Charities

As concern with educational provision had been one of the main factors behind the establishment of the Brougham Charity Commission, so was it one of the main occasions for legislation in the second half of the nineteenth century. There were three important inquiries into educational provision in the 1860s, the Newcastle Commission (1861) on the education of the lower classes, the Clarendon Commission (1864) on the public schools, and the Taunton Commission (1867-8) on endowed schools. The whole question of education was keenly debated in these years. One of the main difficulties which hampered the efficient running of modern schools was the doctrine that the donors' original intentions should always be followed, unless they were impossible. This led to many schools providing antiquated instruction, and not being able to modernise their curricula, or there being well-endowed schools in small centres of population, while large towns might have very little provision. The Endowed Schools Act, 1869, grasped this nettle firmly, giving the newly created Education Commissioners power to alter, add to or consolidate educational trusts. It went beyond the bounds of *cy-près* in giving the Commission power to appropriate

[176] Tompson, *Charity Commission*, p. 214. W.C.R.O. CR 895/55/3 iii, correspondence between Official Trustee and trustees of the Stanhope Dormer Trust; in a letter of 22 July 1872 he assured the trustees that the transfer of stock 'in no way affects the management of the Trust'.

[177] Alvey, *From Chantry to Oxfam*, pp. 31-32; Owen, *Philanthropy*, pp. 202-208; Tompson, pp. 213-216.

obsolete trusts for doles, marriage portions, redemption of prisoners and captives and such like, established before 1800, to the use of education. Owen says 'this clause was probably the most forceful blow struck against the Dead Hand in the course of the century.'[178] Over the following years there were a number of acts dealing with endowed schools, and separate acts providing publicly funded schooling. The jurisdiction over education was split between the Charity Commission and the Education Commission. This unhelpful state of affairs obtained until the Board of Education Act, 1899 established a single authority to oversee all education. 'Here, in fact, was an instructive and prophetic example of the State's supplementing, guiding, and organising the work of private philanthropists.'[179]

Later developments

The last thirty years of the century saw wide-ranging innovations in British institutions, in extensions of the franchise, and re-organisation of local government. This re-structuring of local administration had implications for charities, and analogues in the re-structuring of charitable trusts. In part these changes were made necessary by alterations in demography. The rising populations of towns and cities put increasing strains on the available resources, statutory and voluntary, and it was found necessary to try to match needs and resources more evenly. The first such charitable re-organisation was in the City of London, where the disparity had been greatest. The square mile of the City of London had the heaviest concentration of endowments in the kingdom, many of them for objects no longer appropriate in the nineteenth century. The income increased as the population declined. By 1876 their gross receipts were just under £100,000. Whilst many of the wealthiest charities were administered by the Livery Companies, the majority were parochial charities,

[178] Owen, *Philanthropy*, p. 254.
[179] 62 & 63 Vict., c. 14. Owen, p. 273. For endowed schools see Owen, *Philanthropy,* pp. 247-275

belonging to over one hundred tiny parishes.[180] They were the object of much criticism for their management of these trusts, and of much envy, too, from the recently founded School Board. In 1883 an Act was passed which sought to iron out the imbalance between endowments and parishioners, and to increase the beneficial area to include the Metropolitan area. The Charity Commissioners were given extraordinary powers to draft new schemes for trusts, completely ignoring donors' intentions and the doctrine of *cy-près*. The five largest parishes were left to administer their own affairs, once new schemes had been drawn up, but the rest were treated together. Their endowments were examined, and divided into ecclesiastical and general. The general fund was used to support technical education and recreational facilities for the working classes throughout metropolitan London.[181]

The Local Government Act, 1894, which created Urban and Rural District Councils and parish councils, had deep significance for the administration of charities.[182] Like the London Charities Act, it divided charities into ecclesiastical and parochial. Parochial charities were those endowments the benefits of which were to be distributed to the inhabitants of one parish, or within several which were once part of one ancient parish, or within no more than five contiguous parishes. An ecclesiastical charity included endowments held for the following purposes:

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180 'As usually given, the number varies from 107-112, the precise figure depending, apparently, on how combined parishes are counted. Although originally the parish had been both an ecclesiastical and governmental unit, the lines had become badly blurred. After the Great Fire there had been no attempt to rebuild all the churches destroyed, with the result that only about sixty ecclesiastical parishes had been reconstituted.' Owen, p. 277, n. 2.

181 46 & 47 Vict., c. 36, City of London Parochial Charities Act, 1883. The Act had been preceded by a Royal Commission of Inquiry in 1880. Keeton and Sheridan, *Modern Law of Charities*, p. 168; Owen, *Philanthropy*, pp. 276-284, 290-298.

182 56 & 57 Vict., c. 73, Local Government Act, 1894. See Webb, *Parish and County*. For the duties of parish councillors see F. Rowley Parker, *The Parish Councillor* (1894); Tate, *Parish Chest*, p. 108. For the changing relationship between the Charity Commission and local government in the last two decades of the nineteenth-century see Owen, *Philanthropy*, pp. 316-317.

a) for any spiritual purpose which is a legal purpose; or
b) for the benefit of any spiritual person or ecclesiastical officer as such; or
c) for use, if a building, as a church, chapel, mission room, or Sunday school, or otherwise by any particular church or denomination; or
d) for the maintenance, repair, or improvement of any such building aforesaid, or for the maintenance of divine service therein; or
e) otherwise for the benefit of any particular church or denomination, or of any members thereof as such.
f) it also includes any building which, in the opinion of the Charity Commissioners, has been erected or provided within forty years before the 5th March 1894, mainly by the cost of members of any particular church or denomination.[183]

However, there was still the proviso that 'a trust for superstitious uses or Popish purposes - e.g. a trust for saying masses for the souls of deceased persons- though for a spiritual purpose - is not for a legal purpose, and is thus not an ecclesiastical charity.'[184]

There had already been a number of Acts providing for garden allotments to be made for poor but industrious labourers.[185] The Recreation Grounds Act, 1859 made exception to the Mortmain Act, 1736, so that land up to the value of £1,000 could be given to provide recreation grounds for adults and playgrounds for children.[186] Section six of the Mortmain Act 1888 made it charitable to provide land for the purposes of a public park. The Local Government Act, 1894 now made it possible, with the permission of the Charity Commissioners, for such land to be vested in the parish council. Parish councillors acting as trustees could approach the

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183 56 & 57 Vict., c. 73.

184 Parker, *Parish Councillor*, pp. 83-84.

185 59 Geo. III, c. 12. Sturges Bourne Select Vestries Act, 1819, allowed parishes to obtain up to 20 acres to be let at reasonable rates to industrious labourers; 1 & 2 Will. IV, c. 42, Poor Relief Act, 1831, increased the amount of land to 50 acres; 1 & 2 Will. IV, c. 59, Crown Lands Allotment Act, 1831, extended this permission to Crown Lands; 2 & 3 Will. IV, c. 42, General Enclosure Act, 1832, enabled land to be set aside for allotments at enclosure. D.C. Barnett, 'Allotments and the problem of rural poverty, 1780-1840', in E.L. Jones and g. E. Mingay (eds), *Land, Labour and Population in the Industrial Revolution* (1967), pp. 162-183.

186 22 Vict., c.27.

Charity Commission for advice, thus extending the influence of the Commission.[187] The main impact of the division into ecclesiastical and parochial charities was on the appointment of trustees. Ecclesiastical charities were left as they were, but in the case of parochial charities the parochial councils had power to appoint trustees in the stead of overseers nominated under the original deed or will. The Act did not affect the trusteeship or management of elementary schools.

The only attempt to really alter the basic legislation on which charitable trusts were founded came in 1888 and 1891, with Acts to modify the Mortmain Act, 1736. There had long been a feeling that the Mortmain Act was a bulwark against Catholic charities, and the growth of 'popery'. The Roman Catholic Charities Act, 1860, had been passed against the background of the 'papal aggression' scare. By the 1880s such anti-Catholicism had abated to a certain degree, at least in political circles. The 1888 Mortmain Act created some exceptions to the law of Mortmain, and 'ended the limitations on Roman Catholic bequests imposed by the Charitable Uses Act of 1736.'[188] However, it left the majority of charities still under the constraint of Mortmain. A further Act in 1891 allowed bequests of land to other types of charity, as long as that land was sold within a set period, and the proceeds invested on behalf of the trust, thus allowing bequests to charities, but preventing land becoming tied up in 'the dead hand' of a trust.[189] After the timid assault on Mortmain, there was no

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[187] 39 & 40 Vict., c. 56, Commons Act, 1876; 45 & 46 Vict., c. 80, Allotments Extension Act, 1882; extended by 6 Edw. VII, c.25, Open Spaces, 1906; 8 Edw. VII, c. 36, Small Holdings and Allotments Act, 1908. Parker, *Parish Councillor*, p. 87. Owen, *Philanthropy*, p. 317. 22 Vict., c. 27, Recreation Grounds Act, 1859; 51 & 52 Vict., c. 42, Mortmain and Charitable Uses Act, 1888, section six exempted assurances and bequests of land to public parks, schoolhouses for elementary schools, and to museums. Keeton and Sheridan, *Modern Law of Charities*, p. 94.

[188] 51 & 52 Vict., c. 42, Mortmain and Charitable Uses Act, 1888. W. L. Arnstein, *Protestant versus Catholic in Mid-Victorian Britain: Mr. Newdegate and the Nuns* (Columbia and London, 1982), p. 218; Alvey, *From Chantry to Oxfam*, p. 33; Owen, *Philanthropy*, pp. 318-321.

[189] 54 & 55 Vict., c. 73, Mortmain and Charitable Uses Act, 1891. The Bill had been introduced under the auspices of the Hospital Association, and generated much debate about 'how far such

concerted agitation for the reform of charity law for decades. Owen ascribes this in part to the declining vigour of the Charity Commission itself. The Commissioners performed their roles with skill and duty, but no longer with passion, and made no more demands for greater powers.[190]

This chapter has traced the development of charity law through some thousand years of English history. Certain features have been enduring until recent times: the close links between charity and religion; the tendency for charities to be confined to a particular locality, or to a particular class of recipient; the desire for the wishes of the original donor to be observed, linked to an almost sacred reverence for property; the early acknowledgement by the state of the validity of charity, followed, from the sixteenth century, by attempts to control and direct it. During the nineteenth century some of these features began to alter: for some people 'social science' began to replace religion as the motive force behind philanthropic action; national organisations arose; more charities were supported by associations, rather than by individual benefactors; the state took much more positive steps to control charities, even occasionally over-riding the donor's original intentions. However, even by the middle of the twentieth century the contours of the law of charities were much as they had been three hundred and fifty years before - based on the holding of lands or funds in trust for a range of generally agreed charitable purposes, locally administered, but with legal sanctions for infringement of that trust, as acknowledgement by the state of the need for those purposes.

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restrictions ought to exist at all.' L. S. Bristowe, 'Legal restrictions on gifts to charity', *Law Quarterly Review,* 7 (1891), pp. 262-272.

190 Owen, *Philanthropy*, p. 329.

Chapter 3:
The Structure of Endowed Charities

This chapter will examine the incidence and structure of endowed charities. The first part will look at the evidence for the number of endowed charities operating in Warwickshire in the eighteenth and nineteenth centuries and the ways in which they were established and administered. It will analyse their value and their geographical distribution around the county, with reference to the population density and economic structure of the locations. Then there will be an examination of the legal forms of their governing instruments, their donors and trustees.

The Distribution of Charities

It is difficult to be sure just how many endowments were dispensing charity at any one time, and in any case a purely numerical count of charities would explain relatively little about the effect or meaning of charity. What was really important at the time was the purpose of the charity, its value and how it was administered. Historians may be equally interested in the objects of charities, their dates of foundation and any changes in their popularity over time. These will be discussed in Chapters 5 and 6. There are four main sources of governmentally produced information, each with their own inherent problems of accuracy and interpretation, which give an even spread of 'snapshots' across the period. These were reports published in 1788, 1819, 1843, and 1877.[1] Between each investigation new charities were founded, while other endowments were amalgamated and some became defunct.

[1] These are the dates of publication of the Reports, which refer respectively to the Gilbert Returns made in 1786-88 (reprinted by order of Parliament in 1810 and again in 1816), PP 1816 (511) VXIa (hereafter *Gilbert*); the Select Committee on the Education of the Poor, 1818, PP 1819 (224) IX Pt. 1 (hereafter *Education of Poor*); the Analytical Digest of the Reports of the Commissions of Inquiry into Charities, 1819-1837, PP 1843 XVI, XVII (hereafter *Analytical Digest*); the General Digest of the Supplementary Inquiry of the Charity Commissioners, 1867-75, PP 1877 LXVI (hereafter *General Digest*).

The inquiries did not ask exactly the same questions, so it is not possible to make a straightforward comparison of numbers and values over the near century which the returns cover. However, it is possible to obtain some impressionistic figures, as well as considerable detail for certain individual charities. Comments will be made here about the nature of each of the returns, with some analysis of the numbers of charities and their distribution around the county. Then a more detailed analysis will be made of the figures for ten rural parishes, ten small towns and three large towns.

The Gilbert Returns of Charitable Donations were made in 1787 in pursuance of an Act passed the previous year, and while being fairly comprehensive for the country as a whole, contain considerable omissions for individual parishes. The accuracy of the return depended on the diligence of the parochial officers, who sometimes supplied very sketchy information. The format of the printed report was arranged by hundreds, by divisions within hundreds and by parish or township within divisions. Each endowment was named (where the name of the donor was known) and for each was given the date and nature of its governing instrument (will, deed, Act of Parliament), what form the endowment took (money, stock, land, rent charge), the current income and the names of the trustees, with a column for observations.[2] Not all the answers supplied were complete in every respect. It must also be borne in mind that this enquiry only sought information on charities which relieved the poor. Charities comprised far wider objects than that. It is apparent that the parochial officers who made the returns also understood the relief of the poor to be more than just immediate relief in cash or kind, for there are many returns which listed almshouses for old and infirm people and education or apprenticeship for poor children. A few mentioned the repair of churches where the endowment was to be

[2] *Gilbert*; copy of the return for Warwickshire reprinted in 1816, W. C. R. O. QS/ 69/4.

shared between church and poor, but generally there were no mentions of charities for church or public purposes. Another possible cause for omission was that the parish officers were unaware of the operation of charities in the hands of private trustees. Although this was unlikely in the case of small rural parishes it was entirely possible in larger urban parishes, and so some allowance has to be made for under-reporting. Distortions of a purely numerical sort occur when many ancient endowments were administered as one by the parish officials. It is probable that many ancient and long forgotten endowments were subsumed in 'Church lands' and 'poor lands', and there were some which were already treated as 'united charities' although not necessarily with specific legal authority.[3] Conversely, Solihull, which administered many of its ancient endowments as a single Charity Estate by decree of a commission under 43 Eliz. 1, recorded every single endowment going back to the reign of Richard I. However, a very simple analysis, bearing in mind the above mentioned caveat, shows that 248 Warwickshire parishes and townships, including the parishes within the county and city of Coventry, returned information.[4] Of these, 61 said that there were no charities. The remaining 187 places detailed 1184 charitable endowments. This gives a mean of 4.7 endowments in each administrative unit (or 6.4 for the places with at least one endowment), a median of 11, and a range of 0 to 104. As well as in the number of endowments in each place, the charities varied greatly in value. Some were recorded as lost or no longer paid.

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[3] For example, the parish of Berkeswell had a number of properties for which they had no deeds but which had been used 'from time out of memory' for the use of the church, the poor and for the maintenance of a school. This was confirmed by a case in Chancery 1589-90, a Commission of Inquiry in 1669 and another Chancery case in 1754. *Brougham*, pp. 637-640; W.C.R.O., CR 2037/1 Inquisition, 1669. On the other hand, 13 charities of Tanworth were all in the hands of the same group of trustees without there being an official instrument combining them.

[4] Throughout this thesis the returns for the parishes of Coventry, Birmingham and Warwick have been combined to give a single figure for each town.

Next came the report of the Select Committee on the Education of the Poor, which had been established at the instigation of Lord Brougham in 1818.[5] Although this report only dealt with education, and included non-charitable establishments, it is a very useful source of information. It listed both endowed and unendowed schools (Day and Sunday), giving the income from the endowments and the number of children attending all establishments. (Table 3.1) It also gave the population in 1811 and the number of poor in 1815 in each parish. There was much additional information in the comments column, relating to the methods by which contributions were raised and what form of instruction was given. The values of the endowments varied enormously, from 18s. a year towards the costs of a school at Clifton-on-Dunsmore for 40 pupils to £720 for a school in St. Mary's chapelry, Birmingham, with 150 pupils. Over half (58) received no more than £50, and of these, twenty received £10 or less.[6] Apart from the schools at Warwick (£311) and Stratford (£130), all of those with an income of over £100 were in the Arden or north of the county.[7]

Type of School	Number	Number of pupils	Revenue
Endowed	110	4,940	£7,712 12s. 5d.
Unendowed Day	304	8,661	Not given
Unendowed Sunday	157	11,391	Not given
Total	511	64,992	

Table 3.1. Educational provision for the poor in Warwickshire, 1819. Source: P.P. 1819 (224) IX Part II, Select Committee Report on Education of the Poor.

5 *Education of Poor.* A select committee had already investigated Metropolitan educational endowments, and Lord Brougham pressed for a Commission to be established to investigate all charitable endowments throughout Britain. Bowing to ministerial opposition, he agreed to a select committee on education alone. D. Owen, *English Philanthropy, 1660-1960* (1965), pp. 184-85.

6 The income of the remaining nine endowments in Birmingham was shown as a total figure of £3,000, providing schooling for 667 children. It is not clear what was the value of the individual endowments.

7 Bedworth (£100, 373 pupils); Stoneleigh (£100, 95 pupils); Tanworth-in-Arden (£110, 50 pupils); Atherstone (£140, 12 pupils); Hampton-in-Arden (£140, 56 pupils); Coleshill Boys' School ((£150, number of pupils not entered); Solihull (£160, 60 pupils); Nuneaton (£202, 60 pupils); Sutton Coldfield (£305, 24 pupils). All were market towns and/or ancient boroughs, except Stoneleigh and Tanworth, which were very large parishes with scattered settlements.

Once Brougham and the Charity Commissioners were authorised to investigate other types of endowment they began to produce detailed annual reports. The investigations were not undertaken on a county by county basis, but piecemeal, so that the charities in one county were scattered through a number of reports. However, the individual reports were often very detailed, reciting foundation documents, decrees in chancery or the findings of commissions, listing the current trustees, the property held and its income and the way in which it was dispensed. After the main series of reports an analytical digest was published in 1843. It must be remembered that the information contained in the digest was obtained at various dates between 1819 and 1837.[8] The digest was in two sections, detailing schools and charities for education, then charities for the relief of the poor. Charities for religious or public purposes were not listed, although included in the annual reports; it is possible to identify them from the indexes to the county volumes which were compiled and published later. They will be discussed in Chapters 5 and 6.

The first section of the *Analytical Digest* was itself divided into three parts, dealing with grammar schools, English schools and educational charities not attached to schools. In Warwickshire, thirteen grammar schools were listed, although they varied enormously in revenue, number of pupils and competence of teachers. There were 67 English schools, that is schools which did not teach the classics. They ranged from those which taught little more than reading and the principles of religion, with perhaps writing for the boys and spinning for the girls, to schools like Smith's Charity School in Nuneaton which taught reading, writing, accounts, the Church catechism, English grammar and book-keeping to 30 boys, while 30 girls learnt knitting and

[8] Though the county of Warwick in 1835 'may for the present be considered completed'. Report of the Select Committee to Examine the Evidence in the Reports of the Commissioners of Charities, 1835, PP 1835 (449) VII.

needlework instead of grammar and book keeping. There were 47 educational charities, which included those which provided clothing to enable children to attend school, books and equipment for schools, and those which paid a person, not necessarily a school-master, to provide some element of education. For each of these categories of school and educational charity the digest supplied details of the foundation of the charity (including donor, date and governing instrument), who the governors were, what instruction was given, the freedom of the charity (i.e. who was eligible to benefit), the income, and an assessment of the current state of the school, the number of pupils and any other observations. The reference to the relevant annual report was also given. The *Analytical Digest* contained a total of 127 educational charities, 17 more than listed in 1819. In fact, eight charities returned in 1819 seem to have been omitted in the return, so there were 25 newly recorded endowments. Ten of these were for schools, although only four were new. Six had not been included in 1819, despite a date of foundation before 1818. Of the remainder, eight were revived, or about to be revived, ancient educational charities; three were the recent application of general charitable funds to educational purposes; four were the application of money from the town lands or poor's plot to the support of a school. There will be a more detailed discussion of educational charities in Chapter 5. The provision of grammar schools and other types of educational charity reflected the general distribution pattern of being more concentrated in the Birmingham/Arden area, the north of the county and the Avon valley. There was very little provision in the rural south. These will be examined in more detail in Chapter Five.

Section two of the *Digest* dealt with charities to be distributed to the poor, and showed the value of such distributions in three columns - for the 'poor generally', for the 'poor not on parish relief' and for the 'poor specifically', which meant for particular

categories of poor, e.g. widows, decayed householders, orphans.[9] There was also a column indicating the nature of the income, whether it was in the form of rent, a rent charge, interest or dividends. Each charity was named, so it is possible to correlate this information with that in the annual reports of the Commissioners, and with other material relating to the charity. There were 263 charities for the poor generally, with a total income of £3,496 1s. 4d.. There were only 22 which were specifically for the poor not receiving relief, with a total income of a mere £263 3s. 6d. Although there were so few restricted to the poor not receiving parish relief according to the terms of their governing instrument, when the records of individual charities are examined it is obvious that the trustees often took this criterion into consideration when applying the charity. There were 182 charities for specific categories of the poor, with an income of £1,406 4s. 2d.. The total endowed income for the relief of the poor in Warwickshire was £5,165 9s.. This compares very unfavourably with the amount spent under the poor law; the average annual expenditure in the county of Warwick, including Coventry, in the years 1816-21 was £168,272 16s. 2d, although these were admittedly years of high levels of poor relief.[10]

In 1867, after the establishment of the permanent Charity Commission in 1853, returns were sought from all charitable trusts, and the information gathered between 1868 and 1875 was published in tabular form in 1877.[11] This digest included information on charities which were founded after the Commissions of Inquiry, as well as on some which had not been investigated then. It also contained details of charities which were reactivated as a result of the Commissioners'

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9 A more detailed analysis of the figures for charities for the relief of the poor will be made in Chapter 6.

10 Supplementary Appendix to the Select Committee Report on Poor Rate Returns, 1822, PP 1822 (556) V 515.

11 *General Digest.* D. Owen, *Philanthropy*, pp. 300-2.

recommendations.[12] In the intervening period a number of small charities had combined under Charity Commission schemes and no doubt some had lapsed. Nine hundred and ninety-nine endowed charities were recorded in 207 parishes, chapelries, hamlets and liberties, giving an average of 4.8 per place (compared with the 1788 figure of 1184 charities in 187 places with an average of 6.3). The information given included the name of the charity, its income at the time of the Brougham Commission, its current income (and whether derived from land, rent-charge, stocks or securities), the objects of the foundation and a column for comments. The amounts expended were entered under the various categories of charity. The largest amount of money was devoted to educational charities, £33, 954 13s. 4d., representing 53% of the total charitable expenditure in Warwickshire. This compares well with a national figure of about 30% (up slightly from 26% at the time of the Brougham Commission). Nationally, 'this was followed by almshouses and pensions, doles in money or kind (vast in number but generally of small amounts) and endowments for the general uses of the poor, and medical charities. Beyond these one moves into the minor but familiar categories of apprenticeship funds, endowments for lectures and sermons, and trusts for public purposes.'[13] A similar pattern in the proportions of Warwickshire charities is shown in Table 3.2.

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12 In 1850 the first report of the Commission for Inquiring into the Cases which were investigated by the Charity Commissioners but not Certified to the Attorney General stated that of 28,840 charities investigated in England and Wales, 400 had been certified to the Attorney General and a similar number were 'the subject of proceedings before the Court of Chancery at the instance of relators or petitioners.' PP [1850 [1242] xx 15. Warwickshire examples include Mrs. Mary Turner's 1607 bequest of a rent charge of 6s.8d.to each of ten parishes. Some parishes mentioned it in 1786, after which no payments were received. The Commissioners recommended that it be referred to a court of equity, and the current owner of the property began to pay the rent charges. *Brougham*, p. 322.

13 Owen, *Philanthropy*, p. 193.

Object of Charity	£ s. d.	Percentage
Education	33,954 13 4	53.5
Apprenticing and advancement	1,451 12 11	2.3
Clergy, lectures, sermons	2,538 00 01	4.0
Church purposes	1,752 18 11	2.8
Dissenting congregations	233 18 07	0.4
Education of dissenters	486 07 0 9	0.8
Public uses	4,199 11 00	6.6
Almshouses and pensions	10,619 00 4	16.7
Distribution of articles in kind	2,942 06 10	4.6
Distribution of money	4,625 14 03	7.3
General uses of poor	539 04 09	0.8
Total Gross Income	63,466 16 04	
Former Gross Income	30,765 00 02	

Table 3.2 Warwickshire endowed charities' income, 1877.
The tables are prefaced with the following note: 'N.B. all payments stated to be due to the 'Objects of the Foundation' are liable to be reduced by deductions on account of expenses of management. The Table shows the mode in which the Income would be applicable if received in full'
Source: *Supplementary Inquiry.*

There was considerable variation in the number and the wealth of charities from place to place. As would be expected, the largest towns had the greatest number of charities and the wealthiest: in 1877, Coventry, Birmingham, Warwick and Rugby were the top four in both categories, though in different orders.[14] The uneven distribution of the number and wealth of charities in the rural parishes did not necessarily reflect the size or wealth of the population. If the place was already thriving then, naturally, there would be greater numbers of wealthier folk in a position to make charitable bequests, but occasionally a large endowment would be made in a small and not wealthy locality. It has been suggested that charity itself could contribute to the social and economic vitality of a place. Jordan spoke about certain

[14] There is a problem with merely counting the number of charities in a parish or town as a number of small parish charities had been amalgamated and counted as only one. However, it was still felt to be a useful analysis to make. The four most numerously endowed places were Coventry (91), Warwick (28), Birmingham (29), Rugby and Atherstone (25 each). On ranking according to the total of charity income, a much more useful indicator, the order was Birmingham (£21,294 3s 7d), Coventry (£15,553 1s. 2d.), Warwick (£8, 918 3s. 1d.), Rugby (£7,389 15s. 4d.), *General Digest.*

well-endowed parishes in Buckinghamshire as 'areas of opportunity'. He referred especially to parishes which had benefited from large bequests from 'a rich and responsible family, a local son who had made a fortune in London, or a succession of able and forceful clergymen' who 'altered the whole structure of parish life by the relief of poverty, the widening of educational opportunities, or the provision of effective agencies of social rehabilitation.'[15] The evidence for Warwickshire does not seem sufficiently strong to suggest that individual endowments on their own influenced the economic prosperity of a place. However, the uneven distribution of numbers and wealth of charity around the county was only in part a reflection of pre-existing wealth. While there were more charities in the Arden than the Felden, reflecting the density of population and economic activity in that area, of the 14 Warwickshire charities endowed with more than £500 in money before 1788, only three were in the Arden. They were each of £500 and were made by members of the local gentry - Lady Mary Bridgeman in 1711 for providing books, physic, bread and apprenticeships for the poor of Castle Bromwich; Mary Addyes, at an unknown date, for apprenticing poor children in Birmingham; Lord Simon Digby in 1694 for books, physic and apprenticing in Coleshill.[16] They were exceptional; the great bulk of benefactions which made up the wealth of charities in the Arden was given in small amounts by middling sorts of people. This is true of the county as a whole. Of the charities included in the Gilbert Returns for Warwickshire 14.8% had a capital endowment of £10 or less. By 1877 the proportion had fallen to 1.7%, as many of the smaller charities had been amalgamated. A similar proportion of charities was in the form of an annual rent charge of £10 or less, 14.9% in 1787, though this had increased to 20.7% in 1877. The capital value of endowment in land is not known, but charities

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15 W. K. Jordan, *The Charities of Rural England, 1480-1660 : The Aspirations and Achievements of the Rural Society* (1961), p. 72.

16 *Gilbert.*

with an annual income from land of £10 or less fell from 17.3% in 1787 to 5.4% in 1877.[17] Taking these small charities together, they formed 47% and 27.7% of all charities in 1787 and 1877 respectively.

To enable a more detailed examination of the distribution of charities and their relationship to size of parish, population, levels of poor relief and changes over time, an analysis has been made of ten rural parishes, ten small market towns, the county town of Warwick, the large town of Birmingham and the city of Coventry. The rural parishes were chosen to include some open and some closed parishes, distributed around the county, as well as to have a considerable variation in the number and wealth of their charities.[18] They have also left good documentary evidence for the administration of their charities. The population of these rural parishes in 1841 ranged from 614 to 1,955. The market towns were not evenly distributed around the county, reflecting the greater economic importance of the Arden and the north of the county. In 1841 the populations of these towns ranged from 2,172 to 7,105.[19] Although Warwick was much smaller than Birmingham or Coventry (in 1841 the populations were Warwick, 9,775, Coventry, 31,728, Birmingham, 138,215) it has been included with the large towns because of its status as the county town and because of the value of its endowments. Fig. 1 shows their location and Table 3.3 lists the places, giving their status, acreage and population.

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17 See note 22 below for rental values.

18 Definitions of 'open' and 'closed' parishes have been derived from the four categories of landowner shown for each place in J. M. Wilson (ed.), *The Imperial Gazetteer of England and Wales*, 6 vols (Edinburgh, 1874).

19 Most of these small towns were parishes with no administrative differentiation between the rural and urban parts of their jurisdiction. It has been impossible to derive figures for the purely urban part of the population. However the borough of Stratford returned figures separately from the Parish of Old Stratford, and Atherstone is always separately listed as a chapelry of Mancetter. The charity returns are separated in the same manner.

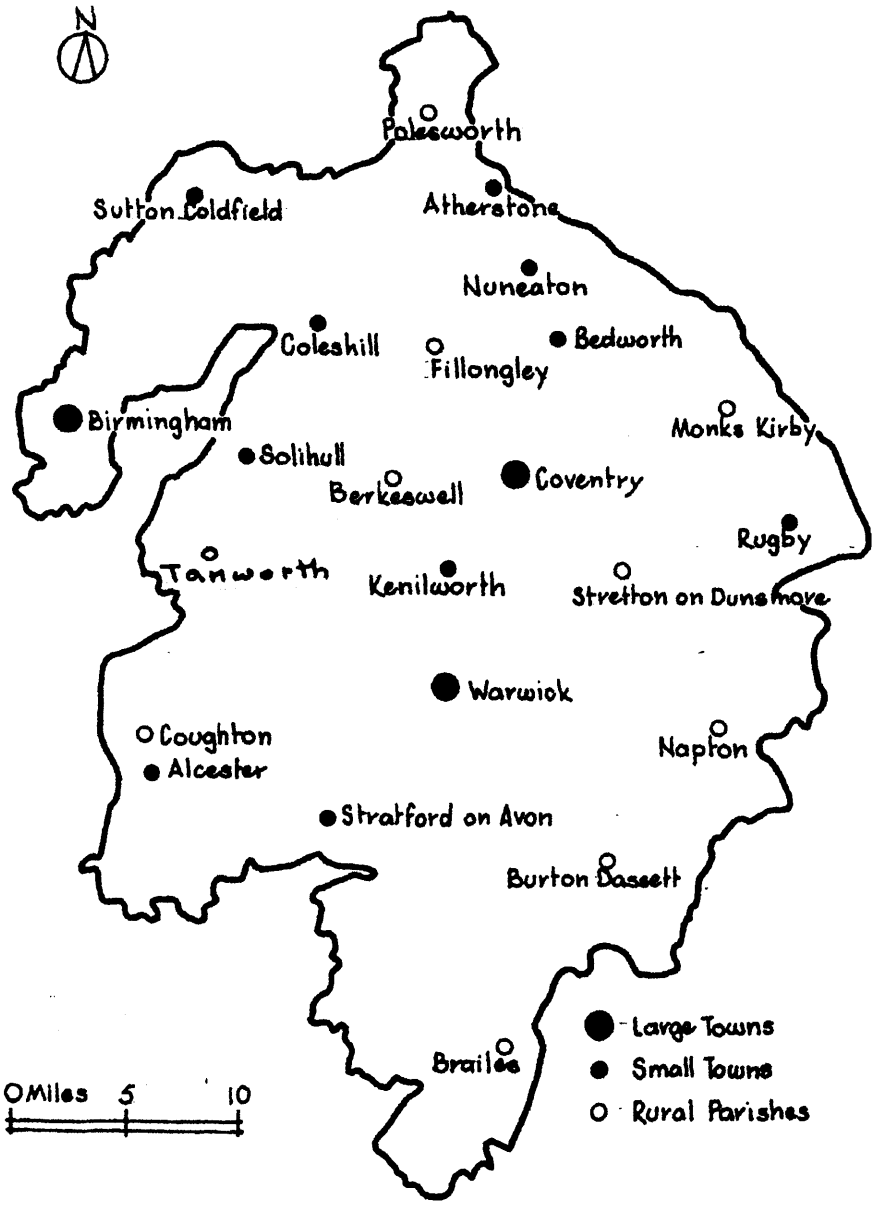

Fig.1: Towns and parishes selected for analysis.

	Status	Acreage	Pop. 1801	Pop. 1841	Pop. 1871	Pop. 1901
Large Towns						
Birmingham	Borough (1835)	2,996	60,822	138,215	231,015	245,216
Coventry	Borough	6,735	16,034	31,728	39,778	62,615
Warwick	Borough	5,603	5,592	9,775	10,986	11,909
Small Towns						
Alcester	Borough	1,782	1,625	2,399	2,363	2,303
Atherstone	Chapelry	944	2,650	3,743	3,667	5,248
Bedworth	Parish/Market	2,165	3,161	4,253	5,183	7,169
Coleshill	Parish/ Market	5,703	1,437	2,172	1,969	2,593
Kenilworth	Parish/Market	5,914	1,968	3,149	3,880	4,544
Nuneaton	Parish/Market	6,112	4,769	7,105	7,399	19,209
Rugby	Borough	1,671	1,487	4,008	8,385	16,830
Solihull	Parish/Market	11,296	2,473	3,401	3,741	5,832
Stratford-on-Avon	Borough	109	2,418	3,321	3,863	3,897
Sutton Coldfield	Borough	12,828	2,847	4,300	5,936	14,264
Rural Parishes						
Berkeswell	Closed	6,169	1,192	1,504	1,550	1,519
Brailes	Open	5,625	980	1,284	1,285	893
Burton Dassett	Closed	4,975	600	614	721	523
Coughton	Closed	4,218	729	955	787	635
Fillongley	Open	4,761	897	1,030	1,091	1,102
Monk's Kirby	Open	10,616	1,407	1,861	1,851	1,586
Napton	Open	4,027	787	951	941	808
Polesworth	Open	6,370	1,355	1,844	2,679	4,665
Stretton-on-Dunsmore	Open	4,059	634	1,080	1,031	901
Tanworth	Open	9,808	1,695	1,925	2,059	1,793

Table 3.3: Status, size and population of selected parishes and towns.
Source: Acreages as in 1801 Ordnance Survey; Census Returns; both tabulated in *V.C.H.*, 2, pp. 182-192.

As the sources used for the following data (census returns, returns of poor rate expenditure, inquiries into charities) were all compiled at different times with different purposes in mind it is impossible for exact matches and comparisons to be made. However, by grouping figures with approximately similar dates it has been possible to produce some simple tables making comparisons of relative size, wealth of charitable endowment and poor-law expenditure at different periods. Table 3.4 shows the figures for the annual income of charities, derived from the three published reports. As well as the total charitable income it shows the amount which was available for distribution to the poor in cash or kind.[20] Although many individual charities were endowed in the form of a rent charge which remained unchanged over the centuries, there was a steady increase in the overall charity income between each of the returns, the only exception being a slight decrease in Stretton-on-Dunsmore between 1843 and 1877. This was due to a reduction in the level of rents.[21] Some places saw a spectacular increase in charity revenue, and there were a number of reasons for this. One reason, and one constantly to be borne in mind as a possibility while examining these figures, is the case of under-reporting in previous returns. For example, the overall revenue at Rugby leapt from £405 18s. in 1843 to £7, 389 15s. 4d. in 1877 because the income of Rugby School was included for the first time. However, there were real increases, too. There was a great rise in rents from land between the first two reports, and the third report was compiled before the agricultural depression of the late nineteenth century took its toll.[22] (If the figures were to be

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20 Only charities for distribution in cash or kind have been included, not the support of almspeople, provision of apprenticeship or loan funds.

21 W.C.R.O. CR 700/1-3, Poor's Plott Allotment Rent Books, 1849-1891.

22 In the 1780s the average agricultural rent in England was less than ten shillings an acre, 'then from about 1790, until a peak rent in about 1810-1815, rents nearly trebled .... From 1815 to 1850, apart from a fall in the immediate aftermath of the French wars, rents remained roughly level. From 1850 to *c.* 1880 rents increased by about thirty percent in a remarkably steady fashion, before plummeting between *c.* 1880 and the mid-1890s to a level which effectively turned the clock back to the experiences of the 1830s and 1840s.' M. Turner, J. V. Beckett & B. Afton (eds), *Agricultural Rent in England, 1690-1914* (Cambridge, 1997), pp. 149-50. The authors

correlated with nineteenth-century deflation the rise in real value would be even greater.) Urban property also increased in value, which especially affected Birmingham charities. Some, like the Fentham Trust, found themselves in possession of valuable mineral rights.[23] There were also new endowments being made all the time, and as the population and relative wealth concentrated in the towns, so the growth in charity income was greatest in the towns. The corollary of the concentration of population in towns was that there were more people amongst whom the charity might be distributed. However, as young people migrated to the towns the age structures of many rural parishes altered, leaving more dependent old people in these areas, especially after the early-mid nineteenth century. The amount of charity available per 1,000 head of population is examined in Table 3.5.

made the point that as charity estates tended to be very small, or, even when large, were let as small units, they generally had a high unit rent. Turner, Becket and Afton, pp. 57, n.18; 76.

23 *Brougham*, pp. 1819-37.

	All Charity 1788 £.s.d.	For Poor 1788 £.s.d.	For Poor 1788 %	All Charity 1843 £.s.d.	For Poor 1843 £.s.d.	For Poor 1843 %	All Charity 1877 £.s.d.	For Poor 1877 £.s.d.	For Poor 1877 %
Large Towns									
Birmingham	473.12.05	396.13.03	83.8	5,619.07.11	656.10.10	11.7	21,294.03.07	378.15.01	1.8
Coventry	2,559.04.01	709.09.11	27.7	10,317.18.00	810.12.08	7.9	15,553.01.02	3,687.01.00	23.7
Warwick	1,625.09.08	232.18.10	14.3	7,135.17.08	1,112.08.00	15.6	8,918.03.01	1,835.15.00	20.6
Small Towns									
Alcester	132.14.00	81.09.00	60.9	279.04.00	133.14.00	48.0	389.19.01	210.17.03	54.10
Atherstone	173.09.00	42.04.00	48.6	584.14.05	18.14.07	3.3	738.19.06	188.18.04	25.6
Bedworth	710.10.00	10.10.00	1.5	1,175.00.06	20.10.00	1.8	1,750.00.00	95.10.19	5.5
Coleshill	43.17.02	10.06.00	22.7	297.16.04	17.19.10	6.0	444.04.02	60.05.08	13.5
Kenilworth	31.16.06	26.11.06	84.4	136.02.02	32.16.10	24.3	829.03.06	320.07.01	38.6
Nuneaton	41.17.00	40.16.00	97.6	528.16.10	8.12.00	1.7	667.01.04	38.11.00	5.9
Rugby	48.13.00	46.18.00	95.9	405.18.00	67.06.06	16.5	7,389.15.04	109.05.06	1.5
Solihull	224.12.09	44.12.09	20.0	558.07.11	59.04.00	10.6	949.07.11	105.12.10	11.2
Stratford-on-Avon	619.11.04	54.11.04	8.9	873.16.08	10.14.08	1.3	1,316.17.10	298.16.9	22.7
Sutton Coldfield	33.03.06	27.19.06	84.8	2,290.03.05	56.15.00	2.5	3,427.10.10	180.19.06	5.3
Rural Parishes									
Berkeswell	94.04.00	53.14.00	57.4	200.11.08	40.08.06	19.9	224.09.00	48.09.08	21.4
Brailes	47.16.00	47.16.00	100	118.06.02	40.02.00	33.9	146.05.04	58.05.02	39.7
Burton Dassett	30.00.00	30.00.00	100	72.12.00	3.02.00	4.1	123.05.08	70.09.00	56.9
Coughton	17.04.00	17.04.00	100	34.02.06	8.16.04	26.5	50.17.00	24.04.08	47.1
Fillongley	42.01.08	16.01.08	38.1	384.18.08	31.15.00	8.3	470.09.09	58.17.08	12.6
Monk's Kirby	5.06.06	5.06.06	100	19.07.00	11.05.00	57.9	22.03.00	8.10.00	40.9
Napton	7.12.02	7.12.02	100	60.10.00	31.16.02	52.5	88.15.11	24.09.11	27.0
Polesworth	74.14.10	5.13.06	8.0	874.07.00	23.05.00	2.6	940.12.07	30.01.07	3.2
Stretton on Dunsmore	86.15.08	86.15.08	100	309.00.06	182.19.02	59.2	298.13.07	60.17.00	20.5
Tanworth	40.12.06	c.38	92.7	124.08.00	13.11.00	11.3	214.14.00	212.14.00	99.1

Table 3.4: Annual income of charities, showing total income and the proportion to be distributed in cash or kind.
Source: *Gilbert*; *Analytical Digest*; *General Digest.*

	All Charity per 1,000 population 1841 (£s)	For Poor per 1,000 population 1841 (£s)	All Charity per 1,000 population 1871 (£s)	For Poor per 1,000 population 1871 (£s)
Large Towns				
Birmingham	40.65	4.74	92.17	1.63
Coventry	325.17	25.52	390.99	58.88
Warwick	729.92	113.75	811.76	154.08
Average	365.19	48.00	431.64	71.53
Small Towns				
Alcester	116.29	55.43	164.62	91.18
Atherstone	156.02	4.80	201.25	51.26
Bedworth	276.27	4.70	337.64	18.32
Coleshill	136.74	7.82	225.49	30.47
Kenilworth	43.18	10.16	213.65	82.47
Nuneaton	74.31	1.12	90.14	5.13
Rugby	101.04	16.71	881.21	12.99
Solihull	164.06	17.34	253.67	28.06
Stratford-on-Avon	262.87	3.01	340.66	77.14
Sutton Coldfield	532.55	13.02	577.32	30.32
Average	186.33	13.41	328.56	42.73
Rural Parishes				
Berkeswell	132.97	26.59	144.51	30.96
Brailes	91.90	31.15	113.61	45.13
Burton Dassett	117.26	4.88	170.59	97.08
Coughton	35.60	8.37	63.53	30.49
Fillongley	372.81	30.09	430.79	53.16
Monk's Kirby	10.20	5.91	11.88	4.32
Napton	63.09	32.59	93.51	25.50
Polesworth	473.96	12.47	350.87	11.19
Stretton on Dunsmore	286.11	168.51	289.00	58.19
Tanworth	64.41	6.73	103.93	102.96
Average	164.80	32.72	177.22	45.89

Table 3.5 Charity income per 1,000 of population 1841 and 1871.
Source: Census of Population, 1841, 1871; *Analytical Digest*; *General Digest.*

Although there was a general rise in charity revenue, there remained considerable discrepancies in value between different places and these became more noticeable as time went on with the greatest growth in towns (Table 4). In 1787 the charity income ranged from £5 6s. 6d. in Monk's Kirby to £2,559 4s. 1d. in Coventry; and in 1877 from £22 3s in Monk's Kirby to £21,294 3s. 7d. in Birmingham. Although the Monk's Kirby figure had more than quadrupled, the revenue for Coventry had increased more than sixfold to £10, 317 18s. and that for Birmingham by no less than 45 fold (from a mere £473 12s. 5d. in 1787). Even within the categories of large town, small town and rural parish there were considerable differences.[24] From Table 4 it is possible to see that there was an overall absolute increase in the value of charity for distribution to the poor and that such charities accounted for a higher proportion of charity in 1877 than in 1843. In only three places (Monk's Kirby, Napton and Stretton-on-Dunsmore) was there an absolute decline in the charity available to the poor, and this can be accounted for in the cases of Stretton and Napton by general charity being applied to education or public uses, leaving less for distribution to the poor.[25] In Monk's Kirby the rental value of Miller's charity had declined. The only other place which also reported a decline in the proportion of charity to the poor (though it had an absolute increase) was Rugby, where the figures were distorted by the inclusion of the income of the school. The proportions of total charity income for distribution to the poor ranged from 1.3% to 59.2% in 1843 and from 1.5% to 99.1% in 1877. The smallest range and the lowest

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24 To place the charity income of Coventry and Birmingham in a broader context, the charitable revenue of London in 1837 was £120,846, Bristol £19,874, Manchester £12,513 and Liverpool a mere £509. M. Gorsky, *Patterns of Philanthropy: Charity and Society in Nineteenth-Century Bristol* (Woodbridge, 1999), Table 1a, p. 17.

25 W.C.R.O. DR 700/28, Stretton-on-Dunsmore Charity Commission Scheme, 1859, and minute book 1859-1920; N1/53, Napton minutes of managers of boys' and girls' schools, 1877-1901; N1/54, Napton school accounts, 1871-1881.

totals are for the large towns, with none of them ever having more than 23.8% of their charity for distribution directly to the poor.

Of greater significance than the total income was the amount available per 1,000 of population. This has been computed for all charities, and for those only for distribution to the poor (Table 3.5). In Birmingham in 1843 the total was only £40.7 per 1,000, compared with £325.2 in Coventry and £729.9 in Warwick. Yet by 1877 Birmingham's charity income had increased by 378%, to £92.2 per 1,000. At the same time the amount for distribution to the poor had declined from £4.74 to £1.63 per 1,000. For all the commercial and industrial wealth of Birmingham the charity per 1,000 of population was considerably less than the average for the small towns (£186.3 in 1843 and £328.6 in 1877). Coventry and Warwick were much better endowed per head of population. The reasons for this relate to the age and earlier economic prosperity of Coventry and Warwick, and perhaps to their corporate status. Both Coventry and Warwick had rich medieval church and guild charities, not all of which succumbed to the effects of the Henrican Reformation.[26] This medieval tradition was reinforced by merchant benefactions in the sixteenth and seventeenth centuries, many appointing either the corporations or the guilds as trustees. They acted with varying degrees of probity, but at least encouraged the formation of charitable trusts. Thus, even in the eighteenth century people still continued to establish charities of the traditional kind: doles of food, fuel, clothing and money. Birmingham, with its more fluid social structure, was less well endowed in the earlier

[26] Although in neither town did many charitable endowments remain intact, nevertheless church and guild estates formed the core of many sixteenth-century foundations. In Warwick, King Henry VIII himself granted all the estates belonging to the dissolved College of St. Mary's to the Corporation, with the stipulation that the minister and schoolmaster were to be maintained out of the revenue. The Guild of Holy Trinity passed its estates to the Corporation before Dissolution, and eventually its Guildhall became part of Lord Leicester's Hospital. In Coventry, land passed through the market to form the nucleus of charity estates such as the grammar school and Sir Thomas White's. *Brougham*, pp. 747-8, 867, 924. *V.C.H.* 7, pp. 320, 351, 398, 407.

period, and by the eighteenth century the wealth and good-will which went into charitable activity tended to be channelled through voluntary agencies, such as the General Hospital, which will be examined in Chapter 4.

The rural parishes had considerably less total endowed income and it grew more slowly than in the towns (averages per 1,000 of £164.8 in 1843 and £177.2 in 1877), yet they were comparatively generous to the poor (£32.7 per 1,000 in 1843 and £45.9 in 1877, compared with £13.4 and £42.7 for the small towns). In fact, in 1843 the most generous endowments for the poor were in the parish of Stretton-on-Dunsmore, where there was apparently £168.5 per 1,000 available for the poor. The next most generous place was Warwick with £113.8, followed, a poor third, by Alcester with £55.4. By 1877 the highest amount per 1,000 for the poor was £154.1 in Warwick, followed by £103.0 in Tanworth, £97.1 in Burton Dasset and £91.2 in Alcester. It would appear that Warwick was probably a far more comfortable place to be poor in than Coventry or Birmingham.[27] Some of the rural parishes could seem quite generous if they had a few well-endowed charities. However, there is no clear evidence of people flocking to these places in response to charitable provision, despite what contemporary writers often said would have been the case.

Structures

Governing Instruments

Charitable trusts could be established by a variety of devices: a will, a deed of gift or trust or an Act of Parliament. A will was the most common form, it being far easier for a donor to leave something out of his estate rather than give up some of his

[27] In 1820 the mayor of Warwick said that 'it appears that in few places are the poor better off in regard to relief than those resident in this town, owing to the charitable legacies and donations', yet they were not sufficient to supply the needs of unprecedented numbers thrown into want by the harsh winter. *Warwick Advertiser*, 22 January 1820.

wealth during his life-time. However, sometimes people were prepared to sacrifice some of their own current comfort for the benefit of others. This was done by individuals, and also by groups of people who pooled their resources for some charitable purpose regulated by deed of trust. An Act of Parliament was the most rare form of trust instrument, the majority of such being enclosure awards which established a trust for the poor in lieu of common rights extinguished by the enclosure of the common fields.[28] The way in which the 1787 Gilbert Returns were published allows easy identification of the form of endowment, with 758 (64%) charities giving both the type of governing instrument and its date. An analysis of the 1787 Returns reveals that 649 of the charities whose origins and date were given were established by will, 97 by trust deed and 11 by Act of Parliament and one by Royal Charter.[29] Thirty-one percent of the charities with definite dates and governing instruments were founded before 1550. The proportion of pre-1550 wills is very similar, at 34.5%. However, pre-1550 deeds only formed 11.3% of all deeds, suggesting that they were a more modern development. Thereafter, there was a very even spread of between one and six deeds per decade throughout the post 1550 period, with a peak of only eight in 1701-10. Foundation by Act of Parliament seems to have been a particular feature of the eighteenth century, as is to be expected as they arose mainly from parliamentary enclosure. Table 3.6 shows these figures arranged by decade. Owen took a sample 1,000 endowments listed in *Gilbert* in half a dozen counties, including rural and urban areas. He concluded that 'of the total, a little less than 40 per cent (39.47) antedated 1688, another 35 per cent (35.66) were established in the years 1689-1740, and about

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[28] The one exception in Warwickshire was the establishment of the Lord Leicester's Hospital in 1584 by Act of Parliament.

[29] This was the charter of 7 Edw. VI governing the charity to the school and almsmen of Stratford-on-Avon. Like many other charters of Henry VIII and Edward VI this was really a reallocation of earlier endowments rather than a new grant. See J. Simon, 'The state and schooling at the Reformation and after: from pious causes to charitable uses', *History of Education,* 23 (1994), pp. 157-69 for a discussion of this practice.

25 per cent (24.87) between 1740 and 1788. That is, over 60 per cent of the endowments noted dated from the century 1689-1789.[30]

Decade	Will	Deed	Acts & charters	Total
All pre 1550	224	11	1[31]	236
1551-60	4	--	--	4
1561-70	2	5	--	7
1571-80	1	4	--	5
1581-90	1	1	1	3
1591-1600	6	3	--	9
1601-10	5	3	--	8
1611-20	15	4	--	19
1621-30	15	5	--	20
1631-40	16	5	--	21
1641-50	13	5	--	18
1651-60	10	3	--	13
1661-70	12	1	--	13
1671-80	17	5	--	22
1681-90	23	1	--	24
1691-1700	19	6	--	25
1701-10	32	8	1	41
1711-20	47	3	--	50
1721-30	56	2	1	59
1731-40	17	2	--	19
1741-50	19	5	2	26
1751-60	24	3	1	28
1761-70	28	6	1	35
1771-80	29	1	4	34
1781-86	14	5	1	20
Total	649	97	13	759

Table 3.6: Governing instruments of charities by type & decade to 1786.
Source: *Gilbert.*

An analysis of the dates and types of foundation for post Brougham charitable trusts listed in the 1877 digest shows that wills were still the most popular method of founding a charity, but as a far smaller percentage than in previous centuries. No charities seem to have been founded in Warwickshire by Act of Parliament in the period 1811 – 1876. In the period 1711-1776 wills formed 86.3% of foundation,

30 Owen, *Philanthropy*, p. 74.
31 Charter of 7 Edw. 6 to 24 poor in the almshouse and to the Grammar school in Stratford.

deeds 10.0% and Acts of Parliament 3.7%. In the period 1811-1876 wills represented 55.6% of foundations, deeds 30.6%; 13.9% did not give the governing instrument. The total number of foundations is considerably less than in equivalent decades in the previous century (72 rather than 271), which confirms the notion that charities of this type were out of favour in the nineteenth century. Studies elsewhere have highlighted 'the relative decline of endowed charities in the nineteenth century.'[32] However, there was a steady increase over the years 1841 to 1870. The sudden drop from 20 in the decade 1861-70 to one in the years 1871-76 may perhaps be accounted for by its not being a complete decade, and from lack of information being forwarded to the Charity Commission about recently established trusts (Table 7).

Decade	Will	Deed	Unknown	Total
1811-20	2	0	0	2
1821-30	6	3	1	10
1831-40	5	5	0	10
1841-50	9	3	1	13
1851-60	8	4	4	16
1861-70	10	6	4	20
1871-76	0	1	0	1
Total	40	22	10	72

Table 3.7: Governing instruments of charities by type & decade, 1811-76.
Source: *General Digest.*

Wills

The convention of 'pious bequests' goes back to the middle ages, when it was expected that part of one's personal estate should be given *ad pias causas.*[33] Whilst one cannot claim a direct continuity of practice across the disjunction of the Reformation, it is true that many early modern wills contained small charitable bequests. In the immediately post-Reformation period there was a dramatic decline in the number of bequests to the church or for church repairs and although gifts to the

32 Gorsky, *Patterns of Philanthropy*, p. 56.
33 G. Jones, *History of the Law of Charity, 1532-1827* (1969), p. 3.

poor and for public uses were encouraged, charitable donations of this sort did not fully replace the earlier religious bequests. By the mid-eighteenth century the majority of testators made no charitable bequests at all.[34] Of those who did make such bequests in Warwickshire, Table 3.6 shows that the period 1700-30 saw an increase in their number, while the 1730s, which saw the passing of the Mortmain Act in 1734, saw a sharp decline. This pattern may in some measure also be due to the perceived need for charitable intervention during the early years of the eighteenth century, which saw many years of dearth and disease.[35] The late seventeenth and early eighteenth centuries were also years of a particular moral concern for the conditions and conduct of the poor.[36] The third quarter of the eighteenth century saw a steady increase, although levels of bequests did not reach those of the 1710-1730 period. Gorsky identified a similar pattern in Bristol, though the falling off in the 1730s was not as marked.[37] The slight increase in the number of bequests in the 1820-1876 period, representing such a low overall figure, probably does no more than reflect increasing population.

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34 This section is based on Warwickshire charity records which identify wills as their founding instrument. Further work needs to be done to see what proportion of all testators left charitable bequests. Analyses of complete series of wills in other areas during these periods have been conducted by Ralph Houlbrooke, from whose work these introductory remarks have been taken. R. Houlbrooke, 'Death, church and family in England between the late fifteenth and the early eighteenth centuries' in Houlbrooke (ed.), *Death, Ritual and Bereavement* (1989), pp. 25-42; R. Houlbrooke, *Death, Religion, and the Family in England, 1480-1750* (Oxford, 1998), pp. 110-146.

35 A. Gooder, 'The population crisis of 1727-30 in Warwickshire', *Midland History,* 1 (1972), pp. 1-22; W.G. Hoskins, 'Harvest fluctuations and English economic history', *Ag.Hist.Rev.,* 16 (1968), pp. 15-31, p. 23; E. A. Wrigley and R. S. Schofield, *The Population History of England, 1541-1871: A Reconstruction* (1981), p. 667.

36 For a brief introduction to the activities of the Society for the Promotion of Christian Knowledge and the various Societies for the Reformation of Manners see E. Duffy, 'Primitive Christianity revived, religion renewed in Augustan England', in D. Baker (ed.), *Renaissance and Renewal in Christian History* (Oxford, 1977), pp. 291-8.

37 Gorsky, *Pattern of Philanthropy*, Table 7, p. 49.

One of the difficulties in assessing the true level of charitable bequests in the eighteenth and nineteenth centuries is that they did not all constitute separate charitable trusts, but were sometimes bequests to existing institutions or organisations. This became increasingly the case in the nineteenth century, with the growth of large institutions and voluntary societies with good publicity machines.[38] Owen wrote that 'benefactors, more often than not, left legacies with no strings attached to agencies which, suffering from the penury native to the charity world, tended to regard them as current income. Such benefactions were not added to the charitable endowments of the country and therefore find no place in the official charity inventories (the Gilbert Returns and the Reports of the Brougham Commissioners.) Save for legacies to the more famous institutions, with their annual reports and other published materials, they have dropped out of the historical record and for practical purposes are irrecoverable.[39] This is not entirely true, as the Gilbert Returns do show an entry of 'sundry legacies' to the Birmingham General Hospital in the period 1765-1785 amounting to a sum of £1,606. However, it is usually only possible to find details of such bequests in annual reports, where extant. In other cases the researcher is reliant on the chance findings of newspaper articles or memorial inscriptions to supply information on otherwise unrecorded donations and bequests.[40] Occasionally it was the desire of the donor not to have his bequest recorded, as in the case of an unknown benefactor of the Birmingham General Hospital in 1806 who left £200, with the instruction 'that this my bequest shall not be announced in any printed

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38 Owen discussed the 'lack of imagination' of nineteenth century testators, often guided by solicitors towards 'the well-established, well-advertised charities.' *Philanthropy*, pp. 474-5.

39 Owen, *Philanthropy*, p. 72.

40 For example, Birmingham General Hospital *Annual Reports* 1782-1823 recorded bequests, B.R.L. 264905. The donation of the interest on £1,500 is recorded on the memorial tablet to David Owen, d. 1823, in St. Philip's Church, Birmingham. Bequests to a number of different charities may only be brought to light by newspaper reports, where the will is not otherwise known, as in the case of Thomas Whatley, who left £1,000 apiece to the Birmingham General Hospital, Dispensary and Blue Coat School. *Warwick Advertiser*, 11 January 1812.

report of the state of affairs of that Hospital, or be recorded on the Table of Benefactors thereto.[41]

During this period bequests in the form of a rent charge also declined. Of the 72 endowments recorded as being founded 1811-76 only one took the form of a rent charge.[42] By the nineteenth century no doubt donors were aware of the declining value over the years of rent charges. They may also have been less inclined to tie future generations to a perpetual payment, which was, in any case, more prone to disappearance than other forms of endowment. Receivers of rent charges on behalf of charities had to be aware of change of ownership of the property charged, and had to make sure that the new owners were aware of the charge.[43] Originally, the grantee had no power to distrain on failure to pay the rent charge, but later express powers of distress were inserted in grants. A rent for which no power of distress was given either by common law or agreement of the parties was called a 'rent-seck' or a 'barren-rent'. An act of 1729 made distress incident to both rents-charge and rents-seck.[44] Despite the increasingly outdated aspects of rent charges they remained valid in law throughout the nineteenth and, indeed, twentieth centuries.[45] The Brougham Charity Commissioners identified a number of rent charges which were no longer being paid, and some of these were reactivated. Many later nineteenth century Charity Commission schemes arranged for the redemption of the rent charge by the payment

41 *Warwick Advertiser*, 22 Feb. 1806.

42 This was a clothing charity in the parish of Ipsley, founded by deed in 1828. *General Digest.*

43 So, for example, in November 1828 one of the churchwardens of Napton was paid his expenses for going to 'Southam on the day Mr. Fancott's Farm was put up to be sold to get informed upon what part of the Estate the 4s./8d. payable to the poor of this Parish was to remain chargeable.' W.C.R.O. N1/5, Napton Churchwardens' Accounts, 1764-1873.

44 S. Staves, *Married Women's Separate Property* (Cambridge, Mass., 1990), p. 240.

45 Under the Rentcharges Act, 1977, all rent charges will eventually be extinguished by July 22, 2037. R. Megarry, *A Manual of Real Property* (1946; 1993), pp. 365-6.

of a substantial sum of money, which could then be invested by the Official Trustee on behalf of the charity.

Deeds

A deed means 'an instrument in writing ... purporting to effect some legal disposition, and sealed and delivered by the disposing party or parties.'[46] Deeds of various sorts could be drawn up either to institute new charitable trusts or to regulate existing arrangements. This mode of establishing a trust was often chosen by a person who wished to oversee the charity during his own lifetime, especially the establishment of a major benefaction such as an almshouse.[47] Sometimes a group of people would co-operate to establish a charity, or supplement an existing one, by a deed of gift. Examples of this kind include the deeds drawn up by Lord Simon Digby and Offalia Rawlins in 1694 in Coleshill. He gave £500 and she £100 to establish a charity to distribute books and physic to the poor.[48] In 1740 in Over Whitacre Lord William Digby gave £20 for books and the Rev. Thomas Morrall gave £40 for teaching six children, both to supplement the £20 legacy of Anthony Nicholas given in 1717.[49] Sometimes larger subscription funds were enshrined in a trust deed. One of the earliest examples in Warwickshire was the fund raised in Hampton-in-Arden in 1686. Twenty-seven people, including one woman, raised £102 3s. which was used to buy land to be held in trust, the income to be used to apprentice one poor boy.[50] In 1766 another group of thirteen people, including Ann Savage, widow, pooled their

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46 *O.E.D.*

47 Lifetime giving had been encouraged by the church during the middle ages as a way of ensuring that a benefaction was not misappropriated by executors – 'That thou giveth wyth thin hond that shall thow fynd/ For wyves be slothful & chyldren beth unkynd/ Executors be couetos and kep al that they fynd.' Houlbrook, *Death, Religion and the Family*, pp. 82, 114-5.

48 *Gilbert*; *Brougham*, pp. 1122-3.

49 *Gilbert*; *Brougham*, pp. 540-1.

50 *Gilbert*; *Brougham*, pp. 244-5.

resources to buy some land with which to endow the village school in Bishop's Tachbrook.[51]

Women, too, drew up trust deeds, though in fewer numbers than men and in a smaller proportion than the number of women who left money by will. Because of the doctrine of *coverture,* whereby a married woman's legal personality was subsumed in that of her husband, only *femmes soles* were able to make deeds, unless jointly with their husbands. This was not changed until the later nineteenth century.[52] In all the cases where the donor's gender is clear from the Gilbert Returns, 19.3% were women; however, only 10.3% of deeds were drawn up by women.[53]

During the nineteenth centuries there was an increase in the proportion of deeds used to establish charities, though the absolute numbers scarcely altered, as shown in Tables 3.6 and 3.7 above. In the period 1711-1780, 22 deeds represented only 8.8% of all foundations, whereas in the period 1811-76 22 deeds represented 31.0% of all foundations. However, deeds were particularly favoured by donors who wished to oversee the details of their charity, especially if it was a substantial undertaking. The rise of the large charity trust fund is really a phenomenon of the late nineteenth century.[54] The prime example in Warwickshire is that of the Bournville Village Trust.[55] The Cadburys of Birmingham had been involved in various pious, charitable and civic activities in the town since the early years of the century. It was

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51 *Brougham*, pp. 178-80.

52 M. L. Shanley, *Feminism, Marriage, and the Law in Victorian England, 1850-1895* (1989), p. 8.

53 Thirteen parishes showed charities established by women's deeds, but three of these (Atherstone, Hartshill and Nuneaton) were all under the same deed of Mrs. Alice Coney. Three women's names were joined with their husband's in the deed, but as they occurred between 1428 and 1608 they have not been counted here.

54 Even then, they were usually for a specific purpose. The general trust fund is a development of the twentieth century. Owen, *Philanthropy,* p. 554.

55 It is included here despite Bournville being originally in Worcestershire because the Cadburys were a Birmingham family, and moved their business and workers from central Birmingham.

the work of George Cadbury (1839-1922) which established them in the major league of Victorian philanthropists. His personal involvement with Sunday school work throughout his life, his time devoted to committees of all sorts, his many and various donations, pale in comparison with his major creation: the Bournville Village Trust. The development of Bournville began in 1879 when the Cadbury factory moved into the north Worcestershire countryside, four miles from the centre of Birmingham. Sixteen model cottages were built to house some of the key workers at the factory. George Cadbury nursed the idea of decent housing, not just for his work-people but for all working people, until in 1895 he established a non-profit making Building Estate. In 1897 a group of almshouses was built on the estate by his brother Richard, endowed and regulated as the Bournville Almshouse Trust. George Cadbury became anxious about the southwards advance of Birmingham property speculators. In a move to safeguard the 'rural' aspects of Bournville and ensure the community ethos of the estate, he decided to transform it into a trust under the control of the Charity Commissioners. On 14 December 1900 the Bournville Village Trust came into existence, endowed with 500 acres and property valued at £172,724, and under the control of nine trustees, all members of the Cadbury family.[56] The history of this remarkable social experiment is beyond the period of this thesis, but shows the way in which ancient forms (the trust deed) and impulses (philanthropy and paternalism) adapted to changing social situations.

Acts of Parliament: Enclosure

There were many charities known variously as 'Town Lands', 'Poor's Land', 'Poor's Plot', 'Fuel Land' and so on. Some of these were very ancient and derived

[56] A .G. Gardiner, *Life of George Cadbury* (1923); P. Henslowe, *Ninety Years On: An Account of the Bournville Village Trust* (1984; Birmingham, revised edn, 1991); Owen, *Philanthropy*, pp. 434-42.

from a number of long forgotten bequests. The foundation of others can with more certainty be ascribed to the enclosure of the parish, whether effected by agreement or by Act of Parliament. Over the years sometimes confusion arose over the origins of these town lands, and the Gilbert Returns occasionally cited enclosure as the foundation, whereas the enclosure merely awarded an allotment in exchange for existing charity property. The Charity Commissioners' Reports listed nine such charity estates, referring to trust deeds stretching back to the Tudor period and beyond without being able to identify a donor or foundation date. The use of the income varied from church repairs and maintenance of bridges and highways to support of the poor rates and doles to the poor.[57] For example, the parish of Clifton-on-Dunsmore was enclosed by agreement in 1648 and by the time of the Gilbert enquiry it was believed that this had created the Town Lands. However, the later Charity Commissioners' ascertained that 20 acres had been exchanged for scattered parcels 'generally called Town Grounds' and that they 'should be set by the churchwardens and the constables for the time being, at a reasonable rate, to such of the poor inhabitants of Clifton as had no other land ... if they should be willing to be tenants ... the yearly rent ... should be received half by the churchwardens and half by the constable ... and employed by them in defraying such charges as were incident to their offices ... as formerly accustomed.'[58] However, the original agreement included the clause that for ten years after enclosure owners were to pay 10s. for every yardland and 2s. for every 'noble or quarters of Ardens land' (slightly less than eight acres) to the parish officers, half

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57 *Brougham*, Barford, pp. 148-9; Barston, p. 241; Clifton-on-Dunsmore, p. 703; Haseley, pp. 133-4; Hatton, pp. 288-9; Ladbrooke, p. 193; Nuthurst, p. 277; Southam, pp. 205-9; Stretton-on-the-Fosse, pp. 177-8. The Poor's Land at Ladbroke was returned as common land to the Royal Commission on Common Land (1955-8). W. G. Hoskins and L. Dudley Stamp, *The Common Lands of England and Wales* (1963), p. 330.

58 *Brougham*, p. 703.

> 'to be distributed amongst the poor inhabitants of the said Town according to their necessities and the other half lent for ever freely without any use from time to time for the space of one year upon sufficient securities unto such of the poor inhabitants ... as should desire it and be thought fit by the said churchwardens, constables and overseers.'[59]

This loan fund seems to have entirely disappeared and been forgotten by the eighteenth century.

The agreement also included an allotment of one and a half acres each to the owners of 15 ancient cottages in lieu of their right of common. Cottagers with rights of common but no land were usually allotted very small plots in compensation, and the cost of enclosing them (and perhaps their lack of viability) often led to their soon being sold.[60] When Brinklow was enclosed in 1741 nine named cottagers and their heirs were compensated for their rights of common with 'one entire plot in the middle of one of the three fields' of 15 acres 24 perches. This soon became regarded as a charity plot. The Gilbert Return showed a charity created at enclosure with an income of 10s. which, although it is not mentioned in the Charity Commissioners' report of 1829, appeared in the 1877 Digest as 'Townlands', being two closes with an income of £15. A notebook kept by the parish regarding its charities in the nineteenth century explained that the income from the 'Townlands' had originally been applied to the reduction of the poor rates, but that following an application to the Charity

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59 W.C.R.O. CR 515, Copy of Articles of Enclosure of Brinklow, 1 May 1648; CR 339/1/3-5, 28, Deeds and Chancery decree, 1654. See A. Gooder, *Plague and Enclosure: A Warwickshire Village in the Seventeenth Century* (Coventry, 1965), pp. 15-34 for a discussion of the enclosure agreement, pp. 18-19 for the Town Ground and the loan fund.

60 K. D. M. Snell, *Annals of the Labouring Poor: Social Change and Agrarian England, 1660 – 1900* (Cambridge, 1985), p. 190.

Commission in 1857 a court order was obtained to apply it to the augmentation of the salary of the master of the National School and repairs to the school building.[61]

Many charity estates were affected by enclosure. Just like any other person or legal corporation owning land in the common fields they had their scattered strips of arable and doles of meadow exchanged for a consolidated holding. Extra allotments were made in exchange for any rights of common attaching to their property being extinguished by enclosure. Also like individuals, charities were liable to shoulder their share of the cost of enclosure, which could bear heavily on them, just as it did on small farmers.[62] Sometimes even large charities objected to the cost of enclosure, as did the Lord Leicester's Hospital, Warwick, at the proposal to enclose the common fields of Harbury, where it held an estate.[63] The trustees of the Hospital did agree to shoulder their share of the cost of hedges and fences when Napton was enclosed in 1778, but took out mortgages to pay for them.[64]

Apart from these exchanges which created consolidated, sometimes slightly larger, charity estates, there were some entirely new charities created by the allotment of land to be held on trust for the poor, usually in lieu of their extinguished rights to gather fuel, normally furze in Warwickshire, on the common lands. These acts specified that the beneficiaries were not to include anyone who occupied any of the land about to be enclosed.[65] Martin, in his extensive studies of Warwickshire

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61 *Gilbert*, WCRO QS 69/4; *Brougham*, pp.691-3; W.C.R.O. CR 2893/9, Brinklow Enclosure Award, 1741; DR 150/19, Notes on Brinklow Charities, 1829-1915.

62 J. M.Martin, 'The cost of parliamentary enclosure in Warwickshire' in E. L. Jones (ed.), *Agriculture and Economic Growth, 1660-1815* (1967), pp. 121-51.

63 W. C. R.O. CR 410, Objections of Leicester's Hospital to enclosure of Harbury, 1766. (Harbury was not finally enclosed until 1779).

64 W. C. R. O CR. 1600/83-87, 90, Agreements re hedges and expenses 1778-79, mortgages 1779-1806.

65 For example, Tysoe Fuel Land 'for such poor people residing in the said parish as should not occupy any part of the lands intended to be enclosed, in lieu of a right to cut furze or gorse upon the waste land of the said parish.' *Brougham*, p. 320; W. C. R. O. CR 224/ 92, Tysoe Enclosure Act (1798).

enclosures, detected 'a distinct decline in generosity over time in the compensation meted out to the village poor by enclosure commissioners.'[66] However, there were variations around the county, and he suggested that the enclosures of the parishes of the eastern Felden, with their bias towards animal husbandry, not only preserved extensive common grazing rights but also provided 'relatively generous allotments to the poor.'[67] The Gilbert Return for Warwickshire only correctly listed eleven charity estates created by enclosure, although others had been created before 1786.[68] An examination of the Charity Commissioners' Reports and some of the enclosure records held by the Warwickshire County Record Office has brought to light a further eighteen examples. There may be still more to be identified, especially in those parishes which were enclosed by agreement at an early date. Many such allotments may have been 'lost' as their purposes became less relevant in later years.[69] An analysis of the origins and purposes of these 29 charities formed by enclosure is shown in Table 3.8. Further details are shown in Appendix 1.

Period	Fuel	Poor	Misc.	Total
<1700	0	2	1	3
1701-50	2	3	1	6
1751-1800	13	4	1	18
1801-150	1	1	0	2
Total	16	10	3	29

Table 3.8: Date and purpose of charities founded by Enclosure.
Source: *Gilbert; Brougham;* Enclosure documents at W.C.R.O.

66 J. M. Martin, 'Village traders and the emergence of a proletariat in South Warwickshire, 1750 – 1850', *Ag.Hist.Rev.,* 32 (1984), pp. 179-188, p. 185.

67 J. M. Martin, 'The small landowner and parliamentary enclosure in Warwickshire', *Econ. Hist. Rev.* 2nd ser., 32 (1979), pp. 328-343, p. 331.

68 *Gilbert* listed: Avon Dassett (1780); Bishop's Itchington (1774); Bourton and Draycott (1768); Brailes (n.d.); Brinklow (1741); Dunchurch (1709); Harborough Magna (1755); Harbury (1780); Preston Bagot (1741); Stretton-under-Fosse (1741); Thurlaston (1729).

69 By the 1950s many allotments 'for specific purposes now of no importance' had been forgotten and the rights attached to them obliterated. Hoskins and Stamp, *Common Lands,* p. 99.

Not all allotments for the use of the poor created at the time of enclosure were in lieu of fuel rights. In the hamlet of Eathorpe, which the Charity Commissioners 'supposed to have been allowed at the enclosure of the parish, which took place above a century since', the charity was for 'public uses such as the repair of bridges or the use of the poor.'[70] In Preston Bagot the charity estate consisted of a house for the occupation of the poor.[71] At the enclosure of Ratley in 1796 six public stone and gravel pits were allotted (a common enough procedure for the maintenance of roads in a newly enclosed parish), but it was stated that the grass and herbage was to be taken by the vicar and parish officers 'to the use of the poor of the said parish.'[72] Another type of award was made in the chapelry of Newton, in the parish of Clifton-on-Dunsmore, in 1757. Here just over 2 acres in the Moor Field were allotted to the churchwardens and constable, initially to defray the cost of hedges, ditches, mounds and fences occasioned by the enclosure, thereafter to be employed 'in such manner as the major part of the landholders and occupiers of lands in Newton should on Easter Monday yearly direct.'[73]

While some enclosures took into consideration the rights of the poor to gather fuel, they did not necessarily all make a fuel allotment. The 1757 enclosure award for

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70 *Brougham*, pp. 343-4. There is no trace of an enclosure award or agreement.

71 *Brougham* p. 134. Preston Bagot was enclosed by agreement in 1741 and a parcel of land containing 1a. 29p. containing a gravel pit was allocated to the church and the poor. This appears to be a new allotment not an exchange, as the church and overseers are not listed amongst the proprietors agreeing to the enclosure. In 1772 one Thomas Bowdon exchanged 3 r. 34p. in Preston Baggot Field with the churchwarden and overseer 'for an equal quantity belonging to the poor ... in order to be more advantageous to the poor and for garden ground contiguous to the Poor Houses there.' It is not apparent when or by whom the houses were built. W. C. R. O. D 2 Docket 3, Agreement to divide the Common Fields of Preston Bagot, 20 March 1741; DR 253/12, memorandum of agreement of exchange, 2 November 1772.

72 *Brougham*, pp. 175-6; WCRO CR 1253/51, Ratley survey, valuation and calculations made therefrom on the enclosure of the parish, n.d., c. 1796.

73 *V. C. H.*, 6, p. 72. The Charity Commissioners recorded that 'although it does not appear that this land is affected by any charitable use, yet we mention it, as a small portion is at present allotted to the poor, rent free, for gardens. This, however, must be considered as a voluntary appropriation on the part of the parish.' *Brougham*, p. 704.

Kenilworth preserved as common 35a. 36p. of hilly waste on Tainter Hill Common on the outskirts of the town itself and another 4a. 3r. 4p. near the hamlet of Burton Green. The award stated that the land 'shall remain common and unenclosed to the intent and purpose that the poor belonging to the said parish of Kenilworth shall from time to time for ever hereafter use exercise and enjoy a free and constant right to get furze goss or fern ... and that the Lord of the Manor of Kenilworth ... shall ... make such plantations for ornament on the said allotments or either of them as he or they shall think proper.'[74] In Stretton-on-Dunsmore, which was enclosed by agreement in 1704, the Poor's Plott was an exchange for existing charity land, but was consistently let in parcels of 20 perches to poor cottagers and the income used since at least the late eighteenth century to supply coal, which does imply an awareness of the consequences of the loss of fuel gathering rights. The enclosure agreement certainly referred to the provision of fuel. Although confirming the rights of the lord of the manor to the herbage of the banks and roadsides it excepted 'the Bushes that at any time hereafter shall grow therein which shall be applied to such uses as the Bushes which grow on the Poor's Plot.'[75] On the other hand, the parishioners of Long Lawford believed that they had the right to cut 'furze on a strip of land, eight yards wide, running parallel with the public road, leading over the Long Lawford heath, which right they asserted was awarded to them under the act for enclosing it.' The Charity Commissioners examined the award for the enclosure of Lawford Heath dated 23 March 1774 and determined that 'there is, however, no such right awarded to them, and if they have exercised such a power, it can only have been by sufferance of

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74 W. C. R. O. Y1/50, Transcript of Kenilworth Enclosure Award, 27 January 1757. By 1956 Kenilworth Common had dwindled to 29.6a. but the common right of estovers (fuel gathering) and taking gravel remained. Hoskins and Stamp, *Common Lands*, pp. 124, 328.

75 W.C.R.O. CR 498, Agreement of Enclosure of Stretton-on-Dunsmore, 2 June 1704.

the owners.'[76] Even as late as 1890 a report on the charities of Warwick stated that 'the common lands of the two parishes should be taken into account, in the consideration of the question of the charitable institutions of the town.'[77]

Of the 29 charities identified as being established by enclosure, 16 were definitely allocations in lieu of the right of cutting furze. These were not really charities, but property given in compensation for rights lost.[78] However, they were charities in form, being lands held in trust for those whose rights were extinguished, and were certainly treated as such by the trustees, even if not regarded as such by the recipients, who often retained some sense that these lands belonged to them. When the Charity Commissioners visited Thurlaston they received many complaints about the management of the Poor's Land from members of the labouring classes. One of the complaints was 'that allotments were not made out of the poor's land for the occupation of the labourers.' The Commissioners recommended that in future

> a portion of the poor's land should be divided into small allotments, at low rents, for the use of such deserving poor as were not already provided for, keeping them within such bounds as should not hold out the temptation to become small farmers, or to deprive their employer of the due benefit of their time and strength, *and at the same time especially discouraging the idea (very prevalent in this district), that the term "Poor's Land" of itself implies a right in the poor parishioner to demand occupation, instead of the participation in the benefits of the produce of the land* [My italics].[79]

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76 *Brougham*, pp. 719-20. For a discussion of roadside wastes see G. Shaw Lefevre, *English Commons and Forests* (1894), pp. 288-98; Hoskins and Stamp, *Common Lands*, pp. 115, 123, 124, 143, 221.

77 Anon., *A Report of the Charities of the Borough of Warwick Presented to the Town Council and Ordered to be Printed* (Warwick, 1890), p. 6.

78 Jeanette Neeson made the point that 'common usage of commons was not a charity for the weakest in the village, it was a resource for almost everyone', although not all scholars agree on this. J. M. Neeson, *Commoners: Common Right, Enclosure and Social Change in England, 1700-1820* (Cambridge, 1993), p. 174.

79 *Brougham*, pp. 712-3.

A similar recommendation, though more positively phrased, was made in the case of Long Lawford. The liberties of Long Lawford had been enclosed some time before 1719 and 20 acres set aside for the benefit of the poor. For over a hundred years the income had been used to subsidise the poor rates, until a public meeting in 1833, following the bitter complaints of the poor, decided to spend £4 p.a. on the rent of the school and the rest of the income to be distributed in coal and bread. The poor still complained that they were not allowed to rent ¼ acre plots and the Commissioners, while maintaining that 'they can have no *right* to the occupation of this land', nevertheless were sympathetic:

> considering that the poor of this parish have been for many years, wrongfully deprived of the rents of the land in question ... we have recommended to the parish to take this question into consideration, and to allot to the poor as may have a fair claim thereto, a small portion of this land ... The poor of this parish seem entitled to a liberal exercise of the discretion in such cases vested in the parish officers as a compensation for what they have been deprived of for so long.[80]

The trustees appointed to these fuel lands could either be some of the major landowners and their heirs, or some combination of the minister, churchwardens and overseers of the poor. In this sample, thirteen had some combination of churchwardens, constables and overseers of the poor as their trustees. Four others included the minister with the parish officers, and one also included the lord of the manor. Three cases had the minister and private individuals, and four cases only named individuals and their heirs. Even when there were private trustees they were often advised by the minister and parish officers about who should benefit from the

land. The private trustees usually seem to have been the lord of the manor and other named landholders, except in Avon Dassett where it was just one landowner, John Willes, and his heirs. The rent was sometimes collected by the lord of the manor's agent.[81] The land allocated was usually on the heath or 'furze ground' on which the cottagers had once gathered fuel, often on the extreme edge of the parish, alongside a main road. In nine of these places this seems to have been so.[82] Some parishes stipulated that the land was to be maintained as furze ground, the cottagers retaining the right of cutting it themselves, as at Harborough Magna, Thurlaston and Stretton-under-Fosse, or, as at Ilmington, the churchwardens cutting it and distributing it at the rate of two kids [bundles] per head.[83] Even when there was no requirement to maintain furze thickets this land tended to be of poor quality, and so the rental value was not very great, though it could be improved. By the time of the Charity Commission the Poor's Land at Stretton-under-Fosse had been cleared and improved, and the annual rent of £12 was distributed in coal, 'each poor cottager in the village of Stretton having a portion delivered at his door.' [84]

It was not just rural parishes which were affected by enclosure. Many small towns, such as Atherstone or Alcester, were part of a large rural parish, and even larger towns could have significant open areas or common land. Warwick comprised

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80 *Brougham*, pp.719-20. The Commissioners referred to the powers of creating small allotments in the Acts 2 Will. IV c. 42 and 59 Geo. III c. 12, which they felt were both applicable to this case.

81 For example, Mr. Harris, agent for Sir Grey Skipwith, collected the rent in Stretton-under-Fosse. *Brougham*, pp. 698-9.

82 Avon Dassett, Bilton, Bourton and Draycott, Dunchurch, Harborough Magna, Long Compton, Napton, Thurlaston and Tysoe.

two parishes, those of St. Mary's and St. Nicholas. St. Mary's was mostly contained within the borough, with commonable land in the Lammas Field and Saltisford Common, both of which remained common until the twentieth century.[85] St. Nicholas, however, was an extensive parish largely outside the town. It had two large commonable meadows, of which St. Nicholas remained common until 1928. However, in 1772 an Act was obtained for the enclosure of the St John's Meadow. A claim was made on behalf of the poor before the ground was staked out, of their right to cut furze on Warwick Heath. A fifteen acre plot was awarded to the Earl of Warwick and other trustees for the benefit of the poor of Bridge End Ward in St. Nicholas, laid out beside the Warwick to Whitnash road. By the time of the Charity Commission inquiry this had been cleared and was let to a farmer at £27 6s a year, which was distributed in coal; coal was still being distributed in 1875, though the rent had increased to £36.[86] Not all towns made such allotments. When 66 acres belonging to the town of Atherstone in the parish of Mancetter were enclosed in 1765 no provision was made for the poor specifically, although 100 acres was allotted to the cottagers in lieu of their rights of common pasturage.[87] Interestingly, the enclosure of Bedworth in 1769 was not only to enclose the common fields, but also 'for the regulating of the charity estates within the said parish.' The seven trustees 'should be

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83 *Brougham*, p. 161.

84 *Brougham*, pp. 698-9.

85 *V. C. H*, 8, pp. 436-7.

86 *Brougham*, p.842; *General Digest;* W. C. R. O. CR 928/1, Bill of Enclosure of St. Nicholas, Warwick, 1772; CR 1707/92, Act of Enclosure; QS 75/123, Enrolment of award, 1773.

87 W. C. R.O. Y1/21/1, Typescript of Atherstone Enclosure Award, 11 September, 1765,.'Opponents of enclosure had valued the fuel and sand which women collected at £3 3s year, and a child able to work brought in the same again – together they earned almost a third of a labouring family's income', quoted in Neeson, *Commoners*, p. 165. The concerted opposition of the

incorporated by the name of "The Governors of the Hospital of Mr. Nicholas Chamberlaine, and the Possessions and Revenues thereof.' Although no allotment was made for the poor, two heaths, amounting in all to about 24 acres, were exempted from the award as they 'belong and are promiscuously enjoyed by all the Inhabitants and landowners.'[88]

One of the most protracted struggles for the enclosure of urban common land was in Coventry. From the earliest times the common fields of Coventry had been known as the Michaelmas Lands, being enclosed for cultivation from Candlemas (2 February) till Michaelmas Day (29 September), and the common meadow was known as Lammas Lands, being closed from Candlemas till Lammas Day (1 August), both being common pasturage for the citizens (increasingly interpreted as the freemen only) for the rest of the year. The adjacent waste land was also held in common, with a stint of two cows and a horse or two horses and a cow. Citizens of Coventry could, and many did for centuries, avail themselves of these rights, though the regulation of the lands and wastes caused some bitter disputes between individual citizens, the body of freemen and the corporation from time to time. These ancient rights were fiercely defended, even though they had the deleterious effect of restricting the outward growth of the city, leading to much overcrowding and poor housing in the centre. The first moves towards enclosure occurred in 1828 and 1834, with the cutting of Telford's turnpike road and then the London and Birmingham railway, through part

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cottagers and some of the 60 or so freeholders delayed enclosure by 35 years. W.C.R.O. HR 35, papers re enclosure of Atherstone, 1730-65.

88 *Brougham*, pp. 684-5. W. C. R. O. QS 75/10, Enrolment of enclosure award for Bedworth, 1769.

of the land. Compensation was paid for the loss of both strips of land which, with interest, had amounted to £2,476 4s. by 1843. A public meeting of the freemen in that year decided that it should form a fund called 'The Freemen's Seniority Fund', out of the interest of which a payment of 6s. a week should be paid to the most aged freemen according to their seniority.[89] During the 1840s the fifty or so landowners attempted to enclose the Lammas and Michaelmas land, but failed to get the agreement of the freeholders who clung to their rights of pasturage, even though the majority of them no longer had cattle of their own, but 'fathered' other people's, for a consideration. Agreement was finally reached in 1860, and 976 acres were enclosed, the largest allotment going to the freemen, the corporation and some charity estates receiving other shares.[90] Within six years 'an influential body of non-freemen citizens formed the view that, so far as concerned the area of the Lammas and Michaelmas lands allotted to the freemen in 1860, the allotment ought really to have been made to the corporation, on behalf of the city as a whole.'[91] Eventually a second Act of 1875, enclosing the remaining common land, allotted half to the corporation for the benefit of the whole city and half to the freemen for the benefit of the Seniority Fund.[92] The manorial wastes remained common, and were finally designated public open spaces in 1927.[93] In Birmingham there was no such corporate opposition to enclosure, and the heaths around the expanding town were enclosed piecemeal. The last piece of

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89 In later years, at least, advertisements were placed in the local paper seeking applications from aged freemen. For example, on 7 October 1891 an appeal appeared in the *Midland Daily Telegraph* asking for applications from freemen enrolled in 1840 and 1841.

90 F. Smith, *Coventry, Six Hundred Years of Municipal Life* (Coventry, 1945), pp. 2, 11, 137-44. W. C. R. O. QS 75/37, Enrolment of award, 1860.

91 Smith, *Coventry*, p. 143.

92 Smith, *Coventry,* 144; W. C. R. O. QS 75/38, Enrolment of awards,1875.

heathland disappeared in 1799 and 'eight dreary little red-brick streets shot up where the bracken and gorse had once flourished.'[94]

Donors

The founders of endowed charities were a very varied group of men and women, wealthy and of modest means, aristocratic and plebeian, some genuinely caring for their fellow creatures and others selfishly using charity for personal ends. For the vast majority of them we know nothing but their names and how much they left for a particular purpose. For most it is impossible to say whether their death-bed charitable bequest was the culmination of a life-time of giving or a last ditch attempt to make up for a life of misanthropy. The types of charities they established will be discussed in Chapters 5 and 6, and something of their possible motives in Chapter 7. Here only a few tentative remarks will be made on their gender, status and relative wealth, by using some simple statistics and some case studies and examples.

Of the 1184 charities recorded in the Gilbert Returns it is possible to identify the gender and status of the donor in 876 cases, representing 74% of all cases. Of these, 80.7% were established by men. This was a reflection of the legal difficulties which circumscribed married women from disposing of property. While women did not found many charities by deed or will, they were perceived as being, indeed prescribed to be, charitable. In 1797 Thomas Gisborne published an influential conduct book, *An Inquiry into the Duties of the Female Sex*, in which he wrote that 'in the exercise of charitable and friendly regard to the neighbouring poor, women in general are exemplary.'[95] From the very meagre statistical sample in Table 3.9 it

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93 Smith, *Coventry,* 171.

94 Hoskins and Stamp, *Common Lands*, pp. 63-4.

95 Quoted in D. T. Andrew, '*Noblesse Oblige*: Female charity in an age of sentiment', in J. Brewer and S. Staves (eds), *Early Modern Conceptions of Property* (1995), pp. 275-300, p. 284, n. 36.

would seem that a slightly higher percentage of aristocratic ladies were inclined to found charitable trusts than their male equivalents – 3.6% of female donors were aristocratic, only 2.1% of males (2.3% if the bishop is included in this category).

	Male	Female	Total
Status			
Baronet and above	15	6	21
Sir/Lady	28	14	42
Untitled	629	149	778
Bishop	1	0	1
Reverend	30	0	30
Doctor	4	0	4
Total	707	169	876

Table 3.9: Status and gender of identified donors, pre-1786.
Source: *Gilbert.*

This may have been because of the stringency of strict settlement of estates curtailing freedom to make such bequests. Or perhaps they felt that they had discharged their charitable duties by personal charity during life. At first glance, gentle ladies seem to have been more inclined to charity (8.3% compared with 3.96% of males of equivalent rank). However, if those with the title of Reverend are included amongst the ranks of the gentle, the balance is almost equal (8.2% of male donors), as is the balance for those for whom no rank is recorded (88.2% of females and 89.0% of males). This figure of 88% of donors being of 'the middling sort' only serves to emphasise the point made on p. 90 above that most trust funds were very modestly endowed.

Trustees

Donors chose their trustees with care, with a view to the long term survival of their endowment and strict adherence to their wishes. Their choice of trustees was

often influenced by their own circumstances. A calculation from the Gilbert Returns suggests that 52.7% had private trustees, 36.1% chose some combination of the minister and parish officers, and 11.2% chose corporate trustees.[96] Testators often nominated their executors as trustees. The wealthier, landed sort usually favoured private trustees, as this group in society was used to acting as trustees for each other in family and marriage settlements. Citizens of boroughs often chose the corporation, as being a body which by definition could not die, and which, in theory at least, consisted of the most worthy citizens, well versed in administration and money matters. For similar reasons members of trade guilds might choose their company to be trustee.[97] Unfortunately these trusts vested in corporations were often abused. Sometimes donors would nominate charitable bodies or the feoffees of existing charities as their trustees, even though their benefaction was not to the main charity.[98] Lesser folk, especially those residing in rural parishes, frequently chose some combination of their minister and parish officers, and although much obloquy was heaped upon these in the early nineteenth century, the majority of them acted with remarkable integrity over the years, if not always with financial acumen.

The Webbs wrote that 'the Municipal Corporation had, in nearly every case, undertaken more or less responsibility in the capacity of what we might call Public

96 The Returns showed the trustees for 965 charities. It is possible that some have been identified as private trustees were actually the minister and parish officers given by name not office.

97 Craft guilds' 'charitable activities were often expanding in the late seventeenth century, as their narrowly economic functions withered away.' R. M. Berger, *The Most Necessary Luxuries: The Mercers Company of Coventry, 1550-1680* (University Park, Pa., 1993), pp. 196, 209. Some London companies were trustees for charities in the provinces. In Warwickshire, for example, the Grocer's Company administered Lady Conway's Charity in Luddington and the Haberdasher's Company were trustees for Thomas Shingler's Charity in Rugby. See also J.P. Ward, 'Godliness, commemoration, and community: the management of provincial schools by London trade guilds', in M. C. McClendon, J. P Ward and M. MacDonald (eds), *Protestant Identities: Religion, Society, and Self-Fashioning in Post-Reformation England* (Stanford, Ca., 1999), pp. 141-57.

98 For example, the Governors of the schools in Atherstone and Nuneaton were each chosen by four donors in the seventeenth century. The trustees of the Solihull Charity Estate were chosen by five donors.

Trustee. It had often received grants of land or bequests, charged with payments for this or that charitable and public object, or left generally in trust for the poor. It had in many towns succeeded to, or stepped into the shoes of, religious Gilds, and had made itself more or less responsible for continuing part of their work.'[99] What they said of England generally was true of Warwickshire boroughs, especially Warwick and Coventry, though not all charities in the boroughs were in the hands of the corporations. In Warwick in 1787 eleven out of 80 charities were listed as being in the hands of the corporation, with an annual income of £422 7s 10d.[100] In 1545 much of the property formerly belonging to the religious guilds of the town was given to the Corporation, forming what was known as the King Henry VIII estate. It is not clear whether there was originally any intention for payments for the support of the poor to be made from this estate, or whether it really was, as the Corporation felt, income for the general purposes of the town. However, by a Chancery decree in 1618 the Corporation was obliged to distribute at least £16 a year to the poor and raise a stock of £100 to put them to work. The estate continued to cause dispute and friction in the town until in 1736 the estate was sequestered. It was another twelve years before a Chancery Order restored the administration of the estate to the Corporation, with the stipulation that at least £1 a week be distributed in bread, and such other help given to the poor as might from time to time be deemed necessary. Thereafter the estate was administered reasonably well and the Charity Commissioners were not too scathing in their report of 1826.[101] However, as in other boroughs, the 1835 Municipal Reform Act removed control of this and the other charities from the Corporation. The Municipal Charities were formed under an independent group of trustees, but an

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99 S. & B. Webb, *English Local Government: The Manor and the Borough* (1908), pp. 286-7.

100 *Gilbert*. One of the charities was a barn given by the corporation itself in 1695 to convert into an almshouse, which had no income. Another consisted of about £600 every fifth year from Sir Thomas White's Charity.

101 *Brougham*, pp. 747-66

inspection in 1854 found a number of serious faults in their administration.[102] These were addressed, and in 1891 the number of charities under the control of the Municipal Charities was increased.[103] The control of charitable funds was often the locus of political strife, party politics and personal animosities playing their part in the sometimes bitter disputes. This was not unique to Warwick, as the following section on Coventry will show, nor to Warwickshire. Gorsky has made a study of 'the politics of charity' in Bristol, in which he examined the way in which the distribution of charity funds could be used to influence elections. Even after the electoral and municipal reforms of the 1830s the (mis)management of charity funds was a weapon in the political armoury.[104]

The situation was similar in Coventry, though the number of charities and their value was considerably greater than in Warwick (52 charities in 1787 with an annual income of £1249 12s. 10d., plus every fifth year their share of Sir Thomas White's charity). Many of these were loan charities, references to fifteen of which survive in the Corporation records.[105] The largest was the city's share of Sir Thomas White's Charity, which eventually eclipsed the other loan funds.[106] It has been said

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102 *Reports of Public Inquiries Respecting Warwick Charities, held under the authority of the Charity Commissioners by Walter Skirrow, Esq. ... in July 1854 and July 1868* (Warwick, 1868).

103 *V. C. H.* 7, p. 544; W.C.R.O. CR 2840/1, Warwick Municipal Charities Scheme, 1891.

104 Gorsky, *Pattern of Philanthropy*, pp. 63-85. This was true even in 1890. In Warwick two pamphlets were published soon after the transfer of thirteen charities to the estate of the King's School Foundation. One held that 'of late years the existing charities in the Town would seem to have been fairly administered..' *Report of the Charities of the Borough of Warwick* (Warwick, 1890).The other, by James P. Elliott, 'agent for the Liverpool Victoria Legal Friendly Society', was entitled *A Full and Complete History of the Warwick Charities showing the Result of Misapplications and Charity Grabbing* (Coventry, 1890). This stated that 'There has been a lot of crooked and cunning scheming during the last 130 years to deprive the poor of the rich charities left them by better men than those who have grabbed them from the poor and destitute ... Thirteen of the best charities were carried from the people to the High Schools - £3,600, leaving the poor penniless.'

105 C. C. A. BA/D/A, R-Z, AA-AE.

106 'Although it is probable that some portions of these benefactions may be blended with the funds of the corporation, yet as the amount cannot be ascertained, and there has been so little

that 'up to the late seventeenth century, during the period when most of the charities were founded, the administration of them may have been comparatively efficient or at least not such as to cause any widespread lack of confidence in its honesty and competence.'[107] However, examination of the Corporation's Minute Books shows how the funds of the charities were not kept separately from the Corporation's own property and it is hardly surprising that disputes arose, leading to drawn-out litigation and the sequestration of all Corporation property in the early eighteenth century. One of the bitterest opponents to Corporation administration of charity funds was Dr. Edward Jackson, head master of the Free Grammar School. He and Samuel Carte published a book in 1733 entitled *An Account of the Loans, Benefactions and Charities Belonging to the City of Coventry*, which provided ammunition for the continuing political struggles in Coventry for the rest of the century.[108] The Town Clerk, Mr. Carter, was probably somewhat alarmed in February 1833 to receive a letter from his assistant R. Dewes, saying 'more trouble and difficulties – I have this morning received a Letter from the clerk to the Commissioners of Charities intimating their intention of being here in about ten days.'[109] Following a rigorous investigation and frequent demands to produce documents, the Commissioners concluded that there had been much maladministration in the past, but that since 1828 there had been efforts at improvement, which they felt would continue.[110] However, the Municipal Corporation Commissioners did not take such a sanguine view, and the Municipal Corporations Act of 1835 created two new bodies of charities – the Coventry General

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demand for loans, except from Sir Thomas White's Charity, for many years, we think the whole may, for any practical purpose, be considered lost' wrote the Commissioners in 1833. *Brougham*, p. 946. C. A. A. BA/D/A Sir Thomas White's charity records.

107 *V. C. H.,* 7, p. 398.

108 Roey Sweet ascribes the lack of a history of the city to the vitriolic political wrangling, often focussing on the administration of Corporation charities and the use of their funds, especially the loan funds, to bribe electors. R. Sweet, *The Writing of Urban Histories in Eighteenth Century England* (Oxford, 1997), pp. 214-6 .

109 C. C. A.. 14/5/46, Letter of R. Dewes to J. Carter, 13 February 1833.

110 *Brougham*, p. 868.

and the Church Municipal Charities. After the creation of the Charity Commission in 1853 they instituted an investigation of the Coventry Charities, especially Sir Thomas White's, and after five years of investigation, dispute and conflicting proposals, the Court of Chancery accepted a scheme put forward by the General Charities Trustees which reorganised the charities and the Freemen's Seniority Fund.[111]

Coventry also furnished examples of guild trustees who did not live up to the trust placed in them. Guilds and companies, which were not necessarily incorporated, could act as trustees in their own right and as agents for the Corporation charitable funds. For example, under the terms of the will of Thomas Wheatley, proved in 1566, the Corporation of Coventry was to distribute sums ranging from £16 to £100 to sixteen different craft companies, to be used by them as loan funds, being bound by sureties to repay the principal to the Corporation. The Weavers' Company received £100 and the Loan Disbursement Books 1639-1802 and their loan money bonds 1702-71 show good record keeping but a steady decline in the probity with which these loans were made.[112] In the seventeenth century, although the names of the masters and other senior men occasionally occurred as receiving the loans, generally 20 to 40 loans of between £1 and £10 were made to small masters, including a number of widows. By the early eighteenth century the names of master and wardens appeared more regularly as receiving loans, and they did not always repay at the end of the year as they should.[113] For example, Mr. John Snell, who had been master in

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111 P. Searby, 'Weavers and Freemen in Coventry, 1820-1861', (unpub. Ph.D. thesis, University of Warwick, 1972), pp. 400-12.

112 C. C. A. 100/10/1-2, 100/11/1-4, Weavers' Company Loan Disbursement Books and Bonds.

113 The Mercers' Company were already experiencing difficulty in the seventeenth century in complying with Wheatley's intention of making funds available on a rotating basis to a large number of struggling members and their widows. From the 1640s there was an increase in the amount lent (from £2 to £4) and a reduction in the number of recipients, who tended to be 'up and coming' young men rather than the 'older indigent' recipients of earlier years. Berger, *Most Necessary Luxuries*, pp. 205-11.

1688, and mayor in 1699, had £5 in 1702 and 1703. He also leased property of the Wheatley Charity in 1689.[114] His kinsman (?son) Samuel Snell retained £5 from 1698 to 1716. By 1733 the loan fund, augmented by interest of four pence in the pound over nearly 170 years, stood at £150, but by 1738 bad debts had reduced that to £92 5s 10d. By 1741 there were eleven good loans (£49) and seven bad debts (£30 15s.) and £40 in hand. From now on there were only half a dozen or so loans each year, many of them running for years, on payment of annual interest of 2s 11d. One recipient was Mr. Ezekiel Kendrick, holding on to £5 from 1743-1760; he was three times master of the Weavers' Company and also trustee of Sir Thomas White's Loan fund.[115] A number of members of the Soden family held the loan from the 1750s to 1802; James Soden was also three times master of the Weavers, twice mayor and trustee of the Sir Thomas White Charity.[116]

It would seem that parish trustees were, on the whole, more reliable, though no doubt their administration could cause political wrangling around the parish pump. By the late eighteenth century those charities in the hands of the parish were almost equally divided between those in the hands of the minister and others (17.5%) and the parish officers without the minister (18.6%).[117] Various combinations of minister, major landowner/lord of the manor, churchwardens, overseers of the poor and constables occurred, and was no doubt influenced by local structures and perhaps even personalities at the time of the establishment of the trust. While this put the

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114 C. C. A. 101/138/4, Conveyance to William Snell and others of properties including one occupied by John Snell, 1689/90. Note 2693 in the catalogue reference to this document gives details of Snell's career and properties.

115 C. A. A. 202/33/1, Counterpart lease, 20 March 1788, mentions John Snell and Ezekial Kendrick. Note 558 in the catalogue reference to this document gives details of Kendrick's career and properties.

116 C. A. A., 101/5/28, Mortgage, 21 April 1787, mentioning James Soden. Note 482 in the catalogue reference to this document gives details of his career and properties.

117 *Gilbert.*

charities very much in the public domain, with annual accounts usually rendered each Easter at the time of the election of the vestry and parish officers, it also meant that the personnel could change quite frequently. However, as the parish officers usually took up their posts by rotation, and came from a small pool of the parish élite, there was probably a long-term continuity.[118] The parish officers were responsible for keeping all the documents and records of the charities, responding to the Gilbert and Brougham inquiries, and later corresponding with the Charity Commission.[119]

Just over half of charity trustees were private individuals, often at first the executors of the will of the deceased, and were thus likely to be of a similar social status as the donor, though sometimes leading local gentry or even aristocracy were chosen.[120] While initially they usually acted according to the wishes of the testator, the survival of the trust depended on their nominating successor trustees. Otherwise their heirs at law were nominally trustees, but might be unaware of the fact. This is how some of the smaller charities came to be lost.[121] If the trustees became insolvent,

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118 Keith Wrightson has written about the 'most substantial' parishioners running the poor law and that increasingly bureaucratised private charity was subsumed in a system directed by 'the best sort of the parish.' K. Wrightson, 'The politics of the parish in early modern England', in P. Griffiths, A. Fox, S. Hindle (eds), *The Experience of Authority in Early Modern England* (1996), p. 21. David Eastwood, while acknowledging the 'personal rather than bureaucratic' nature of much parish administration stressed that in the face of rising populations of poor in the late eighteenth and early nineteenth centuries there was a 'concentration of power in the hands of the select vestry' and 'a parallel move towards the professionalization of parish administration.' D. Eastwood, 'The republic of the village: parish and poor at Bampton, 1780-1834', *Journal of Regional and Local Studies, 12 (1992)*, pp. 18-28. For Warwickshire studies of parish administration see A. W. Ashby, 'A Hundred Years of Poor Law Administration in a Warwickshire Village' in P. Vinogradoff (ed.), *Oxford Studies in Social and Legal History* : 3 (Oxford, 1912). J. Lane, 'The Administration of a Warwickshire Parish: Butler's Marston', *Dugdale Society Occasional Paper,* 21 (Stratford-upon-Avon, 1973).

119 The Napton churchwardens recorded their expenses in completing the Gilbert Returns in 1786 and in attending the Commissioners of Inquiry to show them the deeds and papers in 1826. W.C.R.O. N1/5, Napton Churchwardens accounts, 1764-1873.

120 For example, George, Earl of Warwick (1776-1816) was trustee of Bishop's Tachbrook school, and the charities of Fulke Weale, Henry Archer, Earl Brooke and Mrs. Hammond.

121 Three charities in Stretton-on-Dunsmore (Herbert's, the Poor's Plot and the Church and Poor's Land) were put to great expense and trouble when the last known trustee died without clearly nominating successors. It took over twenty years of legal action before new trustees were appointed by the Court of Chancery. The appointment, in 1859, included a new regulating

or in some other way incapacitated to act, it could mean trouble for the trust itself.[122] For example, by 1787 certain charity land in Stretton-on-Fosse was in very unfortunate hands. The observations in the Gilbert Returns stated that:

> 'application has been made by the Minister to the Bishop, to reform abuses concerning the land, but to very little purpose. John Eddens and John Widdowes, two of the trustees, are reduced almost to penury, have sold their property, and may be called paupers. John Widdowes has, by deed of agreement, assigned over the right to one Mr. Hughes, an attorney, who acts imprudent and contrary to the sense of his neighbours; he has a property of his own in the parish, and says "the Parish have no right to appoint Trustees.' The old deed only authorises the inhabitants to dispose of the money at a Vestry. A new deed is preparing by order of the Vestry, with the consent of the majority of the principal inhabitants, but they are afraid of bringing it forward, lest Mr. Hughes should, by some trick of the law, circumvent them.' [123]

The observations also included a copy of a letter from Mr. Hughes, defending his actions and accusing the Rector and the farmers of misapplication of the funds of the charity.

Even when trustees were regularly appointed they might not always act in a way approved by the inhabitants. Antagonism could be exacerbated if the trustees were regarded as self-perpetuating oligarchies. In the 1810s the parishioners of Lapworth prosecuted a case in Chancery against the trustees of Lapworth Combined Charities, whom they accused of mismanagement of the estate and misapplication of the funds. A compromise was reached in 1816, with the trustees agreeing to let the

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scheme. The costs incurred totalled £188 6s.6d. W.C.R.O. CR 700/34/1-16, Papers relating to the Application for a Charity Scheme for Stretton-on-Dunsmore.

122 This was despite a legal decision taken in 1673 which meant that assets on trust could not be claimed by a trustee's creditors. M. J. Daunton, *Progress and Poverty: An Economic and Social History of Britain, 1700 – 1850* (Oxford, 1995), pp. 239-40. In the nineteenth century Charity Commission schemes normally included a clause that removed anyone who became bankrupt or insolvent, or incapable in some way of acting, from the body of trustees.

123 *Gilbert.* The Charity Commissioners found that no trust deed had been made after that of 1754 conveying to one Thomas Widdowes and two others and that 'the charity has been for some time past managed by the minister and one or two of the parishioners.' *Brougham*, pp. 177-8.

charity premises by public tender.[124] In many ways the history of the Kimbell Charity in the parish of Burton Dassett is a credit to the careful husbandry of the trustees down the ages, in that a charity endowed in the time of Edward IV is still benefiting the inhabitants in the time of Elizabeth II. As the income from the small farm which comprised the endowment rose and outstripped the original intentions of the donor of giving 7s. a year towards the repair of the church, and providing a 2d bread dole to each household in the hamlets of Knightcote and North End, the trustees cast about for useful ways of spending the surplus. By the mid-nineteenth century they were supporting a small school in Knightcote, and later at Northend; regular amounts were paid each year to defray the costs of the highway rate in the parish; in 1864 a water supply was put in to the hamlets of Knightcote and Northend, which continued in use until 1946, when it was sold to Southam Rural District Council. However, by the early 1890s resentment was growing in the hamlets about the administration of the charity by a tightly-knit group of trustees, some of whose families had been trustees for at least 160 years, and possibly longer. The trustees in 1731 were William Baylis, William Yardley, John Ellward, John Robinson, Robert Ladbrooke and John Ladbrooke. In 1787 they were William Yardley S^nr^, William Yardley J^nr^, Jonathan Ledbrooke, William Ledbrooke, Daniel Ledbrooke, John Ledbrooke and Richard Knibb. By 1892 the trustees were John Bloxham, William Seney Yardley, William Ledbrook, Samuel Bloxham, Richard Knibb and William Ledbrook Bloxham. John Bloxham frequently served as Guardian of the Poor at this time, and William Ledbrook Bloxham was paid assistant overseer and collector of the poor rate. There was resentment that the trustees contained no representative of the working class. This was a growing feeling during a period which saw an extension of the franchise

124 *Brougham*, p. 103.

and the creation of elective County Councils and Parish Councils.[125] The inhabitants petitioned their M.P., Mr. Cobb, for an enquiry by the Charity Commissioners, which duly took place in April 1892. By August 1893 the Charity Commission had drawn up a new scheme, which, as well as regulating the objects of the charity, stipulated that there should be five representative trustees, two elected by the rate payers of Knightcote and three by the rate payers of North End. It also stipulated that there should be three co-optative trustees, but that the current six trustees were to be the first co-optative trustees, and entitled to hold for life. This was a somewhat hollow victory for the inhabitants![126]

In theory, single women could act as trustees, though there is little evidence of them acting other than as executrices to the will which founded a charity. William Hutton recorded that 'Ann Crowley bequeathed, by her last will, in 1733, six houses in Steelhouse-lane, amounting to eighteen pounds per annum, for the purpose of supporting a school, consisting of ten children. From an attachment to her own sex, she constituted over this infant colony of letters a female teacher: Perhaps we should have seen a female trust, had they been equally capable of defending the property.'[127] The Gilbert Returns suggested that the property of 25 charities was vested in women, though further research proved that the majority of these were rent charges, and that the women were the owners or occupiers of the properties so charged. In the parish of

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125 Reform Act, 1884, which extended the county franchise; Local Government Act, 1888, which created elective County Councils; District and Parish Councils Act, 1894. For an overview of the structures of local government and the relevant legislation see the appendices to P. Hollis, *Ladies Elect: Women in English Local Government, 1865 – 1914* (Oxford, 1987).

126 *Gilbert*; *Brougham*, pp. 155-57; J. W. Brace, 'Seven Springs: water supplies to the Warwickshire Villages of Knightcote, Northend, Fenny Compton, Avon Dassett and Burton Dassett', *Warwickshire Industrial Archaeology Society Occasional Papers,* 1 (Leamington Spa, 1997) pp. 3-3-12; *Leamington Spa Courier,* 9 April, 1892; Charity Commission Scheme, 1940/93, 4 August 1893; W. C. R. O. DR 292/Box 2, Burton Dassett Vestry Minutes, 1876-1935.

127 W. Hutton, *An History of Birmingham* (1783; Wakefield, 1976), p. 201.

Long Itchington the property of five charities was said to be vested in one Mary Horley. The Charity Commissioners' reported that these five charities had been given at various times to the minister, churchwardens and overseers of the poor. It would therefore appear that Mary Horley was probably a parish officer at the time.[128] This leaves just two cases where women were personal trustees. In 1775 the Rev. Henry Roberts left the bulk of his personal and real property to his sisters Dorothy and Sarah for their lives, then to his cousin's son, subject to several charitable payments. These included gifts amounting to £50 to several Worcestershire parishes and £5 a year to the poor of Wolverton, Warwickshire, of which he had been rector. The sisters paid the bequests and the annual sum until their deaths in 1813. The property then passed to their cousin Henry Roberts, who 'declined continuing the payment, on the ground of its not being charged upon any particular piece of property ... his circumstances are now such as to afford not much hope of his accounting for the arrears, or renewing the payments of this annuity.' So ended the only charity in the parish of Wolverton.[129] The other charity which listed women among its trustees in 1786 fared better. In 1783 Langton Freeman left money to endow schools in Bilton, Warwickshire, and Long Buckby, Northamptonshire. The trustees he nominated were Elizabeth Hanwell, Francis Bradshaw, Mary Freeman, Joseph King, Thomas Freeman, Simon Freeman, Ann King, Jane Freeman and George Freeman. Although the money had not been paid over in 1786, by the time of the Charity Commissioners' inquiry there was a purpose-built school flourishing in Bilton. Unfortunately there is not enough evidence to see whether the women took an active part in establishing the school, or were

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128 *Gilbert, Brougham*, p. 192. Unfortunately the churchwardens accounts do not survive, but the overseers' accounts show that although Mary Horly was not overseer in that year the parish did sometimes appoint women to that post, and various male Horleys were ratepayers and occasionally overseers or constables in the late eighteenth century. W. C. R. O. DR 316/32, Long Itchington, Overseers' of the Poor Accounts, 1769-95.

129 *Gilbert*; *Brougham*, p. 75; W. C. R. O. CR 556/827/72,Will of Henry Roberts, 27 February 1775.

merely nominal trustees.[130] As yet no other female trustees have been identified in any of the records examined for the eighteenth and nineteenth centuries.

Whatever the gender or social status of trustees, and irrespective of whether they acted as individual trustees, in an *ex officio* capacity or as members of a corporation, they had certain duties and problems in common. Their first duty was to safeguard the endowment, whether land or money, and get the best possible return on it. Many charity 'estates' amounted to no more than a field or two, or a cottage, let to local tenants. Others, such as the estates belonging to the Lord Leicester's Hospital, Warwick, or Sir Thomas White's Charity, comprised farms and properties over a wide area, even in many counties. Turner, Afton and Beckett suggested that 'the economics of letting this [charity] land is open to opposing interpretations: since these rents were intended for subsequent charitable disbursement, it may have been incumbent on the trustees to rackrent to the absolute limit; but equally, since the trustees were third parties – neither payers nor payees, but middlemen without salary or profit from the transactions – they may have been less inclined to take their duties as seriously as would 'regular' landlords or stewards. Drawing on commentary from both the Charity Commissioners and also the 1894/6 Royal Commission, B.E.S. Trueman touched upon both of these possibilities.'[131] Apart from low rents because of negligence or complacency, there was also the danger that charity land might be let at very favourable rents to the trustees themselves, or their family and friends, as had been the case in Lapworth.[132] There were numerous books on estate management to help trustees, and no doubt some private trustees took the advice of their own

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130 *Gilbert*; *Brougham*, p. 702.

131 Turner, Beckett and Afton, *Agricultural Rent*, p. 57; B.E.S. Trueman, 'Corporate estate management: Guy's Hospital agricultural estates, 1726-1815', *Ag.Hist.Rev.*, 28 (1980), pp. 31-2.

132 See p. 131 above.

stewards or land agents, or gave them the management of the trust estates. Larger charities might employ their own agents.[133] The Lord Leicester's Hospital in Warwick, which had estates in Warwickshire and the tithes of chapelries in the parish of Warrington, appointed two members of the brethren to act as stewards each year.[134]

In the case of an endowment of money there was the problem of how best to invest it to ensure both a good return and the security of the capital. While personal loans on bond were the most common form of investment in the early modern period, the eighteenth century saw increasing use of mortgages on land and houses, and the rise of joint stock investment. The end of the century saw trustees, like other investors, putting their money into turnpike and canal trusts (later railway trusts), though a more secure form of investment was in government stock. The world of financial investment was a bewildering place. There were publications like Thomas Mortimer's *Every Man His Own Broker*, which went into a third edition in 1761, to guide the individual investor. However, there was no help specifically for charitable trustees until the advent of the permanent Charity Commission in 1854. The Charitable Trusts Act, 1853, stated that Charitable Trustees might petition the Board for advice, made the Treasurer of the Board the Treasurer of Public Charities, capable of holding real property on behalf of public charities, and made the Secretary the Official Trustee of Charitable funds. Many trustees must have welcomed the arrival of the Charity Commission as a source of advice. In October 1853 the vicar of Stretton-on-Dunsmore, concerned about the unclear position regarding the trustees of three parish charities, gladly followed his solicitor's suggestion that he should 'apply to the

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133 G. E. Mingay, 'The eighteenth-century land steward', in E. L. Jones and G. E. Mingay (eds), *Land, Labour and Population in the Industrial Revolution* (1967), pp. 3-27; B. E. S. Trueman, 'Corporate estate management.'

134 W.C.R.O. CR 1600/31-39, Lord Leicester's Hospital, Accounts of the Stewards and Masters, 1657-1849.

Charity Commissioners for England and Wales for advice and guidance under the recent statute.'[135]

The other chief duty of trustees was to dispense the income of the charity according to the wishes of the donor. This could mean arranging for the upkeep of an almshouse, identifying suitable recipients for a dole, arranging apprenticeships or a host of other activities, of greater or lesser complexity. Real problems arose when the original intentions were no longer feasible or appropriate – such as redeeming Christian prisoners from the Turk. However, it was not always such esoteric charities which had to be changed. Many small charities felt the need to apply for schemes regulating their objects as well as their trustees. The trustees of three charities in Stretton-on-Dunsmore devised plans to amalgamate and apply the joint income for the benefit of the poor. The proposal included spending £55 a year on annuities, £65 on coal, £3 on apprenticing, £90 on the school, £20 on clothing and £1 to the minister for sermons. Mr. Wickens, counsel advising them before submitting this scheme to the Court of Chancery, said that this 'seems to me on the face of it objectionable in principle.' Not only did he think that the court would not countenance diverting the moiety of one of the charities due to the upkeep of the church, he also felt that it was 'altogether inconsistent with the established practice of the court to give £50 a year ... for the distribution of coals .... I should suggest that the School should be the primary if not the sole object.' A fortnight later, commenting on a revised scheme, he said that it was 'much improved but I still wish that the Trustees had given more weight to the suggestions made by me.' After further correspondence, and a meeting between the trustees' solicitor and counsel, a scheme was approved which, after allowing £24 for annuities, £4 for apprenticing and £1 for sermons (under the original will), gave

135 W.C.R.O. CR 700/34/11, Stretton-on-Dunsmore, Bill of Costs of the Scheme, 1859.

the rest of the income to the provision of a schoolhouse and the support of a schoolmaster and mistress. Only if there was a surplus could any of the charity income be spent on supporting a coal club (no more than £25 a year), a sick club (£25) or clothing club (£16).[136] The trustees of many small charities had adapted to changing circumstances and income without seeking the sanction of law. Some were rebuked by the Commissioners of Inquiry and told to revert to the original application under the terms of the trust, others were allowed to continue applying surplus income to new purposes, which were eventually ratified by Charity Commission schemes in the later nineteenth century. This was the case with the Kimbell Charity in Burton Dassett. The Charity Commission Scheme obtained in 1893 apportioned the application of income thus: 21s. a year to the repair of the church; £3 a year for a dole of bread; £10 - £20 on education; £10 - £15 on the maintenance of the waterworks; no more than £15 for other public purposes, with the approval of the Charity Commissioners; the remainder for subscriptions or donations to dispensaries or hospitals 'upon such terms, as far as may be, to enable the Trustees to secure the benefits of the Institution for the objects of the charity' (i.e. the poor of Knightcote and Northend); or in the supply of relief in cash or kind, not exceeding £15 in any one year.[137]

However, being a trustee was not all sober hard work. A number of early wills not only stipulated the time and place of the annual audit, but left a certain amount of money to be spent on providing refreshment for the trustees. For example, Thomas Moncke established apprenticing charities in a number of parishes in 1713, and also allowed £5 a year for a 'feast for the trustees and their friends' when they met for the

136 W.C.R.O. CR700/34/6, 7, 8, comments of counsel and chancery decree, 1859.
137 Charity Commission 1940/93, scheme sealed 4 August 1893.

at Brailes spent a shilling on ale at the George when they met to distribute Willington's Dole during the eighteenth century, and in 1891 the trustees of Kimbell's Charity paid £2 5s for a dinner for 'proper people' at the annual audit.[139] The annual audit in towns could be part of the civic calendar, and involve processions, not only of the 'great and the good' but also of the recipients of the charity – school children especially, but sometimes almspeople too. The trustees' meetings might also coincide with the preaching of the annual charity sermon in aid of particular schools, whose pupils would be expected to attend.[140] This combination of charity, civic display and self-indulgence continued into the nineteenth century. For example, in Warwick in 1850 the annual audit meeting of Oken's Charity maintained its ancient splendour and social differentiation. There were two church services with sermons during the day, followed by a plain dinner for the beneficiaries of the charity. Then 60 burgesses had a 'dinner provided by Mr. Davies of the Black Horse Inn; the fish; venison, and wines were of the first quality; and the management of the whole affair gave the highest satisfaction to all present.'[141]

The charitable trust, as an example of the public trust, was a valuable, influential and enduring device. With its emphasis on probity and permanence it both reflected and encouraged much that was good in public life. Many of the bitter attacks on charities where not against the charity or the notion of the endowed trust, but

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139 W. C. R. O. DR 308/29, Brailes Churchwardens' Accounts, 1752-85; *Leamington Spa Courier*, 7 April 1892.

140 See the chapter 'Charity Costumes on Parade' in P. Cunnington and C. Lucas, *Charity Costumes of Children, Scholars, Almsfolk and Pensioners* (1978), pp. 288- 99.

141 *Warwick Advertiser*, 14 September 1850. By the time of Mr. Skirrow's inquiry into the Warwick charities in 1854 the feast was 'gratuitously provided for the wardsmen and nominees only, at an annual cost of £14 16s., averaging 8s. per head. The feoffees and other persons attending the dinner pay their own expenses.' However, Mr. Skirrow had occasion to reprove the trustees of Richard Griffin's Charity who spent £10 14s. on a dinner, not the 10s. named in the will of 1593. 'It was true that ten shillings in that day was not ten shillings now, but it was clearly not ten guineas. He would recommend the trustees to keep the dinner within bounds next time.' *Reports of Public Inquiries respecting Warwick Charities*, pp. 4, 10-11.

reflected and encouraged much that was good in public life. Many of the bitter attacks on charities where not against the charity or the notion of the endowed trust, but against trustees who were seen to have failed in their public duties and abused the trust placed in them. During the eighteenth century the public trust 'expanded to take in the whole realm of middle-class associative effort, from dissenting sects to the stock exchange.'[142] The charitable endowed trust weathered the attack made upon it by the Mortmain Act, 1736, and although there was a gradual reduction in the numbers of new endowed charities by the later eighteenth century, many of the newer voluntary associations were adopting the use of trustees to hold their property. There was a more marked decline during the nineteenth century in the number of foundations of endowed charities, but the form of the charitable trust continued to be employed by donors wishing to establish some good work. They ranged in scope from those who still left a small sum for the upkeep of a family grave or to provide food or clothing for the poor of a certain parish, to major foundations like the Cadbury Trust, which tackled large social problems such as housing. Those already founded survived in considerable numbers to the end of Victoria's reign, and beyond, confirming the perpetual nature of the charitable trust. By the drafting of new schemes of management, ratified by the Charity Commission, trustees proved the adaptability of this ancient form to modern needs.

142 J. Torrance, 'Social class and bureaucratic innovation', *P.&P.*, 78 (1978), pp. 56-81; pp. 70-71 discusses the importance of the concept of 'public trust.'

Chapter 4:
The Structure of Voluntary Charity

The 'impulse to organise oneself and one's neighbours in a cause is one of Britain's most distinctive traditions', according to Prochaska.[1] Paul Slack has commented on the 'widespread [European] admiration for the purely voluntary charitable associations of England, and general appreciation that societies of all kinds might be bastions of free inquiry and civic activism.'[2] For many years studies of the rise of the voluntary society in the later eighteenth century emphasised the role of the 'industrial revolution' in affecting, indeed forming, class structures which in turn affected the modes of philanthropic action.[3] A recent change in the historiography, encompassing changing perceptions of class formation and of the industrial revolution and its 'entrepreneurial ideal', has raised 'doubts about the primacy of explanations of the growth of voluntarism, couched in terms of changing class identities and of a rapid transition from gentle paternalism to hard-nosed social control. Instead it invites a fuller consideration of the importance of longer-run continuities in urban associational life. Secondly, by emphasising shared values cutting across class, it opens the way for interpretations of philanthropy as a manifestation of social consensus.'[4] In the preface to his new, wide-ranging study Peter Clark asserted that 'clubs and societies [including philanthropic ones] were not some kind of Darwinian outgrowth of the Industrial Revolution, but the product of that expansive period of English social and

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1 F. K. Prochaska, *The Voluntary Impulse: Philanthropy in Modern Britain* (1988), p. 6.

2 P. Slack, *From Reformation to Improvement: Public Welfare in Early Modern England* (Oxford, 1999), pp. 159-60.

3 'From this time forward [1760s] British philanthropy was to be shaped in a large degree by the demands of industrial society.' D. Owen, *English Philanthropy, 1660-*1960 (1965), p. 91. Robert Morris explored the upsurge of voluntary societies in the period 1780-1850, and the ways in which the increasing urban middle classes exerted their power through these organisations, which in turn enhanced their class cohesion. R. J. Morris, 'Voluntary societies and British urban elites, 1780 - 1850: an analysis', in P. Borsay (ed.), *The Eighteenth-Century Town: A Reader in English Urban History, 1688 – 1820* (1990), pp. 338 – 66.

4 M. Gorsky, *Patterns of Philanthropy: Charity and Society in Nineteenth-Century Bristol* (Woodbridge, 1999), pp. 8-9.

economic development from the time of the English Revolution to the late eighteenth century.'[5]

The sources for the history of voluntary charities and societies are many and various, but unfortunately there are no major surveys or government reports which show how many societies existed at one time, which could be analysed in the same way as the Gilbert Returns or the Charity Commissioners' Reports. The historian has to rely on extant annual reports, minute books, newspaper articles, entries in local directories, references in diaries, letters, biographies and an assortment of ephemera such as collecting cards, invitations and publicity material. Each source has its own limitations. Material produced by the societies themselves, annual reports and promotional pamphlets, aimed to show the society in the best possible light, and may well have glossed over failures.[6] Minute books may be more revealing, but many were formulaic and did not give details of debate, but only recorded resolutions, so only a partial picture emerges of the way in which committees functioned and of the personalities involved. Newspaper reports are notoriously unreliable sources, and only covered specific events, not the ongoing work of societies. Entries in local directories can be indicators of the existence of organisations, and often listed the chief officers, but the information could have been out of date before it was published, being carried forward from previous editions.[7] As Harrison said, the evidence for 'the amount and direction of organised philanthropy' is 'abundant (if scattered) ... but it is difficult to see how voluntary nineteenth-century transfer payments can ever be precisely measured, still less their changing proportion of national income.'[8] This chapter dealing with

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5 P. Clark, *British Clubs and Societies, 1580-1800: The Origins of an Associational World* (Oxford, 2000), p. viii.

6 Brian Harrison made the point that over-optimistic reports could actually undercut the effectiveness of appeals, by suggesting that the problem had been dealt with. B. Harrison, 'Philanthropy and the Victorians', in Harrison, *Peaceable Kingdom: Stability and Change in Modern Britain* (Oxford, 1982), p. 248.

7 G. Shaw, 'The content and reliability of nineteenth-century trade directories', *The Local Historian*, 13 (1978), pp. 205-9.

8 Harrison, 'Philanthropy and the Victorians', p. 219.

the incidence and structure of voluntary charities in Warwickshire will perforce be far shorter than that which dealt with endowed charities. It will examine voluntary charities under various categories, from branches of national societies to initiatives in single villages, exploring the organisational structures of each category by giving examples. There will then be a section dealing with the characteristics of private charity.

Local Branches of National Societies

The earliest national voluntary societies were campaigning organisations, which had as their aim the religious, moral or, occasionally, physical improvement of the poor, or certain groups thereof. They combined politics (in the sense of trying to influence opinion and sometimes legislation) with varying amounts of direct help. It is therefore sometimes difficult to decide whether to include a particular society in the category of voluntary philanthropy or reforming campaign. It is still a matter of legal and political debate how much campaigning registered charities may do. Most of these societies were begun by a handful of zealous reformers who formed fairly loose networks of support in the provinces.[9] The development of a formal branch structure was to come later. Such were the origins of the Society for the Promotion of Christian Knowledge. The S.P.C.K. was founded in 1699 by the Rev. Thomas Bray and three friends, with the intention of founding libraries for the use of clergy around the country and publishing religious tracts, which later became its main function.[10] It also soon became involved in promoting the idea of charity schools, though not actually funding them.[11] The Society operated through a network of 'correspondents' who

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9 For the development of networks and corresponding societies, see Clark, *British Clubs*, pp. 60, 75, 98, 245, 453.

10 Bray was rector of Sheldon, near Birmingham, from 1690 until his death in 1730. *D. N. B.;* W. K. Lowther Clarke, *A History of the S. P. C. K.* (1959); Owen, *Philanthropy*, pp. 20-24.

11 M. G. Jones, *The Charity School Movement* (Cambridge, 1938). Miss Jones' enthusiastic assessment of S. P. C. K. involvement in school foundation was challenged by J. Simon, 'Was there a charity school movement?' in B. Simon (ed.), *Education in Leicestershire: A Regional Study* (Leicester, 1968), pp. 55-100.

reported to the organising secretary in London.[12] Bray's knowledge of Warwickshire led to the founding of four S. P. C. K. libraries in the county, at Alcester (1712), Henley-in-Arden (1710), Over Whitacre (1711) and Shustoke (1727). He founded a library in his own parish of Sheldon, and bequeathed 31 volumes to form a library at Coleshill when he died in 1730.[13] By the early nineteenth century the Society had organised district committees around the country, which both raised funds and distributed the tracts which were now its main object. In 1812 a Coventry, Rugby and Southam district committee was set up, with three representatives from each area, of whom seven were clergymen, under the secretaryship of Rev. T. S. Sawbridge, vicar of Stretton-on-Dunsmore. By 1820 there was also a Warwick and Kineton District committee.[14]

By the late eighteenth century there were various moves to form dissenting missionary societies, culminating in the formation of the London Missionary Society in 1795.[15] There are good grounds for claiming that the origins of this society lie in the Midlands, with certain Warwickshire ministers playing a key role. Throughout the country there was a ground swell of prayer meetings and discussions on how best to promote the Christian religion, particularly overseas, but the roles of Warwickshire Independents George Burder, minister of West Orchard Chapel, Coventry, James Moody, minister of Brook Street Chapel, Warwick, and Dr. Edward Williams, minister of Carr's Lane Meeting House, Birmingham, were crucial. In January 1794 they formed a committee to promote the idea of circulating charity schools in Britain and the sending of missionaries

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12 The secretary from 1708 till 1743 was Henry Newman. L.W. Cowie, *Henry Newman, an American in London, 1708-1743* (1956).

13 Anon., *The Parochial Libraries of the Church of England: A Report of a Committee Appointed by the Central Council for the Care of Churches* (1959), pp. 64-107. The owner of the advowson of Bray's living at Sheldon was Sir William Digby, lord of the manors of Sheldon, Coleshill and Over Whitacre (amongst others) and patron of learning. Digby himself gave money to enhance a book charity at Over Whitacre, as his brother, Sir Simon, had done in Coleshill. *Brougham*, pp. 576-7; *V. C. H.*, 4, pp. 51-2, 202, 257.

14 *Warwick Advertiser*, 14 March 1812; 26 Feb., 15 April 1820.

15 R. Lovett, *The History of the London Missionary Society, 1795-1895* (1899).

overseas. They were deeply involved with drawing up the constitution of the Missionary Society in 1795.[16] (It obscured its provincial roots in 1818 by adding 'London' to its title.) As with the Anglican S. P. C. K., it developed a system of local branches, mostly based at chapels, which raised funds and supported the work of the society. The main focus of the L. M. S. was overseas missionary work, and one way in which it encouraged support was by sending returned missionaries on lecture tours around its local branches.[17]

Over the course of the eighteenth century societies arose which, amongst other objects, fostered the spread of religious knowledge, at home and overseas, attempted to improve the lot of prisoners or specific groups of the poor, campaigned to repeal the death penalty for minor crimes, and to abolish the slave trade. Glimpses occur of the involvement of Warwickshire people in such societies, often clusterings of people who had other connections with each other, of friendship or religious or political affiliation. For example, there were Warwickshire subscribers to the Society for the Diffusion of Knowledge Respecting the Punishment of Death and the Improvement of Prison Discipline.[18] Their third report, published in 1816, listed 13 Warwickshire men who had subscribed in the period 1810-15. A number of these are identifiable as known reformers in other spheres and supporters of good causes, some of them dissenters and Whigs. They included the celebrated Dr. Parr, the Whig curate of Hatton; Mr. Charles Lloyd of Birmingham, Quaker and philanthropist; John and Joseph Parkes, Independent dissenters and Whigs (the latter becoming the spokesman of

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16 A. Argent, 'The founding of the London Missionary Society in the West Midlands', in A. P. F. Sell, *Protestants and Nonconformists and the West Midlands of England* (Keele, 1996), pp. 13-41.

17 For example, a missionary from Jamaica spoke in Warwick, raising £20, and one who had worked in Tahiti and New Guinea spoke to the Congregational Church in Coventry. *Warwick Advertiser*, 14 September 1850; *Midland Daily Telegraph*, 16 October 1891.

18 This society had been founded by Basil Montagu, the eminent lawyer, at the time of Romilly's Bill to abolish the death penalty for stealing from a shop goods to the value of 5s.. W. Derry, *Dr. Parr: A Portrait of the Whig Dr. Johnson* (Oxford, 1966), pp. 258, 293.

the Birmingham Political Union.)[19] The anti-slavery campaigns also found their supporters in Warwickshire, and in the 1830s the Female Society for Birmingham 'played a unique role among anti-slavery societies, its role as a hub of a network of contacts between local ladies' associations having no equivalent.'[20]

The mid- to later-nineteenth century saw the real growth of national societies, with branches active in the provinces, not merely channelling money and encouragement into the centre. More work needs to be done on the relationship of provincial branches to their parent bodies, examining whether there were representatives of the regions on central bodies, or whether the members were mainly metropolitan. This later wave of voluntary societies were what might now be called 'single issue' bodies, revolving around the plight of animals, children, 'fallen women' or drunkards. There were 'fashions' in these concerns, and the topic of the moment threw up many overlapping societies. There were local and denominational organisations, but national societies also developed, some putting out branches from a central stock, others coalescing from existing regional activity. Of the former type, the Royal Society for the Prevention of Cruelty to Animals was founded in London in 1824, but had over 425 branches by the end of the century.[21] Of the latter type, the National Society for the Prevention of Cruelty to Children was not formally founded until 1894, growing out of separate initiatives in Liverpool and London.[22] The temperance movement, too, had different phases of development, and a mixture of local and national societies.[23] It also had denominational overtones, becoming increasingly associated with nonconformity in the later years of the nineteenth century.

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19 WCRO C 364 WAR (P), *The Third Report of the Society for the Diffusion of Knowledge respecting the Punishment of Death and the Improvement of Prison Discipline* (1816).

20 C. Midgley, *Women against Slavery: The British Campaigns, 1780-1870* (1992), p. 57.

21 Owen, *Philanthropy*, p. 179.

22 Owen, *Philanthropy*, p. 417; I. Pinchbeck and M. Hewitt, *Children in English Society from the Eighteenth Century to the Children's Act, 1948* (1973), pp. 623-30.

23 B. Harrison, *Drink and the Victorians: The Temperance Question in England, 1815-1872* (1971).

However, there was also a Catholic temperance society, the League of the Cross.[24] Similarly, The Ladies Association for the Care and Protection of Young Girls, which had 106 branches by 1885, including Birmingham and Coventry, had a Catholic counterpart in Birmingham – the Birmingham Catholic Girls' Aid Society, founded in 1886.[25]

While religious belief might well inspire individual participation, and a Christian ethos informed many of these national societies, they were not primarily religious organisations.[26] Indeed, there were examples of participation by members of different denominations.[27] They sought to tackle a variety of social ills by a combination of research and publicity, legislation, the promotion of self-help schemes and a certain amount of judiciously applied 'charity.' The most well known of these approaches to charity was the Charity Organisation Society, founded in 1869 in London, which sought to promote a secular, even scientific, approach to charity.[28] Apart from its hopes to rationalise the disbursement of alms, it aimed to promote a unity of purpose and practice amongst the many district committees of the London Society and the provincial societies which expanded

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24 A. E. Dingle and B. Harrison, 'Cardinal Manning as Temperance Reformer', *Historical Journal*, 12 (1969), pp. 485-510.

25 P. Bartley, 'Preventing Prostitution: The Ladies' Association for the Care and Protection of Young Girls in Birmingham, 1887-1914', *Women's History Review*, 7 (1998), pp. 37-60; P. Bartley, 'Prevention is better than cure: Ladies' Associations for the Care and Protection of Young Girls, England, 1880-1914', unpub. paper given at the Bangor Conference on the History of Charity, September, 1999; B.R.L., 14006, Birmingham Catholic Girls Aid Society *Annual Reports,* 1887-1915; S. M. Pinches, 'Roman Catholic Charities and Voluntary Societies in the Diocese of Birmingham, 1834 – 1945', (unpub. M.A. dissertation, University of Leicester, 1996), pp. 52-58.

26 There were a few overtly secular organisations in Victorian England, and in Birmingham George Holyoake opened the Birmingham District Rational Schools in 1840. E. Royle, *Victorian Infidels: The Origins of the British Secularist Movement, 1791-1866* Manchester, 1974), pp. 72-3.

27 For example, the Birmingham branch of the N. S. P. C. C. was supported by the Catholic Bishop of Birmingham, and a meeting was held at Oscott College, the diocesan seminary, on 8 July 1892. The secretary of the Birmingham branch was for many years Rev. Canon Greaney, Administrator of St. Chad's Cathedral. The Birmingham Branch itself operated through a series of sub-committees (Edgbaston, Handsworth, and Acock's Green in 1892). *Birmingham Daily Gazette*, 8 July 1892.

28 However, James Leiby has stressed that the charity workers regarded themselves as religious people working in a religious tradition. J. Leiby, 'Charity Organisation Reconsidered', *Social Service Review*, 58 (1984), pp. 523-38.

rapidly from the 1870s, an approach which did not sit easily with its commitment to local autonomy and independence.[29] There have been many studies which focused on the society's innovative (or not so innovative) casework approach and its prefiguring of modern social work.[30] Other works have looked at the operation of the C. O. S in the provinces, including two Warwickshire studies.[31] The branch established in Leamington Spa in 1875 was perhaps typical in its composition and overtly expressed approach to the problem of poverty, although Ward's study suggested that the reality of its operation fell short of the ideal of discriminating charity.[32] Between 1879 and 1913 it had no women on the committee, though for two years, 1879-80, a Miss Palmer was 'Collector.' At each annual meeting thanks were given to the 'lady visitors', but no indication was given as to how many there were of them, nor who they were. The gentlemen of the committee were the usual collection of minor gentry, clerics, businessmen and retired army officers who formed the backbone of Leamington society – and societies. Names appearing in the annual reports of the C. O. S. appeared regularly in those of other institutions in the town. The Leamington C. O. S. was perhaps a little unusual in that it had the support of Lord Leigh of neighbouring Stoneleigh, whose brother was vicar of All Saints Church, Leamington and a member of the committee. The committee consisted of chairman, vice-chairman and thirteen ordinary members, in addition to the honorary treasurer and secretary. It was not until 1903 that the

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29 Owen, *Philanthropy*, pp. 234-5.

30 H. D. Bosanquet, *Social Work in London, 1869-1912* (1914; Brighton, with introduction by C. S. Yeo, 1973); J. Fido, 'The Charity Organisation Society and Social Casework in London, 1869-1900', in A. P. Donajgrodski (ed.), *Social Control in Nineteenth-Century, Britain* (1977), pp. 207-30.

31 R. Humphreys, 'The Poor Law and Charity: The Charity Organisation Society in the Provinces, 1870-1890', (unpub. Ph.D. thesis, University of London, School of Economics, 1991); N. Moreland, 'Petit-Bourgeois hegemony in Birmingham in the nineteenth century. A case study of the Birmingham Charity Organisation Society', (unpub. Ph.D. thesis, University of Warwick, 1982); D.C. Ward, 'Deformation of the gift: The C.O.S. in Leamington Spa', (unpub. M. A. dissertation, University of Warwick, 1975).

32 'The small grants of the Society, given repeatedly, vitiate any notion of the Leamington C. O. S.' conformity to the C. O. S.' national leaders' formula of careful, incisive acts of charity that would enable the deserving poor to regain a life of self-sufficiency and independence.' Ward, 'Deformation of the gift', p. 51.

society enhanced its management structure to include a president, the first of whom was Lord Leigh, and six vice-presidents.[33]

There were societies with the newer national/branch structure which were overtly religious in their purpose and reflected the strong denominational loyalties which had long been a feature of philanthropic life in Britain.[34] The London Missionary Society has been mentioned on pp. 44-5 above. There were other overseas missionary societies such as the Society for the Propagation of the Gospel in Foreign Parts and the Zenana Mission ('whose object is to give a Christian education to the women of India in their own houses'), which had branches in Warwickshire.[35] One society, the British and Foreign Bible Society, combined foreign missionary work with attempts to Christianise the native poor, through the distribution of cheap Bibles. This collaborative effort between Anglicans and dissenters had been established in 1804. In the provinces Auxiliary Bible Societies were formed, sometimes by local initiative, sometimes through encouragement from the centre. They were supported by Ladies' Associations, and by 1820 had over 10,000 agents, mostly women, acting as household collectors. At the fifth meeting of the Stratford-upon-Avon Auxiliary Bible Society in 1820 it was acknowledged that 'it would have been impossible to have investigated or supplied the wants of a great number of families without their assistance.' In 1850 the Warwickshire Auxiliary Bible Society recorded that 'the Ladies' Association contributed a large portion' to the year's success. The

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33 Leamington Local Studies Library, *Leamington C. O. S. Reports,* 1879-1891, 1902-1913.

34 The Quakers, for example, had a long tradition of looking after their own poor, as well as their later involvement with certain voluntary societies along confessional lines. The Jews had ethnic as well as religious reasons for having their own charities. The Birmingham Hebrew Philanthropic Society was founded in 1828, the Birmingham Hebrew Educational Aid and Clothing Society in 1851 and the Hebrew Ladies Benevolent Society in 1854, the Birmingham Hebrew Board of Guardians in 1870. D. M. King, *An Index to Birmingham Charities* (Birmingham 1983), pp. 202-3. B. C. A., Minutes of the Birmingham Hebrew Philanthropic Society, 1829-83, MS 1678/1-2; Minutes of the Birmingham Hebrew Educational Aid and Clothing Society, 1854-1922, MS 1678/3; Minutes of the Finance Committee of the Birmingham Hebrew Ladies Benevolent Society, 1884-1922, MS 1678/3; Minutes of the Hebrew Board of Guardians, 1896-1922, MS 1678/4.

35 *Warwick Advertiser,* 19, 26 October 1850; *Midland Daily Telegraph*, 7 October 1891.

Auxiliaries transmitted half their receipts to the central body, for its work in distributing Bibles overseas, and kept the remainder for local distribution of Bibles.[36] Widespread and active as these societies were, one should not imagine that everyone was in favour of their activity. In 1812 Catherine Hutton, a Unitarian, wrote to a friend about a certain Dr. Peacock:

> 'I do not dislike his hostility to the Bible system. I am so far of his mind, that I have only to see the words *Bible Society*, at the beginning of an advertisement, to skip it entirely. Nobody reverences the Bible more than myself; but I question whether its divine precepts have done more good, or their perversion more harm, in this mistaken world; and I would sooner cram the doctor's pills down the throat of an Indian, than the Bible of his adversaries.[37]

As Britain itself was regarded as a field of mission by the Catholic Church there was less emphasis on overseas missionary work by British Catholics in the nineteenth century, but many Catholic societies echoed Protestant concerns at home.[38] The Anglican Young Men's Christian Association and the Young Women's Christian Association were shadowed (imitated would be a pejorative interpretation) by the Catholic Young Men's Association.[39] Similarly the Anglican Needlework Guild had its Catholic counterpart.[40]

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36 Owen, *Philanthropy*, p. 128; Prochaska, *Voluntary Impulse*, p. 60; F. Prochaska, *Women and Philanthropy in Nineteenth-Century England* (Oxford, 1980), p. 60. *Warwick Advertiser,* 5 Feb. , 8 April 1820, 21 September 1850.

37 C. H. Beale (ed.), *Reminiscences of a Gentlewoman of the Last Century: Letters of Catherine Hutton* (Birmingham, 1891), p. 153.

38 R. K. Donovan, 'The denominational character of English Catholic charitable effort, 1800-1865', *Catholic Historical Review,* 62 (1976), pp. 200-23. For Warwickshire see Pinches, 'Roman Catholic Charities.'

39 The Young Men's Christian Association had begun in the 1840s. In 1855 women's prayer circles began, at the same time that working girls' homes were being established. In 1877 the two movements amalgamated to form the Young Women's Christian Association. By 1884 it had 40,000 members and Lord Shaftesbury as President. S. Tall, 'The Y.W.C.A. and Leamington Spa', unpub. paper given to Friends of Warwickshire County Record Office, April 2000. The Catholic Young Men's Association had been founded in 1858, with the aim of 'mutual improvement and the extension of the spirit of religion and brotherly love.' By the end of the nineteenth century there were branches in most parishes of the Birmingham Diocese. Pinches, 'Roman Catholic Charities', pp. 68-9.

40 Both were parish based organisations, whose object was to make clothing for the poor to be distributed through existing agencies. By 1891 the Coventry Centre of the (Anglican) Needlework Guild had 34 branches and had made over 1880 garments in the preceding year. *Midland Daily Telegraph*, 1 October, 1891. The Birmingham Catholic Diocesan Needlework Guild, established in 1885, had members who each undertook to make at

One Catholic organisation which did not quite reflect any Anglican society, but which shared the aims and working methods of visiting societies, was the St. Vincent de Paul Society. This was an international society, having been founded in Paris in 1833. A Conference (as the branches were known) was founded in London in 1844, and by 1857 there was a Conference in Coventry, soon followed by Leamington Spa (1860) and Birmingham (St. Chad's, 1865). The Conferences were parish-based, and when in 1866 a second Conference was begun at St. Mary's, Birmingham, a Birmingham General Council was established 'in accordance with the rules of the Society' which met regularly to receive reports from the separate Conferences of the district and to discuss matters of mutual concern. In 1902 Central Councils were formed, corresponding to a diocese; Birmingham itself had nine Conferences and Coventry and Leamington were the only other two Warwickshire Conferences to send representatives to the first Birmingham Central Council meeting.[41]

Membership was open to all Catholic men who were regular in their attendance at church, and who had the time and the will to be of service to others. However, in the 1860s St. Mary's, Birmingham, did have two honorary female members and a ladies' sewing circle. St. Joseph's, Birmingham, founded in 1867, had 'lady auxiliaries.' The membership of the Conferences included men from many walks of life, but the officers of the Birmingham General Council were usually the same members of the wealthy middle class who appeared on other committees. The first president of the Birmingham General Council was John Bernard Hardman; he was succeeded by Stephen Gately, solicitor, W.J. Wainwright, artist, then by Stephen J. Gately, solicitor. These individuals, and

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least two garments a year, and associates who gave money towards buying boots and suits and other articles of clothing. From its inception it was chaired by Lady Gwendoline Petre, the sister of the Earl of Shrewsbury, who held meetings at her home in Coventry. Pinches, 'Roman Catholic Charities', pp. 49-50.

41 Minutes of the Birmingham Council of S. V. P., 1866-1943; Minutes of the Committee of the Birmingham Council of S. V. P., 1877-1946, both in the possession of Mr. J. O'Loughlin, the current Secretary.

other members of their families, appeared regularly on the committees of Catholic charities in Birmingham throughout the nineteenth and into the twentieth centuries. The parish Conference meetings opened and closed with prayers and often a spiritual reading, and there was a collection amongst the Brothers (as the members were known), which was the main source of income for their work. Their efforts chiefly entailed visiting poor parishioners, offering material support and spiritual guidance. The material support often took the form of 'tickets' for food, clothing or fuel, occasionally cash; sometimes help was offered with the cost of the passage back to Ireland. In 1875 Brother Hare, who was on the Birmingham Board of Guardians, offered to give advice to 'all poor persons eligible for and not receiving relief from the parish', which has the very modern ring of a welfare rights advisor about it, and belies the idea everyone involved in organised philanthropy in the later nineteenth century wanted to keep the poor 'off the rates.'[42]

County and Urban Institutions and Societies

The county sometimes formed a framework for voluntary effort in the eighteenth and nineteenth centuries. Perhaps practical issues of administrative boundaries played some part in this, and perhaps there was some sense of county loyalty which spurred people on to make sure that their county did not lag behind others in social provision. Certainly, elements of this partiality to one's own place and rivalry with others were apparent in some of the towns. In the later seventeenth and early eighteenth centuries Paul Slack has identified 'a strengthening of the kind of civic consciousness which came from wide participation in the shaping and delivery of public welfare.'[43] In her study of the writing of urban histories, Roey Sweet has noted the importance of 'the charitable tradition amongst the citizens' as 'the occasion of considerable pride.' Earlier

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42 Pinches, 'Roman Catholic Charities', pp. 59-61.

43 Slack, *From Reformation to Improvement,* p. 165.

histories tended to list past endowments by the wealthy, but 'by the 1790s it is possible to detect a different approach as the urban historian faced a new agenda, in which the account of the past had to encompass more than the activities of the elite and embrace a broader conception of the community.' When Tickell wrote his *History of ... Kingston-upon-Hull* in 1796, he concluded that 'to give an account of the rise, progress, and present state of these permanent charities is a debt due to the inhabitants of Hull, and to the memory of their pious ancestors, who have always distinguished themselves by their humanity and public spirit.'[44] In the nineteenth century, with its positive explosion of voluntary associations and grandiose town halls, civic pride rose to new heights, but charity and philanthropy continued to play a part in that pride. Appeals to the long-standing generosity of the citizenry formed part of the rhetoric of fund raising appeals. When J. A. Langford wrote *A Century of Birmingham Life* in 1868 he said that the readers:

> 'must have been frequently delighted with the works of charity which have distinguished the history of the town. This spirit of charity has never failed. Whenever distress had to be relieved, the benevolence of the inhabitants has never been appealed to in vain; and this benevolence at the commencement of the present decade [1840s], manifested itself in another of the many noble works of charity in which the spirit of a true and practical Christianity has been so frequently displayed. The history of the Queen's Hospital, first advocated in 1839, is a gratifying sequel to that of the General Hospital, which was commenced in 1765.'[45]

The larger towns and the wider county community began, in the eighteenth century, to support institutions such as hospitals and dispensaries for the sick poor. In the first half of the nineteenth century rising concern over crime and disorder led to the establishment of county asylums and reformatories for delinquents. The

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44 R. Sweet, *The Writing of Urban Histories in Eighteenth-Century England* (Oxford, 1997), pp. 78, 158, 251. Jonathan Barry has also stressed 'the centrality of charity, both in the way towns presented themselves publicly and in the activities of their key civic bodies.' J. Barry, 'Bourgeois Collectivism? Urban association and the middling sort', in J. Barry and C. Brooks (eds), *The Middling Sort of People: Culture, Society and Politics in England, 1550-1880* (1994), pp. 89-112, p. 99.

45 J. A. Langford, *A Century of Birmingham Life, or, a Chronicle of Local Events from 1741-1841* 2 vols (Birmingham, 1868), 2, p. 46.

mid-century saw a rise in urban societies and institutions for the improvement of the working man, in the form of libraries, reading rooms and lecture societies. No matter what the size or purpose of the institution or society, the structures followed similar forms, which were akin to those of joint stock companies, creating what have been described as 'subscriber democracies.'[46] Supporters or members were usually in two categories – benefactors who gave lump sums and annual subscribers. These categories themselves were often graded according to the value of the sum given. The subscribers or members participated in the patronage or privilege of the organisation in proportion to the amount given – the more one gave to a hospital, the more 'tickets' or 'votes' one would have to nominate patients, the more one subscribed to a literary society or library, the freer use one could make of its benefits.[47] It is apparent that in this latter type of society the subscribers in the higher categories were in effect subsidising the lower classes. Most followed the pattern of government by a body of trustees, usually drawn from among the greater benefactors and subscribers, and general management by an active committee or board, comprising some of the trustees.[48] Government intervention and funding overtook these spheres of activities at different times. While earlier campaigning societies, such as those for the Suppression of Beggars, had sought a legislative framework or legal power, 'by 1830 most societies avoided even this minimal use of state authority, an attitude which was modified around 1850.'[49] Education, though always a politically

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46 Morris, 'Voluntary Societies', p. 346.

47 In 1873 the Charity Voting Reform Association was established to try to modify the voting systems of charitable institutions. N. Alvey, 'The great voting charities of the metropolis', *The Local Historian*, 21 (1991), pp. 147-155.

48 Triffit has suggested that this structure, of an inner body of trustees answerable in an ill-defined way to a larger body, owes something to the model of the parish vestry. J. Triffit, 'Believing and belonging', in S. J. Wright, ed., *Parish, Church and People* (1988), pp. 179-202, cited by Barry, 'Bourgeois collectivism?', p. 247, n. 25. Langford wrote that 'while the structure remained broadly the same in most places, ordinary subscribers seem to have been increasingly ready to pay for the privilege of becoming governors.' P. Langford, *Public Life and the Propertied Englishman, 1689-1798* (Oxford, 1991), p. 496.

49 Morris, 'Voluntary societies', p. 340. However, in 1827 in Warwickshire a group of gentlemen concerned with the provision of medical care for the sick poor were convinced that 'there exists a very small chance of any beneficial change being effected by

sensitive subject, was opened to inspection and the offer of government grants from 1839, by the Committee of the Privy Council on Education. Yet even after 1870 educational provision retained much local autonomy. The reformatory schools received public funding for children in their care under the Youthful Offenders Act, 1854.[50] Despite much legislation in the area of public health, health insurance, and medical services provided by the Poor Law, the general provision of medical care did not come under central government control until 1948.[51]

The rise of the voluntary hospital, the archetypal eighteenth-century voluntary enterprise, has been well covered in the literature.[52] Here it only remains to comment on the rather belated appearance of this type of institution in Warwickshire, and its subsequent development in the county. The first moves to establish a general hospital for the sick poor in Birmingham were made in 1765, although it was not until 1779 that any real progress was made.[53] At the first meeting it was stressed that the 'utility' of the proposed hospital was 'capable of

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individual, or even combined efforts, without the support and authority of a legislative enactment.' W.C.R.O. CR 167, Circular on medical provision for the sick poor, 1827.

50 17 & 18 Vict. C. 86. Promoted by Charles Bowyer Adderley of Hams Hall, Warwickshire, a leading light in penal reform, created Lord Norton in 1878. His wife, Julia, was sister to William, 2nd Baron Leigh. Owen, *Philanthropy*, pp. 155-6; V. Gibbs and others (eds), *The Complete Peerage,* 13 vols (1910-1953), 9, pp. 760-61.

51 D. Fraser, *The Evolution of the British Welfare State* (1973; Basingstoke, 1984); B. B. Gilbert, *The Evolution of National Insurance in Great Britain: The Origins of the Welfare State* (1966).

52 A. Borsay, 'Cash and conscience: financing the General Hospital at Bath, c. 1738-50', *Social History of Medicine* 4 (1991), pp. 219-20; S. Cherry, 'The hospitals and population growth: the voluntary general hospitals, mortality and local populations in the English provinces in the eighteenth and nineteenth centuries', *Population Studies,* 34 (1980), pp. 251-265 ; M. Fissel, *Patients, Power and the Poor in Eighteenth-Century Bristol* (Cambridge, 1991); R. Porter, 'The gift-relation: philanthropy and provincial hospitals in eighteenth-century England', in L. Granshaw and R. Porter (eds), *The Hospital in History* (1989, pp. 149-80); J. Lane, 'Worcester Infirmary in the Eighteenth Century', *Worcestershire Historical Society, 6* (Worcester, 1992); J. Woodward, *To do the Sick no Harm: A Study of the British Voluntary Hospital System to 1875* (1974).

53 Adrian Wilson has suggested that the delay may have connections with the political situation in Birmingham, the actual foundation in 1779 occurring after the contested election of 1774, thus fulfilling the 'eirenic purpose' which he has identified as one of the aspects of hospital foundation. A. Wilson, 'Conflict, consensus and charity: Politics and the provincial voluntary hospitals in the eighteenth century', *E.H.R.,* 13 (1996), pp. 599-619, especially pp. 615, 617-8.

being extended for many miles into the adjacent Counties, as well as that of Warwick in particular' and it was hoped that it would 'animate the zeal of all persons of ability, even at great distances from it, to contribute with cordiality towards completing and furnishing this hospital.'[54] Support was reasonably widespread, from the surrounding areas of Warwickshire, Worcestershire and Staffordshire. However, lying in the extreme north-west of the county and in a town of rapidly expanding population, the Birmingham General Hospital could not really serve as a county hospital; it had more than enough potential patients on its own doorstep. It was not until 1838 that another hospital with county pretensions arose – the Coventry and Warwickshire Hospital, which deliberately included 'Warwickshire' in its title to encourage subscribers from the surrounding county.[55] The Warneford Hospital, a general hospital connected with the curative waters of the spa, was opened in Leamington in 1834.[56] As early as 1842, Richard Hopper, writing *The History of Leamington Priors*, suggested, fruitlessly, that:

> 'as it is not far distant from Warwick there appears to be no very weighty reason why it should not be honoured with the adjunct of a County Hospital, in which case it might be extended with greater means of utility to the necessitous sick; it might lean also, upon the joint aid of the county town, and upon a much larger circle of active beneficence. At the time when these facts were collecting, there were patients from Coventry, Rugby, and other distant places.[57]

Other small voluntary hospitals were formed in some of the towns of the county over the course of the nineteenth century. Some were general hospitals,

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54 *An Account of the Proceedings for the Establishment of a General Hospital, near Birmingham in the County of Warwick, for the Relief of the Sick and the Lame* (Birmingham, 1765), B.R.L. 149268, pp. 3-4. In 1779 reference was made to the 'populous county about it', which Wilson identified as 'the town's practical hinterland.' Wilson, 'Conflict, consensus and charity', p. 608.

55 D. T. Tugwood, *The Coventry and Warwickshire Hospital, 1838-1948* (Lewes, 1987), p. 14.

56 The site had been conveyed to trustees on 4 April 1833 and on 21 September the trustees registered the 'Warneford General Bathing Institution and Leamington Hospital' with the Court of Quarter Sessions, under the Charitable Donations Act, 1812. Its objects were to establish 'a General Hospital at Leamington Priors for the reception of sick, lame, maimed and other diseased or disabled persons but not having diseases of an infectious nature.' W.C.R.O. QS 69/1, Enrolment of charity estates, ff. 45-6.

others specialised in particular diseases.[58] Most were funded by subscriptions, although the initial impetus sometimes came from a single benefaction. All sought bequests to swell their income, and sometimes trust funds were established in connection with hospitals. The Rugby Hospital was founded in 1869 by Miss Pennington and merged with the newly built Hospital of St. Cross in 1884, largely paid for by Mr. and Mrs. R. H. Wood.[59] The Ellen Badger Hospital in Shipston-on-Stour (founded in 1896) was built and endowed by Richard Badger as a memorial to his wife, though supported by local fundraising.[60] In Birmingham itself other specialist and general hospitals developed, all funded by a combination of subscription, fundraising and endowment.[61] Dispensaries were much less ambitious undertakings, but ones which often had a similar organisational structure to hospitals in the late eighteenth century.[62] However, from the 1830s provident dispensaries began to be formed, combining elements of mutuality with philanthropic patronage.[63]

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57 R. Hopper, *The History of Leamington Priors: From the Earliest Records to the Year 1842* (Leamington, 1842), p. 60.

58 Nuneaton Cottage Hospital (1890); Rugby Nursing House/ Hospital of St. Cross (1869;1884) Shipston-on-Stour, Ellen Badger Hospital (1896); Southam Eye and Ear Infirmary (1817, conveyed to trustees 1860); Stratford-on-Avon (1884).

59 W.C.R.O CR 2745/1-4, Rules and *Annual Reports* of the Hospital of St. Cross, Rugby, 1870-1903.

60 H. G. Parry, *A Brief History of the Ellen Badger Hospital, Shipston-on-Stour* (Shipston-on-Stour, 1996).

61 The Orthopaedic and Spinal Hospital (1817); The Eye Hospital (1824); The Queen's Hospital (1840);); The Lying-in Hospital (1842, in-patients abolished 1867); The Homeopathic Hospital and Dispensary (1858); The Dental Hospital (1860); The Free Hospital for Sick Children (1861); The Hospital for Women (1871); The Skin and Lock Hospital (1881); *Handbook of Birmingham, prepared for the Members of the British Association* (Birmingham, 1886), pp. 81-92. This follows the national pattern of specialist hospitals usually pre-dating those for women and children. S. Cherry, *Medical Services and Hospitals in Britain, 1860-139* (Cambridge, 1996), pp. 44-48.

62 H. Marland, *Doncaster Dispensary, 1792-1867: Sickness, Charity and Society* (Doncaster, 1989); K. A. Webb, *'One of the Most Useful Charities in the City': York Dispensary, 1788-1988* (York, 1988). In Warwickshire charitable dispensaries were established in Coventry (1793), Birmingham (1794), Stratford-on-Avon (1823), Warwick (1826), Atherstone (1827).

63 For a brief introduction to the history of the dispensary movement, including provident dispensaries, see Z. Cope, 'The history of the dispensary movement', in F. N. L. Poynter (ed.), *The Evolution of Hospitals in Britain* (1964), pp. 73-6.; Cherry, *Medical Services*,

It is not appropriate here to write a complete history of the Birmingham General Hospital, but only to examine the way in which it was organised and raised its revenue.[64] The initial rules of 1765, under 24 heads, set out the different levels of benefactors and subscribers, the composition of the trustees and the Board, which should meet weekly 'to dispatch the business of the hospital', and the types of patient to be received and the manner of conducting elections. Doctors and surgeons were to attend gratis. They also set up a special committee of 31 people to see to the construction of the building, who between them had provided 25% of the £2578 raised in benefactions. Analysis of the list of benefactors and subscribers shows the geographical and social spread of the supporters of this venture. Ten 'corresponding members and receivers' were appointed, and although probably only a few used Messrs Child and Co, bankers of London, the other receivers reflected the districts from which support came: Coventry, Warwick, Atherstone, Coleshill, Solihull, Sutton Coldfield in Warwickshire, Tamworth, half in Warwickshire and half in Staffordshire, West Bromwich in Staffordshire and Bromsgrove in Worcestershire.[65] Of the 413 Benefactors only 44 (10.7%) were women, contributing £283, or 11%, of the total.

The difficulties of funding large medical institutions grew as their size and the range of medical care increased. By the 1870s and early 1880s many hospitals

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pp. 42-3. Mr. Henry Lilley Smith of Southam, Warwickshire, a member of the Royal College of Surgeons, was a keen promoter of provident dispensaries throughout the country. He ran a dispensary along these lines in Southam. The Coventry Provident Dispensary was established with his encouragement in 1831, and many more were formed in Warwickshire before the end of the century. In 1857 he established the Society for the Extension of Self-Supporting Dispensaries.. W. C. R. O. CR 1886/Box 807/29, Report of a Meeting at the Coventry Provident Dispensary (1857); F. Boase, *Modern English Biography*, 6 vols (1921), 6, pp. 580-1; B. Smith, 'A doctor called Smith was years ahead of his time', *Stratford Herald*, 10 December, 1976.

64 T. Gutteridge, *The General Hospital, Birmingham* (1844); T. Gutteridge, *The General Hospital, Birmingham: The Crisis* (1851); J. Thackray Bunce, *A History of the Birmingham General Hospital and the Music Festivals* (Birmingham, 1873); C. Gill, *A History of Birmingham*, 2 vols (1952), 1, pp. 130-31.

65 By 1779 the West Bromwich and Bromsgrove receivers had disappeared, and the London receivers were Messrs Hanbury, Taylor & Co. *Statutes and Rules of Birmingham General Hospital* (1779).

in London and the provinces were experiencing acute shortages of funding. From their inception many expedients had been tried to raise money, other than from subscription funds and donations. Balls and bazaars abounded and balloon ascents had been tried in Manchester as early as the 1790s. Special appeals were regularly made through the local press and through local churches. In April 1843 the committee of the Coventry and Warwickshire Hospital passed a resolution that 'the incumbents of the several parishes in the City and the neighbourhood be respectfully requested to have a collection in aid of the Hospital in their respective Churches, and Ministers of other Denominations in their respective places of worship.' However, it is not recorded whether this collection was really made.[66] It is more certain that Birmingham was the first city to establish a regular Hospital Sunday collection in 1859.[67] Other provincial cities followed suit, before the establishment of the London Hospital Sunday Fund in 1873.[68] However, an even more significant development was that of the Hospital Saturday Fund, designed to draw support for the hospitals from the working classes, who benefited so much from them. Here again, Coventry and Birmingham led the way, though typically disputing with each other as to which was the first to do so. Both seem to have taken official form in 1873, though the Coventry fund really began in 1870, when Jim Dale, an employee of the Eagle Iron Works, was so grateful for the hospital treatment he had received that year, that on his first pay day after returning to work he stood at the factory gate with cap in hand, collecting pennies for the hospital from his work-mates. By the end of the year he had collected £13. After the establishment of a committee, the fund raised £132 18s. in 1874 and by the

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66 Tugwood, *Coventry and Warwickshire Hospital*, pp. 19-20, 23-26.

67 Following an article in the *Midland Counties Herald* on 13 October 1859 a public meeting was held, circulars distributed, and on 13 November a 'simultaneous congregational collection' was made throughout the town and surrounding counties. All denominations, including the Jewish Synagogue, participated, raising £3,498 7s. 2d. G. Griffith, *History of the Free-Schools, Colleges, Hospitals and Asylums of Birmingham and their Fulfilment* (1861), pp. 253-71, 294-99. Anon., *The Origin of Hospital Sunday in Birmingham* (Birmingham, 1883), includes a list of the gross amounts collected, 1859-1882.

68 Owen, *Philanthropy* 485-6.

1890s it was raising £1,000 and more each year. [69] However, Langford recorded that in 1847 'the artisans of the town [Birmingham] instituted a Penny Subscription in aid of the fund' of the Queen's Hospital.[70] In the accounts of that hospital for 1851-52 there appeared donations from the workmen of individual employers and 'the Artizans and Mechanics' (£20), the 'Treasurer of the Working Men's Movement' (£16 19s. 4d.), 'Artizans' and Mechanics' Annual Collections' (£135), and a presentation from 'the Artizans' Committee' (£20). 1853-54 saw the first entry of the 'Committee of Working Men's Movement, per penny subscriptions' (£400), though it did not appear again in the next four years.[71]

The Birmingham General Hospital had, from the start, expressed a regional, not merely a county, outlook, and there were other midland regional charitable institutions founded in the nineteenth century, some of which were based in Warwickshire. The Midland Counties Idiot Asylum was founded in 1867, taking over a small private asylum at Knowle for those with learning difficulties, as they would now be described.[72] At a meeting, held at the Birmingham Institute on 1 May 1868, Lord Leigh, the chairman, pointed out that:

> 'some persons had fallen into the misapprehension, that there was no need to subscribe to this Midland Counties Asylum at Knowle, because an institute of a similar character was about to be attached to the institution at Hatton. It should be remembered, however, that the asylum at Hatton was strictly and entirely for the pauper classes, and that it would be built out of the county rates, whereas the one at Knowle ... was rather for the middle classes. Indeed he thought it was a good suggestion that had just been

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69 Tugwood, *Coventry and Warwickshire* pp. 38-52. E.A. Sherlock, *Birmingham Hospital Saturday Fund: The Golden Years, 1873-1973* (Birmingham, 1974).

70 Langford, *A Century of Birmingham*, 2, p. 48.

71 Griffith, *History of the Free-Schools*, pp. 204-07.

72 In a similar way, the Midland Counties Home for Chronic and Incurable Diseases was established in Leamington Spa in 1874. It developed from an earlier, abortive attempt to run a voluntary Hospital for Diseases of the Skin, which had been founded in the 1860s and was later run as a private institution and dispensary. In 1884 the Home, now soundly run and securely financed, left its original premises and purchased the Leamington Hydropathic Establishment, erected by Dr. John Hitchman in 1862 as a private enterprise. T. B. Dudley, *From Chaos to the Charter: A Complete History of Royal Leamington Spa, from the Earliest Times to the Charter of Incorporation* (Royal Leamington Spa, 1901), pp. 400-5.

made by a gentleman that the name should be altered to "The Midland Counties Middle Class Idiot Asylum."'[73]

The Asylum was designed to provide a home and training for the children of the lower middle classes, who could not afford their specialist care at home. Although parental payments were sought for the maintenance of the children, they were subsidised by voluntary subscriptions. Places at the asylum were by election, each of the subscribers having votes commensurate with their contributions. Subscription income was added to by fund-raising bazaars and bequests, including a trust fund.[74] In 1888 Joseph Wheeler of Knowle conveyed land to trustees 'for the general benefit of the Asylum, and the maintenance of the inmates.'[75] The Midland Counties Idiot Asylum was thus another example of the way in which many charities combined elements of endowment, voluntary fundraising and self-funding.

As befitted a society which served a number of counties, it spread its net widely in seeking prestigious patrons. At the first annual general meeting on 6 February, 1869, held in Birmingham Town Hall under the presidency of Lord Leigh, Mr. Flower (a philanthropic brewer from Stratford-upon-Avon) suggested that 'a number of noblemen and others, whose names he read, be requested to become patrons of the institution.' By 1883 the vice-presidents were the Dukes of Devonshire and Rutland, the Marquis of Hertford, the Earls of Bradford, Dartmouth, Denbigh, Dudley and Powis (Warwick was notable by his absence), the Lord Bishop of Worcester, Lords Willoughby de Broke, Windsor and

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73 W.C.R.O. CR 2098/1, Midland Counties Idiot Asylum, Knowle, scrapbook of annual reports, newspaper articles, etc. 1868-1893. The words 'Middle Class' were dropped from the title at a meeting on 15 January 1877.

74 B. Murray, 'Midland Counties Idiot Asylum, 1866-1900', (unpub. course essay, University of Warwick, 1983) deposited at W.C.R.O.

Wrottesley, four baronets and no less than 56 esquires! Yet the committee of 24, chaired by Lord Leigh himself, consisted throughout the nineteenth century principally of Warwickshire men, the majority residing in the vicinity of Knowle and Birmingham. It is noteworthy, though, that the first committee contained two women, Mrs. E. Sargent of Edgbaston and Mrs. H.W. Tyndall also of Edgbaston (presumably the wife of E. L. Tyndall, Esq. of Harborne Rd., Edgbaston, another committee member.) It is not clear where committee meetings were held, probably at the Institution itself, but the annual meetings and other general meetings moved around the area, fourteen venues being used in the period 1868-93, including Rugby, Leamington, Coventry, Worcester, Shrewsbury, Stafford, Malvern and Leicester. Local committees were established in some of these centres, with their own secretaries and treasurers to raise funds for the Institution.[76]

Beginning in the eighteenth and increasing in the nineteenth centuries, the citizens of Coventry and Birmingham established a huge array of institutions and societies addressing many of the ills faced by society. More detailed notice of some of some of them will be made in the appropriate places in Chapters 5 and 6 on the Objects of Charity, here there will only be a brief discussion of the range of methods by which they were funded and administered. In addition to the hospitals and medical charities already mentioned, the other main divisions of voluntary effort might be categorised as the relief of poverty and distress, and education, in its broadest sense, not being restricted to children. In the early years of the eighteenth century both Birmingham and Coventry acquired Blue Coat Schools, for the education of poor children. They were both funded by a mixture of public

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75 W.C.R.O. CR 2098/15, Joseph Wheeler's Trust, Minute Book, 1888-1948.

subscription, donations and endowments. That in Birmingham was founded in 1722, as part of the creation of the new parish church of St. Philip's. A small piece of ground had been left after the erection of the church and parsonage house and on it was built a school, paid for by

> 'several inhabitants of the town of Birmingham, and other pious people, considering that profaneness and debauchery were greatly owing to gross ignorance of the Christian religion, especially among the poorer sort, and that nothing was more likely to support the practice of Christianity than an early and pious education of youth, and that many poor people were desirous of having their children taught, but were not able to afford them a Christian and useful education, [and who] had therefore raised a considerable sum of money for erecting and setting up a charity school, and for a stipend and charity for a master and a mistress for teaching poor children to write and read, and instructing them in the knowledge of the Christian religion, as taught in the Church of England, and such other things as are suitable to their condition and capacity.'[77]

Within a few months of the indenture creating the school Elizabeth White left property to form a perpetual endowment for it, and this was followed by several other trusts over the next hundred years. In 1728 the trustees began to organise annual subscriptions and charity sermons, and by the mid-nineteenth century the school also had placed a number of charity boxes and made some income from the sale of old clothes. In addition it received payments from Fentham's Charity for educating fourteen children and from the Commissioners of the Patriotic Fund for four children.[78] The Coventry Blue Coat School, which only took girls, was also established in the early eighteenth century by subscription and was enhanced by endowments and annual charity sermons.[79]

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76 W.C.R.O. CR 2098/1, Midland Counties Idiot Asylum, scrapbook of annual reports, newspaper articles, etc. 1868-1893.

77 Griffith, *History of the Free-School*, p. 60.

78 *Brougham*, pp. 395-402; Griffith, *History of the Free-School*, pp. 61-70, 92-104.

79 *Brougham*, pp. 999-1000; *Jopson's Coventry Mercury*, 1 October 1759, 29 September 1760, 20 September 1762, 17 July 1763.

During the nineteenth century both towns saw the foundation of many voluntary schools, some supported by single congregations, others part-funded by either the (Dissenting) British and Foreign School Society or the (Anglican) National Society. In Coventry one of the leading ribbon manufacturers, Joseph Cash, built and supported an infant and juvenile school in Thomas Street in 1835, and the support was continued by his widow until at least 1874.[80] Manufacturers in both towns were concerned to have a work-force sufficiently well educated to perform the tasks required of them, and this led to the establishment of a number of institutions, ranging from the simplest forms of adult evening classes designed to impart the rudiments of reading and religion, through technical and art and design colleges to theological colleges, teacher training establishments, medical schools and, eventually, a University of Birmingham. The origins of many of these lay in the enthusiasm of an individual, who drew about him like minded supporters, cajoling money and help from as wide a circle of acquaintance as possible. This is as true of the St. Mary's Working Men's School, founded in a row of derelict shops in 1856 by the Rev. I. C. Barrett, as it is of the Queen's College, founded as a medical school in 1828 by W. Sands Cox. Thereafter the scale of operations dictated a divergence of methods. The Working Men's School was managed by a committee of twelve, and was chiefly reliant on the congregation of St. Mary's for its funding, though it was felt that 'an appeal on its behalf may fairly be made to the friends of education at large.' The Queen's College, after its incorporation as a College of the University of London in 1843, had three classes of governors (donors of £100, £50 and £25), twelve of whom served on the Council along with the Principal and other members of staff, to the

80 F. White & Co., *History and Antiquities of Warwickshire* (Sheffield, 1874), pp. 88-90.

number of thirty. Donors of £10, with a subscription of one guinea, were members of the College, with free admission to the museums and library. Apart from donations and subscriptions, income was generated by the fees paid by students.[81]

The numerous societies formed to relieve poverty and distress of one sort and another also varied in scope, income and complexity of organisation. They ranged from ad hoc soup kitchens in bad winters, through regular parish based visiting schemes to fully constituted societies, complete with committees, officers and patrons. Whilst these enterprises were purely local in operation, many of them reflected current trends in voluntary work, their members being made aware of developments in other areas by newspaper reports and magazines. The networks joining the various dissenting churches also acted as channels of communication and encouragement. The influence of friends and relatives in other areas could also play a part, and one sometimes finds traces of this in correspondence or journals. In 1798 Charles Lloyd of Birmingham wrote to his cousin Richard Gurney of Norwich, enclosing a copy of the printed report of the Birmingham 'Soup Shop', saying 'it perhaps may afford thee some entertainment to peruse the inclosed account and if you have no charitable institution of the same kind in Norwich it might be worth considering whether great advantages might not be derived from the establishment of a Soup Shop in your City.'[82] The Birmingham Society for the Relief of Aged Infirm Women was closely modelled on a similar society in Sheffield, and a Miss Smith of Sheffield attended one of the early committee meetings on 5 April 1825.[83] In a similar way, in 1846, a Mr.

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81 Griffith, *History of the Free-School*, pp. 356-66, 437-8.
82 B. C .A. MS 2038/1, Report of 'Soup Shop' and letter of Charles Lloyd, 8 December 1798.
83 B. C. A. MS 886/1, Society for the Relief of Aged Infirm Women, minute book, 1825-1847.

Barnett of Birmingham asked for a copy of the constitution of the Liverpool Mendicity Society, with a view to establishing a similar organisation in Birmingham.[84] By the end of the nineteenth century Birmingham and Coventry had a wide range of voluntary institutions and societies, as well as endowed charities with incomes in excess of £37,000.

The smaller market towns could not compete with Coventry and Birmingham in the range of provision of relief for suffering and the promotion of wellbeing. However, like the larger towns, they combined a mixture of old endowments with newer voluntary societies. Leamington was an interesting exception. The small village of Leamington Priors had been known locally for its medicinal wells for many years. It was only after the publication of an analysis of its curative waters by Dr. Lamb of Warwick in 1794 that its fame spread more widely. In the early years of the nineteenth century it experienced a building boom, the health-seekers and tourists being followed from mid-century by a more settled population, a mixture of those of independent means and businessmen retiring from the bustle of Birmingham and Coventry. This influx of population drew in a shifting mass of servants, service providers and small tradesmen. Between 1801 and 1901 the population of Leamington, named Royal Leamington Spa in 1838, increased from 315 to 23,889. The years of fastest growth ended in 1851, when the population was already 15,723.[85] In its quiet rural days it had attracted no charitable endowment and, although a few were made in the nineteenth century, it was principally a place of middle-class voluntary effort.[86]

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84 B. Williams, *The Making of Manchester Jewry, 1740-1875* (Manchester, 1976), p. 146.

85 L. F. Cave, *Royal Leamington Spa, its History and Development* (Chichester, 1988).

86 The only endowed charity listed in the *General Digest* (1877) was the Campion educational charity, established by will in 1821. However, as seen in note 56 above, the premises of

The first initiative had been taken in 1806 by Benjamin Satchwell, one of the men chiefly responsible for the early development of the spa. He established the Leamington Spa Charity, 'instituted for the gratuitous relief of invalids.' Using funds raised by subscription, chiefly amongst the wealthy patrons of the spa, this charity paid for bathing treatments for poor persons recommended by medical men and who could produce a 'certificate from some respectable friend, or a parish officer, as to their circumstances.' As with most voluntary societies, subscription gave rights of government, but in this case it was only 'during the term of his or her residence at Leamington' that a subscriber became 'a member of the committee, and [was] authorised to nominate a select committee.'[87] Over the next thirty years were added the Warneford Hospital, a National School and several Sunday Schools. It appears to be from around 1840 that the number of voluntary organisations and institutions proliferated. Reflecting the middle-class structure of the population and the problems caused by its migratory nature, a Servants' Home was established in 1840, run by a committee of eleven ladies with a secretary and two assistant secretaries. It operated partly as an employment agency (thus benefiting its middle-class patrons as well as its ostensible recipient group, female servants), and partly as a temporary home for servants between posts - 76 in the first year. It aimed to 'give them protection against the various dangers to which they are exposed ... religious instruction ... and having their characters improved by daily communication and conversation.[88] On departure,

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the Warneford Hospital were vested in trustees, and the Rev. Samuel Warneford established an endowment for the hospital at his death in 1855. C. D. Stephenson, *The Warneford: A Hospital's Story* (Stratford-upon-Avon, 1993), p. 17.

87 Anon., *A Brief Account of the Rise, Progress and Patronage of the Leamington Spa Charity Instituted for the Gratuitous Relief of Invalids* (Birmingham, 1812), pp. 3-9.

88 During the nineteenth century great stress was laid on the benefits of social contact between the classes. 'The insensible influence of ... [ladies'] common words, their ordinary manners, their dress, their voice, the numerous thoughts, suggestions and instructions which they carry unconsciously about them into the houses of the poor, exercise a power far greater than any.' Rev. J. S. Brewer, 'Workhouse Visiting', in *Lectures to Ladies on Practical Subjects, etc.* (Third edn, Cambridge, 1857), pp. 55, 59, cited in J. Gerard, 'Lady Bountiful: Women of the landed classes and rural philanthropy', *Victorian Studies*, 30 (1987), pp. 185-210.

every young woman, not possessing one, is presented with a Bible.'[89] The genteel town of Leamington seemed somewhat obsessed with the dangers to (or of) young women. By 1842 there was also a Penitents' Home 'where females, to the number of 20, in state of destitution, are received, and prepared to take once more a respectable station in society.' This home was still operating in 1900, when it was known as St. Michael's Home (Penitentiary). In the latter year there was also a Home for Destitute Girls at the Mission House in Satchwell Street. The impoverished but respectable female portion of society was catered for by the Benevolent Institution 'for distributing work and selling clothing etc. and for lending clothing to lying-in women', and by the Charitable Repository 'for the sale of Poor Ladies' Work.' During the nineteenth century societies were founded for the loan of blankets, to provide clothing, day care for children, education and improvement for young and old, and to encourage providence and temperance.[90] Most were town (later borough) charities, but some were parochial (seven additional Anglican churches were built in the town during the nineteenth century) or attached to denominational chapels. In 1891 the Catholic community in Leamington established a society for the rescue of children, called the St. Peter's Waif and Stray Society. The title echoed that of the Church of England Incorporated Society for Providing Homes for Waifs and Strays, which had a branch in Leamington.[91] Other national societies which had branches or affiliated organisations in Leamington included the Charity Organisation Society, the N.S.P.C.C. the R.S.P.C.A., the Y.W.C.A., and there were various temperance groups. More detailed analysis of their subscription lists, committee members and

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89 R. Hopper, *The History of Leamington Priors: From the Earliest Records to the Year 1842* (Leamington, 1842), pp. 87-8.

90 Hopper, *Leamington Priors*, p. 88; Spennell's *Directory for Warwickshire* (1883-1900).

91 Spennell's *Directory* (1900); The St. Peter's Waif and Stray Society was established by Mr. Alfred Newdigate and his wife Selina, following an appeal by Henry Vaughan, Bishop of Salford, to rescue children who were in danger of losing their faith because of their poor material circumstances. S. M. Pinches, *Father Hudson and his Society: A History, 1898-1998* (Birmingham, 1998), p. 9.

patrons would probably confirm the initial impression that a small group of people was at the core of voluntary effort in the town.

Rural charity

The images conjured up by the words 'rural charity' inevitably tend to be of Lady Bountiful tripping from the manor house with a bowl of soup, old retainers maintained by benign landlords, vicars' wives and daughters touring the cottages of the poor, leaving a trail of tracts and good advice in their wake.[92] These aspects are, indeed, discussed in the following section on paternalism. However, not all rural philanthropy emanated from the lord of the manor or the vicar. Large farmers and the increasing number of 'professional' men (schoolmasters, doctors, veterinarians, surveyors, agents of various sorts, etc.) who resided in the countryside also took a lead in establishing village societies. These societies, more usually known as clubs, were probably more dependent on the support of a handful of local worthies than their urban counterparts. On a smaller scale, but reflecting trends in urban and metropolitan philanthropy, rural parishes experienced waves of sewing circles, benefit clubs, temperance societies and reading rooms. A particularly rural manifestation of the 'club' was the pig club, which not only helped labourers to save to buy pigs, but also disseminated information on the best methods of pig-keeping.[93] Another important rural movement was the provision of allotments for gardens. Some were provided by acts of enclosure, as discussed in Chapter 3, others were given by landlords and others were purchased by the poor law guardians for the benefit of the poor.[94]

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92 For aristocratic women's involvement with rural charity see Gerard, 'Lady Bountiful'.

93 In 1886 in the parish of Burton Dassett 'a club entitled 'The Northend Pig Assurance Society' has been started, and we wish it every success. We all know what a heavy loss it is to a poor man if any thing happens to his pig, and how hard it is to replace it.' W.C.R.O. DR 220/39, Burton Dassett *Parish Magazine*, 1886.

94 D. C. Barnett, 'Allotments and the problem of rural poverty, 1780-1840', in E. L. Jones and G. E. Mingay (eds), *Land, Labour and the Industrial Revolution* (1967), pp. 162-83. Henry Lilley Smith provided allotments in Southam for boys between the ages of eight and fourteen, at 6d. a month. B. Smith 'A doctor called Smith.'

To stray too far into the subject of 'self-help' would be beyond the scope of this study, but something must be said about the encouragement of self-help initiatives by the elite. This was perhaps most evident in the establishment of small village savings clubs, but there is also evidence of patronage of urban friendly societies.[95] Simon Cordery has explored the role of the patron and suggested that:

> Patrons responded to the social relations of industry by attempting to redefine paternalism. Landlords and clergymen forged a 'working paternalism by patronising voluntary institutions such as friendly societies, replacing the traditional personal bond. Patrons, many of them clergymen, identified friendly societies as respectable to counter employers' fears of the societies as havens for illegal trade-union activity and part of the 'opaque' culture vital to working-class formation in early nineteenth-century Britain. Under their leadership, patrons argued, friendly societies lowered the poor rates and rejected 'unrespectable' behaviour such as drunkenness, embezzlement and trade unionism.[96]

Although many of the village coal/boot/clothing/sick clubs were small affairs of very local operation, they could be quite formal in their structures and rigid in their rules. They seem to have proliferated from about 1830, the period of real growth of friendly societies.[97] The usual form they took was for a 'manager' to encourage regular deposits throughout the year from the village labourers, at the same time as soliciting subscriptions from the wealthier members of the parish. The subscription fund would then be used either to match, or at least 'top up', the amount saved by the depositors. When the Burton Dassett clothing and

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95 For example, the Birmingham Roman Catholic Friendly Society was established in 1795 with the encouragement of the parish priest and a number of wealthy manufacturers. The Hardman family continued to support, and even subsidise, the Society throughout the nineteenth century. B. A. A., B.R.C.F.S./1 Journal 1795-1852, /2 Members List 1795-1893, /5 Committee Minutes 1885-1890. For rural friendly societies see C. Cluley, 'Mutuality, discipline and responsibility: with special reference to nineteenth-century Friendly Societies in mid-Warwickshire', (unpub. M.A. dissertation, University of Warwick, 1997).

96 S. Cordery, 'Friendly societies and the discourse of respectability in Britain, 1825-1875', *Journal of British Studies*, 34 (1995), pp. 35-58, here pp. 41-2.

97 P .H. J. H. Gosden, *The Friendly Societies in England, 1815-1875* (Manchester, 1961).

coal clubs were revived in January 1884, more than seventy people wished to join and the vicar hoped 'to obtain the help of landowners and others in the parish, in order to be able to encourage the poor in these acts of providence.'[98] Sometimes additional money was given to these funds from endowed charities in the parish, thus blurring even further the distinction between endowed and voluntary charities and self-help organisations. The clothing fund in Stretton-on-Dunsmore was begun in 1827 with the support of the Herbert Charity, which paid for the printing of leaflets and cards and the purchase of account books, as well as giving substantial grants 'in aid of the clothing fund': £27 10s. 6d. in 1827, £19 6s. in 1829 and £41 12s. 9d. in 1830, thereafter at a lower level.[99] This additional money was an inducement to thrift and financial forethought in their members (thus reducing want and its concomitant drain on the poor rates), but it was also a weapon in the battle to encourage moral behaviour amongst the labouring poor. This was overtly expressed in the Rules of the Ratley and Upton Clothing Fund, printed in 1833 by the manager of the fund, the Rev. E. Miller. Deposits were to be made weekly 'immediately after Divine Service', with very strict regulations of the amount to be deposited and penalties for failure to keep up regular payments. Anyone convicted of stealing or any other felony, was to be immediately expelled from the Society. 'If the husband, wife or child of any Depositor' was so convicted the depositor might be expelled, or deprived of his/her share of the subscription fund, as might anyone convicted of 'drunkenness, poaching, or

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98 W. C. R. O. DR 220/35, *Burton Dassett Parish Magazine* 1884.

99 W.C.R.O. CR700/10, Herbert Charity Accounts, 1823-34. The Stretton accounts also showed regular payments in support of the Friendly Society. However, when the trustees drew up a scheme for the regulation of the Herbert Charity, Poor's Plot and Church and Poor Lands they were criticised by counsel for their intentions to continue generous support to village clubs. The Scheme approved by the Court of Chancery in 1859 restricted the amount they could give each year to no more than £25 for the Sick Club, £25 to the Coal Club and only £16 to the Clothing Club. W.C.R.O. CR700//8, Charity Commission

assault, or any misdemeanour.' Sexual morality (of the usual double standard variety) was also prescribed, in that 'any Depositor becoming pregnant while unmarried, or who, recently married, shall, by the too early birth of a child, prove herself to have been pregnant at the time of her marriage, shall be expelled from the Society.' Young women were further pressed to conform to norms of industry, as 'no girls shall belong to the Club, if old enough for service, unless actually in service at the beginning of the year, or likely to be so.'[100] The final rule, number 16, sweepingly stated that 'the Manager shall have the power of making, from time to time, for the Members of this Society under the age of sixteen, such further regulations as shall appear to him calculated to promote virtuous and Christian habits.'[101] The rules and wording are practically identical to those of the Hampton Lucy Clothing Society, published by the manager, the curate of Hampton Lucy, about 1837.[102]

Emergency Appeals

Appeals for help for the victims of disasters of one sort and another have a very long history. They ranged in scale and level of organisation from a 'whip round' or 'passing the hat' in a pub for a local person or family fallen on hard times to national appeals for the victims of war, fire, flood and famine. The form of appeal in the early modern period was the charity brief. Even by the mid-eighteenth century briefs were not always thought to be the most appropriate form

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Scheme, 1859. The Kimbell Charity in Burton Dassett also made payments to the clothing club in the 1880s. WCRO DR 220/35-47, *Burton Dassett Parish Magazine* 1884-97.

100 This insistence on the children of tenants going into service was common in the nineteenth century. A rule of the Stoneleigh estate stated that children over 16 were regarded as lodgers, and as lodgers were not allowed on the estate, this forced the young people to leave and go into service. The Duke of Bedford had similar rules on his Bedfordshire estates. N. Hampson, 'William Henry, 2nd Baron Leigh of Stoneleigh, 1824-1905: A paternalist philanthropist' (unpub. M.A. dissertation, University of Warwick, 1998), pp. 23-25.

101 W.C.R.O. CR157/Bundle 5, Rules of the Ratley and Upton Clothing Fund, 1833.

102 W.C.R.O. DR 1133/7, Rules of Hampton Lucy Clothing Club, c. 1837.

of appeal, because of the time and expense involved in organising them.[103] After a fire in Kineton in 1761, which destroyed eleven houses, a notice was put in Jopson's *Coventry Mercury* to the intent that 'no brief will be applied for by the sufferers' but 'a proper Application, in the name of the sufferers, will very soon be made to every Parish in this County and such Parishes in the adjoining County as shall be thought advisable and found practicable.' An estimate of the sum required (£768 6s 7d.) was sworn before two justices of the peace, and contributors were requested to send their donations to any of a long list of people including Charles Henry Talbot, Esquire, at his Chambers in New Court in the Temple, London, Mr. James Fletcher, bookseller in the Turl, Oxford, and the Rev. Mr. Richards, Curate of All Hallows, Northampton, as well as a number of tradesmen in Warwickshire small towns, and the vicar of Kineton, the Rev. Mr. Talbot.[104] However, the benevolent were prey to impostors, as another report two years later showed. On 19 August 1763: 'James Wright and Joseph Lane, otherwise Jones, were apprehended at Tamworth going about gathering alms under pretence of loss by fire at Stockton in the Co. of Stafford, and producing a petition and certificate appearing to be signed by the Curate, Churchwardens, Overseers of the Poor and Constables of Stockton aforesaid.' They confessed to having forged the document with another one by one Robert Hall, 'a Pensioner belonging to Chelsea Hospital', who was then in Warwick Bridewell 'for acting the same imposture at Woolston near this city. 'Tis apprehended they have more accomplices.'[105]

Throughout the nineteenth century newspapers continued to advertise appeals for both local and national funds. In 1806 an appeal was made for donations to support Christopher Mason, miller of Southam, whose mill had burnt down, and the following year attention was drawn to the national appeal for the

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103 See pp. 33-4 above.
104 Jopson's *Coventry Mercury*, 11 May 1761.
105 Jopson's *Coventry Mercury*, 29 August 1763.

inhabitants of Chudleigh, Devon, who had suffered a 'dreadful conflagration.'[106] By the later eighteenth century collections were being made for those suffering other sorts of distress, including for those overseas. Initially, the church continued to be the focal point for such collections, whether instituted by brief or not. References occur in parish registers to collections for prisoners of war during the Napoleonic wars, and for the relief of the French clergy expelled from revolutionary France.[107] In 1806 it was reported that 'a subscription is going forward in almost every town in the Kingdom to relieve the distressed inhabitants of some of the German provinces, who, from accumulated miseries produced by the war, and two years of scarcity, must without foreign assistance have perished in great numbers. To this humane purpose, the Society of Friends in the City of Worcester have contributed upwards of 100l.'[108] In 1803 the Patriotic Fund was founded by a group of stockbrokers and other city men, who felt that to 'animate the efforts of our defenders by sea and land, it is expedient to raise, by the patriotism of the community at large, a suitable fund for their comfort and relief.'[109] Not everyone was entirely in accord with that belief. The *Warwick Advertiser* reported that 'a benefaction of 123l. has been made by the Quakers of Shropshire to the Shrewsbury Infirmary; and this, we understand, in lieu of contributions to the Patriotic Fund, conceiving themselves restrained, by their religious principles, from giving any active assistance, or even countenance, to the practice of war.'[110]

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106 *Warwick Advertiser*, 29 August 1806, 30 May 1807.

107 For example, in the parish of Coughton the following collections were made: 3 June 1793, £9 2s 6d. 'towards the relief of the French Clergy refugees in the British Dominions'; February 1808, £11 1s.6d 'for the relief of the British Prisoners in France'; 8 April 1811, £11 8s. 6d. 'for the British prisoners in France'; August 1815, £9 14s.6d. 'for the relief of the families of the brave men killed and wounded in the signal victory of Waterloo.' W.C.R.O. DR 278/1, Coughton parish register, 1737-1808. W.C.R.O. DR 613/103, Berkeswell churchwardens' memorandum about the Waterloo subscription, 1815.

108 *Warwick Advertiser,* 7 June 1806.

109 *First Report of the Committee for Managing the Patriotic Fund established at Lloyd's Coffee House, 20 July 1802* (1804), p. 3. The Fund raised over £500,000 during the Napoleonic Wars. I am grateful to Simon Fowler for this reference. J. Gawler, *Britons Strike Home: A History of Lloyd's Patriotic Fund, 1803-1988* (Sanderstead, 1993).

110 *Warwick Advertiser*, 8 February 1806.

The Crimean War was the first conflict to be swiftly and widely reported, owing to the development of the telegraph and the presence with the army of William Howard Russell, correspondent of *The Times*, then a Radical newspaper. The new development of photography also helped to make people at home more aware of the conditions endured by the soldiers.[111] Following two scathing reports in early October, 1854, about the lack of medical care for wounded men, Sir Robert Peel launched an appeal for funds through *The Times*. This was on the day when another of Russell's dispatches said that 'the manner in which the sick and wounded are treated is worthy only of the savages of Dahomey.' Money poured into the fund from all over the country. As with many another disaster fund, it could not immediately be put to the use for which it was intended: the army authorities refused to admit there was a problem and would certainly not accept civilian help even if there was. By November, parcels of 'Free Gifts' were being sent directly to the troops, but these comforts, too, caused problems. Florence Nightingale called them 'these frightful contributions' and wrote in May, 1855, 'there is not a small town, not a parish in England from which we have not received contributions, not one of these is worth its freight, but the smaller the value, of course, the greater the importance the contributors attach to it. If you knew of the trouble of landing, of unpacking, of acknowledging!' By then *The Times* fund was being used, and she concluded that 'the good that has been done here has been done by money, money purchasing articles in Constantinople.'[112] Money and supplies were no use without people to administer them, and Florence Nightingale was only one of many people who, from various motives, went out to the Crimea to help. Two Warwickshire people who went at the outset were Charles Holte Bracebridge, of Atherstone Hall, and his wife Selina, a friend of Florence's since 1847. For nine months they worked tirelessly, and at their own

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111 J. Hanavy, *The Camera Goes to War: Photographs from the Crimean War, 1854-56* (Edinburgh, 1974).

112 C. Woodham-Smith, *Florence Nightingale, 1820-1910* (1951; Harmondsworth, 1955), pp. 98-100, 119-21, 161, 167-8.

expense, at the hospital at Scutari, supporting and encouraging Florence through all her difficulties. Yet 'Selina had muddled the 'Free Gift' store, and Mr. Bracebridge's relations with the officials were increasingly unhappy.'[113] However, there was no hint of this when they returned to Atherstone in August 1855. They were greeted by a crowd, reported to be ten thousand strong, streets be-decked with flags, and a grand pavilion erected in their own park. Here they were eulogised by W. S. Dugdale and others, and received an address signed by many people of the town and county offering them 'our warmest and most heartfelt congratulations on your safe and happy return from your mission of mercy to the East.' He made a speech of thanks, in which he said 'that he happened to believe the hearty welcome they had given to himself and Mrs. Bracebridge was the embodying of a principle somehow or other dear to the hearts of Englishmen – that is, the principle of kindness and love to the friend of the British soldier.'[114]

War charities made appeals not only to patriotism but also to local loyalties. The Warwickshire charities created during the Boer War were for the most part to help soldiers' and sailors' families at home or to send comforts to local men serving in South Africa. The Soldiers and Sailors Family Association County Fund raised £12,974, and the Lord Lieutenant's County Fund raised £16,638. Local newspapers organised their own appeals, so that the *Birmingham Daily Mail* Reservists Fund raised a staggering £54,592. *The Midland Argus* raised £5,972, whereas the *Birmingham Argus* Fund only raised £353 and the *Leamington Courier* £471. Another fund in Leamington, however, raised an

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113 Woodham-Smith, *Florence Nightingale*, pp. 56, 105, 109, 161, 174. Charles Holte Bracebridge had long supported medical causes, and was associated with Henry Lilley Smith in the promotion of provident dispensaries. He was also on the first committee of the Coventry and Warwickshire Hospital. W.C.R.O. CR 167, Circular on medical provision for the poor, 1827; CR 1886/Box 807/29, Report of meeting at Coventry Provident Dispensary, 1857; Tugwood, *Coventry and Warwickshire Hospital*, p. 3.

114 W. C. R. O. CR 911/129, Supplement to the *Coventry Herald and Observer*, 7 September, 1855; CR 1907/1, Congratulatory message to Mr. and Mrs. Bracebridge on their return from the Crimea, 1855; CR 3009/488, Welcome from the people of Nuneaton to Charles Holte Bracebridge on his return from the Crimea.

additional £1,870. These latter two sums were considerably more than the £1,525 raised in Coventry. The rhetoric of class, as well as of patriotism and localism, was also deployed in these appeals. Of the *Birmingham Daily Mail* Reservist Fund it was said 'the great feature ... has been the support given to it by the working classes, nearly every firm in the city and district having organised weekly collections, which raised from one penny to as much as 3d. per week from each employee.' A special appeal was made in 1901 to the more wealthy citizens, but as 'the appeal however did not meet with sufficient response, the work people again came to the aid of the fund.' All three strands were expressed thus: 'in addition to raising such a magnificent fund the *Birmingham Daily Mail* has awakened the interest taken in the "soldier" in Birmingham and has brought out the patriotism and generosity of the working class who have made so many sacrifices to help to keep together the homes of those who are fighting for their King and Country.'[115]

Although these large collections became an increasingly prominent part of the charity scene as the nineteenth century progressed, small scale collections continued to be made for cases of individual distress. The majority of these neighbourhood and workplace collections went unrecorded, but some have survived in the historical record. It is interesting that most of those which have been found during the course of this study were for the benefit of one of the most ancient categories of recipient – the widow. In 1807 a spectator at the Warwick Races was ridden down by two of the horses and 'a subscription was opened at the ordinaries yesterday, for the family of the deceased, which consists of a wife and

115 J. Gildea, *For King and Country: Being a Record of Funds and Philanthropic Work in Connection with the South African War, 1899 – 1902* (1902). I am grateful to Simon Fowler for this reference.

two children, and a very liberal sum was collected towards their support.'[116] In 1864 when a labourer in the parish of Brailes was shot by the local gamekeeper it roused much local feeling and there was a public appeal to raise money for the victim's widowed mother. The *Warwick Advertiser* published a letter from the vicar, describing the deceased as 'a good industrious labourer, a remarkably kind and dutiful son, [who] had never been convicted, nor indeed justly suspected of poaching', and asking for contributions to be sent care of the Post Office in Brailes.[117] In 1897 a collection was held in the neighbourhood of Burton Dassett for 'Mrs. Jessett, who lately lost her husband in the sad accident on the E.& W. Junction Railway.'[118]

Private charity

Private charity is the type most difficult to define, and certainly the most difficult to trace. It ranged from the paternalism of the wealthy landowner or industrialist, to the slipping of a coin into a beggar's hand by the less well off. It could also be understood to include the expenditure of time and effort on behalf of another, ranging from the exercise of patronage to visiting the sick and needy.[119] As it is impossible to trace the small and immediate gifts to the beggar, this

116 *Warwick Advertiser*, 29 August 1807.

117 *Warwick Advertiser*, 5 March, 1864.

118 W.C.R.O. DR 220/47, Burton Dassett *Parish Magazine,* 1897.

119 Patronage is a very complex issue. The term can be 'used to describe not only the direct access of supplicant to patron, but the indirect chain of request that characterized so much eighteenth-century donation. Often patrons were also brokers of patronage, the recipients of favour also the brokers of alms for others. For since gift- or alms-giving was both a sign of power and simultaneously conferred power on the donor, all attempted to be conduits of favour, both to serve their friends and to enhance their own authority. The next best thing to being a patron (and certainly much cheaper than so being) was having influence with one.' D. T. Andrew, '*Noblesse Oblige*: female charity in an age of sentiment', in. J. Brewer and S. Staves, *Early Modern Conceptions of Property* (1995), pp 275-300, here, p. 280.

section will concentrate on the paternalism of the wealthy.[120] While the notions about mutual obligations between landlord/tenant and master/servant are very ancient, they have been variously acted upon over the years, and variously interpreted by historians. Ann Borsay has suggested that 'during the long eighteenth century, the moral economy of charity in Britain was characterised by a decline in paternalism', and David Roberts has seen a 'revival and amplification of old paternalistic ideas' in the early Victorian period.[121] Even before Victoria came to the throne there was a sort of Tory romanticism, voiced by the poet Robert Southey amongst others, which 'hankered after some vague and undateable era when the "peasants" were supposed to have prospered.' Ian Dyck has made the point that 'the old England of Southey and the Tories was less an affair of liberty and good food than of paternalism and condescension on the one hand, obeisance and subordination on the other.'[122] Paul Langford has traced the revival of paternalism back even earlier, into the period of Ann Borsay's 'decline', saying that 'paradoxically the pretensions to benevolent landlordship increased at precisely the point that their realities waned, so that new model villages and rococo cottages accompanied enclosure.'[123]

This could be evinced not only by those whose principal income was from agriculture, but also by those exploiting the mineral and industrial wealth of their estates. Arbury Hall near Nuneaton 'is one of the finest examples of the early Gothic revival in England', and its North Lodge and Tower Farm combined 'gothic' towers with domestic accommodation. Sir Roger Newdigate (1719-1806),

120 Jessica Gerard contended that much of this 'paternalism' was, in fact, mediated by the wives, sisters and daughters of the landowning classes. Gerard, 'Lady Bountiful', p. 185

121 A. Borsay, 'The decline of paternalism in British charity, c. 1700-1830. Illustrations from Georgian Bath', unpub. paper read to the Bangor Conference on the History of Charity Post 1750 (1999), p. 1; D. Roberts, *Paternalism in Early Victorian England* (New Brunswick, N.J., 1979), p. 2.

122 I. Dyck, *William Cobbett and Rural Popular Culture* (Cambridge, 1992), p. 151.

123 P. Langford, *Public Life and the Propertied Englishman,* p. 386.

who oversaw the transformation of the house and the exploitation of the coalfields on the estate, 'had a reputation as a representative of traditional squirearchical values – Horace Walpole called him a 'half-converted Jacobite.'[124] The paternalistic care which he showed for his labourers, tenants, and the poor living in the parishes where he had interests, was recorded in a notebook inscribed 'Charities from Arbury from 1749 to 1796.'[125] This chronicled the annual gifts, on St. Thomas' Day (21 December), of beef, bread and clothing. From 1776 it also regularly mentioned the school which Sir Roger maintained at Chilvers Coton. After the entry for 1749 there was no entry until 1776, and it was only from 1779 that it was kept in a regular manner which lends itself to analysis. There was no entry for the year 1795, which left seventeen years where the distribution of beef, bread and clothing was clearly set out. Up until 1780 he gave one bull, thereafter two bulls, and an average of 21 bushels of wheat, made into anything from 350 to 501 loaves. In each of those seventeen years he distributed, on average, nineteen shirts, twenty shifts, seventeen gowns, eight coats, fifteen petticoats, twenty-five waistcoats and 117 pairs of stockings. He also gave an average of ten sets of childbed linen. Occasionally such items as blankets, sheets, 'check handk[erchiefs]', cloaks and aprons were also distributed. In addition he fully clothed six of the children at the school in Chilvers Coton (boys and girls) and sometimes a number of other children, too. For example in 1784 'a boy of Bedworth cloathed whose father was kill'd' in ye colliery.' In 1794 he provided jackets and trousers for the boys, and gowns for the girls, of the Sunday School. The early lists divided the recipients into 'small tenants' of the various hamlets, 'labourers', 'basket women' and 'the poor.' While the tenants and labourers could be readily identified by Sir Roger's steward, it is obvious that other help was sought in identifying suitable recipients among the poor. In 1749 the poor of Bedworth were recommended by Mr. Howlett and those of Nuneaton by Mr.

124 N. Pevsner and A. Wedgewood, *The Buildings of England: Warwickshire* (1966), pp. 67-71; G. Tyack, *Warwickshire Country Houses* (1994), pp. 11-15.

125 W.C.R.O. CR 136/B362. It also recorded the gifts *from* the tenants to Sir Richard!

Liptoft. In 1788 a Miss Ludford recommended six people and there is a note 'Sarah Reeves Bedworth to Enquire of Mrs. Howlet.' The fact that the recipients were nearly all named, sometimes had comments appended such as 'very poor' or relating to their family circumstances, and received different combinations of clothing suggests that care was taken to match the gift to the person's need; it was not just a general distribution. This generosity was continued by his heir, Sir Francis Newdigate. The Commissioners of Inquiry in 1834 discovered that in the previous thirty-one years Sir Francis had expended £3,604 of his own, in addition to the to £9,543 income of the Newdigate endowments of which he was trustee. These charities supported the schools at Chilvers Coton and Astley, payments to the vicar for sermons, and distributions of clothing, food and books as well as the provision of medical attendance.[126]

However, the ideal of the good landlord or of the 'Lady Bountiful', even the evidence of fulsome praise on funerary monuments, should not blind one to the fact that not all was always as it seemed. As George Crabbe wrote of the lady of the manor:

> In Town she dwelt; forsaken stood the Hall...
> From empty cellars turned the angry poor,
> And surly beggars cursed the ever-bolted door....
> Why learn the wants, the sufferings of the poor?

Yet when she died and was brought home to the parish for burial and people pressed around the coffin to read the name plate:

> A village-father looked disdain and said:
> 'Away, my friends! Why take such pains to know
> What some brave marble soon in church shall show?
> Where not alone her gracious name shall stand,
> But how she lived – the blessing of the land;
> How much we all deplored the noble dead,
> What groans we uttered and what tears we shed;
> Tears, as true as those, which in the sleepy eyes
> Of weeping cherubs on the stone shall rise;

126 *Brougham,* pp. 473-5.

Tears, true as those, which, ere she found her grave,
The noble lady to our sorrows gave.'[127]

Some estate owners did maintain the expected generosity to the end of the nineteenth century. William Henry, 2nd Baron Leigh, inherited the title and estate of Stoneleigh in 1850 and lived there until his death in 1905. He exercised a paternalistic tyranny over the village, and devoted himself to philanthropic work throughout the county.[128] He was also a keen Free Mason, interweaving freemasonry and philanthropy.[129] In 1862 his donations ranged from hospitals, almshouses and schools to the village reading room and he sent regular items to bazaars and gifts to the almspeople and labourers of Stoneleigh. Towards the end of his life he was still making the same sort of donations, including to the village school, despite the fact that it was now rate maintained. His family tried to dissuade him from the latter charity, but he continued his support, declaring 'they can still have the money to do with what they like.'[130] Lord Willoughby de Broke, reminiscing in 1924, 'admitted that the employees on his Warwickshire estate received small wages, "but they had security. And above all, there was a mutual bond of affection that had existed for many generations between their families and the family of their employer, a bond that cannot be valued in terms of money."'[131]

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127 G. Crabbe, *The Village* (1783).

128 Among his many appointments were president of: the Warneford Hospital, Leamington Spa; the Midland Counties Asylum for the Insane, Knowle; the Charity Organisation Society, Leamington; the Coventry and Warwickshire Hospital, chairman of the Leamington Provident Dispensary, trustee and governor of Rugby School.

129 Lord Leigh was Provincial Grand Master of the Free Masons of Warwickshire. Local Masons assisted at the laying of the foundation stone of the Warneford Hospital, Leamington, of which Lord Leigh was President, in 1832, as well as many other institutions in the area. 'The Masonic involvement in the erection of churches, schools and hospitals was, according to an early history of Guy's Lodge, very much in line with their "wish to promote the general interest of mankind" and their quest to keep alive the ancient Brethren practice of "Operative Masonry."' C. D. Stephenson, *The Warneford: A Hospital's Story* (Leamington Spa, 1993), pp. 43-5. Lord Leigh presided over the laying of the foundation stone of the new Coventry and Warwickshire Hospital in 1864, which was accompanied with 'grand Masonic Ceremonial.' Tugwood, *Coventry and Warwickshire Hospital*, p. 23. However, the Free Masons declined to lay the foundation stone of Nuneaton Cottage Hospital 'saying that the project was not large enough.' J. Burton and J. Bland, *Nuneaton Hospitals: The First Hundred Years* (Arley, 1994), p. 12.

130 Hampson, 'William Henry', pp. 3, 65.

131 Lord Willoughby de Broke, *The Passing Years* (1924), p. 48, cited in Harrison, 'Philanthropy and the Victorians', p. 220.

Others, like the Countess of Warwick, began to see that a change of approach was needed. She was brought up at Easton Lodge, the estate she had inherited at the age of three from her paternal grandfather, the last Viscount Maynard of Dunmow in Essex.[132] The Viscount and his wife had been great paternalist philanthropists in the old style. When Frances Maynard married the future Earl of Warwick in 1881 she carried with her these attitudes, and in the first years of her marriage made a number of liberal, if unconsidered and condescending, distributions of largesse, both in Essex and in Warwick. However, her social conscience was developing in new ways. In December 1894 she was elected the first woman to serve on the Board of the Warwick Guardians of the Poor, a post she held until 1905. In February 1895, a stinging newspaper attack on her frivolity and thoughtlessness in hosting a grand ball at a time when so many in Warwick were unemployed and starving led to her meeting Robert Blatchford, the editor of the Socialist *Clarion*. It was 'the turning point of my life' she wrote years later. While her later activities as philanthropist and socialist fall outside the period of this thesis, it needs to be recorded that when she wrote her autobiography she described her earlier patronage as 'a mistaken benevolence, an echo of our feudal past.' She hoped to see a new order which would 'lay emphasis on co-operation in work and wealth instead of sharpening the contrast between the rich giver and the poor receiver.'[133]

Paternalism, however, did not just exist on rural estates. For all that 'paternalism is conservative and backward-looking, and it produces in every age the politics of nostalgia' it survived throughout the nineteenth century in modern industrial settings.[134] From Robert Owen at New Lanark, William Lever at Port

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132 M. Blunden, *The Countess of Warwick: A Biography* (1967), pp. 5, 8-10.

133 F. Greville, Countess of Warwick, *Life's Ebb and Flow* (1929), p. 86. M. A. Blunden, 'The educational and political work of the Countess of Warwick, 1861-1938', (unpub. M.A. dissertation, University of Exeter, 1966), especially pp. 11-2, 14-5, 17.

134 D. Roberts, *Paternalism in Early Victorian England* (1979), p. 6; P. Joyce, *Work, Society and Politics: The Culture of the Factory in Later Victorian England* (1982).

Sunlight, to the Cadburys at Bournville, there were a number of social experiments to provide decent working conditions and housing at the same time as exerting that control of all aspects of life which was the hallmark of paternalism.[135] Not all employers could, or wanted, to exhibit paternalism on such a massive scale, but as the notion that 'property has its duties as well as its rights' took a firmer hold from the 1840s, those whose property was in manufactories rather than land increasingly accepted the role of paternalist philanthropist. The 'authoritarian, hierarchic, organic and pluralistic' view of society held by paternalists sat well with the control of large work forces by businesses competing in a free market.[136]

Coventry and Birmingham, and the smaller towns of the county, had many paternalistic employers in a variety of industries who organised benefits and treats for their own workers as well as giving substantial donations to, and often expending time and energy on, good causes at large. Here a few words will be said about brewers, many of whom made huge fortunes, but who were frequently under attack from temperance campaigners. Political and business reasons no doubt had a part to play in shaping their munificence, apart from any personal beliefs they might have about charity.[137] The philanthropic and reforming activities of Samuel Whitbread in the late-eighteenth and early-nineteenth centuries are well known, but provincial brewers were also active.[138] In Birmingham Joseph Ansell founded a brewery which was to become one of the largest in the country, and supported many good causes in Birmingham. By the beginning of the twentieth century his son Edward combined chairing the company with 'a deep interest in local affairs of a philanthropic and educational

135 A. L. Morton, *The Life and Ideas of Robert Owen* (1969); A. G. Gardiner, *Life of George Cadbury* (1923), pp. 34-8,141-66; Anon., *The Story of Port Sunlight* (Port Sunlight, 1953).

136 Roberts, *Paternalism*, pp. 2, 4.

137 B. Harrison, *Drink and the Victorians: The Temperance Question in England, 1815-1872* (1971).

138 R. Fulford, *Samuel Whitbread, 1764-1815: A Study in Opposition* (1967).

character' and was 'chairman of Aston Manor Relief Committee, member of Aston Manor Nursing Association and the Aston Manor Education committee, Governor of Birmingham General Hospital and of Bromsgrove Grammar School; member of Birmingham and Midlands Sanatorium and Birmingham Church Extension Society; Chairman of Birmingham Blue Coat School and a member of Sutton Coldfield Cottage Hospital and Nursing Institution.'[139] On a smaller scale, Flower and Sons Brewery had been established in Stratford-upon-Avon in 1831 by Edward Flower, whose paternalistic care extended to the dray horses in his employ. Described in an article in *Punch* as 'the most genial and practical of unpretentious philanthropists and hippophiles', he published *The Stones of London* (1880), 'a tract in which he implored local government leaders to improve methods of road construction in order to ease the burden of the lowly cart horse.'[140] His son Charles, described by the local newspaper as 'a firm and steadfast friend' to the poor, was a major benefactor to local hospitals and charities and one of the most generous and energetic supporters of the Shakespeare Memorial Fund.[141] These causes were also supported by his son Archibald Flower, who was a life trustee of the Shakespeare Birthplace Trust, chairman of the governors of the Shakespeare Memorial, a member of the management committee of the Local Hospital and of the public library.[142] Yet it was in the treatment of the brewery workers that their paternalism was most apparent. Reinarz has made a detailed study of the working conditions and wages of the brewery men, the ale allowances and bonuses given, the picnics and excursions organised for them, the sick benefit club and subscription to the Birmingham Eye hospital on their behalf, and has concluded that although the form of benevolent paternalism changed over the period 1870 – 1914, it never

139 J. Dale (ed.), *Warwickshire: Historical, Descriptive and Biographical in the Reign of King Edward VII* (n.d., c. 1911), p. 128.

140 J. Reinarz, 'Flowers on Horseback: A brief introduction to brewing in Stratford in the nineteenth century', *Warwickshire History,* 10 (1998/9), pp. 204-5.

141 J. Reinarz, 'A social history of a midland business: Flower and Sons Brewery, 1870-1914 (unpub. PhD. thesis, University of Warwick, 1998), p.213.

142 Dale, *Warwickshire*, p. 115.

disappeared. 'Instead of disappearing altogether, these practices were controlled more carefully', both to encourage thrift and independence in the worker and so as not to put too great a financial burden on the employer. He further concluded that 'this style of labour relations was not always entirely successful and often proved very difficult to implement.' Yet even when conditions of trade made it necessary to dismiss workers brewers regularly issued 'reports in local and national newspapers which spoke of the good feelings which existed between master and men in the brewing industry.[143]

It was not just the owners of great estates and enterprises who were expected to be generous. Clergymen were doubly expected to be charitable, both because of their social status and relative wealth, and because of the perception of them as God's representatives. The diaries of Rev. John Morley, vicar of Wasperton (1791-1814) and curate of Hampton Lucy (1786-1810), show the variety of ways in which their charity could be exercised. As well as his duties in disbursing the sacrament money and acting as trustee of the Hampton Lucy School, he dispensed private benefactions and expended time and effort on behalf of a number of people. Examples from just one year, 1801, include: in January he gave 25 lbs. of mutton to eight families in Wasperton. Between August and October of that year he gave 5s. to 'Mr. Yarwood, Curate of Fishguard in Pembrokeshire [who] came as a Beggar to my Door', organised a collection for him in the locality, gave him hospitality and wrote letters of commendation for him to Mr. Lucy, the squire, and the Bishop of Ely. He wrote a number of letters for his servant, Sarah Pigeon, in her efforts to claim a legacy from her uncle and drew up a petition for a parishioner, Robert Piddington, seeking help from Lady Jersey to educate his son. He wrote two charity hymns for a special service in Stratford church and busied himself canvassing for the appointment of Dr. Johnstone to Birmingham General Hospital. Throughout the year he made

143 Reinarz, 'A social history', pp. 216-259, 304-5.

frequent visits to sick and dying parishioners. He rounded off the year by giving 'a Supper and plenty of Ale to our Singers.'[144] The charity expected of clergymen could cause considerable strain on those in not very well-endowed benefices. Dr. Parr, curate of Hatton, and a friend of Morley's, 'seldom disregarded ... appeals to his benevolence.' George Newnham, a pupil with him in 1798, helped him with his correspondence and was astonished at 'the incredible number of applications' made to him for pecuniary assistance. 'It was rarely indeed that any such request was denied, and I have known many a time when the indulgence of his charity to others has drawn the pudding from our table for a full week.'[145] While many clergymen used their 'charity' to encourage attendance at church, the Rev. R. Tomes at Coughton was of a more ecumenical turn of mind. It was reported that at the meeting of the vestry in 1850 to appoint churchwardens 'the Rev. R. Tomes, according to his annual custom, presented the churchwardens with a bill of a sufficient amount to pay all demands likely to be made upon them, and leave a balance in hand at the end of the ensuing year. The liberal conduct of the worthy vicar does away with the unpleasant necessity of collecting church-rates in a parish containing a great number of Roman Catholics, and others unconnected with the Church.'[146]

Having begun to analyse charities through a structural opposition of endowed to voluntary charities, it has become plain that whatever the real legal differences between the two, the practical management and the personnel involved were often very similar. Certain names have occurred repeatedly in these two chapters, and even more often in the research which supports them. In 1848 Lord Shaftesbury remarked that for any fifteen societies 'I will undertake to say the names of the same persons will be found in ten of them.'[147] This study has shown

144 WCRO CR 2486, Diary of Rev. John Morley, 1801.
145 Quoted in W. Derry, *Dr. Parr*, p. 227.
146 *Warwick Advertiser*, 16 April 1850.
147 Quoted in Harrison, 'Philanthropy and the Victorians', pp. 247-8.

that not only were certain people likely to serve in a number of societies but that they were also quite likely to act as trustees for endowed charities and to leave charitable bequests, if not create endowments, themselves. The next two chapters will examine the objects of charity, which will again show the co-operation between voluntary and endowed charities, and to a degree self-help organisations, and the state, in pursuing their goals.

Chapter 5:

The Advancement of Religion and of Education

The objects of charity were many and various. Combining those objects deemed charitable in law with the voluntary activity and organisations for self-help which have been touched upon in preceding chapters made it a very 'wide field' indeed.[1] Even a simple examination of the index to the *Brougham Reports* for Warwickshire provides examples of charities founded for objects ranging from the provision of armour for soldiers to the maintenance of workhouses. As well as the common and expected categories such as almshouses, apprenticing, distributions of money, food and clothing, the provision of education and the support of churches, there were charities to supply church bell ropes, cakes for children on Palm Sunday, cakes and wine for churchwardens when they distributed doles, and for the repair of bridges, causeways, market houses and drinking places for cattle.[2] The objects cared for by voluntary societies ranged from animals to women in zenanas. Lord MacNaghten's four 'heads of charity' will be used to organise such wide-ranging material: the advancement of religion, the advancement of learning, the relief of poverty, and the benefit of the community.[3] The next two chapters will discuss endowed, voluntary and individual initiatives, to explore the common aspects of charity, while maintaining an awareness of the structural differences which have been

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[1] D. Owen, *Philanthropy in England, 1660-1960*, (1965), p. 1.

[2] The number of objects mentioned exceeded the total number of endowments, because a number of them stipulated more than one object.

[3] Lord Macnaghten in *Commissioners for Special Purposes of the Income Tax* v. *Pemsel*, 1891. G. W. Keeton and L. A. Sheridan, *The Modern Law of Charities* (1962; Belfast, 1971), p. 25.

discussed in the preceding chapters. Changes over time in the type of objects, and also in the balance between endowed and voluntary charity, will be noted.

The Advancement of Religion

In the middle ages gifts were regularly made for the general purposes of the church, for the erection and beautification of individual churches and for the performance of religious rites, including the saying of prayers and masses for the soul of the donor and his family. All of this was deemed to be charitable. From the Reformation until the age of toleration (*de iure* if not *de facto*), as Keeton and Sheridan put it, 'a gift for the advancement of religion must take effect, if it was to take effect at all, as a gift for the established church. With the growth of toleration in the eighteenth century, gifts for the advancement of dissenting churches of the Protestant faith were held charitable, while in the early part of the nineteenth century, gifts for the Jewish faith and for Roman Catholic religious purposes were held good, and eventually the position was reached that gifts for any religion which did not offend against public morality could take effect as charities.'[4] This legal sanction only applied to endowed trusts. Religious groups without the pale of the law raised money during the period of proscription either by illegal, secret trusts or by other means. All religious groups, including the established church, took part in voluntary fundraising and the establishment of any number of religious societies.

Of the 343 entries which related to religious buildings, personages or activities listed in the index to the Warwickshire volume of the *Brougham,* only eight were not for the established church. They were for dissenting Protestants.[5] There was one for

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[4] Keeton and Sheridan, *Modern Law of Charities*, p. 52.

[5] See p. 36 above for Roman Catholic secret trusts. Some dissenting trusts, even if not absolutely secret, did not respond to government enquiries. For example, Arlidge's charity for the support of a presbyterian minister and school in Kenilworth did not appear in the official record until the *Supplementary Digest* in 1877, although it had been founded in 1716. W. C. R. O. CR 2859/1-188, Arlidge's Charity Records, 1716-1980. Also appearing for the first time

the support of the Protestant Dissenting School in Birmingham, but it, with other educational endowments with a strong religious overtone, as many were, has been counted in my section on education. So have the nine Sunday Schools listed, although three endowments specifically for the *religious* instruction of children have been included under the category of promoting worship.[6] This left 119 endowments for the support or benefit of the clergy and parish officers of the Church of England, 111 for the churches and their appurtenances and 105 for various aspects of worship. Table 5.1 gives more detail.

Category	Object	Number
Church	General purposes	34
	Building and repairs	62
	Bells and bell ropes	4
	Upkeep of monuments	5
	Church house, churchways, parsonage house	6
	Total	**111**
Clergy And Officers	Ministers, rectors, vicars, augmentation of livings	70
	Curates	7
	Lecturers/preachers	10
	Impoverished clergy	1
	Clergy widows and orphans	3
	Churchwardens, clerks, sextons, organists, singers	29
	Total	**119**
Worship	Bibles and religious books	35
	Communion bread and wine	1
	Prayers to be read	3
	Religious instruction of children	3
	Sermons	61
	Whitsuntide and Easter customs	2
	Total	**105**
	Grand Total	**335**

Table 5.1: Endowments for the benefit of the Church of England, 1843
Source: *Brougham*, Index.

in the *Supplementary Digest* were Elizabeth Muston's £1 a year for the dissenting minister in Coventry, established in 1723, and the Old Meeting House, Mancetter, established by will in 1725. The latter also benefited from further endowments made by will in 1819 and by deed in 1830. Jewish endowments for synagogues operated in similar ways.

6 For the importance of Sunday schools for secular as well as religious education see K. D. M. Snell, 'The Sunday School movement in England and Wales: child labour, denominational control and working-class culture', *P.&P.*, 164 (1999), pp. 122-168.

the support of the Protestant Dissenting School in Birmingham, but it, with other educational endowments with a strong religious overtone, as many were, has been counted in my section on education. So have the nine Sunday Schools listed, although three endowments specifically for the *religious* instruction of children have been included under the category of promoting worship.[6] This left 119 endowments for the support or benefit of the clergy and parish officers of the Church of England, 111 for the churches and their appurtenances and 105 for various aspects of worship. Table 5.1 gives more detail.

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Church building

In the majority of localities in the past the largest and most significant building was the parish church, and places of worship of all types were the visible sign of religious life. However, because of the very size and ornateness of the buildings it was only occasionally that a whole church was built at the expense of a single person. Of the 62 endowments for church building and repair listed in the *Analytical Digest* only one was for the erection of an entire church, and even that was not sufficient for the purpose. The Rev. William Daniel was vicar of Stretton-on-Dunsmore from 1767 until his death in 1817. The old chapel of ease, which had been designated the parish church in 1696 when the parish was formed out of the larger one of Wolston, was small and decrepit.[7] The Rev. Daniel made some improvements, with the help of his parishioners, but he harboured a desire to build a new church.[8] In his will dated 1812 he bequeathed £4,000 for that purpose. He reserved the interest on the principal for his wife's use during her life, so that it was only after her death in 1832 that the money became available. The church was completed in 1837, but not without the raising of additional funds by the sale of the materials of the old church and pews (£184), private subscriptions (£383), a grant from the trustees of Stretton Church Land (£120), two collections in aid of the funds (£28) and two rates granted in November 1837 and March 1839 (£113) to clear the deficit. The total cost, including litigation to obtain a true statement of account from the trustees, amounted to £5,452.[9]

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7 William Herbert, in his will dated 3 April 1694, left property to provide a stipend for a minister to serve Stretton, on the condition that the inhabitants obtain an Act of Parliament to create a separate ecclesiastical parish. This they did, and the Act was effective from 25 March 1696. W. C. R. O. DR154/10, nineteenth century copy of the 1696 Act creating the parish of Stretton and Princethorpe.

8 In 1770 a 'handsome gallery at the west end of the church' was erected by several of the parishioners 'by subscription or at their own charge.' Stretton Millennium History Group, *Stretton on Dunsmore: The Making of A Warwickshire Village. A Millennium History* (Stretton, 2000), p. 16.

9 W. C. R. O. DR154/14, Stretton-on-Dunsmore report of vestry meeting and accounts of Church Fund, printed, 1839.

Not all money to build churches was in the form of a trust fund. Charles Biddulph left money to rebuild Birdingbury church in 1752, but most eighteenth-century church building at the sole (or almost sole) expense of individuals was done during the donor's life time.[10] This gave them control over style and ornamentation. For example, between 1726 and 1731, Castle Bromwich church was rebuilt (really the old timber-framed building was entirely encased) in brick, in the rather old-fashioned style of the Office of Works with 'provincial peculiarities', as Pevsner described it.[11] It was paid for by Sir John Bridgeman, lord of the manor.[12] At Binley in 1771-3 a small classical church, with a fine family chapel with its own entrance, was built at the expense of the sixth Lord Craven.[13] A different taste was displayed by John, Lord Willoughby de Broke when he rebuilt the parish church of Lighthorne in the Gothic style in 1773-4. However, in 1772 he had employed Lancelot Brown at his residence of Compton Verney to design a severely classical chapel, which replaced a genuinely medieval church.[14] The chapel at Compton Verney was built as a private chapel and mausoleum for the Verneys, as the village of Compton Verney had long since been deserted, but some of the parish church building, such as that at Binley, was also as much a work to the glory of a family as to the glory of God.

It was not always the lord of the manor who bore the cost of building. In the mid 1750s at Kineton there was 'a new Gothic church, built to a good old tower by the care of the worthy minister, Mr. Talbot ... with the help of some subscriptions,

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10 B. F. L. Clarke, *The Building of the Eighteenth Century Church* (1963), p. 82.

11 N. Pevsner and A Wedgwood, *The Buildings of England: Warwickshire* (Harmondsworth, 1966), pp. 223-4.

12 Clarke, *Building,* p. 83.

13 Clarke, *Building*, p. 82; Pevsner and Wedgwood, *Warwickshire*, p. 95.

14 Clarke, *Building*, p. 83; Pevsner and Wedgwood, *Warwickshire*, pp. 241, 340; G. Tyack, 'The post-medieval landscape at Compton Verney', in R. Bearman (ed.), *Compton Verney: A History of the House and its Owners* (Stratford-upon-Avon, 2000), pp. 134-7.

but chiefly ... at his own expense.'[15] It was probably designed by the Warwickshire pioneer of the 'Gothick', Sanderson Miller of Radway. Between 1842 and 1847 the vicar of Leamington Priors, the Rev. John Craig, expended more than £4,000 of his own, as well as over £3,000 raised by subscription, on rebuilding the small parish church into something which he felt was worthy of the dignity and size of the rapidly expanding and newly named Royal Leamington Spa. The work was to continue for many more years, causing increasing friction between Rev. Craig, the vestry and the parishioners. In 1853 the vestry petitioned the Bishop of Worcester to force the vicar to render full accounts of the work already done and to put the work of completion under the control of the churchwardens.[16] It was not only parish churches and denominational chapels which benefited in this way. The furnishing of a chapel in a voluntarily funded institution, or a workhouse, was seen as a very necessary and Christian act, sometimes paid for out of the general funds of the institution, but sometimes by individuals.[17] In the 1880s, the Rev. Maze Gregory, chaplain to the Leamington-based Midland Home for Chronic and Incurables Diseases, 'fitted up the chapel at his own expense.'[18] Gifts of plate and vestments were also made to parish churches. For example, 'Mr. Zach^y^ Wragg vicar of this Church gave a Tankard for the

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15 So it was described by Dr. Pococke on 29 September 1756. Clarke, *Building,* p. 83; that rebuilding was itself replaced by Victorian Gothic in 1873-89. Pevsner and Wedgwood, *Warwickshire*, p. 326.

16 The church had received the addition of a gallery in 1781, and the work of improvement and enlargement went on until the end of the nineteenth century. W. C. R. O. DR 514/196-242, Documents relating to the enlargement and pewing of the church of Leamington Priors, 1781-1902; DR 514/223, Petition of the vestry to the Bishop of Worcester, 1853; L. F. Cave, *Royal Leamington Spa: Its History and Development* (Chichester, 1988), pp. 149-162.

17 B. A. A. B 3775, printed pamphlet by Rev. J. H. Newman on the Catholic Chapel permitted to be furnished in the Birmingham Union Workhouse, 1856.

18 T. B. Dudley, *From Chaos to the Charter. A Complete History of Royal Leamington Spa, from the Earliest Times to the Charter of Incorporation* (Royal Leamington Spa, 1901), p. 403.

use of the Communion wch being too small was sold for 5l. 18s. And Mr. Tho^{s-} Shaw late Vicar who died 14 Octr 1758 Gave by his Will Ten Pounds; wch two sums purchased the present Communion Cup & Patten for the use of Polesworth church for ever.'[19]

It was not only members of the established church who paid for entire churches or chapels. Some Catholic gentry also built places of worship on their estates, even before these were legally allowed in 1791.[20] These were principally for their own benefit and that of their servants, but it is apparent that neighbouring Catholics sometimes attended mass in them. In Brailes in 1726 the Bishop family discreetly converted the upper storey of a barn adjacent to their home into a chapel. It still retains its original altar, altar rails, altar–piece and panelling. The simplicity of the chapel, its clear windows, panelling and pews make it almost indistinguishable from a dissenting chapel of the period.[21] At Ilmington in the early nineteenth century the Cannings built a chapel projecting from their home of Foxcote, which was used by local Catholics as well as the family.[22] In 1857 the Throckmortons, lords of the manor of Coughton, who had maintained a Catholic chapel in the house from penal times, paid for the building of a new Catholic church. It is sited right beside the medieval parish church of Coughton, itself next to the manor house.[23] It was not always families with ancient connections with a locality who paid for the building of a church. The Amherst family moved to Kenilworth from Essex in 1834. The nearest Catholic centre was seven miles away, and they converted a room in their house for a

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19 Board in Polesworth Church.

20 31 Geo. III c. 32, stipulated that places for Catholic worship had to register at the Quarter Sessions. W. C. R. O. QS 10/3, Registration of Roman Catholic Places of Worship,1791-1852.

21 M. Hodgetts, *Midlands Catholic Buildings* (Birmingham, 1990), p. 51; Pevsner and Wedgwood, *Warwickshire*, p. 218.

22 Pevsner and Wedgwood, *Warwickshire*, p. 317; G. Tyack, *Warwickshire Country Houses*, (Chichester, 1994), p. 96. Hodgetts, *Midlands Catholic Buildings*, p. 55.

23 Pevsner and Wedgwood, *Warwickshire*, p. 245; Tyack, *Country Houses*, p. 80; Hodgetts, *Midlands Catholic Buildings*, p. 51.

chapel, compelling the priest to visit them on Sunday mornings, before returning to Wappenbury to minister to the rest of his congregation. Over the next few years the numbers of Catholics in Kenilworth increased and Mrs. Amherst (a cousin of the Earl of Shrewsbury) paid for the erection of the church of St. Augustine, designed by Pugin and dedicated on 8 June 1842.[24] Bernard Aspinwall has pointed out that concerns were expressed in the mid-nineteenth century 'at the proliferating rural benefactions when industrial congregations were in dire need: "the care of the English Catholics for the material temple of God and their zeal to make converts have greatly exceeded their concern for the living temple, and for the poor outcasts."'[25]

There were so many dissenting places of worship, many of them short-lived, that it is impossible to make a comprehensive survey of their origins. Many early meetings were held in the homes of members of the congregations.[26] However, some individuals did bear the cost of building chapels and meeting houses. In Ettington a Mr. Roberts erected a meeting house for Protestant Dissenters (Congregationalist) in 1802 and his widow Sarah left £450 in 1810, to be invested in stocks and shares, the income to be used to support the minister.[27] However, dissenters were probably less likely to have single benefactors, because on the whole they had poorer congregations. This was especially true of the late eighteenth- early nineteenth-century groups such as the Primitive Methodists. Certain members of some of the groups of Old Dissent were noted for their business acumen, and many used their wealth to support their own congregations as well as for wider philanthropic ends.

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24 E. Meaton, *The Church of St. Augustine of England, Kenilworth* (no place, n.d., c. 1990), pp. 1-4; B.A.A. P182/5/3, Diary of Mrs. Amherst.

25 *The Rambler*, 19 (1851), quoted in B. Aspinwall, 'Towards an English Catholic social conscience, 1829-1920', *Recusant History*, 25 (2000), pp. 106-19, pp. 108-9.

26 W. C. R. O. QS 10/1, 2, Registration of Dissenting Meeting Houses, 1689-1850.

27 *Brougham*, p. 94; *V. C. H.*, 5, pp. 77-84.

The record of one congregation may serve as an example for the pattern of nonconformist chapel building. The Particular Baptist meeting in Coventry built a chapel in 1723, on a site which had been conveyed to them in trust in 1680. By 1792 their numbers had grown to 141 and they set up a committee of seventeen to raise money to build a new chapel in Cow Lane. The chairman, Mr. William Peart, made the largest donation, of £30, and soon they had over £200. The new chapel was built in the garden of their pastor, Mr. Butterworth, and opened in 1793. A debt was still outstanding on the chapel and the new pastor tramped around the surrounding villages soliciting money to clear it. When the congregation once again contemplated building a larger church, a meeting was held in 1875. Five members were appointed to find a suitable site and 'it was decided that promises of gifts to be paid during a certain number of years should be made by members of the church and congregation, without resort to anything in the nature of bazaars, sales of work, or entertainments. By February, 1877, it was found that the sum of £5,000 had been promised in this way.' When the new church was opened in 1884 it had cost £11,000, of which £8,800 had already been raised. The original meeting house in Jordan Well was sold, and the Cow Lane chapel was converted into a lecture hall.[28] So, within the history of one congregation there were examples of gift and endowment, subscription and covenanting, as well as an expressed dislike of what were at the time very popular forms of fundraising – bazaars and entertainments.

Many churches, not just the chapels of the poorer dissenting congregations, were built by public subscription. The charity brief was an early form of public appeal for funds for the rebuilding or repair of churches.[29] Other methods of appeal were

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28 I. Morris, *Three Hundred Years of Baptist Life in Coventry: The Story of Queen's Road Church* (1926), pp.11-12, 32-3, 44, 71-3.

29 Clarke, *Building*, pp. 96-103.

sometimes used, including seeking royal support. For example, in 1725 'His Most Excellent Majesty, King George, upon the kind application of Sir Richard Gough to the Right honourable Sir Robert Walpole, gave £600 towards finishing' the new church of St. Philip's in Birmingham.[30] This parish and church, the need for which was occasioned by the increasing population of the town, was authorised in 1708 by an Act of Parliament, which appointed twenty local worthies as commissioners to oversee its execution. Considerable difficulty was experienced in raising the funds, and the town even petitioned the Crown, unsuccessfully, for the use of windfall trees in the forests of Whittlewood (Northamptonshire) and Needwood (Staffordshire). The building was slowly erected between 1711 and 1715, when it was consecrated, although it was not finally completed until 1725.[31] The site had been given by Robert Phillips, Esq., whose gift determined the patronal name. As William Hutton rather scathingly noted 'in all degrees of people, from the bishop to the beadle, there seems to be a propensity in the mind to arrive at the honours of Sainthood: by joining our names in partnership with a saint, we share with him a red letter in the almanack.'[32] The increasing population of towns in the nineteenth century, coupled with elite fears of an untamed underclass, occasioned a great building of urban churches. In the diocese of Lichfield 169 new Anglican churches were built between 1840 and 1876. Many of these churches began as mission centres and Sunday schools. Once the nucleus of a congregation had formed, the serious business of fund raising began. While there were some funds available from the Ecclesiastical Commissioners and Queen Anne's Bounty and from endowed funds controlled by the Church Building Commission, most of it had to be raised by voluntary action. In the diocese of London

30 Memorial stone in the church, quoted in Clarke, *Building*, p. 82.
31 *V. C. H.*, 8, pp. 377-8.
32 W. Hutton, *An History of Birmingham* (1783;Wakefield, 1976), p. 249.

the cost of church building amounted to £2.7m., of which £2.5m. was private money.[33]

Some Catholic churches, too, were built by subscription, for not all were funded by the gentry. After a very short-lived one in 1688, there was no public chapel in Birmingham until 1786, when a Masshouse was built in Broad Street. It was a plain building, not drawing attention to itself, as it was still not legal to hold Catholic worship in public. In 1808 a second chapel was built in Shadwell Street, in the classical style, at a cost of £2,600. By 1834 plans were afoot to replace the latter with a new, more splendid and more overtly Catholic church.[34] The fourteenth-century German-style church of St. Chad, complete with pepper-pot towers, was dedicated on 21 June 1841. It became the Cathedral of the Birmingham diocese on the restoration of the hierarchy in 1850.[35] The experience in Coventry was similar. The Coventry congregation grew remarkably in numbers in the mid-eighteenth century, which was especially surprising considering the strongly dissenting tradition of the city.[36] For some fifty years mass was said in the home of one family, but by the beginning of the nineteenth century the congregation, under the leadership of a forceful young priest, decided to build an independent chapel.[37] In 1805 £200 was borrowed from the church authorities and a further £228 was raised by public subscription. Only fifteen of the subscriptions were for over £10, five of them being from other congregations; another five congregations contributed less than £10. There were twenty subscriptions

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33 O. Chadwick, *The Victorian Church* (1970), 2, pp. 240-1; M. H. Port, *Six Hundred New Churches: A Study of the Church Building Commission, 1818-1856* (1961).

34 B. A. A. P1/12/1, Printed leaflet appealing for subscriptions to the new Church of St. Chad, Birmingham, 1839; P1/12/2, Statement book of subscriptions, May 1839 - Sept. 1840.

35 M. Hodgetts, *St. Chad's Cathedral, Birmingham* (Birmingham, 1987).

36 C. C. A. BA/E/B/79/1, Constables' returns of papists, 1744, 1745; E. S. Worrall (ed.), *Returns of Papists, 1767. Dioceses of England and Wales, except Chester* (1989), ~~pp.~~ p. 96; B. A. A. P140/1/1, Coventry register, 1769-1807.

37 Dom. S. Simpson, *A Centenary Memorial of St. Osburg's* (Bath, 1945), pp 4-14.

of between £5 5s. and £10 and twenty-two of between £1 1s. and £5. There were twenty-six subscriptions of less than one pound, two being of only one shilling. It is worthy of note that the Rev. Mr. Brooks, vicar of St. John's Church in the city, gave one guinea.[38] Within forty years the little chapel of St. Mary and St. Lawrence needed to be replaced. This, too, was done mainly by public subscription. In March 1843 Bishop Walsh wrote in his pastoral letter to be read at Easter in all Midland Catholic churches:

> The city of Coventry, containing 30,000 inhabitants, among whom, through the divine blessing, our holy faith is making a consoling progress, is provided only with a miserable chapel, wholly inadequate to the wants of the present edifying congregation, and perfectly unfit for exhibiting in their majesty and beauty the solemn rites of Catholic worship. The designs have been prepared for a large and noble church; the land for the building is secured; several liberal contributions have been made; the poor congregation, weighed down at present more than ever by the depressed condition of trade, have made their utmost efforts, have strained every nerve, and have contributed the labour of their hands, where they have no worldly means at their disposal; but much of what remains must depend upon the contributions of others, strangers to the place, but brethren in the faith, brethren in the heart.[39]

The new church was dedicated on 9 September 1845 to St. Osburg, a Saxon saint and focus of a cult in Coventry in the middle ages.[40] The dedication reflected local pride and also the increasing confidence of nineteenth-century Catholics in reclaiming their medieval past. This was also expressed in the Early English style of the church, designed by Charles Hanson.[41] Although there was a growing need for a

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38 B. A. A. P140/1/2, Coventry register, 1745-1839.

39 B. A. A. B662, *Pastoral Letter of Bishop Walsh*, 25 March 1843.

40 R. K. Morris, 'The lost cathedral priory church of St. Mary, Coventry', in G. Demidowicz, *Coventry's First Cathedral: The Cathedral and Priory of St. Mary. Papers from the 1993 Anniversary Symposium* (Stamford, 1994), pp. 18-65, here, 18, 25-7, 61.

41 Although Hanson and the parish priest, Dr. Ullathorne, had toured Belgium and Germany seeking inspiration for the design. W. B. Ullathorne, *From Cabin Boy to Archbishop* (MSS

second Catholic parish in Coventry, it was not until 21 November 1893 that the church of St. Mary was opened. Funds had been raised by public subscriptions and a grand four-day 'Tyrolean' bazaar, held in the Corn Exchange in October 1891, which produced £920.[42] Ten years later the congregation of St. Osburg's held a four-day Chinese bazaar, called the 'San Toy' bazaar.[43] The Catholics were not of the same opinion as the Particular Baptists as to this method of fund-raising!

The Jewish Synagogues in Birmingham and Coventry were both erected by subscription among their members. That in Birmingham, in the area known as the Froggery, was described by William Hutton in 1783 as 'small but tolerably filled, where there appears less decorum than in the christian [sic] churches.'[44] This was replaced by a new building in 1791, and this by another built in Severn Street in 1809, which was destroyed by rioting in 1813.[45] Ninety years after Hutton's description of the Birmingham synagogue, the one in Coventry was much more enthusiastically described as:

> 'a handsome structure of red brick, in front of which is a neat portico, supported by stone arches and pillars. It was opened by the Rev. Dr. Adler, Chief Rabbi, in October, 1871, and the cost of erection was £1,600, which was

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autobiography; ed. S. Leslie, 1941), p. 211. Pevsner and Wedgwood, *Warwickshire*, p. 264. C. C. A. 101/153/3, St. Osburg's building contract, 13 April 1844.

42 On the final evening a short speech was given by Mr. E. Petre who said that 'the thanks of the promoters of the bazaar were due to the laity of all denominations for their kind help.' *Midland Daily Telegraph,* 15-19 October 1891.

43 *Midland Daily Telegraph* 17-21 October 1901. Themed bazaars were very popular and Liberty's of London advertised that they would 'undertake the entire decoration and arranging of large or small spaces for bazaars ... Estimates for decoration and stall-fitting, in characteristic Eastern Draperies, post free on receipt of particulars of requirements.' Westminster Archives 788/37/1 Liberty's Catalogue, c. 1891. I am grateful to Sarah Cheang for this reference.

44 Hutton, *History of Birmingham*, pp. 128-9.

45 C. Roth, *The Rise of Provincial Jewry: The Early History of the Jewish Communities in the English Countryside, 1740-1840* (1950), p. 32; Z. Josephs (ed.), *Birmingham Jewry, Volume Two: More Aspects, 1740-1930* (Birmingham, 1984), pp. 1-10; S. Y. Prais, 'The Development of Birmingham Jewry', *Jewish Monthly*, 11 (1949), pp. 665-79.

defrayed by subscription. The interior is neatly fitted up with open seats, and contains accommodation for 100 persons. At the east end is a stained glass window, on which are inscribed the Ten Commandments in the Hebrew language; it is the gift of a gentleman. The stonework in front of the ark is beautifully carved.[46]

Once a place of worship was established it needed to be maintained and sometimes restored. Funds for these purposes were provided by both endowment and voluntary subscription and fund-raising activities. As shown in Table 5.1, there were 112 endowments for the upkeep of Anglican churches and related buildings. Thirty four were for general purposes, and could be used for repairs as well as running costs. Of the 60 trusts for building and repairs, one, mentioned above, was for rebuilding the church of Stretton-on-Dunsmore and one was for the erection and maintenance of a gallery at Dunchurch.[47] As with complete buildings, sometimes repairs and restorations were funded by individuals. In about 1725 Sir Richard Gough, lord of the manor of Edgbaston, repaired the parish church, mostly at his own expense. Similarly Lord Leigh repaired the chancel at Cubbington in 1780.[48] Even when the lord of the manor was not himself a member of the Church of England he might well feel obliged to pay for repairs to the parish church, especially if he was patron of the living. At Coughton in 1789 a new church porch was built at the sole expense of Sir Robert Throckmorton, and in April 1810 the church and chancel were whitewashed and iron rails were set up before the communion table at the expense of Sir John Throckmorton.[49]

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46 F. White & Co., *History and Antiquities of Coventry* (Sheffield, 1874), pp. 79-80.

47 Too late to be included in the Commissioners' enquiries, the gallery in the church of Berkeswell was built by the Rev. Thomas Cattell and in his will dated 7 August 1833 he left £200 to be invested and the interest used for the maintenance of the gallery. Recorded on a charity board in the church.

48 Clarke, *Building*, p. 84.

49 W. C. R. O. DR 278/1- 2 ,Coughton registers, 1737-1815. The Throckmortons were patrons of the living until 1917 and 'it was customary to effect a nominal sale of each presentation so that it might not be officially made by a Roman Catholic.' *V.C.H.*, 3, p. 86.

The incumbents themselves often spent a portion of their own resources on maintaining and beautifying their churches. They were also the chief organisers of restoration funds. Dr. Samuel Parr, curate of Hatton from 1782 to 1825, expended much money and effort on the embellishment of his little church. He improved the fabric of the building, added a vestry, provided many paintings and stained glass windows and, which was his chief joy, procured a fine peal of bells. In 1807 he organised an appeal for funds for the Church Bells, though not everyone was as forthcoming as he thought they should be. His 'Bell Book' recorded 'as Lord Warwick is a great proprietor in this parish, I very respectfully stated to him the intention of the Parish to have a Peal of Bells ... The bills are paid, and Lord Warwick's Trustees and Agent ... have the merit or demerit of not having given one shilling to our Peal of Bells.'[50] W. M. Jacob has said that despite nineteenth-century ecclesiastical writers' complaints, there was considerable expenditure on church repair and building in the early eighteenth century and 'few medieval churches escaped extensive 'Georgianisation.''[51] However, so many, including Dr. Parr's Hatton, also underwent subsequent 'Victorianisation', that it is not always apparent what was done in the preceding 150 years.

Throughout the eighteenth and nineteenth centuries the churchwardens accounts and vestry minutes of many parishes bore witness to regular expenditure on repairing and maintaining the churches in their care, either out of the general income of the parish, from endowments specifically for the purpose, or from subscriptions

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50 Clarke, *Building*, p. 84; W. Derry, *Dr. Parr: A Portrait of the Whig Dr. Johnson*, (Oxford, 1966), pp. 267-8. The 'Bell Book' is, in fact, a collection of memoranda and accounts which include not only the bells, but also the installation of a clock and references to Parr's personal donations and legacies. W. C. R. O. DR 476/10, Hatton, 'Bell Book', 1777-1823.

51 W. M. Jacob, *Lay People and Religion in the Early Eighteenth Century* (Cambridge, 1996), pp. 186-7, 207.

and rates especially levied. At a meeting of the Burton Dassett vestry on 3 April 1891 it was agreed that 'in order to clear off the debt of £15 odd due to the churchwardens for church expenses for the past year that a voluntary house to house collection be made as soon as possible.'[52] During the later nineteenth century the 'Restoration Fund' became a regular feature of life in many a parish, occasioning bazaars and sales of work as well as other forms of fund raising. The parish church, as a symbol of the community, even in parishes of religious diversity, often drew wide support. Where there were no resident gentry, neighbouring notables might be drawn in to work with the local farmers in raising funds. The ancient church of Burton Dassett, far too large for the parish's post-medieval population, especially as there was a strong tradition of nonconformity in the two hamlets of Knightcote and Northend, nevertheless underwent an extensive programme of restoration in the late 1880s. The parish magazine of June 1886 announced that 'a Grand Bazaar and Fancy Fete, in aid of the funds for the restoration of Burton Dassett Church, will be held in the Home and Picturesque Grounds of Compton Verney on Wednesday 11 August 1886, by kind permission of Lord Willoughby de Broke.' Later reports listed the stall holders, who not only included three ladies of the Verney family and Mrs. Raleigh King from neighbouring Chadshunt, but also the wives of two of the leading farmers, John Bloxham, one of the trustees of Kimbell's Charity, and William Fairbrother, who served as churchwarden for fifty years. Although all the stalls were 'manned' by women, all the members of the working committee were men, with Lord Willoughby de Broke in the chair. It was a very successful event, raising £447, and was followed

52 W. C. R. O. DR 292/Box 2, Burton Dassett Vestry Minutes, 1890-1935.

by a much smaller sale of work in December – perhaps selling what was left from the bazaar.[53]

Other items connected with churches which have benefited from endowments included churchyards and monuments, although there is doubt about the legality of this. 'The maintenance of a particular grave, tomb, vault, mausoleum or monument to the dead, if not part of the fabric of the church, is not a charitable purpose.'[54] However, endowments of this nature have stood where they have been linked to some other charitable purpose as a condition for the continued payment of the charity, such as the distribution of doles. Five such trusts were listed by the Charity Commissioners in Warwickshire, all established in the first half of the eighteenth century. At the time of the inquiry two of the tombs were said to be in good repair, two had recently had money expended on them and only in Meriden had 'nothing ... been laid out on the tombs for many years' and all the endowment (a ten shilling rent-charge) was given to poor widows.[55] In 1862 Mary Ferguson left £100 to the rector of Brinklow, the interest to be given to poor widows at Christmas, subject to the repair of her tombstone. In 1875 £4 10s. was being distributed annually.[56] The upkeep of a whole churchyard, or of all the graves in it, was charitable, and so the King Henry VIII Charity Estate in Warwick was able to pay the expenses of creating a new burial

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53 W. C. R. O. DR220/37, Burton Dassett *Parish Magazine*, 1886; F. O'Shaughnessy, *The Story of Burton Dassett Church* (no place, n.d.), p. 12.

54 Keeton and Sheridan, *Modern Law of Charities*, p. 61.

55 Tombs of: Henry Moncke at Austrey; Henry, Thomas and Susanna West at Meriden; Joseph Madely at Salford; Thomas Davis and Edward Harper at Stoneleigh; Sir John and Dame Elizabeth Dugdale and their daughter Elizabeth Skeffington at Shustock. *Brougham*, pp. 41, 342, 538, 649, 653.

ground for St. Mary's Church in the 1820s.[57] Before the days of highway maintenance it was not uncommon to leave money to maintain the roads leading to the parish church, or church ways as they were called. In Warwickshire there were four such endowments, at Cubbington, Hillmorton, Sheldon and Snitterfield.[58]

Support of the clergy

A church or chapel, however beautiful and well maintained, without a minister would be a purposeless thing, and so the support of the clergy is also a charitable object. The training of the clergy has been included here as a religious purpose, rather than with education generally. The ancient universities were the training grounds of most Anglican clergy until the end of the nineteenth century, and were themselves charities, although exempted from the control of commissions of inquiry under the Charitable Uses Act, 1601, and of the Charity Commissioners under the Charitable Trusts Act, 1853. In the 1830s some of the Oxford canons, including Pusey, recommended the establishment of theological colleges attached to cathedrals. The response was poor, and where they were set up they were often looked down upon and ignored by the Dean and Chapter. The Bishop of Ely *never* ordained a priest trained at a theological college. Following the establishment of colleges at Chichester and Wells, one was established for the Diocese of Lichfield in 1857.[59] Many of the parish libraries established in the late seventeenth and early eighteenth centuries were specifically for the education of the parish clergy.[60] The various denominations of dissenters developed training colleges for ministers as well as academies for the general education of dissenting youth. The Independents established a college in

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56 *V. C. H.*, 6, p. 46; *Supplementary Inquiry.*

57 *Brougham, p.* 757.

58 *Brougham*, pp. 42, 324, 593, 715.

59 Chadwick, *The Victorian Church,* p. 382.

60 Anon., *The Parochial Libraries of the Church of England: A Report of a Committee appointed by the Central Council for the care of Churches to investigate the Number and Condition of Parochial Libraries* (1959), pp. 18-22.

Birmingham to train ministers. It was initiated by the generosity of two sisters, Mrs. Glover and Mrs. Mansfield, and their brother, the Rev. Timothy Mansfield, who gave their home for the purpose and endowed it with land to produce an income. From its inception in 1838 it was supported by public subscription, as well as by fees paid by students. Despite their life-long commitment to the college neither of the sisters, nor any other women, served on the committee. A substantial anonymous gift of £5,000 in 1847 permitted the purchase of a new site in Moseley, and slowly a grand brick edifice in the style of a medieval college was built. Springhill College was opened in 1856, at a cost of over £18,000, including the purchase of the land and the furniture.[61]

The Catholics had begun their seminary over fifty years earlier.[62] At first the seminary, and attached boys' school, was held at Maryvale, a property left by the Catholic priest Andrew Bromwich in 1702 to the Vicar Apostolic of the Midland District 'for the maintenance of a secular priest belonging to Staffordshire to live at my house at Oscott.' This stipulation was in the secret set of instructions detailing his Catholic bequests, not in his official will.[63] The house, supported by the income of the farm, served as a residence for priests until 1794 when it was converted to educational uses. The first subscribers to the college included some with Warwickshire connections, the Hon. Charles Dormer and Sir John Throckmorton.[64] By 1836, despite improvements and extensions, the college had outgrown its home and Bishop

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61 G. Griffith, *History of the Free-Schools, Colleges, Hospitals, and Asylums of Birmingham and their Fulfilment* (1861), pp. 307-55.

62 It stretches a geographical point to include the seminary at Oscott, Staffordshire in a work about Warwickshire, but it seems permissible as it was the seminary which served Warwickshire as well as other midland counties, was supported by Warwickshire people and became the Birmingham diocesan seminary.

63 L. J .R. O. Will of Andrew Bromwich, proved 28 October 1702; B. A. A. A 157, Instructions of Andrew Bromwich, 1702.

64 J. F. Champ, *Oscott* (Birmingham, 1987), pp. 2-3; B. Penny, *Maryvale* (Birmingham, 1985), pp. 1-3, 9-11; B. Mulvey, *St. Mary in the Valley: A History of Maryvale House* ((Birmingham, 1994), pp. 9-14, 21-29.

Walsh approached the Earl of Shrewsbury with his plan to build a new college. The Earl contributed £2,000 to the project, to which were added many lesser donations. The architect Joseph Potter designed a Tudor brick college, set about a quadrangle, with a simple rectangular chapel, 'a typical Georgian preaching box with a gallery.'[65] However, the Earl of Shrewsbury introduced Augustus Welby Pugin to the project in 1837, and he was given free rein 'to practice what he had preached the year before in his *Contrasts.*' In consequence the decoration of the chapel is a rich confection of medieval pattern and colour.[66] The college was supported partly by funds from the Central District (the Diocese of Birmingham after 1850), fees paid by students, gifts and donations, and the support of the Oscotian Society, founded in 1861. It was frequently in financial difficulties and Bishop Ullathorne, the first bishop of the Birmingham Diocese, was briefly imprisoned for debt in 1853. This may have coloured his attitude to the college, which he also disliked for the amount of lay control exercised there. At his instigation there was a short-lived diocesan seminary at St. Bernard's, Olton, Staffordshire from 1873, but it was abandoned at his death. The boys' school at Oscott was closed in 1889, and in 1896 Oscott became, briefly, the Central Seminary for the dioceses of Westminster, Birmingham, Clifton, Newport, Portsmouth, Northampton and all of Wales, before reverting to being for the Birmingham diocese alone.[67]

Once trained, ministers of whatever denomination needed stipends. Within the Church of England there were tremendous differences in the income of livings, and at a national level the institution of Queen Anne's Bounty for the augmentation of livings was one response. This fund was established in 1704 to make grants to livings

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65 Pevsner and Wedgwood, *Warwickshire*, p. 197.

66 Champ, *Oscott,* pp. 3-9; Pevsner and Wedgwood, *Warwickshire,* pp. 196-98.

67 Champ, *Oscott*, pp.16, 18, 20-1. Dom A. Bellenger, "The normal state of the church': William Bernard Ullathorne, first Bishop of Birmingham', *Recusant History,* 25 (2000), pp. 325-34.

with an income of less than £10 p.a. (raised to £35 in 1788).[68] Its income was derived from the application of first fruits and tenths (papal taxation of the first year's income from a benefice), which had been appropriated to the Crown by Henry VIII in 1534. From 1809 it was also supplemented by parliamentary grants. A Warwickshire example of its activity was the vicarage of Coughton, which received £200 from Queen Anne's Bounty in 1787. The money was laid out the following year, with another £100 separately raised, in the purchase of thirteen acres in Studley, known as Annuities Fields.[69] In 1836 the Ecclesiastical Commissioners were incorporated to manage church estates and revenue and also concerned themselves with the augmentation of small livings.[70] Whilst these were statutory bodies, individuals also created endowments for the benefit of ministers, whether impoverished or not. In Warwickshire five endowments were specifically for the augmentation of livings: in Balsall (1663), Lea Marston (1693), Polesworth (1655), Warwick (1546) and Wyken (1729). The donor in Balsall emphasised that this was to ensure a preaching ministry 'to the world's end.'[71] Another 65 endowments were more general gifts to the vicar, rector or minister. In Caldecote in 1647 George Abbott left rent charges to provide teaching for boys and girls, the distribution of religious books, and 10s. a year for a pair of gloves to the minister.[72]

Many early dissenting ministers, following the example of the Apostles and the primitive church, followed a secular trade as well as preaching the word of God. As congregations grew in size and permanence, means were devised to pay regular ministers. For the most part this was by the payment of subscriptions and pew rents. A

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68 2 & 3 Queen Anne, c. 20 , Queen Anne's Bounty Act, 1703.
69 W. C. R. O. DR 278/1, Coughton register, 1737-1807.
70 6 & 7 Will. IV, c. 77, Ecclesiastical Commissioners Act, 1836.
71 *Brougham*, pp. 262, 489, 665-6, 748-55, 1052.
72 *Brougham*, p. 472.

certain number of endowments were also created, which made a small amount regularly available for the payment of a minister. Other bequests did not create a trust, but made a single gift. One of the earliest endowments for dissenters in Warwickshire was created by indenture in 1678 for the 'relief and maintenance of such poor honest men, as had studied or should study the word of Almighty God, that were not capable of places by reason of subscription or oaths, and were or should be inhabitants in Birmingham, or within ten miles distance thereof.' This trust also allowed for the payment of £1 a year to a preacher at Deritend [Anglican] Chapel and a bread dole. The trustees, the governors of the Free School in Birmingham, stopped paying the dissenting ministers in 1779 and the bread dole in 1814, much to the displeasure of the Commissioners of Inquiry.[73] Some endowments were for the benefit of the minister of individual congregations in a particular place. In Coventry in 1723 Lydia Quinborough conveyed property in Jordan Well to five trustees, who paid her £6 a year rent, 'the balance to be applied for the maintenance and support of a certain congregation or society of Protestant Dissenters [the Particular Baptists.]'.[74] Also in 1723 Elizabeth Muston of Coventry bequeathed a rent charge of 20s. a year 'for the minister that shall be in being to the society to which I belong ... so long as the meeting shall be kepth [sic] up in this city.'[75] Eight years later her mother, Mary Muston, left 'to the minister or ministers of the Society or Congregation of protestant dissenters usually assembled at the meeting house for religious worship situated in Smithford Street in the city of Coventry (where I ordinarily attend divine worship) and unto each one of them twenty shillings upon condition that one of them shall preach my funerall sermon at the said meeting house.'[76] When Mrs. Roberts of Ettington left £450 for the benefit of the Congregational minister in 1810, she

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73 *Brougham,* pp. 453-7.

74 I. Morris, *Three Hundred Years of Baptist Life,* pp. 12, 25-6,

75 L. J. R. O. Will of Elizabeth Muston, proved 24 October 1723.

76 L. J. R. O. Will of Mary Muston, proved 15 October 1731.

stipulated that if the meeting broke up, the principal was to be held over for any future congregation in that place.[77] Others were to encourage a particular denomination over a wider area, such as the bequest made by William Reader of Bedworth of £350, the interest of which was to be shared by the minister of the nonconformist congregations of Bedworth, Stretton-under-Fosse, Chilvers Coton and Vicar's Lane, Coventry.[78]

The Catholic clergy were also supported in a variety of ways, for only some of them were family chaplains to the gentry, incidentally ministering to neighbouring Catholics. A list was drawn up anonymously in 1701 of 'Persons of Quality and their chaplains and other mass-centres and riding missions etc.'. The Warwickshire references ranged from Baron Clifford and Lord Falconbridge, who both supported a secular clergyman, through Sir Robert Throckmorton who supported two secular clergy and two regulars (at different places), to 'Gentlemen of Estates from 400l. to 1000l.' such as Mr. Dormer, Mr. Griffin and Mr. Betham, who each supported one clergymen, as did 'Gentlemen of small estates', such as Mr Canning, Mr. Atwood and Mr. Bishop. In contrast to these references to kept chaplains was the entry for Beoly and Tanworth, where 'Mr. Kinne a clergie man has for above Thierty [sic] years served a numerous flock maintaining himself the whole time.'[79] As well as the secular clergy there were also regulars, who belonged to a variety of orders, principally Franciscan and some Jesuits in Warwickshire in the eighteenth century, with Benedictines and Dominicans becoming more numerous later.[80] The secular clergy

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77 *Brougham,* p. 94.

78 W. C. R. O.CR 2342/1, Appointment of trustees to will of William Reader of Bedworth, 1768.

79 J A. Williams, 'The distribution of Catholic chaplaincies in the early eighteenth century', *Recusant History*, 12 (1973), pp. 42- 48.

80 The nineteenth century saw the return of female religious to Britain, many of them in active orders working with the poor and the sick, or in education. The nuns solicited alms for this work as well as for the general costs of their convents. Colin Jones has called them 'cultural hybrids' and said that they 'defy any simplistic dyadic or economistic reading of the charity which they both embodied and dispensed.' C. Jones, 'Some recent trends in the history of charity', in M. Daunton (ed.), *Charity, Self-Interest and Welfare in the English Past* (1996), pp. 51-63, p. 59.

had to depend upon their own resources or those of their congregations. Some, both secular and regular, lived very poorly indeed. In 1716 the Jesuit Fr. Parkinson wrote of Mr. Lockier at Edgbaston that 'he finds ye place too hard, ye diet too course, ye drink too small, which makes me fear that he will not stay long there.'[81] As early as 1702 the secular clergy of the Midland District had formed a Benefit Fund or Common Purse for their mutual support in old age or illness, and in 1779 the clergy of Staffordshire, Derbyshire, Shropshire and Worcestershire founded a Subscription Fund for similar purposes. Each of these funds received benefactions from the laity as well as the clergy subscribers.[82] In 1710 the Johnson Fund was established to supply any exigencies of the secular clergy in the counties of Staffordshire, Derbyshire, Shropshire and Worcestershire, and payments were regularly paid from this fund to support priests on mission, as well as the costs of medical treatment or even funerals. In 1830 these funds were amalgamated under the name of the Johnson Fund and appeals were made to the laity to contribute regularly.[83] Although the appeal only raised £12 in the first year it did attract lay support as the years went on, and by the early twentieth century the Fund was offering donors of £10 the title of 'Benefactor' and the inducement of eighty masses to be said for the soul of a deceased benefactor. An annual mass was said for all donors, alive or dead.[84]

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81 J. D. McEvilly, 'From Fr. Anthony Parkinson's "State of the Province", 1716', *Worcestershire Recusant*, 22 (1973), pp. 16-18.

82 B. A. A. A 646, List of benefactors to the Common Purse, together with the obligations by them enjoined, mid-eighteenth century; C 110, Common Fund accounts, 1750-54; C 377, Common Fund accounts, 1756-1770; C 382, Benefactors of the Common Purse; C 616, *Liber Rationum* of the Common Fund, 1756-1805; C 2172, Common Purse Accounts, 1816-26.

83 After the creation of the diocese in 1850 the funds were used for all diocesan clergy.

84 B. A. A. C 245, Johnson Fund accounts, 1718-58; C 623, Johnson Fund accounts, 1758-92; C 799, Johnson Fund accounts 1779-1801; C 1136, Johnson Fund papers, 1791-1817; C 2121, Johnson Fund papers, 1815-1841.*Almanack and Directory of the Diocese of Birmingham* (1913), p. 213.

There was one Anglican endowment specifically for the support of the widows and children of clergymen. This was established under the will of Mrs. Alice Hammond in 1778, and provided pensions for four widows whose husbands had been clergymen in Warwickshire and two whose husbands had served in Northamptonshire. At the time of the Commission of Inquiry they received a pension of £26 8s. each a year.[85] There was also a subscription Charity for the Relief of Necessitous Clergymen, their Widows and Children in the Archdeaconry of Coventry. It is not quite clear when this was founded, probably in the 1820s, but two annual reports survive, for the years 1831 and 1833. These included the very detailed rules of the Charity respecting the beneficiaries (who should all be members of the Church of England and 'of a sober life and conversation'), the governors and directors (a donation of twenty guineas made one a governor for life), and the method of subscription and the date and place of the General Meeting. Both reports began with a list of the previous donations, then a list of the past year's subscriptions. The donations ranged from two guineas to four gifts of £100 (from the Hon. Mrs. Leigh, the executors of the late And. Newton Esq., the late Mr. John Hurd of Birmingham and the Rev. T. Catell). The two lists showed thirty-three names, of which thirteen were clergymen, thirteen laymen and seven women. The gift of £20 from the Rev. T.H.C. Moore had been made 'in conformity with the wish of the late Mrs. Moore.' One unusual item was the £21 'donation by the anonymous Author of a Poem on Happiness, being the Profits arising therefrom.' The subscriptions, mainly of one guinea, sometimes two, collected in the seven districts of the archdeaconry amounted to £339 9s. in 1830 and £328 17s. 6d. in 1832. The Charity also enjoyed a dividend income from investments of more than £3,500, to which it added £50 in 1831 and £64

[85] *Brougham*, pp. 344-5. Mrs. Mary Dolben had tried to establish a similar charity with her will dated 12 January 1787, but she left insufficient funds. 'The relief of the poor widows and fatherless children of deceased ministers that had been learned, godly and painful' was one of the permissible alternative uses for the endowment created by Sir Francis Nethersole when he established a school in Polesworth in 1655. *Brougham*, pp. 238, 345-6, 665.

in 1832. In both years it spent £9 on printing and postage, the remainder in grants to beneficiaries, eleven in 1830 and thirteen in 1832. Only one of these was a clergyman, the Rev. Uriel Harwood who received £40 in 1830; his widow received £40 in 1832. Eight of the women received payments in both years. Of the 1832 list, which gives more details, five were the widows of clergymen, seven the daughters (though five were themselves widows) and one the son. The average payment was £33, although nineteen payments were of between £30 and £40, four of £20 and only one of £10, so, coupled with the recurrence of eight names, it would seem that the intention was to pay a small pension rather than deal with some passing emergency.[86] There was a national Curates' Aid Society, which in 1850 maintained 316 clergymen, of whom 14 were in the diocese of Worcester.[87]

Worship

Charitable endowments were made for the support of worship, some paying for particular services, such as the reading of prayers and the preaching of sermons, and some providing the physical requisites for religious rites. There were a great number of endowments for Catholic masses to be said, but as they were not legal they were nowhere listed in a way which allows them all to be counted. The records of individual missions and parishes, and of central funds like the Common Purse and Johnson Fund, detailed many of these. For example, in the early nineteenth century the priest at Coventry noted nine obligations for masses for the intention of particular people, either the donors themselves or someone they named.[88] These payments were multi-functional – they ensured the saying of mass, they secured intercession for the soul of a named person, and the payment supported the priest. The *Analytical Digest*

86 W. C. R. O. DR 194/70, Charity for the Relief of Necessitous Clergymen, *Reports*, 1831, 1833.
87 *Warwick Advertiser*, 2 November 1850.
88 B. A. A. P140/1/2, Coventry register, 1745-1839.

listed three endowments for prayers to be read in Anglican churches. One was a curious survival of a pre-Reformation endowment for prayers for the dead. In 1520 Alice Digby had left property in Coleshill to provide one silver penny each day of the year to be given to a girl or boy of the parish saying five *Paternosters*, five *Aves* and the *Credo* for the souls of herself, her husband and children and all Christian souls. As the Commissioners of Inquiry discovered, 'although the property granted by these deeds was forfeited, as given mainly to superstitious uses, it appears afterwards to have been acquired by some of the Digby family ... and £3 has been for many years made thereout in respect of Alice Digby's or the '*Paternoster*' charity' to children under the age of nine 'for the saying of the Lord's Prayer in the Church of Coleshill.'[89] The other two prayer charities were founded in Coventry in the 1740s by Joseph Vernon and Nathaniel Crynes for the reading of evening prayers in the church of St. John the Baptist. The saying of daily evening prayers did not continue into the nineteenth century and the payments were no longer made for Vernon's Charity. However the minister still received the Crynes money, and assured the Commissioners that 'he attends at the church regularly every Monday, Wednesday and Friday at eleven o'clock, and that if there are any persons attending to form a congregation, he reads prayers to them, but this is very rarely the case.'[90] The *Analytical Digest* only listed one Anglican endowment for providing communion wine and bread, at Hillmorton. Its origins are obscure, but the provision of the elements was among the purposes of the Church Lands charity, which also included the provision of bells, ropes and frames, the repair of churchways and highways and the relief of the poor.[91] A second such charity was created at Great Packington in 1862 when £108 was given by deed and invested in consols to produce an annual

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89 *Brougham*, pp. 567, 569.
90 *Brougham*, pp. 1042-3.
91 *Brougham*, p. 715.

income of £3 4s. 11d.[92] Two curious endowments supported secular customs associated with church festivals. In Newbold-on-Avon, J. Onley gave £14 in 1766 to the minister and churchwardens, with the intention that 5s. of the interest should be distributed in cakes to the children who said their catechism in church on Palm Sunday. The remainder was to be distributed to the poor who attended service on the two St. John's days or the Sundays following. Cakes were still being distributed at the time of the Commission of Inquiry.[93] However, the strange payment directed by Thomas Oken of Warwick in 1571 for 20d. to be shared 'amongst the young men of St. Mary's parish, to make merry withal at the cutting down of the Whitsuntide Ivy, if any there should be, standing at the High Cross of the said town of Warwick' was no longer paid, 'the custom to which it refers having ceased.'[94]

The *Analytical Digest* listed sixty-one endowments for sermons to be preached. It has often been maintained that the endowment of lectures and sermons died out after the Civil War, but Jacob has written that 'Anglicans adapted a weapon from the armoury of the Puritan for their own use. By the late seventeenth century weekly lectures had become an important weapon against dissent.' In the first half of the eighteenth century there were frequent benefactions by individuals to support lectures and sermons. However, lectures were beginning to be transferred from weekdays to Sundays, perhaps as a result of changing patterns of work. In London in 1714 only thirty weekday lectures were reported. There was a close relation between the London lectures and the lay religious societies. J. Paterson, in his *Pietatis Londoniensis: or, the Present Ecclesiastical State of London* (1714), reported that twenty-eight lectures were maintained by religious societies.[95] In Warwickshire the

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92 *Supplementary Inquiry.*
93 *Brougham*, p. 719.
94 *Brougham*, pp. 723, 782. It has not been possible to establish the significance of Whitsuntide Ivy.
95 Jacob, *Lay People and Religion*, pp. 172-3.

date of foundation is not known for five sermons, and a further eleven sermon charities dated from before 1600, one having been established in 1492.[96] The periods 1601-50 and 1701-50 both saw fourteen sermon charities created, the period 1651-1700 having only ten. The real low point was the second half of the eighteenth century, when only two were endowed. However, between 1801 and 1820 another five were created. Whether this increase can be related to the influence of Evangelicalism is unclear. That would certainly not appear to be the case with the 'half-converted Jacobite' Sir Roger Newdigate.[97] During his lifetime Sir Roger paid the vicar of Chilvers Coton to preach a second sermon every Sunday of the year, as well as on Good Friday and Christmas Day, paying 7s. for each sermon. When he died in 1806 he created an endowment to pay £18 18s. a year to the vicar to continue the additional sermons.[98] In 1816 Thomas Ingram instituted an annual sermon to be preached on the duty of kindness to animals, stipulating that advance notice should appear in the Birmingham *Gazette*, asking employers to encourage their servants who had the care of animals to attend.[99] Sermons had a dual nature, often being the result of a charitable endowment, but also frequently being used to raise voluntary contributions, especially for charity schools.[100] To increase the congregation on such occasions, notable preachers would be asked to speak. To be asked could be both an honour and a chore. When Parson Woodforde was asked to preach the annual Norwich Charity Schools' Sermon in 1786 he noted in his diary 'I did not relish it.'[101]

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96 Isabel Boteler gave a farm to pay three sermons in Easter week and a memorial mass for her husband Henry Boteler. The Corporation still owned the farm in 1834 and was paying the vicar of St. Michael's for three sermons in Easter week. *Brougham*, p. 1024.

97 So described by Horace Walpole. Tyack, *Warwickshire Country Houses*, pp. 11-15.

98 *Brougham*, p. 473.

99 *Brougham*, p. 459.

100 D. Andrew, 'On reading charity sermons. Eighteenth century Anglican solicitation and exhortation', *Journal of Ecclesiastical History*, 43 (1988), pp. 581-91.

101 D. Hughes (ed.), *The Diary of a Country Parson: The Reverend James Woodforde* (1992), p. 250.

The distribution of bibles and religious books fulfilled a similar purpose to sermons. There were 35 endowments for this purpose, many of them established in the seventeenth and early eighteenth centuries. The distribution of bibles and religious books was undertaken with vigour by the voluntary missionary societies of the late-eighteenth and nineteenth centuries. Some of these proselytising societies concentrated on the heathen abroad, some on the heathen at home, especially in the urban slums. The Jews in England were also a target for conversion. Jospeh Priestley published a number of pamphlets and letters on the conversion of the Jews while living in Birmingham, and engaged in debates with David Levy, 'The Learned Jew.'[102] Anglicans founded a missionary society in London in 1795, which became the London Society for Promoting Christianity among the Jews in 1809. It had 'corresponding committees' in the provinces.[103] This society, 'however ambivalent and condescending its attitudes, improved feelings towards the Jews by deploring ridicule and persecution, and promoting (in admittedly condescending charities) their 'temporal and spiritual welfare.'' In the 1820s the Manchester auxiliary was under the influence of Evangelicals, 'whose genuine essays in persuasion and marks of tolerance were interspersed with anti-Catholic asides and accompanied by intransigent opposition to the political rights both of Catholics and unconverted Jews.' However, when the L.S.P.C.A.J. 'concentrated upon the abstract mission of universal conversion, and confined its local activities to pious sermons, annual collections and unduly hopeful prayers, it remained relatively innocuous.'[104] The London Missionary

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102 J. Priestley, *Letters to the Jews* (1786; New York, 1794). D. S. Katz, *The Jews in the History of England, 1485-1850* (Oxford, 1996), pp. 296-7.

103 B. Williams, *The Making of Manchester Jewry, 1740-1875* (Manchester, 1976), p. 27; B. R. L. London Society for Promoting Christianity among the Jews, Birmingham Auxiliary,*Annual Reports,* 1846-7, 1850-7, 1861-3. This society was also known as the Church's Ministry to the Jews, London Jews' Society, London Missionary Society, L. J. S., Jews' Society. In 1818 it affiliated to the Edinburgh Society for Promoting Christianity among the Jews, the Glasgow Society and the Free Church of Scotland. I am grateful to Louise Austin for this information.

104 Williams, *Making of Manchester Jewry,* pp. 45, 148, 166.

Society also established a Jewish Committee in the 1790s, which later became known as the British Society for the Propagation of the Gospel amongst the Jews. It established branches in the provinces, including Birmingham, and made some conversions, though many were ephemeral.[105] Many of the converts were already estranged from Jewish religious or social life by apathy, crime, marriage to a Christian or sheer poverty. A number of Jews reconverted when they came into better times. Part of the Jewish response was to create philanthropic organisations to ameliorate the living conditions of poor Jews.[106] The Catholics also identified increased secularism, mixed marriages and the degradation of extreme poverty as factors in the loss of members, or 'leakage' as it was termed in the late nineteenth century. The faith of children was felt to be most vulnerable, and it was this that prompted much 'rescue work' with children. Although a rescue society had been established in the diocese of Salford in 1886, it was not until the closing months of the century that Bishop Ilsley announced a similar move in Birmingham.[107]

Religion permeated life in the past in a way which it is now difficult to fully comprehend, and much, if not most, charitable activity was touched by it, either as a motive or an object. This section has examined specifically religious charities, and even here a great variety of objects has been found, as well as mixed motives and varied means of achievement. Although the middle ages is seen as the great age of church building, it is apparent that this continued throughout the early modern and modern periods. Much of this was achieved by the voluntary raising of funds, although there were some generous individual benefactions. During the eighteenth

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105 The Society's missionary in Birmingham was the Rev. Kessler, himself a converted Russian Jew. I am grateful to Louise Austin for this information.

106 Williams, *Making of Manchester Jewry,* pp. 148-50. B. C. A., MS 1678/1-2, Minutes of the Birmingham Hebrew Philanthropic Society, 1829-1883, MS 1678/3, Minutes of Birmingham Hebrew Educational Aid and Clothing Society, 1854-1922.

107 B. A. A. Bishop Ilsley's *Advent Pastoral*, 1899.

and nineteenth centuries the salaries of the clergy were secured and regulated. Within the Church of England this was achieved by the creation of Queen Ann's Bounty and the Ecclesiastical Commissioners, little being done by voluntary action, as the wealth of the church rested on property it already had. Within the Catholic Church and the Jewish faith greater stability was achieved by the legislation removing penalties, allowing worship and regulating charities. The religious impulses of many individuals were expressed by charitable actions, such as the beautification of places of worship, the support of services and the propagation of the faith.

The Advancement of Learning

A whole thesis could be written on charities relating to education alone. It is a large and complex topic and one which has always aroused fierce debate, both among contemporaries and historians. Not only have pedagogic methods been strongly contested, but also the means of funding have often been a bone of contention. Although the balance between public and voluntary funding for the relief of the poor has fluctuated over the years, there has been in England and Wales a general acceptance of some level of public (rate-supported) relief for the poor since Tudor times. The acceptance of that principle in regard to education came much later, being vehemently fought out during the nineteenth century, and is still not entirely settled yet.[108] Much education in the eighteenth and nineteenth centuries was provided in 'mixed economy' schools, supported partly by endowment, partly by subscription and partly by paying pupils. In 1818 the minister of Napton was 'convinced from the precarious nature of voluntary subscriptions, that the education of the lower classes cannot be permanently maintained, unless the salaries of the instructors are supplied

[108] E. G. West, *Education and the State* (1965); A. Digby and P. Searby, *Children, School and Society in Nineteenth-Century England* (1981).

from the poor's rate, in cases where there is no endowment."[109] This contradicts Owen's assertion that in the early nineteenth century 'no one would have urged education as a legitimate charge on public resources."[110] There were examples of schools being supported to some extent by parish funds. As early as 1793 the churchwardens of Napton covenanted to pay £7 10s. and a ton of coal a year to Deborah Woodward to run a Sunday school.[111] In 1818 at Hillmorton (where the endowed revenue was only £6 15s.) fourteen children were educated at the expense of the parochial rates at a school which taught 66, and 'parochial contributions' were made to the Sunday school, which taught 70.[112] Perhaps no other area of activity shows so clearly the rather arbitrary nature of dividing charities into voluntary and endowed categories. This section will briefly examine endowed schools and educational charities, then reference will be made to unendowed voluntary schools, including Sunday schools. Adult education, including reading rooms and self-improvement societies, will also be mentioned.

In the middle ages endowments for teaching children were made, often linked to chantries and singing schools for church choirs. In consequence of this religious link the majority of school endowments were made void at the Reformation, even though a number were re-founded in the mid-sixteenth century using some of the

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109 Report on the Education of the Poor, P.P. 1819 (224) IX Part 1, IX Part II, Select Committee on Education of the Poor, Part II, pp. 983-1004. Hereafter referred to as *Education.*

110 D. Owen, *Philanthropy,* p. 247. Johnson has identified an attack on philanthropic support for education in the 1830s. Educational experts decried the reliance on the 'fluctuating interest of local benefactors' who could not exercise continual supervision. The whole system was 'petty, parochial, sectarian, wasteful and inefficient, lacking combined effort and overall co-ordination. Only the state could bring direction of its 'zig-zag' course.' R. Johnson, 'Educating the educators: 'experts' and the state, 1833-9', in A. Donajgrodski (ed.), *Social Control in Nineteenth-Century Britain* (1977), pp. 77-107, p. 94.

111 W. C. R. O. N1/5, Napton Churchwardens' accounts, 1764-1873, memorandum on inside cover.

112 *Education.*

previous monastic or chantry land for endowment.[113] The best known of the endowed schools were the so-called 'grammar schools', established to teach boys Latin, and perhaps Greek, in preparation for entry to the universities. Then came the category known as English schools (because they taught English, not the classical languages), and petty or elementary schools. There were also endowments for educational purposes which, while not supporting a whole school, contributed to the upkeep of one by paying for a certain number of pupils, or by providing books or writing materials. Some provided exhibitions and fellowships to the universities. The *Analytical Digest* for Warwickshire listed 13 grammar schools, 67 other endowed schools and 45 educational charities; these will be examined here according to the category in which they found themselves at that time, whatever their subsequent fortunes. The information on voluntary schools, obviously not included in the *Analytical Digest*, is based on the Inquiry into the Education of the Poor, 1819, and on locally held material.

Grammar schools

The 13 grammar schools varied enormously in revenue, number of pupils and competence by the time of the Brougham Commission of Inquiry, as is shown in Fig. 5.1 and Table 5.2.[114] The largest, wealthiest and most efficient was that of Birmingham, having a revenue of £8,341 19s. 7d., where 115 boys were taught Latin, Greek, History and Geography.[115] The foundation also ran eight outlying schools

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113 The titles 'King Henry VIII' or 'King Edward VI School' often indicate this. J. Simon, 'The state and schooling at the Reformation and after: from pious causes to charitable uses', *History of Education*, 23 (1994), pp. 157-69.Warwickshire examples include the schools at Birmingham, Coventry, Stratford and Warwick.

114 This was true throughout the country. Owen, *Philanthropy*, p. 248. Warwickshire's now most famous school, Rugby, was exempted from the Charity Commissioners' Inquiry, being classed as a public school.

115 By the time of the Taunton Commission of Inquiry into Endowed Schools in 1867 Birmingham was one of only three schools in the country which the Report concluded provided 'gratuitous

within Birmingham, six teaching boys English and two teaching girls 'reading and work.'[116] The least well endowed, and one of the most limited, was at Kingsbury, having only £24 7s.. This school had between 20 and 40 pupils who were only taught reading and writing. They learnt arithmetic if they paid! The two most scandalous cases were Coventry and Atherstone, with one and no pupils a-piece and Chancery cases pending; Warwick and Sutton Coldfield were not much better. Much of this decline from the principles of the founders had already occurred by the end of the seventeenth century.[117] According to David Cressy there was a 'general decline in the quality and availability of schooling in much of England' by 1700.[118] Christopher Hill has associated the post-Restoration attempt to suppress freedom of speech and thought 'with the frequently expressed hatred of grammar schools, which were blamed for the civil war, for the decline of literacy, and with the eighteenth-century opposition to the education of the poor.'[119] Each school could tell its tale of optimistic foundation and fluctuating fortunes; here the case of Coventry will be cited as a typical example.[120]

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and superior' education. The other two were the grammar schools in Bedford and Manchester. Owen, *Philanthropy*, p. 251.

116 *Analytical Digest.* By 1895 three of the boys' schools and one of the girls' schools were classed as grammar schools in their own right. Royal Commission on Secondary Education, vol. 7, pp. 314-7, 327-9.

117 In 1673 the school at Brailes was said to be 'declining since the warres'. Samuel Frankland, headmaster of Coventry Free School, said that all of the some twenty schools in the county had falling numbers W.C.R.O. Z 219 (sm), photostat of the originals in the Bodleian Library MS CCC 390/2, Replies to a questionnaire circulated by Christopher Wase. c. 1673. A. Smith, 'Endowed schools in the diocese of Lichfield and Coventry, 1660-99', *History of Education*, 4 (1975), pp. 5-20.

118 D. Cressy, 'Education and literacy in London and East Anglia, 1580-1700' (unpub. PhD. thesis, University of Cambridge, 1972), pp. 99-100,111-3, 129-35, cited in C. B. Estabrook, *Urbane and Rustic England: Cultural Ties and Social Spheres in the Provinces, 1660-1780* (Manchester, 1998), p. 166, n. 14.

119 C. Hill, *Some Intellectual Consequences of the English Civil War* (1980; 1997), pp. 49-50.

120 Apart from the entries in official papers, a number of the schools have published histories: J. Burman, *Solihull and its School* (Birmingham, 1939); C. Johnson, *Alcester's Grammar School - The First Five Hundred Years* (Alcester, 1997); A. F. Leach, *History of Warwick School, with notices of the Collegiate Church, Gilds and Borough of Warwick* (1906); L. V. Wells, *Lawrence Sherriff School, 1878-1978: The Story of a Town Grammar School* (Rugby, 1978).

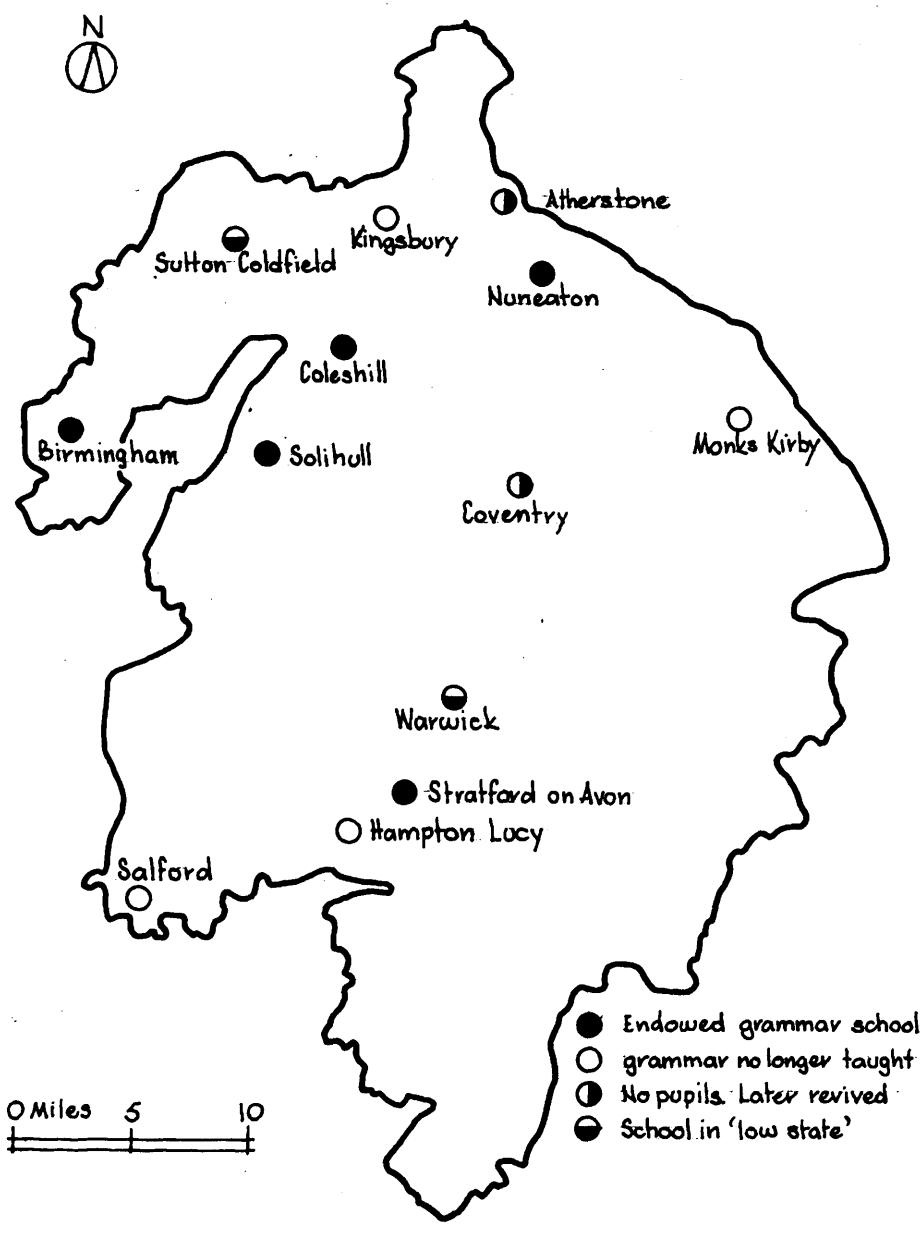

Fig. 5.1: Grammar schools in Warwickshire, 1843

Place	Foundation	Revenue (£s)	No. Pupils	Instruction
Atherstone	1573	289	0	Suspended
Birmingham	1552	8,342	115+	Classics & modern
Coleshill	1605	175	35	Classics & modern
Coventry	1571	1070	1	Classics
Hampton Lucy	1627	119	60	Literacy & numeracy
Kingsbury	1686	24	20-40	Literacy & numeracy
Monk's Kirby	1623	30	30	Literacy & numeracy
Nuneaton	1553	303	40	Classics & modern
Salford	1656	41	all who apply	Literacy & numeracy
Solihull	1601	165	48	Classics & modern
Stratford	1554	130	15	Classics
Sutton Coldfield	1543	469	6	Grammar
Warwick	1546	143	5	Classics

Table 5.2: Grammar schools, 1843
Source: *Analytical Digest*. The figure for number of pupils refers to the number supported by the foundation.

The Coventry School was founded by charter in 1545 and was held in the former buildings of St. John's Hospital, Bablake, from 1558 until 1885. It had had a good reputation in the seventeenth and early eighteenth centuries, but went into a decline after 1734. In that year Bablake Church became the parish church of St. John the Baptist and the headmaster and usher of the grammar school were thereafter the rector and lecturer. The division of their attention between school and parish were detrimental to the school. The appointment of William Brooks as headmaster in 1779, a post which he held until 1833, heralded the nadir of the school. He began with an average of twenty boarders and twenty day boys, but by 1818 it was stated that very few boys had been educated there for the last twenty years and that 'it is fast approaching a sinecure.' By 1827 the average number of pupils was ten, William Brooks was old, infirm and had hardly set foot in the schoolroom since 1802, following a falling-out with the usher, Samuel Paris. The Brougham Commissioners suggested he resign, but difficulties arose because he was also the rector of St. John's. Various attempts were made, but nothing was resolved until after Brooks' death in

1833. After this, the Commission of Inquiry and the Municipal Reform Act, the control of the school was transferred from the city corporation to the Coventry Church Charity Trustees in 1835. Although the situation improved somewhat under new regulations and a new headmaster, the Rev. Thomas Sheepshanks, by 1852 there were still only forty-seven pupils. In that year a Commercial Department was established, which proved more popular with parents and boys. In 1857 the connection with St. John's Church was dissolved, leaving the headmaster, the Rev. Henry Temple, and his successor John Grover, more time to deal with the inquiries into Endowed Schools and the subsequent Acts.[121] In 1876 a scheme was finally drawn up which gave the school independently elected trustees, freeing it from city control but also eliminating free schooling for the sons of freemen. Fees were to be between £5 and £12, with a reduced fee of £3 a year being paid by freemen. The scheme became operative in 1878, and by 1880 the school was known as the King Henry VIII School. By 1885 a new school had been built on the present site. The school was managed under the 1878 scheme until a new Board of Education scheme of 1909.[122] In 1893 the endowed income of the school was £917 and it was charging tuition fees of between £7 10s and £10 10s (extra for Greek, music and carpentry) and between £40 and £50 for boarders. Although it had a capacity for 200 pupils, with accommodation for 39 boarders, it only had 97 day scholars and had squeezed in 41 boarders.[123]

By the early nineteenth century 'numbers of grammar schools had sunk to the elementary level. In many such circumstances the Commissioners sought to restore

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121 The Taunton Schools Inquiry Commission 1867-68. Endowed Schools Act, 1869 (32 & 34 Vict., c. 56). Owen, *Philanthropy*, pp. 247-75 discussed the attempts at reforming endowed schools. Keeton and Sheridan, *Modern Law of Charities*, pp. 72-4, 162-171 discussed the provisions of the Act.

122 *Brougham*, pp. 869-84; *V. C. H.*, 8, pp. 139-50; Anon., *King Henry VIII School, 1545-1945* (Coventry, 1945)

123 Report of the Royal Commission on Secondary Education, vol. 7 (1895) [c-7862-vi] pp. 314-17.

the endowment to the service of secondary education by converting it to scholarships and exhibitions tenable at a grammar school - to the considerable indignation of local residents.'[124] This was the case with the Warwickshire schools in Hampton Lucy, Kingsbury, Monk's Kirby and Salford Priors, although they were still classed as grammar schools by the Taunton Commission in 1867.[125] They were all seventeenth-century foundations in rural parishes, probably the product of pious optimism rather than the real need for grammar schools in such areas. Monks Kirby and Hampton Lucy were endowed before the Civil War (1625 and 1636 respectively), Salford Priors during the Interregnum (1656) and Kingsbury in the time of James II (1686). Monks Kirby school had been founded by Thomas Wale, citizen of London, for the benefit of children of Monks Kirby, Brinklow and Stretton-on-Fosse. By 1834 the £30 endowment was used to teach thirty children reading, writing and arithmetic and the master supplemented his income by taking pay-scholars and boarders, who were taught separately from the foundation scholars. It was noted that 'the attendance at the Free School is rather less than it might be, in consequence of a large school maintained by Lady Denbigh within a short distance.'[126] Salford Priors was founded by William Perkins, a Merchant Taylor of London, born in the parish, for the teaching of 'Greek, Latin, and English and catechizing' of the children of Salford and four neighbouring parishes. The master was to be a university graduate 'provided he be not vicar or minister of the said parish of Salford Priors.' In 1826 the master was not a graduate and 'classical education is not required by children entitled to the

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124 Owen, *Philanthropy*, p. 256.

125 *Analytical Digest*; *Taunton*, p. 107.

126 The property was invested in the mayor and commonalty of Coventry, the surplus after paying the schoolmaster and usher at Monks Kirby being for the poor of Coventry. As with many other charities in the hands of the corporation, the Commissioners discovered that the money had not been separately accounted, and the corporation owed £900 to be distributed to the poor. This was done over the next three years. *Brougham*, pp. 697, 959-6. W. C. R. O. MI 408/1, Monks Kirby Grammar School admission register, 1814-37, gives details of some 300 children who attended the school.

freedom.'[127] Kingsbury was established by Thomas Coton to teach poor boys and girls to 'learn the Bible well, and to learn the Accidence and further into Latin, and to write a good secretary hand before they go from school.' The teacher was 'to be a religious man and protestant, and if convenient, bachelor, and to exercise the ministry, but very seldom, whilst schoolmaster at Kingsbury.' By 1824 the schoolmaster had the use of a four roomed house and an income of £24 7s.. For this he taught between twenty and forty children to read and write, and was 'obliged to provide stabling for the horses of Coton Hall estate when they attend church on Sunday', of which obligation the current owner availed himself. In 1818 this large parish also had three unendowed schools for ninety children and two Sunday schools for seventy.[128]

While the founders of these schools had been wary of the minister acting as master, at Hampton Lucy it would seem that the post was usually held by the perpetual curate.[129] The school was endowed in 1636 by Richard Hill, himself curate of the parish for fifty years, for the boys from Hampton Lucy and neighbouring Charlecote, Alveston and Wasperton. He had built the schoolhouse and taught there during his incumbency. He stipulated that the master should be able to teach Hebrew, Greek, Latin and English and should be 'a man of honest and religious conversation, agreeable to the laws of the church established in this realm of England.'[130] In 1710 a new schoolhouse was built by George Lucy, lord of the manor and patron of the living. In 1723 the Rev. William Lucy endowed four scholarships to Magdalen College, Oxford, to be held by those who had attended Hampton Lucy Grammar

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127 *Brougham*, pp. 38-40.

128 *Brougham* , pp. 658-9; *Education*; W. C. R. O. DRB 37, Release of cottage and land for a school, 1686; CR 445, Coton Trust papers, 1835-1879.

129 W. C. R. O. CR1276/2, bundle of deeds and appointments of masters of Hampton Lucy School, 1576-1855.

130 W. C. R. O. Z 219 (sm), photostat of the originals in the Bodleian Library MS CCC 390/2, Replies to a questionnaire circulated by Christopher Wase. c. 1673; *Brougham*, p. 29.

School, and in 1749 William Rogers endowed a scholarship to Hertford College, Oxford, upon similar terms. These created difficulties when grammar was no longer taught at the school. The Commissioners noted that 'it has several times happened that boys educated elsewhere have been brought to the school for examination as to their fitness, and upon the recommendation of the patron of the school have been appointed to the scholarships of the college.'[131] The Rev. John Morley, perpetual curate and headmaster, 1786-1810, in one of the few references to the school in his diary, noted on 13 December, 1801, 'A Mr. Logan with his son, belonging to Rugby Grammar School called this morning with Mr. Lucy, at whose instance I recommended the young man to Dr. Hodgson, Principal of Hertford College, Oxford, for the vacant studentship then on Mr. Roger's Foundation.'[132] The Commissioners of Inquiry noted in 1826 that the school:

> was formerly conducted as a regular grammar school, at which respectable persons received a classical education and went from thence to the university; but it has by degrees dwindled into a common parish school, and has been for many years, conducted as such by an assistant, though under the superintendence ... of the headmaster. It is now thirty or forty years since any grammar scholar has been educated there; but we are assured, that the headmaster has always been a person capable of giving classical instruction had he been required so to do by any persons entitled, by their residence in the privileged parishes, to claim the benefit of the school for their children. This declension in the character of the school seems to have been completed during the mastership of Mr. Morley.[133]

After Morley's departure the school was put on a more regular footing and the Commissioners concluded that 'as an English school [it] appears to be conducted with

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131 *Brougham,* p. 35.

132 On 19 January he had 'opened the School after the Holidays, and attended all the morning myself.' The only other references were to Mr. Lucy signing admission tickets for Morley's sons to enter the school (9 January) and trustees' meetings to do with the lease of the farm which formed the endowment (19 September, 1, 17, 20, 22, 29 October). W. C. R. O. CR 2486, Diary of Rev. John Morley, 1801.

133 *Brougham*, pp. 34-5.

attention and efficiency.'[134] A Chancery Scheme was obtained in 1860 for the better regulation of the school, but by 1867, although the endowed income of the school had increased to £80, it had only thirteen scholars, the smallest number by far of any of the so-called grammar schools. By a Charity Commission Scheme of 1895 the income of the endowment was to be applied in exhibitions of between £5 and £15 to allow boys from the four parishes of benefit to attend either Warwick or Stratford Grammar Schools, the headmasters of which were *ex officio* trustees, as was the lord of the manor. There were also eight representative trustees appointed by the four parish councils. Religious affiliation or lack of it was to be no bar to serving as trustee, nor to receiving an exhibition.[135] Thus modernised, and freed from its religious origins, the charity still retained its local focus and its links with the Lucys, lords of the manors of Charlecote and Hampton Lucy.

English schools

The distinction between elementary and secondary schools was often not very clear until the later nineteenth century. The *Analytical Digest* listed 67 English schools, teaching reading and writing, sometimes with arithmetic or accounts and the principles of religion (Fig 5.2). They often taught girls sewing and knitting instead of writing and arithmetic. At Ellborough's school in Rugby the girls were taught writing and accounts, though at a separate time from the boys. As with the grammar schools, the incomes, size and competence of English schools varied enormously. The annual income shown in the *Analytical Digest* ranged from £10 or less for a number of parish schools to £1,028 18s. 4d for the Blue Coat School in Birmingham, which income was increased to over £2,000 by subscriptions. Many of the schoolmasters made up

134 *Brougham*, p. 35.

their income by taking paying pupils or were supported by voluntary subscriptions. Some of these schools increased in prestige during the nineteenth century and later became known as grammar schools. By 1895 Newport's Free School in Alcester, Coventry's Bablake School and the Free School at Coleshill were classed as grammar schools.[136] Others dwindled to the status of village elementary schools, so classed under the Education Act, 1870. That Act required parishes to provide elementary education 'where there was a deficiency', so parishes were at pains to point out that there was no deficiency. Trustees of endowed schools strove to improve their provision and facilities, though they had to apply for a Charity Commission scheme assigning their endowment to elementary education if they wanted to take advantage of the grants made available from the Department of Education. The Charity Commissioners dealt with a spate of applications, devising schemes which followed the general policy that as elementary education was now a public responsibility, endowments could only be used 'for buildings, classroom equipment, scholarships to more advanced schools and, in short, for needs above the bare educational minimum.'[137] In Coventry the introduction of rate-aided schools introduced an element of competition between schools, and actually led to renewed voluntary efforts and the expansion of some church schools.[138]

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135 W. C. R. O. CR 250/2, Charity Commission Scheme, 1895.

136 Royal Commission on Secondary Education, 1895, pp. 314, 316.

137 Elementary Education Act, 1870 (33 & 34 Vict. c. 75). Owen, *Philanthropy*, pp. 256-57.

138 J. W. Docking, 'Victorian Schools and Scholars: Church of England Elementary Schools in Nineteenth-Century Coventry', *Coventry and North Warwickshire History Pamphlets*, 3 (Coventry, 1967), pp. 4-5.

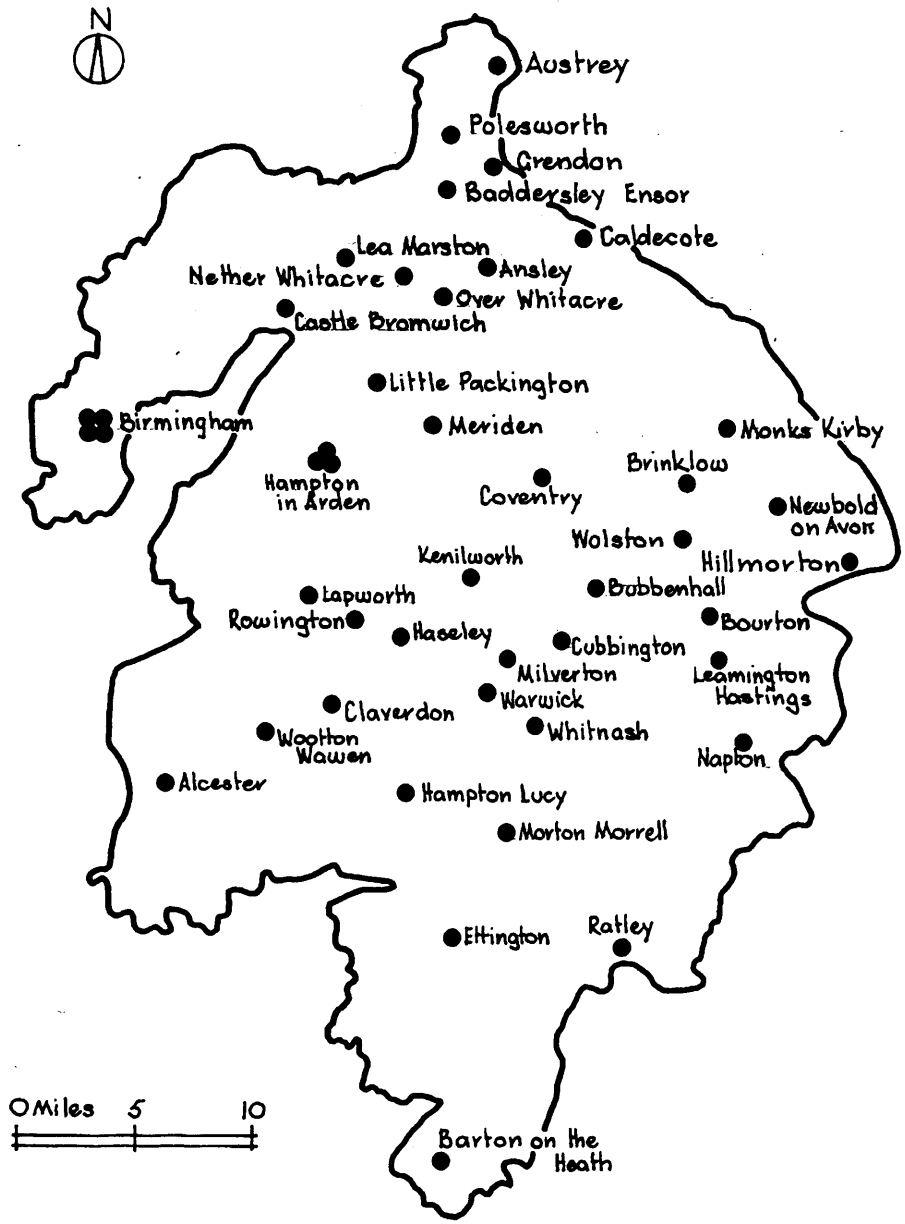

Fig 5.2: English schools in Warwickshire, 1843
Source: *Analytical Digest*

As an example of the various stages through which an 'English' or elementary school could pass during the eighteenth and nineteenth centuries the case of Stretton-on-Dunsmore will be cited.[139] This school was partly funded by the charity of William Herbert. Although he did not specify education as one of the purposes of his benefaction, he did include apprenticeship. In 1786 a case was laid before Sir Pepper Arden, the Attorney General, asking whether the trustees would be permitted to apply part of the income, now increased to £30 a year, to the support of a school. Despite the objection of a farmer, who said that all the surplus should be spent on apprenticing, permission was granted on 7 January 1787. The vicar, the Rev. William Daniel, persuaded a Mrs. Smith to give a piece of land and the school was erected by public subscription. It opened in 1789, under the charge of a school mistress, who was paid ten guineas a year 'to teach boys and girls to sew, knit and spin.' By 1819 the school was run as a National School, with an endowed income of £50 and 94 pupils, though the numbers declined somewhat over the next few years. There were both a master and a mistress, and the girls were taught to 'sew, knit and work' in the afternoons, under the supervision of Miss Sawbridge, the vicar's daughter.[140] As a National School, open to government inspection, it was eligible for grants from the Committee of the Council on Education, which supplemented the money from the Herbert Charity and the school pennies paid by the children. Soon after the regulation of the Stretton Charities by a Charity Commission Scheme in 1859, plans were made

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139 T. A. Garlick, *A History of Stretton-on-Dunsmore C. E. School* (Coventry, 1961); Stretton Millenium History Group, *Stretton-on-Dunsmore: The Making of a Warwickshire Village* (Stretton, 2000), pp. 53-9.

140 *Brougham,* pp. 1150-51; *Education;* W. C. R. O. DR 154/12, Notes on Stretton Charities, 1839; CR 700/8, Herbert Charity Minute Book, 1789-1845.

to build a new school in Stretton village, which opened in 1861. The trustees of the new school included the vicar and three of the Herbert Charity trustees, which arrangement continued until the school passed into the control of the Education Committee of Warwickshire County Council in 1903.[141] The Stretton-on-Dunsmore school thus showed the initiative of some of the principal inhabitants, the leadership of the vicar, the support of the National Society for Promoting the Education of the Poor in the Principles of the Established Church and the utilisation of endowed funds in providing a village school. The trustees had sought legal advice before setting it up, and accepted central government inspection and grants. However, their determination to retain local control led to a drawn out and expensive legal correspondence with the Charity Commission before a scheme acceptable to both parties was drawn up in 1859.[142]

Educational charities

There were 47 educational charities listed in the *Analytical Digest*, being mostly payments to a person (not always a regular schoolteacher) to teach a certain number of poor children. (Fig. 5.3). In some cases the income was paid to a voluntary National School, as in Napton or Nether Whitacre. In other cases the payment was to an endowed school; Fentham's Charity in Birmingham paid £190 a year to support twenty children at the Blue Coat School, the children on Fentham's foundation wearing green coats rather than blue ones. In many cases it is clear that the payment was made to a private master or mistress, and in Grendon and Hampton-in-Arden the payments were to the keepers of dame schools. In nine cases it was stated that the

141 W. C. R. O. CR 699, Stretton-on-Dunsmore school log books, admission registers, cash book, 1862-1951; CR 700/47-60, Purchase of land for new school, plans etc, 1860;

142 W. C. R. O. CR 700/34, Correspondence re Charity Scheme, 1857-61.

money was used to support Sunday schools. The Earl of Clarendon's bequest in Kenilworth (1790) was to help a school of industry, which was otherwise maintained by private charity. The income of the endowments was often small; thirty-one were for £10 or less, nine between £10 and £20 and only five for more than £20; one rent charge had not been paid for years, and the principal of one had not yet been invested. In a number of cases two endowments were used for one purpose. For example, in Birmingham, Ann Crowley's charity (established 1733), paid £6 a year to a schoolmistress who taught ten girls to read, knit and sew in her own house.[143] In 1804 Mrs. Scott gave some money in trust to supplement Crowley's gift, and £5 5s in dividends were used to buy cloth and working materials for the girls. The school at Austrey benefited from two charities, receiving £20 a year from Moncke's Charity (established 1713) and £4 19 2d. from Toone's Charity (established 1818). This income was 'applied with subscriptions and weekly payments in teaching sixty children', once again showing the mixed funding of many schools.[144]

In addition, the index to the county volume of the *Brougham Reports* showed 32 endowments for supplying books to schools, three that supplied books and stationery and one for stationery alone, and twelve school houses that were held in trust. There were also 24 university endowments: ten exhibitions, three fellowships and eleven scholarships. As many of the grammar schools and English schools benefited from a number of endowments, and some supported the master as well as providing books and scholarships, the total number of charities for educational purposes listed in the index amounted to 270. (5.3 Table)

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143 Mrs. Crowley's will also gave 20s. a year to a Dissenting minister, but it is not clear whether her intention was that the children to be educated should also be Dissenters. *Brougham*, p. 414.

144 *Analytical Digest; Brougham*, pp. 414, 652-4.

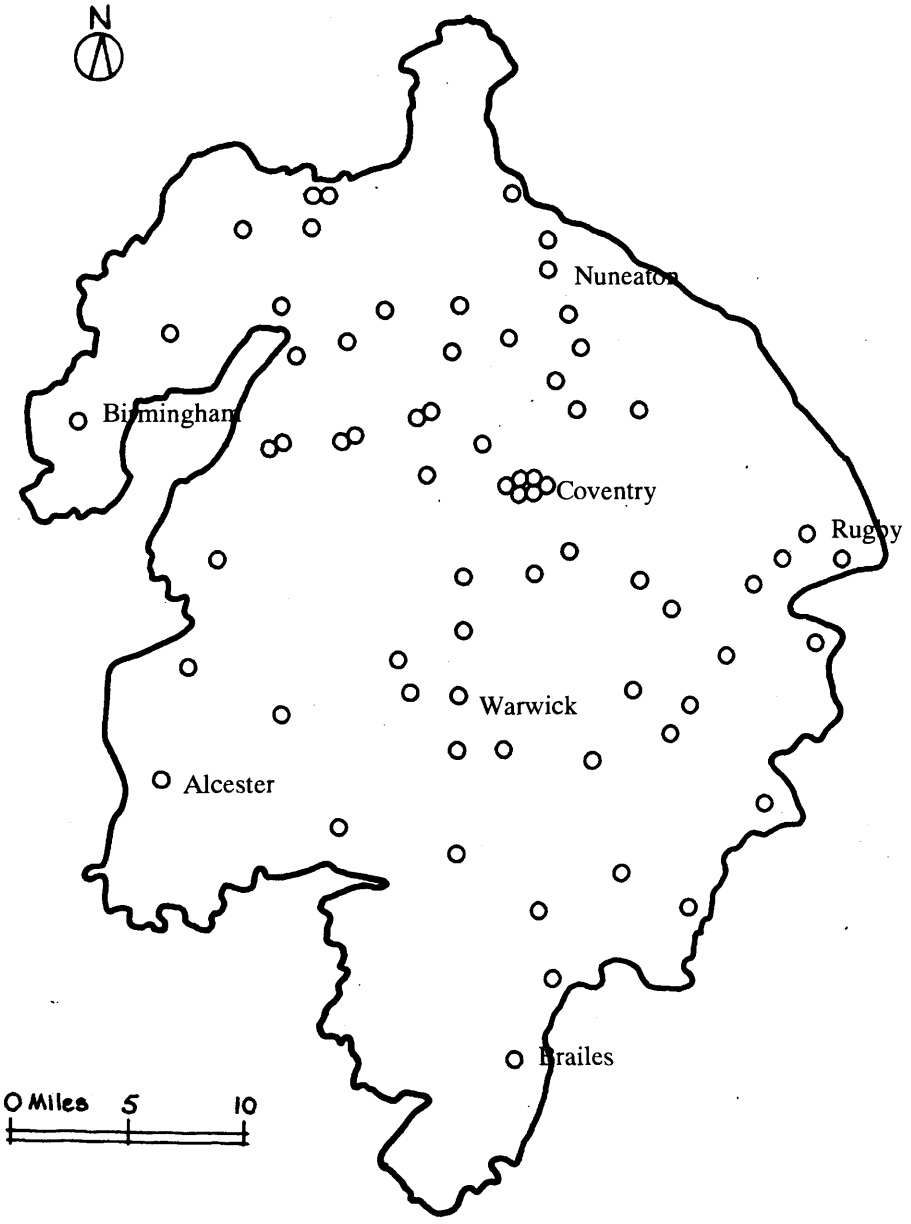

Fig 5.3: Educational charities in Warwickshire, 1843
Source: *Analytical Digest*

Category	Number
Universities	24
School houses	12
Schoolmasters	70
Schoolmistresses	21
Assistant masters/ushers	11
Schools/teaching	123
Sunday schools	9
Total	270

Table 5.3: Educational charities, 1843
Source: *Brougham*, Index.

As with other aspects of charity, data on endowed schools were more comprehensively and regularly produced than on voluntary ones. However, there have been reports which included voluntary schools as well. Also, as many educational ventures entailed investment in school buildings and a long-term commitment, there is a fairly high survival of local material, at least for those schools which lasted to become elementary schools under the Education Act, 1870. Unfortunately the 1819 *Report on the Education of the Poor* did not include the source or amount of revenue for the unendowed schools, of which it listed 461. The schools were not individually named, and some did not even give the number of pupils, as requested. As with the earlier Gilbert inquiry into charities for the poor, the level of response and amount of detail supplied was dependent on the diligence of the informant – the inquiry was addressed to the minister. Of the 217 places mentioned, seven made no return and a further 38 reported that they had no school whatsoever. The comments column was often blank, but illuminating information was included by some informants.

The *Education* report listed 304 day schools (including 74 dame schools) and 157 Sunday schools. Thirteen of the day schools and fifteen of the Sunday schools

were run either on the National or British plans. However, details given in the comments column suggest that at least 144, or 35%, of these schools were supported principally either by voluntary subscription or the beneficence of individuals, rather than being purely paying schools. (Table 5.4) In Ansley the two day schools on the National plan and the Sunday school were supported by a levy of the parishioners. The comments of the vicar of Napton on the precariousness of voluntary subscriptions, cited at the beginning of this section on education, are borne out by other comments.[145] At Aston Cantlow the Sunday school was 'indifferently supported by subscription.' At Studley, where the schoolhouse had been erected by subscription, the master had to make his income by taking 26 boy and 14 girl paying pupils. It is noticeable that although there were 117 mixed schools, there were only eight for boys alone, while there were 19 for girls. This was perhaps a response to the fact that many of the endowed schools were for boys.[146]

	Voluntary Day	Subscriptions Sunday	Private Day	Charity Sunday	Total
Boys	3	5	0	0	8
Girls	10	6	2	1	19
Mixed	41	62	10	4	117
Total	54	73	12	4	144

Table 5.4: Non-Endowed charitable school funding, 1819.
Source: *Education.*

The individual supporters of schools were named in eleven cases. Seven were women, four men, the remainder anonymous, one being described as 'the vicar', the other as 'the principal proprietor.' Five of the named individuals bore the name of the

145 His statement was corroborated by the entries in the school account books even in a later period – there were very few subscribers in the 1870s. W. C. R. O. N1/54, Napton School Cash Book, 1871-81.

146 *Education.*

leading family of the parish, so it would seem that the sense of local responsibility for the poor extended to the education of their children. However, one must not try to read too much into the slight evidence of these comments. No doubt in many cases where the school was described as being supported by subscription, the number of subscribers was small, and probably included the chief inhabitants. In other cases it is apparent from other sources that information on chief supporters is missing. The return for Chilvers Coton just said that there were two unendowed schools in the parish, educating 115 children. It did not mention that one of the schools was supported by Sir Francis Newdigate.[147] There were four unendowed schools of industry for girls, in Warwick, Stratford and two in Birmingham. That in Stratford was supported 'by the ladies of the town' and those in Birmingham by general subscription. The Warwick School of Industry had been initiated by the Countess of Warwick in 1790, and was supported by payments from the Greville Charity as well as by the Rev. Henry Wise and other subscribers. In 1815 it adopted the National plan, but by 1841 the National Society found that standards had declined and there were only forty girls, who spent the hours from dawn to dusk sewing, with only one hour for reading.[148] Six of the schools provided some articles of clothing for the children. The Sunday school at Temple Grafton and the day school at Lapworth both provided a few articles, paid for by subscription. At Baxterley, Brailes and Lea Marston clothing was provided by individual supporters; at Lea Marston, C. B. Adderley Esq. gave cloaks to the girls who attended the Sunday school. The Sunday school run by the Independents at Bedworth collected 1d a week from the 60 children

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147 *Brougham,* pp. 473-5. In the 1850s Lord Leigh of Stoneleigh regularly defrayed the deficiencies in the accounts of Westwood School, Stoneleigh parish, and Lord Craven those at Binley School. Docking, 'Victorian Schools and Scholars', pp. 10-11.

148 W. Field, *An Historical and Descriptive Account of the Town and Castle of Warwick* (Warwick, 1815), p. 91; D. Fowler, 'D. Fowler, 'Reading and writing in Warwick, 1780-1830s', *Warwickshire History*, 11, (1999/2000), pp. 70-1; W. C. R. O. CR 1886/753/63, *Rules to be observed by the Children of the School of Industry in Warwick*, 1819; *V.C.H.,* 7, p. 534.

who attended, and at the end of the year to their savings was 'added something more, laid out in clothing.'[149]

Religion has been inescapably interwoven throughout the preceding discussion of education. For the two centuries under examination here, not to mention the years before and after, education was an arena in which religious battles were fought.[150] In 1819 the vicar of Leamington Priors commented that 'the establishment of a national day school would now be a most desirable object, as a chapel has lately been erected, at which every means that can be devised, are practised, to entice the lower orders of the parishioners from the church.' At the same period the minister of Brownsover, concerned that the principal landowner, Sir Egerton Leigh, had turned dissenting preacher and installed men of similar views as his tenants, thought that 'if a school could be established, it would be the means of keeping some to the church that would otherwise leave it.'[151] The years 1780-1830 were a crucial period, which saw the rise of Evangelicalism, the Sunday school movement, and of the rival Bell and Lancastrian systems of education.[152] Dr. Bell's system, adopted by the Anglican National Society, was deeply religious in its tenor. The system devised by Joseph Lancaster, though adopting a similar pedagogic method using monitors, was initially non-sectarian. Because of this, many Dissenting schools adopted it, and the British Schools became identified with nonconformity.[153] In the early nineteenth century

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149 *Education.*

150 J. Murphy, *The Religious Problem in English Education* (Liverpool, 1959).

151 *Education.*

152 J. Bradley, *The Call to Seriousness: The Evangelical Impact on the Victorians* (1976); K. F. Brown, *Fathers of the Victorians* (Cambridge, 1961); P. B. Cliff, *The Rise and Development of the Sunday School Movement in England, 1780-1980* (Redhill, 1986); for Bell and Lancaster, Owen, *Philanthropy*, pp. 116-8.

153 Catholics were also drawn to the Lancastrian system because of its non-sectarian approach. A number of Catholics, including Lord Clifford and Thomas Weld, contributed to the subscription for Joseph Lancaster in 1811, and in 1815 the Catholic Sunday School in Birmingham was presented with 'a catechism on boards on the Lancastrian plan.' Ugbrooke,

Lord Brougham was a key figure, not only as an instigator of the inquiries into the education of the poor and into charitable endowments, but because he himself believed strongly in education as a remedy for the evils of society, political as well as social. He wrote an article (one of many) in the *Edinburgh Review* in which he said, 'but grant, in any quarter of the globe, a reading people and a free press – and the prejudices on which misrule supports itself will gradually and silently disappear.'[154] However, he was deeply opposed to the religious schools proposed under Dr. Bell's system, which originally planned not to teach writing or ciphering because of their potentially disruptive effect on society. Brougham felt that 'schools thus formed will become the rallying posts of religious party spirit.'[155] Some felt that too great an emphasis on religious education would be self-defeating. Although Kenilworth had a Sunday School based on the Madras system (another name for the National or Bell system), the vicar was of the opinion:

> 'that no system of education is so likely to defeat the ends of religion, as that which confines children exclusively to the Bible; the excess in this reading, acting upon the very young, is likely to fatigue rather than improve, and that the superiority of the Scottish peasantry, and, to speak impartially, of the peasantry of many continental nations, is owing, in a great degree, to a plan far more liberal in its views than that adopted and blindly followed through every discouragement in point of mind and morals in this country.'[156]

Sunday schools

This sectarian approach was nowhere more apparent than in the establishment of Sunday schools, although Keith Snell has pointed out that that 'in the later eighteenth century, Sunday schools had often served a religiously varied group of

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Clifford III/4/2, Joseph Lancaster: printed subscription accounts, 1811; B. A. A. P1/60/1, Journal of the Catholic Sunday School, 2 July 1815.

154 H. Brougham, 'The Education of the Poor', *Edinburgh Review*, 17, no. 23 (1810), p. 64, A. Aspinall, *Lord Brougham and the Whig Party* (Manchester, 1927), pp. 121, 196, 231.

155 *The Times*, Sept. 27, 1811, p. 2, cited in T. H. Ford, *Henry Brougham and his World: A Biography* (Chichester, 1995), pp. 121, 135.

156 *Education.*

local people and, in some cases, they were only weakly linked to particular denominations.' However, this ecumenism soon broke down during the Napoleonic Wars, and by 1851 'any earlier faith in inter-denominationalism had long since died away.'[157] In the past much emphasis has been placed on the importance of dissenting Sunday schools, but the recent work of Snell has shown just how great was the involvement of the established church.[158] The *Report on the Education of the Poor* did not distinguish the denominations of the Sunday Schools, and in Warwickshire only seven respondents commented on Dissenting Sunday schools, which must be a case of under-reporting, when other evidence for their existence is taken into account. All except two of the ones reported were in towns, and all except one in the north of the county. At Wolvey there was a Baptist Sunday School for 85 children, and at Studley, in the south west of the county, there was a Methodist Sunday School. In Coventry 'some charitable institutions belong to the dissenters' and in Birmingham there were 'schools supported by dissenters of various denominations.' There was a cluster of dissenting Sunday schools in the Nuneaton area: three, of unspecified denominations, in Nuneaton itself, Baptists and Independents in Bedworth and 'Dissenters' and Methodists in Bulkington. This concentration of Dissent may have led to the particularly energetic Anglican activity in Nuneaton. In June 1817 at a public vestry meeting the 26 men present resolved to raise a subscription to build a Sunday School. Over the next few years a property was acquired in the Market Place, demolished, and in its place were erected school rooms and a market house, which

157 K.D.M. Snell, 'Sunday school movement', pp. 136-7. In the 1780s there were interdenominational Sunday schools in Manchester, Norwich and Birmingham and Coventry. 'The sordid details' of the break-up of the town-wide schools in Birmingham 'only emerged as part of Joseph Priestley's account of the high Church bigotry in which the King and Country Riots were but the last episode.' T. W. Lacqueur, *Religion and Respectability: Sunday Schools and Working Class Culture, 1780-1850* (1976), pp. 30, 70-2.

158 In his selected counties, at the time of the Census of Places of Religious Worship, the Church of England obtained 43.6% of all the Sunday school attendance. As Snell said, 'given the frequency of accounts which stress the Anglican church's inertia or its earlier ideological suspicion of Sunday schools and their educational effects, results like these come as a surprise.' Snell, 'Sunday school movement', pp. 147, 151.

was also used as the Town Hall. Shares were sold to raise money, and the Sunday School and Market House Project was held by shareholder trustees until it was sold, with Charity Commission approval, to the town council in 1884.[159]

The latter was obviously a well-funded enterprise, supported by leading members of the community and the Church of England. Congregations of old dissent were also known to establish successful Sunday schools. However, as Keith Snell has pointed out, ' the most proletarian denominations – notably the Roman Catholics (by 1851), the Bible Christians and the Primitive Methodists – were the least likely to supply Sunday-school education alongside their other religious provision.' He suggested that Roman Catholicism 'put relatively little effort into its Sunday schools because it did not need them. Nor did it need to compete in the Protestant denominational 'market'. It lacked schisms and their competitive effects; for the wayward there was an easy return to faith; and it differed from many other denominations in its emphasis upon worship. Roman Catholicism in 1851 was clearly distinctive with regard to Sunday-school education, given its different traditions, its stress on catechism and the huge accessions it was to gain in England and south Wales from the Irish famine.'[160] However, there were a number of Catholic Sunday schools, particularly in the larger urban centres, and by the second half of the nineteenth century, with the Church's concern about 'leakage', there was definitely competition with other denominations. The *Catholic Directory*, published annually from 1830, gave details of a number of Sunday Schools around the country until 1846, thereafter only for the London District. In 1846 it published a list of all places with Catholic charitable schools in the Districts of England and Wales. There were 92 places which had just a day school, 131 which had both day and Sunday schools, and

159 W.C.R.O. CR3009/296-397, Nuneaton Sunday School and Market House records, 1817-85.
160 Snell, 'Sunday school movement', pp. 149, 167.

41 which had only a Sunday school, making 172 places which had Catholic Sunday schools. The Central District, which included Warwickshire, had 65 entries, the highest of any of the Districts, with 16 day schools, 38 day and Sunday and 11 Sunday-only schools. In Warwickshire there were Sunday schools at Grafton and Nuneaton, day schools at Abbots Salford, Foxcote (Ilmington), Sutton Coldfield and Wappenbury, and day and Sunday schools at Aston Hall, Atherstone, Birmingham, Coventry, Coughton and Leamington.[161]

There were two sets of day and Sunday schools in Birmingham, connected to St. Peter's, Broad Street and to St. Chad's, Shadwell Street.[162] The Sunday school at St. Chad's was begun in 1809, but neither it, nor the day school there, were mentioned in the *Report on Education.* The comments only refer to schools run by Dissenters. By 1814 there were 95 children in St. Chad's Sunday school, and their pennies amounted to £11 16s. 4d. Subscriptions raised £39 12 7 1/2d. and the collection at the charity sermon made £38 11s 6d.. A further £2 represented the profit on the sale of printed copies of the sermon. Donations were received not only from well known Catholic businessmen in Birmingham, such as Mr. John Hardman, Mr. Joseph Hunt, Mr. T. Lewis and Mr. W. Powell, but from the gentry and aristocracy of the surrounding counties – the Berkeleys of Spetchley Park, Worcestershire, the Hon. Edward Petre, A. Canning, Lord Dormer and Lady Smythe of Wootton Hall Warwickshire. The 1814 donations even listed £1 from Madame Tussaud. On January 1st 1815 a new school room opened, built by money lent interest-free by Messrs Hardman, Lewin and Lewis. In 1829 a bazaar made a profit of £215. In 1834 the schools were under the patronage of the Rt Honble Lord Stafford and the Rt Honble the Countess of

161 *Catholic Directory* (1846), pp. 166-68.

162 The St. Peter's Schools were begun in the mid-1830s. B. A. A. P2/10/4, *Annual Report of the Catholic Day and Sunday Schools and other Charities attached to St. Peter's Chapel, Birmingham*, (Birmingham, 1838).

Shrewsbury, under the management of a committee composed of two priests, one surgeon and nine other men. The family names of Hardman and Powell recurred on the committee of St. Chad's Schools until the end of the century. In 1812 it was resolved to charge the children one penny a week, and that 'at the conclusion of the year, the money paid be expended for the benefit of the scholar in some article of dress; and that addition be made to it in proportion to his diligence and improvement.' By 1834 the boys and girls were organising (presumably with help) a sick society 'on the model of the sick societies which have been productive of so much benefit in the Catholic Charity Schools of Manchester.' The school aimed at 'giving religious instruction and a tincture of learning to the poor and destitute offspring of the lower class of our fellow members.' The religious instruction was provided under the guidance of the Rector of Oscott College.[163] The Catholic community of Birmingham was thus deploying the full range of voluntary fundraising techniques available in the early years of the nineteenth century, from elite patronage to the encouragement of thrift, to support the Sunday school. In Coventry by the 1840s, in addition to the day and Sunday schools, there were also evening classes for factory girls.[164]

Sunday schools and, though fewer in number, evening schools were very important in providing the rudiments of literacy to a large section of the population, before elementary education became compulsory in 1880. Snell has demonstrated that this was particularly the case where child labour was the norm. In Birmingham in 1838, 45.6 % of children attended only a Sunday school.[165] Twenty years previously the vicar of St. Mary's parish in the town had suggested that:

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163 B. A. A. P1/60/1, Journal of St. Chad's Sunday School Minutes, 1809-29; P1/60/2, Catholic Day and Sunday School Minutes, 1834-40, with Poor Schools' Committee Minutes, 1849-69; P1/60/13, St. Chad's Schools' Minutes, 1889-1921.

164 C. Butler, *The Life and Times of Bishop Ullathorne, 1806-1889*, 2 vols (1926), pp. 124-5.

165 Snell, 'Sunday school movement', pp. 125, 129, 161, 167.

> 'as it is the practice in Birmingham to employ children at an early age, in the different manufactories, there will always be a large class of both sexes precluded from the advantages of education, except on Sundays, and that if buildings (which are much wanted) could be provided in the most populous and necessitous districts of the town for instruction on that day they would most essentially promote the advantages of education; the expenses for teachers and books would be trifling, and might generally be provided for by local subscriptions and congregational sermons.[166]

Even in rural areas children were often engaged in agriculture or domestic employments, and might only attend day school intermittently or not at all. This was not always because of the demands of employment, but because of the lack of a day school. In 1819 eleven Warwickshire rural parishes only had a Sunday school, in addition to the 37 which had no school at all.[167]

Adult education

Many of the mid-nineteenth century evening classes for working men and women were inspired by the missionary zeal of religious groups to Christianise and civilise the poor, especially the urban poor. This desire was strengthened by a latent fear about the consequences for the stability of society if the poor were *not* civilised. Other, perhaps more generous but often patronising, motives were expressed when people spoke of combating 'that great root of evil – ignorance.' The final years of the eighteenth century saw the establishment of the Society for Bettering the Condition and Increasing the Comforts of the Poor, established by Thomas Bernard and others to spread useful knowledge, especially Count Rumford's dietary recommendations,

166 *Education.*

167 Baddesley Clinton, Burmington, Burton Hastings, Charlecote, Priors Hardwick, Shuttington, Stretton Baskerville, Wappenbury, Wasperton, Willey, Withybrook. *Education.*

mainly to those working with the poor.[168] It was not until 1827 that the Society for the Diffusion of Useful Knowledge attempted to spread that knowledge to the poorer classes themselves. This society was established by Lord Brougham, with the help of Lord John Russell and others, to produce popular and easy treatises on all sorts of subjects. It was a short-lived venture, for the society went bankrupt in 1844, crippled by the expense of producing the *Penny Cyclopaedia.*[169]

This earnest desire for the spread of knowledge, coupled with the encouragement of sociability, inspired the establishment of many reading rooms, mechanics institutes and self-improvement societies. In the very year that the national Society for the Diffusion of Useful Knowledge went bankrupt, the Coventry Society for Promoting Religious and Useful Knowledge registered its rules with the county Quarter Sessions, under the laws relating to friendly societies. It had obtained a certificate of exemption from local rates, according to the regulations for Scientific and Literary Societies. It had three categories of subscribers, at 5s., 2s. and 1s. a quarter, and the committee was to consist of the officers, 'all the clergy that are, or may be, subscribers', and fifteen lay members, five from each division.[170] In 1868 the Birmingham Catholic Union for Social Intercourse and Intellectual Advancement made a similar registration, giving as its aims 'promoting good fellowship, and encouraging education among Catholic Young Men of the several parishes of Birmingham and the neighbouring district.' It had honorary members as well as

168 Owen, *Philanthropy*, pp. 106-8.
169 Aspinall, *Lord Brougham*, pp. 232-4.

ordinary members.[171] These were both urban organisations, led by an elite for the benefit of 'respectable' working class members. Some literary and scientific societies were only ever intended for 'a better class' of subscriber. The Warwick Athaneum, established in 1850, comprised public rooms, the Warwick Library (which had been established 57 years previously), a newspaper room and a billiard room. It was managed by a committee of some of the 77 subscribing shareholders, who had paid between £25 and £100 for their shares. The committee let the rooms 'for the benefit, recreation, and literary, scientific and social enjoyment of the inhabitants of the town of Warwick.'[172] At the other end of the social spectrum, a number of village reading rooms and libraries were established. Some were paid for by the leading landowner, like the village institutes in Stoneleigh and Ashow, paid for by Lord Leigh. Others were supported by subscribers. For example, the Burton Dassett Lending Library was established in 1890, and soon had 38 subscribers and 131 books, 32 of which had been donated by the Church of England Book Society.[173] It was usual for these reading rooms and institutes to take daily newspapers and some journals.

During the Crimean War the Rev. I. C. Barrett conducted 'newspaper readings' for working men in the district of St. Mary's, Birmingham. These proved so

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170 W. C. R. O., QS 83/2/7, Registration of Friendly Societies: Rules of the Coventry Society for Promoting Religious and Useful Knowledge, 21 November 1843.

171 W. C. R. O., QS 83/2/82, Registration of Friendly Societies: Catholic Union for Social Intercourse and Intellectual Advancement, 18 February 1868. In Newcastle, the Literary, Scientific and Mechanical Institution proposed to have 'gentlemen' members to 'add weight and stability to the society.' R. J. Morris. 'Voluntary societies and urban elites, 1780-1850', in P. Borsay (ed.), *The Eighteenth-Century Town: A Reader in Urban History, 1688-1820* (1990), p. 347.

172 W. C. R. O. B War war, *Warwick Public Rooms: Trust Deed*, 1856; CR 2216, Warwick Public Rooms, Minutes, 1850-70.

popular, and gave an indication of such a desire for literacy and knowledge among working men, that he established the St. Mary's Working Man's School, to give instruction in reading, writing and arithmetic. The venture was supported financially by members of his congregation and although only five men came on the first night, this soon increased to an average of fifty each Monday, Tuesday and Thursday evening, with writing, arithmetic and reading and grammar being taught on the respective nights. A report of the school published in 1859 stated that 'the school, although connected with St. Mary's Church, and taught by members of that congregation, is thoroughly unsectarian, persons of all shades of religious belief ... being connected with it.' Some schools, like that run by the Birmingham Town Mission, even attempted to reach the vagrants and casual workers who teemed below the respectable, if illiterate, tradesmen attending the evening classes at St. Mary's.[174] While many such classes were held to encourage basic literacy, the increasingly technical and complex nature of many industries led to a desire to produce a more skilled and efficient workforce. Mechanics' Institutes began in Glasgow at the Institution endowed by John Anderson, a professor at the university who had begun evening classes in 1760. A Dr. Birkbeck, who had taught there, moved to London in 1804, and in 1824 he, with Lord Brougham and Francis Place, established the London Mechanics' Institute, which eventually became Birkbeck College in the University of London. By 1860 there were 610 Mechanics Institutes with some 102,050

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173 W. C. R. O. DR 220/42, Burton Dassett *Parish Magazine*, 1891.

174 Griffith, *History of the Free-Schools*, pp. 437-9, 447-9.

members.[175] Unfortunately, the pioneers of working-class education too often 'confounded a knowledge of useful things with useful knowledge.'[176] Woodward said that 'the methods of teaching were not always good; the average lecturer did not know how to explain his subject to an untrained student, and the lectures were not attractive to mechanics or factory hands tired after a long day's work. The institutes became centres of recreation for clerks, mechanics, and shopkeepers, and their educational side was limited to a few popular lectures.'[177] Despite their Radical origins, most Mechanics Institutes passed into the control of the masters, and while there were some local groups of workers who met for self-education it was not until 1903 that the Workers Educational Association was formed.[178] The Coventry Mechanics' Institute was established in 1828.[179] The Institute had a library, reading room, laboratory and classroom, where the working man might learn writing, arithmetic, geometry, geography and grammar at a cost of 2 shillings and sixpence a quarter. One of the main trades in Coventry was ribbon weaving, and to encourage the design skills needed in this industry the Coventry School of Design was opened in an old warehouse in 1843. In 1863 it become the School of Art and moved into a handsome new building.[180]

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175 Aspinall, *Brougham*, pp. 231-2. Ll. Woodward, *The Age of Reform, 1815-1870* (1938; Oxford, 1962), pp. 494-5.

176 W. Bagehot, *Biographical Studies* (quoting Hazlitt), cited in Woodward, *Age of Reform,* p. 14.

177 Woodward, *Age of Reform,* p. 495.

178 E. P. Thompson, *The Making of the English Working Class* (1963; Harmondsworth,1980), for Mechanics Institutes, pp. 817-8; for workers' self-education, reading groups etc., pp. 163-4, 169-70, 321-5, 740, 782-90, 798-9, 804-20, 842-5.

179 W. C. R. O., QS83/2/2, Registration of Friendly Societies: Laws of Coventry Mechanics Institute, 9 October 1843 (adopted by Special General Meeting, 5 October 1835; Society established 1828).

180 J. Dodge, *Silken Weave: A History of Ribbon Making in Coventry* (Coventry, 1988), no pagination. F. White & Co., *History and Antiquities of Coventry* (Sheffield, 1874), p. 88.

It was not only mechanics who required more vocational training. The first half of the nineteenth century saw the professionalisation of many careers, in regard to methods of appointment, self-regulation and training. This was especially the case in law, medicine and the church; other professions such as architecture and dentistry also became more established at this period.[181] While most of this activity could not be deemed charitable, and much of the training, either through pupillage or college education, was provided commercially, there were some voluntary and, indeed, charitable aspects. This is particularly true with regard to medical training. Through the efforts of W. Sands Cox, F.R.S., a medical school was opened in Birmingham in 1828. It had the support of other medical men of the town, and the school soon drew the attention of Dr. Samuel Warneford, a great benefactor of medical charities. Thanks to a generous donation by Dr. Warneford, the school expanded and was incorporated by Royal Charter in 1843 under the name Queen's College, preparing students for the degrees awarded by the University of London. In this guise it undertook general education in the arts, as well as legal, medical and theological training, the latter in a department of theology specially endowed by Dr. Warneford. The objects of the college included 'making students good Christians, as well as well-informed members of society, and able practitioners in law, medicine, architecture, and civil engineering.' Many benefactors endowed the college with professorships, prizes and medals, and the trustees actively solicited donations and annual

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W. C. R. O. QS83/2/79, Registration of Friendly Societies: Rules of the Government School of Design, Coventry, 28 April 1865.

181 F. M. L. Thompson, *The Rise of Respectable Society: A Social History of Victorian Britain, 1830-1900* (1988), p. 65; Woodward, *Age of Reform*, pp. 17-19, 618-21; for some comments on the training of clergymen see above, pp. 206-8.

subscriptions.[182] In contrast to the very Anglican cast of Queen's College, Mason College, generously endowed by Sir Josiah Mason, was to have 'no lectures, or teaching, or examinations' on theology. He also forbade all such on issues which 'for the time being shall be the subject of party political controversy.' While initially only envisaging a college which would be a centre of 'practical scientific knowledge', when Mason laid the foundation stone of his college in 1875 he was, in fact, laying the foundation of Birmingham University.[183]

This section has shown the great variety of charities for the advancement of education over the centuries. However, certain elements have remained constantly present, though with different emphases in different times and places. Religion was a persistent thread, although in many guises. It was variously an inspiration to founders of schools and schemes, an objective of education and a bone of contention between different denominations which was fought over in schools. Elements of social-control and the inculcation of good citizenship also played a part in the provision of education. This became particularly important with the extension of the franchise in the nineteenth century. To explore the inter-relationship of increased political pressure from the lower classes to improve educational opportunities and elite fears of an uneducated electorate is beyond the remit of a work on charities. However, that context must be borne in mind when seeking to understand the varying motives behind the establishment of educational charities and the various methods used in them. Although the nineteenth century placed a greater emphasis on vocational

182 Griffith, *History of the Free-Schools*, pp. 356-422.

training, that aspect was not entirely missing from earlier endowments of schools. Many early modern endowments were made by men who had made their fortune in the world and were concerned that the pupils should receive an education that would prepare them for business in this, as well as for heaven in the next, world. In the eighteenth century there was much debate about the wisdom of educating the lower orders beyond the rudiments of religion, and most vocational training consisted of no more than teaching girls to spin, knit and sew. However, the emphasis did shift towards a more comprehensive and practical education during the nineteenth century, with the state becoming increasingly involved in its provision and regulation. Yet the endowed and voluntary schools continued to flourish, and not everyone was convinced of the wisdom of compulsory education. A correspondent to the *Coleshill Chronicle* in 1879 said that:

> 'the education mania of the present day has now reached such an extent that we are afraid it will create a revulsion of feeling in the opposite direction ere long ... The way in which the compulsory clauses are put in force is, to our way of thinking, calculated to bring the law into contempt ... Need we wonder that the very name of education almost stinks in the nostrils of the poor and that the School board and its officers are looked upon in the same light as the Police-court or the Workhouse.'[184]

The next Saturday the following notice appeared, 'the Publisher of the *Chronicle* wishes to intimate that the leading article on this subject in last Saturday's paper was not from his pen.'[185]

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183 Owen, *Philanthropy*, pp. 412-3.
184 *Coleshill Chronicle*, 13 December 1879.
185 *Coleshill Chronicle*, 20 December 1879.

Chapter 6:

The Relief of Poverty and Objects of Public Utility

The Relief of Poverty

'The poor always ye have with you': the words of Jesus (John, 12.8) have echoed down the centuries. However, there have been various interpretations of what was meant by poverty and 'the poor'. The Poor Law Report of 1834 tried to do away with 'the mischievous ambiguity of the word *poor.*'[1] Even in the middle ages, as Miri Rubin has pointed out, there was an idea of relative as well as absolute poverty, and 'there were different definitions for religious, administrative and legal purposes.' Certain categories of people were recognised as being most likely to experience poverty and as most worthy of charity: 'people without family or friend, people who have lost the ability to work through accident, war or disease, old people, orphans, widows.'[2] These people were expected to act with appropriate meekness in return for succour. The definitions of who the poor *were* and how they should behave did not alter much over the centuries, but the understanding of *why* they were poor and what should be done about them did change. For long enough poverty was seen as a natural condition of life, ordained by God and, like lightening, smiting one rather than another, but generally inevitable. However, even in the middle ages there was an awareness that certain people brought some of their misfortunes on themselves, and this distinction between the idle and the working poor grew throughout the early modern period to its full flowering in the nineteenth century as the doctrine of the deserving and undeserving poor. Yet these attitudes were most strongly held by some people at a period in which others were arguing for economic causes of poverty that were beyond the control of individuals. The perception of poverty went through stages

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[1] G. Himmelfarb, *The De-moralization of Society: From Victorian Virtues to Modern Values* (1995), p. 141.

[2] M. Rubin, 'The poor', in R. Horrox, *Fifteenth-century Attitudes: Perceptions of Society in Late Medieval England* (Cambridge, 1994), pp. 169-182.

(often overlapping), it being seen variously as a mark of humility and therefore of spiritual wealth, as a sign of moral weakness in the individual poor person, or as an inherent failure in the economic system then prevailing.[3] It was a long step from the Biblical 'blessed are the poor in spirit' (Matthew 5.3) to the idea expressed by George Bernard Shaw in 1907 that 'the greatest of evils and the worst of crimes is poverty.'[4]

Changes in the understanding of the causes of poverty produced different strategies to deal with its effects.[5] The historiography of the poor law is enormous.[6] Charity cannot be viewed in complete isolation from statutory relief of the poor, especially as the debate on the poor law was so frequently joined by those active in philanthropic work. However, the bulk of this section will deal with the attempts of endowed and voluntary charities to ameliorate and mitigate the lot of the poor. For, from the late sixteenth century onwards, there were attempts not only to provide support for those fallen on hard times, but also to prevent people from falling into poverty in the first place. Charities concerned with poverty can be divided into two main categories, those which provided relief to the unemployed, the sick and impotent, the aged and bereaved, and those which sought to prevent such dependency by apprenticing, loans and make-work

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3 R. M. Hartwell and others (eds), *The Long Debate on Poverty* (1972); G. Himmelfarb, *The Idea of Poverty: England in the Early Industrial Age* (1984); *Poverty in the Victorian Age: Debates on the Issue from Nineteenth-century Critical Journals, with an introduction by A. W. Coats, vol. 3 Charity, 1815 –1870* (Farnborough, 1973).

4 G. B. Shaw, Preface to 'Major Barbara' (1907), in Shaw, *Prefaces* (1934), p. 118.

5 A. W. Coats, 'The relief of poverty: attitudes to labour and economic change in England, 1660-1782', *International Review of Social History*, 21 (1976), pp. 98-115; J. Innes, 'The 'mixed economy of welfare' in early modern England: assessments of the options from Hale to Malthus (c. 1683-1803)', in M. Daunton (ed.), *Charity, Self-interest and Welfare in the English Past* (1996), pp 139-80; J. R Poynter, *Society and Pauperism: English Ideas on Poor Relief, 1795-1834* (1969); M. Rose, 'The Poor Law and the historians: changing attitudes to relief in nineteenth-century England', in M. Chase (ed.), *The New Poor Law* (Middlesborough), 1985.

6 For an introduction to the topic: L. H. Lees, *The Solidarities of Strangers: The English Poor Laws and the People, 1700-1948* (Cambridge, 1998); J. D. Marshall, *The Old Poor Law, 1795-1834* (1968; 1985); P. Slack, *The English Poor Law, 1531-1782* (1990); M. E. Rose, *The English Poor Law, 1780-1930* (Newton Abbott, 1971).

schemes.[7] Certain types of activity were more favoured at one period than another, and some were more likely to be provided by voluntary rather than endowed charities. Charities for the relief of the poor were far more common than those which sought to prevent poverty, and they will be dealt with first.

The *Analytical Digest* listed 471 charities for the relief of the poor in Warwickshire. An indication of the main types of provision is given by the index in *Brougham.* There were 64 charities for almshouses and pensions, 84 distributing clothing, 151 for food doles (mostly bread), 64 fuel charities, 22 for the provision of housing or paying rent. The rest were for the general benefit of the poor. The same index gave an indication of the categories of recipient. Whilst the vast majority were for the poor generally, three specified poor labourers or artificers, one was for freemen of Coventry, two were for prisoners and one for travellers. Fourteen were specifically for children (not educational charities) and 81 were for widows.

Almshouses

Although not the most common form of relief, almshouses and their often uniformed inmates were one of the most visible aspects of charity to the poor. As institutions with permanent premises, and a picturesque aspect, they have had a fair share of attention from writers, especially writers of local histories.[8] They have tended to be dismissed by historians of welfare as being insignificant in their

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[7] As sickness was often a precipitating factor in causing poverty medical care could be regarded as part of the prevention of poverty. However, 'the provision of medical care for the sick is, in modern times, accepted as a public benefit suitable to attract the privileges given to charitable institutions', and it will be discussed in the section on public benefit. G. W. Keeton and L. A. Sheridan, *The Modern Law of Charities* (1962; Belfast, 1971), p. 114.

[8] B. Bailey, *Almshouses* (1988); R. M. Clay, *The Medieval Hospitals of England* (1909); W. H. Godfrey, *The English Almshouse* (1955); S. Heath, *Old English Houses of Alms* (1910). There have been many books on individual almshouses; Warwickshire studies include Coventry Church Charities, *'So Long as the World shall Endure': The Five-Hundred Years History of Bond's Hospital, Coventry* (Coventry, 1991); E. Gooder, *Temple Balsall: From Hospitallers to a Caring Community – 1322 to Modern Times (Chichester, 1999);* G. I MacFarquhar, *Leamington Hastings Almshouses and Poor's Plot, 1607-1982* (no place, n.d., c. 1984).

impact on poverty, although Alannah Tomkins has recently suggested that 'the availability of almshouse places nation-wide may have had a significant impact on the circumstances of poor people, particularly those on the margins of parochial relief.' [9] However, she admitted that they were unevenly distributed around the country and often had very few places available compared with the size of population. In the mid-eighteenth century York was unusual in having 147 almshouse places, which gave a ratio of 1 to 75 inhabitants. More usual were the cases of Salisbury, Shrewsbury and Gloucester with ratios of one to nearly 200 inhabitants. Birmingham, with its rapidly expanding population (over 40,000 by the 1770s) had only one almshouse.[10] In all, there were 25 trusts providing almshouses in Warwickshire by the 1820s. By then Birmingham had places for 112 people in three houses provided by Lench's Trust. There was another house, for ten people, in the neighbouring parish of Aston, rapidly becoming part of the urban conglomeration which is now Birmingham. Coventry had two houses, whereas Warwick, with a far smaller population, had five almshouses (including Lord Leicester's Hospital for old soldiers). Of the small towns, Alcester, Bedworth, Coleshill, Kenilworth, Nuneaton, Rugby (two), Stratford and Sutton Coldfield had almshouses. Rural parishes with almshouses were Temple Balsall, Coughton, Dunchurch, Leamington Hastings, Mancetter, Shustock and Stoneleigh.[11]

Some almshouses were the successors to medieval hospitals, establishments for the succour of the poor generally, not necessarily the ill. These were often attached to monasteries or guilds. Others were bede-houses, established to provide a body of people to say prayers for the soul of the donor for

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9 A. Tomkins, 'Traditional forms of voluntary charity: Oxford Almshouses in the mid-eighteenth century', unpub. paper, no pagination. I am grateful to Alannah Tomkins for sending me a copy of this paper.

10 Tomkins, 'Traditional forms'.

11 *Brougham,* pp. 6-7, 23, 44-47, 194, 201, 255, 327-8, 331, 335 424-5, 439, 491, 533-6 542-6, 568-70, 605, 683-4, 709-11, 722-5, 774, 785, 823-5, 885, 1041-2.

ever. Any parts of their endowments specifically relating to 'superstitious uses' were confiscated at the Reformation. Late medieval and Elizabethan legislation sought to encourage the foundation of almshouses and to secure their endowments. [12] The Hospitals for the Poor Act, 1597, made it easier to incorporate an almshouse, by enrolment of a deed in Chancery, rather than by obtaining a royal licence or Act of Parliament. The only requirement was that the almshouse so founded should have an endowment of at least £10 a year.[13] There were six pre-Reformation almshouses in Warwickshire which survived.[14] Another six were founded in the period 1551-1600, three in 1601-1650, four in 1651-1700, three in 1701-1750, none in 1751-1800, and one in 1801-1850; the origins of Nuneaton and Birmingham are unclear, but would appear to be before 1587 and 1691 respectively.[15] This is in line with the national pattern. The Rowntree Committee on Old People identified 55 almshouses founded in the period 1496-1595, 121 between 1596 and 1645, 99 between 1646 and 1695, 116 between 1696 and 1745 and 34 between 1746 and 1795.[16] This is more evidence that the early eighteenth century seems to have been a period of renewed charitable activity after a decline in the late seventeenth century. Although there were no new foundations in the second half of the eighteenth century there seems to have been increased interest in almshouses around 1800. Greyfriars Hospital, Coventry, benefited from the wills of William Edwards in 1789 and Mary Picken in 1797, and in 1808 Ann Scott gave Lench's Trust in Birmingham an endowment to produce £25 a year for the almspeople.[17] Lench's Trust had built new almshouses in Steelhouse Lane in

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12 2 Hen. V, c. 1; 14 Eliz. c 14.

13 39 Eliz. c. 5.

14 Stratford-upon-Avon, the almshouses attached to the guild, confirmed 1553; Saltisford and Westgate almshouses, Warwick, founded in the time of Henry I and as part of the Guild of St. George and Holy Trinity, according to Dugdale; Bond's Hospital (1506) and Greyfriars Hospital (1509), Coventry. *Brougham*, pp.44-47, 823-25, 885-900, 914-24. The almshouses at Coughton, supposedly established under the will of Sir Robert Throckmorton, were not endowed and were regarded as a private charity of the Throckmorton family. *Brougham*, p. 23.

15 *Brougham*, pp. 421, 533.

16 B. S. Rowntree, Chairman, *Old People: Report of a [Nuffield Foundation] Survey Committee* (Oxford, 1947), cited in Owen, *Philanthropy*, p. 74.

17 *Brougham* pp. 423, 921-2. L. J R. O. Will of William Edwards, proved 9 April 1790.

1764, accommodating 42 people. In 1801 more were built in Dudley Street, for 32, and in Park Street in 1815-16, for a further 38. Another set of almshouses was under construction in Hospital Street at the time of the Charity Commissioners' inquiry. The Commissioners approved of this use of the surplus income of Lench's Trust.[18] The 1802 Chancery Order regulating Sutton Coldfield Charities commanded ten almshouses to be built 'for the reception of reduced and meritorious inhabitants.'[19] Six of the other Warwickshire almshouses were substantially added to or entirely rebuilt in the first thirty years of the nineteenth century.[20] Others were endowed later in the nineteenth century, including almshouses for aged women, built by Sir Josiah Mason in 1868.[21] Some old cottages belonging to the parish of Berkeswell, used to house the poor, were transformed into purpose-built almshouses in the late nineteenth-century, and in 1905 Thomas Reynolds left £50, the interest to provide groceries for the poor in these almshouses.[22] The building of almshouses does not seem to have been an enterprise which attracted voluntary societies. Their approach to the care of the old was more usually in the form of visiting societies and pensions, such as the Society for the Relief of Aged Infirm Women, founded in Birmingham in 1825, which continued in existence until 1945.[23]

Almshouses, perhaps more than any other form of charity, tended to have very strict rules about who might benefit, and how the recipients should comport themselves. This included quiet and sober living combined with a deferential and grateful manner. Even though prayers for the dead might be no longer expected from the almspeople, religious regulations were often attached to residence.

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18 *Brougham,* pp. 436-7, 439.

19 *Brougham*, p. 605.

20 Coleshill, Coughton, Dunchurch, Kenilworth, Mancetter, Lawrence Sherriff in Rugby.

21 B. R. L. L41.31 31068 *Deed of Foundation of Josiah Mason's Orphan Asylum for Boys and Girls, and Almshouses for Aged Women* (Birmingham, 1869).

22 *V. C. H.* 4, p. 34. The almshouses are now known as 'The Flats.'

23 B. C. A. MS 886/1-6, Birmingham Society for the Relief of Aged Infirm Women, minute books, 1825-1945.

Ellborough's almspeople in Rugby attended daily prayers with the children of his school.[24] Weekly attendance at church was more usual, though at least the almspeople of Bond's Hospital, Coventry, were only 'marched to St. Michael's Church doorway, but as many of them are dissenters, those who choose are allowed to attend their own meeting.'[25] There does not seem to have been a Warwickshire foundation with such strict religious views as those expressed at Ridley's Almshouses, Bristol, which were for ten old people 'as are not nor ever have been Roman Catholics or inclined to be such.'[26] As well as strictures on the religious and daily behaviour of inmates, the rules were often very precise about the residential qualifications of who might enter. Most were for inhabitants, sometimes natives, of the parishes in which they were established. Lawrence Sherriff's almshouses were for people from Rugby and the hamlet of Brownsover, in equal numbers according to his will of 1567, but the Commissioners found nine from Rugby (out of a population of 2,500) and three from Brownsover (out of a population of less than 100).[27] Lord Leicester's Hospital for old soldiers took natives of the counties of Warwick and Gloucester, or those with four or fives years' residence. Those from Warwick, Kenilworth, Stratford-upon-Avon and the Gloucestershire lordships of Wootton–under-Edge and Arlingham, in that order, were given particular preference.[28] Eleven of the ordinary houses seem to have been for either men or women, a number taking married couples. Ford's Hospital, Coventry, was originally for men, but by the late eighteenth century only took women. Bond's Hospital, Coventry, Gramer's, Mancetter, and Lawrence Sherriff's, Rugby, were just for men. Eight were only for women, three

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24 *Brougham*, p. 722.

25 *Brougham*, p. 895.

26 B. H. St. John O'Neil, 'Ridley's Almshouses, Bristol', *Transactions of Bristol and Gloucestershire Archaeological Society* (1951), pp. 54-63, p. 55.

27 Similar arrangements obtained for Mancetter and the township of Atherstone, and Dunchurch and the hamlet of Thurlaston. *Brougham*, pp. 491, 709-11, 725.

28 *V.C.H.*, 7, p. 549; W. C. R. O. CR 1600/2, Founder's Statutes, 26 November 1585.

specifically for widows.[29] The Coleshill almshouse was unusual in that it was specifically for travellers (continuing the tradition of the medieval *hospitium*). This had been established by George Butler during his life and endowed under his will of 1591. It was rebuilt in the 1820s, and in one year sheltered 1,300 travellers.[30] There was also the Bablake Boys' Hospital, established in 1560 by citizens of Coventry, an early example of concerted voluntary action, and endowed in 1563 by Thomas Wheatley.[31]

Despite the requirement of the Act of 1597 that almshouses should have endowments with an income of at least £10, a number of benefactors continued to erect houses without providing any endowment for their upkeep, still less for the maintenance of the residents, which meant that many old and frail people lived very precariously in damp and unsuitable accommodation. When the Dunchurch almshouses had to be rebuilt in 1817 the cost of £130 could not be met without the imposition of a parish rate which raised £75. In addition the Duchess of Buccleuh (wife of the lord of the manor) gave the timber, bricks, slate and other materials.[32] In Warwick in 1850 a public appeal was made on behalf of the Saltisford Almshouses, and 'a trivial percentage has been suggested to be collected with the rate, so long only as the occasion requires, ... No one could question the fairness of this principle.'[33] The Kenilworth and Nuneaton almshouses had no endowment at all. Others, like those at Stoneleigh and Coughton, relied on the generosity of the lord of the manor to make up the shortfall. At the other end of the spectrum were the almshouses whose incomes far outstripped the needs of the inmates, causing scandal and adding fuel to the nineteenth-century agitation to reform

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29 Nicholas Eyffler is believed to have stipulated in 1591 that his almswomen should be four widows and four 'old maidens that have spent their youthful years in honest service, and should be past service.' *Brougham*, p. 787. Is this the first charity for servants?

30 *Brougham*, p. 568.

31 *Brougham*, p. 900.

32 *Brougham*, p. 710.

33 *Warwick Advertiser*, 17 August 1850.

endowed charities.[34] By the time of the Commission of inquiry the income at Bond's Hospital, Coventry, had increased to £1, 578 11s. 6d. in 1832, and it supported fifteen residents and thirty-one out-pensioners, all receiving 6s. a week.[35] In 1893 the Charity Commissioners stated that 'placing poor aged persons in under-endowed almshouses is not desirable and it should be the purpose of the poor Law and of the Endowed Charity to provide proper maintenance.'[36]

Where the almshouses were well-endowed, as at Bond's and Greyfriars Hospitals, their residents took no share in other parish charities.[37] However, at Stoneleigh, Stratford and Warwick the inmates regularly did so.[38] The residents of Eyffler's and Oken's almshouses in Warwick regularly received parish relief as well, and one must assume that in the least well-endowed hospitals this was often the case. Alannah Tomkins has found that some almsmen in Oxford received both regular and extraordinary parish relief during the eighteenth century. She has suggested that whereas elderly single women were regularly recipients of poor relief, men in similar circumstances were less likely to be so on a regular basis, at least until the 1790s:

> Therefore, although places in women's almshouses might all be taken by women who had never required any other form of charity or assistance, and may well have enjoyed higher status than parish widows, the two forms of welfare were catering for the same sort of need. In contrast, men's almshouses met needs much less often recognised by parishes. If almsmen were supposed to be disabled or incapacitated then the charity was treating the sort of people who formed a recognised if minority group among paupers. Where almshouses were aimed at aged but not necessarily incapable men, they potentially enabled beneficiaries to wind down from

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34 The most famous case, satirised by Trollope as 'Hiram's Hospital' in *The Warden* (1855), was the Hospital of St. Cross, Winchester. It had a long history of misappropriation of funds, and by the 1840s the Master was personally profiting by £1,200 a year. The Attorney-General instituted proceedings in 1849, and four years later judgement was given against him. Owen, *Philanthropy*, p. 196.

35 *Brougham*, p. 895. The pensions generally ranged from 2s. 6d. to 7s. a week.

36 *40th Annual Report of the Charity Commission* (1893-4), cited in D. Lee, 'The role of the Charity Commission in the development of charity law', (unpub. M.LL. thesis, University of Leeds, 1976), p. 21.

37 *Brougham*, pp. 895, 923.

38 *Brougham*, pp. 335-6, 47, 787-8, 823-5.

> full earning gradually, rather than dip in and out of destitution as their earning capacity fell away. Some charities specifically eased the transition from work to retirement [by permitting inmates] to continue their occupations so long as they did not cause annoyance to the other men. In other words, the charity was not necessarily picking up an intrinsically higher-status group than the people who eventually became paupers, but rather it might have picked people up at a much earlier point in their life-cycle.[39]

As mentioned above, some of the wealthiest almshouses, such as Bond's and Greyfriars, paid out-pensioners by the early nineteenth century. The Stratford almshouses had always had 24 people on the foundation, though only having accommodation for 22, for 'there are generally among them, two at least, who, from age and impotence, are better taken care of by their relations, than they would be if living alone in the almshouses.'[40] There were other charities which also paid regular pensions to a select handful of recipients, and many more which made periodic distributions of money or goods to the poor of the parish. The next section examines the value of these charities distributed to the poor not resident in institutions.

Charity and poor relief

It is instructive to compare the amount of this charity available for distribution with poor relief expenditure. Unfortunately because of the creation of poor law unions after 1834, it is sometimes difficult to ascertain later poor relief expenditure for the administrative units considered here. Therefore Table 6.1 only contains a comparison of figures for the period 1811-1837 for the twenty-three places which were analysed in Chapter 3.[41]

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39 Tomkins, 'Traditional forms.'

40 *Brougham*, p. 47.

41 That is, the poor relief expenditure averages 1816-21 as given in the Returns of 1822, the number of poor in 1815 as given in the Report on the Education of the Poor in 1819, the population in 1811 and the charity income discovered by the Commissioners between 1819 and 1837.

	Pop. 1811	N. poor 1815	Poor as % of 1811 Pop.	Av. Annual poor relief expenditure 1816-21 (£s)	Av. Poor relief per head of 1815 fig. (£s)	Charity for poor per head of 1815 fig. (£s)
Large Towns						
Birmingham	70,207	6,132	8.73	39,258	6.40	0.11
Coventry	18,328	816	4.45	13,420	16.45	0.99
Warwick	4,953	515	10.40	4,369	8.48	2.16
Average	31,163	2,488	7.98	19,016	7.64	0.35
Small Towns						
Alcester	1,862	122	6.55	1,098	9.00	1.10
Atherstone	2,921	193	6.61	1,662	8.61	0.10
Bedworth	2,794	225	8.05	1,710	7.60	0.09
Coleshill	1,639	164	10.01	1,011	6.16	0.11
Kenilworth	2,279	261	11.45	2,112	8.09	0.13
Nuneaton	4,947	357	7.22	3,524	9.87	0.03
Rugby	1,805	80	4.43	885	11.06	0.84
Solihull	2,581	297	11.51	2,327	7.84	0.20
Stratford-on-Avon	3,803	206	5.42	1,513	7.34	0.05
Sutton Coldfield	2,959	255	8.62	1,766	6.93	0.22
Average	2,759	216	7.83	1,761	8.15	0.20
Rural Parishes						
Berkeswell	1,263	97	7.68	794	8.19	0.41
Brailes	1,072	101	9.42	1,422	14.08	0.40
Burton Dassett	566	252	44.52	866	3.44	0.01
Coughton	792	93	11.74	297	3.19	0.10
Fillongley	875	72	8.23	935	12.99	0.44
Monk's Kirby	1,472	184	12.50	530	2.88	0.06
Napton	848	156	18.40	1,204	7.72	0.21
Polesworth	1,521	123	8.09	1,010	8.21	0.19
Stretton on Dunsmore	605	59	9.76	493	8.36	3.10
Tanworth	1,682	173	10.29	1,396	8.07	0.11
Average	1070	131	12.24	895	6.83	0.30

Table 6.1: Population, Paupers, Poor Relief and Charity, 1811-1821.
Source: *Education;* P.P. 1822 (556) V, 515 Returns of Poor Rates; *Analytical Digest* .

From this it will be seen that the average percentage of the population listed as poor in 1815 was higher in rural parishes than in urban ones (12.2% compared with 7.8% in small towns and 8.0% in large ones). As might be expected the average poor law expenditure for 1816-21 divided by the number of poor in 1815 was lowest in the rural areas (although the second highest expenditure in all places was £14.1 per person in Brailes). The small towns were more liberal than the large ones (£8.2 compared with £7.6), though the latter figure is increased by the remarkable generosity (or extravagant administration!) of Coventry, whose expenditure equates to £16.5 per 'poor' person. However, when the level of charity available for each of the poor is examined, the amount per head usually falls to fractions of pounds, down to a mere £0.01 at Burton Dassett.[42] However, another rural parish had the highest amount per head of poor in any category, £3.1 at Stretton on Dunsmore, making the rural average £0.3 (with the Stretton figure removed the average would be £0.16). The small market towns had an average of £0.2 charity per head of poor. The average for the large towns was £0.4, which masks the fact that the two ancient towns of Warwick and Coventry were sufficiently well endowed to give £2.2 and £0.99 per head to the poor. Birmingham, for all its wealthy school, hospital and almshouse endowments had only £0.11 available per head of poor in distributions of cash or kind. Clearly, poor relief expenditure was much more important in welfare provision than was charity. However, it must also be borne in mind that although these *per capita* figures seem insignificant they were not in reality evenly spread over the population. As Coats said, poor relief payments should be seen 'as marginal additions to income in an otherwise precarious or desperate situation.' He also makes the point that 'much voluntary charity was unrecorded, especially that associated with the cohesive and often paternalistic face-to-face relationships prevailing in rural communities.'[43] Another source of charitable distribution which

[42] The actual figures would have been fractionally lower, as the calculations have been done on the charity income, which does not allow for any administrative costs.

[43] A.W. Coats, 'The relief of poverty, pp. 98 – 115.

is often overlooked was the distribution of the sacrament money collected in church when Holy Communion was administered. Although communion was not taken as frequently in the eighteenth century as it was later, and the collections were often small, to those who received an occasional shilling it could make a difference to their budget.[44]

There was an inverse relationship between the percentage of the population categorised as poor and the levels of *per capita* poor rate expenditure. The higher the proportion of poor, the less was spent on them, but it was not the case that higher amounts of charity kept down the poor rate. In fact, most places with a low poor rate expenditure per head also had a very low level of charity per head. The three closed parishes had differing percentages of poor, two being below the rural average, and one, Burton Dassett, recording the extremely high level of 44.5%. Consistent with the trend for high levels of poor to go with low levels of *per capita* relief, Burton Dassett and Coughton both had a poor relief level less than half the average, while Berkeswell, with a below average percentage of poor had an above average rate. Burton Dassett and Coughton ranked tenth and seventh for their levels of charity available to the poor, although Berkeswell was third. Does this imply that the poor in closed parishes were likely to live a life of immiseration, or that they were supported by the personal charity of the lord of the manor, which has not survived in the historical record? There is a clear positive relationship between the total poor law expenditure and the total amount of charity for my sample settlements. The correlation coefficient is 0.569

[44] In 1801 Rev. Morley of Hampton Lucy used the sacrament money of Hampton Lucy to buy mutton for parishioners, but that collected at Wasperton was distributed in sums of 6d. or 1s.to a handful of female communicants and the bed-ridden Betty Wright. W.C.R.O. CR 22486, Diary of Rev. John Morley, 1801. At the end of the nineteenth century offertory collections were made for many charities, including the poor, local hospitals, and missionary societies. In Stretton-on-Dunsmore the largest collections were made at Harvest Festival for the Agricultural Benevolent Institution. W. C. R. O. DR 485/6, Stretton-on-Dunsmore Register of Services, 1893-1910.

(n = 23, p = .005). This is affected somewhat by urban outliers, but the relationship persists within subsets of the data, controlling for population size.

Some of these distributions of money were made on a regular basis, as pensions, but many of them, especially the distributions in kind, were made as doles at specified times of the year. An examination of the pattern and significance of the dates chosen will be made in Chapter 7. The name for these doles derives from the Old English, meaning a part or division, or someone's allotted share in something.[45] The sums distributed were usually in small amounts, and the goods were usually bread or clothing, though fuel, often in the form of coal, was also common, especially from the later eighteenth century. Monetary doles were usually in the range of 6d. to 3s. per person. The Charity Commissioners were often scathing in their comments about the pernicious effects of indiscriminate and paltry money distributions. As Owen said,

> 'they had been struck by their experience in such districts as the large parish in London where £200 was given away on certain fixed days in amounts of 1s. or 6d. a person. These doles, they reported, found their way without delay to neighbouring gin shops which regularly employed extra help for these bonanza days. In the North, they conceded, such funds had less disastrous results than in the South, for these were ordinarily distributed in larger amounts and with more careful scrutiny of the applicants.'[46]

Distributions in kind were viewed more favourably, although the real value of fuel, food and clothing to the poor is difficult to assess.[47]

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45 *O.E.D.* Already in Middle English it had the special meaning of charitable distributions. The term 'the dole' began to be used for relief payments to the unemployed in 1919.

46 Owen, *Philanthropy*, p. 196.

47 Many clothing charities and clothing clubs made strict rules that forbade the recipients from pawning or selling the items given. This may have been one motive for the placing of badges on the clothing of almspeople. See also W. C. R. O. DR 1133/7, Rules of Hampton Lucy Clothing Club, Rule 16.

Distributions in kind

There was considerable contemporary debate on the value to the poor of common rights extinguished by enclosure, which has been continued by historians.[48] With regard to the value of gathering fuel a wide range of factors needs to be considered – the types of fuel available and their relative calorific values and the time and effort expended in gathering them, the availability and cost of purchased fuel, and the availability of employment sufficiently well paid for such purchases to be made. Contemporary estimates for the cost of having to buy fuel rather than gather it for a poor family varied widely. In the 1790s the Rev. David Davies of Barkham in Berkshire suggested that a family could cut enough fuel for a year in one week, but that it would cost anything from £1 15s. to £4 3s. a year to purchase, which was about one-tenth of the annual income of a labourer.[49] In 1844 a Mr. Keen, giving evidence to the Committee on Commons' Inclosure, reported that the average annual expenditure on fuel of a cottager with a four-roomed dwelling in Godalming, Surrey (enclosed 35 years previously) was £3 12s. 4d. This was based on an estimate of two tons of coal at £1 12s. a ton and a hundred faggots at £1 0s. 10d. a hundred, recouping 12s. 6d. by selling the ash to a farmer. In other parts of the country coal was more generally available at £1 a ton and faggots at 12s. a hundred, so that the average cost of a year's fuel would be £2 10s.[50] This latter evidence points out that coal varied enormously in cost around the country, and according to the time of year, depending on the proximity of the coal fields. Before the advent of canals, coal was carried by pack horse or

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48 J. Neeson, *Commoners: Common Rights, Enclosure and Social Change in England, 1700-1820* (Cambridge, 1993), p. 15.

49 Neeson, *Commoners* p. 165.

50 J. Humphries, 'Enclosure, common rights and women: the proletarianisation of families in the late eighteenth and early nineteenth centuries', *Journal of Economic History* 50 (1990), pp. 32-3.

mule, severely limiting its distribution and keeping the cost high. By the 1860s it was 70% cheaper to move coal by rail than canal.[51] Although the availability of coal was increasing and its cost diminishing, it was not always the most suitable form of fuel.[52] It would not burn well on the simple hearths under a wide chimney which were still common in cottages in the late eighteenth and early nineteenth centuries – iron grates and tall narrow chimneys were necessary, but expensive to acquire. There were other factors to consider in the relative merits of coal and wood fires – despite being so much cheaper, wood has a lesser calorific value (3.5) than coal (6.9) and requires much more constant attention and stoking. However, it is a cleaner fuel to handle and burn, and the ash could be used (or sold) for agricultural and industrial purposes.[53] Furze or gorse, one of the most commonly used fuels of the poor, has similar properties to wood, but must have been particularly unpleasant to gather and bring home on one's back. One cannot help wondering whether the women and children, who had the main responsibility of supplying the hearth, were not sometimes relieved at no longer having to go and cut furze, but to have an annual delivery from the coal charity.

In the index to *Brougham* there were references to 64 fuel charities. Only 16 of these were fuel allotments created as a direct result of enclosure of the

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51 C. Davidson, *A Woman's Work is Never Done: A History of Housework in the British Isles, 1650-1950* (1983), pp. 87, 90.

52 Wood, furze and coal were the most common fuels, but dung was used extensively in some parts of the country during the eighteenth century, notably in Yorkshire and some eastern counties, Devon, Cornwall and North Wales. It has a higher calorific value than wood (4.0 compared to 3.5), but using it for fuel obviates its use as fertiliser. Land stewards in the early eighteenth century were advised 'to narrowly watch and observe that the Tenants do not gather Cowdung together on heaps, in order first to dry it, and then to burn it, as is too frequently practis'd, both in York-shire and Lincoln-shire, where Fuel is something scarce, to the no small prejudice of the Farm.' Davidson, *A Woman's Work*, p. 77; E. Lawrence, *The Duty of a Steward to his Lord* (1727; Farnborough, 1971), p. 29.

53 Davidson, *A Woman's Work*, pp. 90-100.

common fields.[54] However, coal funds often appeared soon after enclosure, and Joan Lane noticed that the overseers of the poor at Butler's Marston began to make poor law payments for fuel within two years of enclosure.[55] Many of these coal funds were the application of existing general funds for the poor to the distribution of coal, either free, or at a subsidised cost. One such charity was that created by Henry Archer, M.P. for Warwick. In 1764 he left £500 'for the best advantage of the poor.' The money was placed in the hands of the Earl of Warwick, who paid four per cent interest on it, voluntarily raising the rate to five per cent in 1783. In that year the Earl's brother, Charles Greville, gave a further £18 10s. to the fund. The interest was used to purchase coal cheaply in the summer, to be sold at half price in the winter, parishioners of St. Nicholas being permitted to purchase one hundredweight or two hundredweight for a family, while those of St. Mary's were allowed between one and three hundredweight depending on the size of their families. Only those not receiving relief were eligible.[56] In Napton the income from the fuel allotment was combined with the general charity of Thomas Meddoms to create the coal charity, 'which is conceived in the parish to be a more beneficial and judicious mode of applying the charity than a distribution of money.'[57]

Clothing was also often given instead of money, though during the nineteenth century there was a shift in emphasis from clothing doles to encouraging the poor to procure their own clothing, either through clothing clubs

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54 Appendix 1 and pp. 109-22 above.

55 Humphries, 'Enclosure', p. 34; J. Lane, 'Administration of the Poor Law in Butler's Marston, Warwickshire, 1713-1822 (unpub. M.A. dissertation, University of Wales, Cardiff, 1970), p. 19.

56 *Brougham*, pp. 764-6.

57 *Brougham*, p. 204.

or work groups encouraging needlework skills. The index to *Brougham* listed 70 charities distributing clothing, eight for shoes and stockings and six for blankets. The distribution of clothing by private individuals was a very common form of charity, though now impossible to quantify. The passing on of cast-off clothing to servants should not be seen as charity, however, but as part of the customary system of payments and vails to which servants felt they had a right.[58] Not all clothing given to the poor by individuals was second-hand: the clothes-making activities of the Anglican and the Catholic Needlework Guilds in the later nineteenth century have already been mentioned.[59] Many of the Mothers' Meetings of this period encouraged the making of clothes by giving instruction and help with needlework, as well as by supplying cheap material.[60]

In the index to *Brougham* there were 151 charities dispensing food, mostly bread, but some corn or flour and five meat. Of the 137 which were bread doles, some were distributed weekly, but many were only given on one or two specified days in the year, and could not have played a significant part in anyone's economy. While bread was the staple food of the poor, it also had a symbolic value which in these cases probably outweighed its calorific value. Doles of money, coal, clothing and food continued to be distributed, and occasionally still endowed, throughout the nineteenth century, though there was increasing criticism of them and their 'baleful influence.'[61] In 1875 the Charity Commission recommended legislation to allow applying dole funds 'to improved eleemosynary purposes including the establishment of pensions.' Despite abortive bills in 1878, 1881 and 1883, the Commission did its best, despite much local opposition, to use the powers of cy-près to concentrate the funds of outmoded doles upon the relief

58 P. Linebaugh, *The London Hanged: Crime and Civil Society in the Eighteenth Century* (1991), pp. 253-4.

59 See p. 150, n. 40 above.

60 F. K. Prochaska, 'A mother's country: Mothers' Meetings and family welfare in Britain, 1850-1950', *History*, 74 (1989), pp. 379-99.

61 *Report of the Charity Commissioners* (1868-9), quoted in Keeton and Sheridan, *Modern Law of Charities*, p. 168

of the aged poor. In its 40th *Report* in 1893 it was able to register some success, saying that 'a system of pensions has been established in many parishes throughout the country' and that 'an improved system of administration, when once established, is mostly free from friction and discontent.'[62]

Distress funds

It also became increasingly apparent that the endowed dole and pension funds could not contend with endemic poverty exacerbated by down-turns in the trade cycle or prolonged periods of bad weather. During the eighteenth century the responses to such crises were usually the imposition of lower prices for bread by Justices of the Peace sympathetic to the sufferings of the people, which were often visibly displayed in bread riots.[63] Towards the end of the century things began to change. Voluntary distress funds and soup kitchens were seen to be a palliative, if not a solution, to the problem of sudden poverty.

The poor harvests of the late 1790s combined with the distortions of a war economy to cause severe distress.[64] This was also the period during which Count Rumford was disseminating his ideas on nutrition (unfortunately disastrously wrong), and it was then that the first soup kitchens began to appear.[65] Between December 1797 and May 1798 the Birmingham Soup Shop sold 52,824 quarts of soup, with a large slice of bread, for 1d. a quart. The committee estimated that the true cost was 2d. a helping, 'so that the Poor bought for One Penny what cost

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62 D. Lee, ' The role of the Charity Commissioners', pp. 23-4.

63 Thompson, *Making of the English Working Class*, pp. 67-73; E. P. Thompson, 'The moral economy of the English crowd in the eighteenth century', *P.&P.* 50 (1971), pp. 76-136.

64 R. A. Wells, *Wretched Faces: Famine in Wartime England, 1793-1801* Gloucester, 1988).

65 'Count Rumford claimed that the inhabitants of Munich House of Industry were 'adequately nourished' for two farthings a day, on a diet of 7 oz. rye bread and a helping of soup prepared from peas, barley and bread cuttings. From the quantities he gives it is a simple matter to calculate that the diet would have provided rather less than 1,000 calories. Men and women could not have lived for any length of time on such a diet, and at the same time performed the manual work which the House of Industry demanded.' J. C. Drummond and A. Wilbraham, *The Englishman's Food: A History of Five Centuries of English Diet* (1939; revised with a new chapter by Dorothy Hollingsworth, 1957), pp. 257-8.

Twopence, besides having the Advantage of Good Cooking', for, as they noted 'much depends on having a good cook.' The shop opened again on 3 November 1798 and printed appeals were circulated seeking subscriptions. Charles Lloyd was a supporter, though there is irony in that the letter he sent to his cousin Richard Gurney about it, began with the words 'we thank thee for a fine brace of pheasant which were very acceptable.'[66] Voluntary efforts continued to support the soup shop every winter, but in 1820 a local paper reported that:

> 'the relief afforded by the Soup Establishment in Edmund Street, at this inclement season, is so great, that we cannot help expressing some regret that means have not been taken to extend the benefit ... It is not by means of voluntary contributions that a scheme, which shall embrace a large scale and a permanent object, can be accomplished. The most generous dispositions may be worn out by incessant appeals to their humanity. At the same time it would be unjust to tax the benevolent too heavily, which we fear is the case in these times. We therefore recommend that the Soup Establishments be supported for the future out of the poor rates; and that instead of one, there should be several, which would prevent the pressure that now takes place.[67]

By 1829 there were indeed several soup establishments around Birmingham, but whether they received any rate support is unclear.[68] It was not just in large towns that soup kitchens were deployed. Between 1840 and 1851 the Stretton-on-Dunsmore Poor's Plot Charity spent an average of £9 18s. a year on soup, which was prepared in a large copper for which they had paid £4 4s. 6 ½. in 1840.[69] The Stratford-upon-Avon Nursing Institute provided outdoor relief in the

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66 B. C. A. MS 2038/1, Letter of Charles Lloyd, 8 December 1798 enclosing leaflet for Soup Kitchen.

67 Birmingham paper, quoted in *Warwick Advertiser,* 22 January 1820.

68 *Aris' Birmingham Gazette*, quoted in *Warwick Advertiser*, 1820. Joanna Innes has made the point that the crises which precipitated such wide-spread distress pressed hard on the poorer rate-payers, too: 'by raising relief funds on a voluntary basis, elite groups *de facto* shifted towards more progressive forms of taxation, but because they did not institutionalise these, left the way open for a return to the fiscal *status quo ante* when the crisis had passed.' She suggested that emergency funds of this sort also did not 'undermine the self-respect of those who had never yet applied for parish relief' and served to 'encourage the poor to regard the better-off with gratitude in times that might otherwise have disposed them to discontent.' J. Innes, 'The 'mixed economy of welfare'', p. 146.

69 W. C. R. O. CR 700/1, Account Book of Stretton-on-Dunsmore Coal Charity, 1840-60.

form of a soup kitchen held in the Town Hall. Unfortunately its operation had to be suspended during a severe frost during the winter of 1871 because it interfered with the arrangements for the Hunt Ball![70] In the winter of 1885/6 in Kineton 480 gallons of soup were sold.[71]

The nineteenth century was punctuated by periods of extreme distress, though often with local or trade-specific patterns operating within the broader national trends.[72] These periods evoked philanthropic responses as well as political and economic debates. The years following the end of the Napoleonic Wars were ones of severe distress throughout the country, and Coventry and Birmingham suffered particularly hard. The arms industries of Birmingham had done well during the war, and so had the more peaceful trade of ribbon-making in Coventry, benefiting from the lack of continental competition. The end of the war brought decreased demand for the one and increased competition for the other; both resulted in unemployment.[73] In 1817 £3,300 was raised for the weavers of Coventry, and other appeals were made throughout the 1820s. The Coventry weavers experienced slumps in 1837, 1841, 1847 and 1855, during which subscription funds were raised in the city, involving the support of all denominations and political shades, the sympathy for the weavers being general. The bulk of the funds raised were distributed in bread, to those not receiving parish relief.[74] The Poor Law had been fairly generously administered under the

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70 N. Fogg, *Stratford-upon-Avon: Portrait of a Town* (Chichester, 1986), p. 171.

71 W. C. R. O. DR220/37, Kineton *Parish Magazine*, 1886.

72 W. W. Rostow, 'Cycles in the British economy, 1790-1914', in D. Aldcroft and P. Fearon (eds), *British Economic Fluctuations, 1790-1939* (1972), pp. 74-96.

73 E. Hopkins, 'The Birmingham economy during the Revolutionary and Napoleonic Wars, 1793-1815', *Midland History,* 23 (1998), pp. 105-20; P. Searby, 'Weavers and Freemen in Coventry, 1820-1861' (unpub. PhD. thesis, University of Warwick, 1972), pp. 32-45.

74 Searby, 'Weavers and freemen', pp. 436-39

local act of 1801, but after the Poor Law Committee issued General Orders to Coventry in January 1844 much stiffer restrictions were put upon the payment of out-relief.[75] The distribution of charity also underwent a tightening in the mid-century, and in the 1855 crisis, as Searby found, 'for the first time a precise scale of relief was drawn up. Those whose earnings totalled less than 1s. 6d. a week for each adult and 6d. for each child were given 3 lbs. of bread per day for each adult and 1 lb. for each child. Those whose earnings were greater, up to a maximum for eligibility of 3s. for each adult and 1s. for each child, were given proportionately less.'[76] The grave crisis of 1860-63, precipitated by disputes with the factory masters over piece rates in the late 1850s and the Cobden-Chevalier Treaty of 1860, produced a far poorer response. The distress fund only raised about one twentieth of the amount collected in 1817. Searby said that 'the Cobden–Chevalier treaty of 1860 was a moral earthquake: it dislodged old loyalties, old attitudes, old compassions in the city. Inhabitants who had previously subscribed so generously to support unemployed weavers now argued that weavers had to be prepared to accept lower remuneration than the list of prices stipulated.'[77] The Weavers' Strike Committee in 1860 organised their own relief fund, receiving subscriptions not only from sympathetic weavers in Congleton (£50) and the Amalgamated Union of Engineers (£50), but also 'a few watchmakers in Spon Street' (£ 1 1s.) and even Sir Joseph Paxton (£50).[78]

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75 P. Searby, 'The relief of the poor in Coventry, 1830-1863', *Historical Journal*, 20 (1977), pp. 345-61; Searby, 'Weavers and freemen', pp. 413, 430.

76 Searby, 'Weavers and freemen', p. 438.

77 Searby, 'Weavers and freemen', p. 439.

78 C. A. A. 174/1, Weavers' Strike Committee Minutes, 1860.

The Prevention of Poverty

Although the poor law could not prevent poverty and, as Clarkson put it, 'public and private charity together can have made only a little impact on poverty in pre-industrial England', there were attempts to stop individuals from becoming dependent on relief.[79] Apart from legislative and administrative action against begging and idleness, there were positive measures to prevent individuals from falling into unemployment and want. As with other aspects of social welfare, these took the form of a mixture of legislative, private and charitable initiatives. The late Elizabethan legislation on the poor laws and on charities authorised schemes to set the poor on work, and such enterprises were undertaken by some early seventeenth-century 'projectors', though with limited success. At the same time endowments were made for apprenticing the children of the poor, and many of the school endowments of this period can also be seen in the light of providing young people (particularly boys) with a good start in life. In the late seventeenth century concerns were once again being expressed about the numbers of idle poor and some blame was attached to the parish poor relief system for supporting idle paupers, or even creating poverty. Some critics felt that better regulation of poor relief, especially the setting up of Corporations of the Poor, with authority to erect workhouses, would be the answer. Others thought that less rate-funded relief was the answer, and that the poor should rely on charity.[80] By the mid-1710s there were a hundred parochial workhouses and by 1777 there were 1,916, mostly founded in the first half of the century.[81] However, the workhouse system of compulsion and enforced labour was only one route that could be taken. During the eighteenth century many preachers suggested that voluntary charities 'could

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79 L. A. Clarkson, *The Pre-Industrial Economy in England, 1500-1750* (1971), pp. 171-2, 232.

80 Innes, 'The 'mixed economy of welfare'', pp. 149-53; T. Hitchcock, 'Paupers and preachers: the S. P. C. K. and the parochial workhouse movement', in L. Davison, T. Hitchcock, T. Keirn, R. B. Shoemaker (eds), *Stilling the Grumbling Hive: The Response to Social and Economic Problems in England, 1689-1730* (New York, 1992), pp. 145-66.

81 Hitchcock, 'Paupers and preachers', p. 144.

helpfully play a prophylactic function, helping to keep people off relief rolls – by, for example, educating them when young into habits of self-reliance and industry, or helping them to recover their health in the aftermath of accident or sickness.'[82] It is this 'prophylactic function' which will be discussed here, looking specifically at apprenticing charities, work schemes and registries, and emigration. Loan charities were also a measure to establish new tradesmen or to support those experiencing temporary difficulties, but as they have been discussed in Chapter 3 no more will be said here.[83]

Apprenticeship

Apprenticeship, which had its origins in the rules of the medieval craft guilds, was, as Joan Lane has recently written, 'for some three centuries, a method of technical training that included the wealthiest to the poorest child, the grandest to the humblest occupation, which survived in spite of abuses, criticism and economic changes, to be finally overturned only by educational reforms in the twentieth century.'[84] It was regulated by Tudor legislation, including the Poor Law Acts which specifically encouraged the binding of poor children at the expense of the parishes.[85] By the late eighteenth century this practice, as likewise the system of apprenticeship itself, was brought into disrepute by the shipping of 'cartloads' of very young children to work in factories, often far from their native parish.[86] An Act of 1610 was designed to regulate the charitable endowments made for binding out apprentices.[87] This stated that 'unless otherwise ordered by the giver ... all corporations of cities, boroughs, and towns corporate, and in places not corporate, the minister, constables, churchwardens, overseers, or the most part of them, shall have the nomination and placing of such apprentices, and

82 Innes, 'The 'mixed economy of welfare'', p. 156.
83 See pp. 126-9 above.
84 J. Lane, *Apprenticeship in England, 1600-1914* (1996), p. 31.
85 5 Eliz. I c. 4, Statute of Artificers; 39 Eliz. I c. 3; 43 Eliz. I c. 2.
86 Lane, *Apprenticeship*, p. 1.
87 7 Jac. I c. 3.

ordering of such money.'[88] In fact, a number of apprenticing charities, especially in rural parishes, had private trustees. However, the number of children who were apprenticed by charities rather than by their parents or by the officers of the poor law was quite small, even though the survival of charity apprenticeship papers (like that for pauper apprentices) is usually considerably greater than for private apprenticeships.[89] Examination of *Brougham* indicates that there were 59 active apprenticing charities in Warwickshire, with concentrations in the towns, although 21 rural parishes also had apprenticing charities.[90] Warwick was best served, with ten apprenticing charities, Coventry had four and Birmingham three.[91]

Like other endowed charities whose objects were superseded by changes in the economy and in society, apprenticing charities faced two main problems in the centuries under consideration: decreasing income and the withering of the objects for which they were founded.[92] The income of some of the smaller endowments, especially those based on rent charges, did not keep pace with the increase in the cost of premiums.[93] There was also a decrease in the number of

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88 R. Burn, *The Justice of the Peace and Parish Officer*, 4 vols (nineteenth edn, 1800), 1, pp. 90-91; Jordan, *Philanthropy*, p. 116.

89 Lane, *Apprenticeship*, pp. 81-2. K. D. M. Snell, *Annals of the Labouring Poor: Social Change and Agrarian England, 1660-1900* (Cambridge, 1985), p. 278.

90 Four apprenticing charities mentioned were lost: Dorman Curry's for Coughton, and those of John Duckett, William Stanley and William Drax in Coventry. *Brougham*, pp. 22, 945, 967-8, 969. In some cases the funds of general charities were applied to apprenticing, as in Austrey, Baginton, Leamington Hastings and Rowington. *Brougham*, pp. 655, 676, 201, 142. In Alcester the apprenticing charities of Brandis, Yarnold and Renolds were combined as one. *Brougham,* pp. 8-12.

91 *Brougham*, for Warwick, pp. 754, 790, 793-4, 797, 799, 800-803, 820, 825, 829, 831; for Coventry, pp. 903, 945, 965, 969, 976-8, 980, 982; for Birmingham, pp. 403, 410, 411, 441, 444-5.

92 In Dunchurch the Commissioners of Inquiry found that 'previous to 1811 there were few applications for apprenticeships, and more than two boys were never put out in any one year; even two could not always be found' and the trustees applied the income to the use of the school. *Brougham,* p. 707.

93 The premium was a sum of money paid on behalf of the apprentice (by parents, poor law or charity) to the master at the outset of the apprenticeship. Although the origins of premiums are unclear, their payment was commonplace by the mid-seventeenth century, and they were taxed by 8 Anne c. 9, Stamp Act, 1709 (although pauper and charity apprenticeship premiums were exempt). The range in value of premiums was huge, with high status occupations with good prospects (legal and medical occupations and wholesale merchants especially) commanding large sums of money. Lane, *Apprenticeship*, pp. 19-25.

occupations offering apprenticeships which fulfilled the original intention of regulating the numbers entering a trade and ensuring that those who did so were suitably skilled. As charted by Keith Snell and Joan Lane, the system of apprenticeship underwent a decline in its economic usefulness and social status from the second half of the eighteenth century, to face sustained attack in the early nineteenth century, leading to the revocation of the apprenticeship clauses of the Statute of Artificers, 1563, in 1814.[94] However, apprenticeship as a system of training did continue throughout the nineteenth century, and the endowed charities, by the terms of their foundation deeds, were obliged to continue to pay premiums for apprentices, unless they obtained Charity Commission Schemes to enlarge their objects. A number of late nineteenth-century schemes enabled trustees of apprenticing charities to assist with the training and employment of young people in a variety of ways, including by supplying work-related clothing and tools.[95]

The main period for endowing apprenticeship charities was between the late-seventeenth and the early eighteenth centuries. Of the 57 Warwickshire dated endowments which mention apprenticing as one of their objects, twelve were founded before 1680 and only eight after 1730. In the period 1681-1730 there were 37: nine in 1681-90, six in 1691-1700, seven in 1701-10, six in 1711-20, and nine in 1721-30.[96] Interestingly, the earliest recorded was in 1523, when Thomas Bennitt and John Copp gave a small parcel of land to the parish of Wroxall, the

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[94] 54 Geo. III c. 96; Lane, *Apprenticeship*, pp. 1-8, 241-47; Snell, *Annals*, pp. 228-69; K. D. M. Snell, 'The apprenticeship system in British history: the fragmentation of a cultural institution', *History of Education*, 25 (1996), pp. 303-21.

[95] A. Sturley, 'The Warwick Apprenticing Charities', p. 2, unpub. typescript (1997). Mr. Sturley is a trustee of the Warwick Apprenticing Charities, which comprise the charities of Sir Thomas Puckering, John Hadley, George Webb, Richard Lane and Sir Thomas Delves, combined by order and scheme of the Charity Commission, dated 28 November 1930. I am grateful to him for supplying me with a copy of his brief account of the Warwick Apprenticing Charities.

[96] This period included the 1694 Chancery decree which regulated the corporation and endowments of Nuneaton grammar school, which identified apprenticeship as a use to which the funds could be put. *Brougham*, pp 521-28.

Wroxall, the produce of which was to be used for apprenticing poor children. The land produced £3 a year in 1786, which was used for apprenticing. The charity is still in existence.[97] There appears to have been some interest in apprenticing charities in the 1630s, with three bequests in Coventry and one in Warwick.[98] Also in Warwick in 1638 the Chancery decree regulating the King Henry VIII estate stipulated that part of the residue of the income should be used for apprenticing poor children.[99] In 1826 the Charity Commissioners felt that this 'may have been rendered unnecessary by the number of other charities in the place appropriated to that purpose.'[100] The only endowments after 1750 were two in Sutton Coldfield, one in 1762 and one in 1808.[101] Then, in 1828 a deed of trust was enrolled in chancery embodying the charities of Wriothesley and Noel Digby for the boys' school in Meriden. Wriothesley Digby, in his will drawn up in 1820, left 4 canal shares, supplemented by two canal shares given by Noel Digby in 1827. The dividends of the shares were to clothe twelve boys annually, give hats and shoes to another twelve and any surplus was to be used for apprenticeship premiums. In the four years prior to the Charity Commissioners' inquiry twelve boys had been apprenticed.[102] Links between educational and apprenticing charities were quite common, even before the application of small parish charity funds to educational uses by Charity Commission schemes.

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97 *Gilbert; Brougham*, p. 147; W. C. R. O. QS 69/1 ff. 15-16, Registration of charitable estates, 1813; CR 2668/1, Trust deed, 1844, with early 16th c. memorandum; CR 2249/176/1, Accounts, 1901-54.

98 In Coventry in 1632 Isaac Walden endowed a charity to provide the preaching of three sermons and the apprenticing of boys from Bablake Hospital. In 1638 William Stanley left £100 to apprentice ten boys, though not forming an endowment. *Brougham*, pp. 965, 945 In Warwick Sir Thomas Puckering endowed an apprenticing charity in 1633. *Brougham*, pp. 790-93.

99 *Brougham*, pp. 753-4.

100 *Brougham*, p. 759.

101 In his will dated 21 September 1808 John Hackett gave a rent charge of £3 to supplement that given by his uncle John Addyes in 1762, both to be used for apprenticing. The Commissioners discovered that Mr. Francis Beynon Hackett, who owned both properties so charged, administered the charities, nominating two apprentices each year. *Brougham*, pp. 632-3.

102 *Brougham*, pp. 643-5.

Joan Lane has suggested that charity apprentices fared better during their indentured time than many pauper children, because 'they had been prepared for apprenticeship by a charity school education, so that they were both literate and used to discipline.'[103] She also suggested that charity apprentices brought with them a slightly higher premium than parish ones, which might have disposed masters to better treatment of them.[104] The fact that charity children were often from a more 'respectable' section of the poor, frequently being the orphans of tradesmen in the towns, may also have improved their status in the eyes of their masters. If they were bound in their own or near-by parish the oversight of trustees and family might also have protected them from abuse. The level of premium payable by charities was generally quite low, and would not have enabled children to enter the better trades. At the time of the Charity Commissioners' inquiry the average charity premium was about £5, sometimes supplemented by payments from the parish, as at Brailes, or by the parents, as at Stretton-on-Dunsmore.[105]

The two apprenticing charities in Stretton-on Dunsmore show the way in which the nature of the endowment affected the future fortunes of a charity. In 1687 Elizabeth Taylor left all her property to her brother William Herbert, subject to a rent charge of £3 payable every seventh year, for apprenticing a poor child. The rent charge continued to be paid throughout the nineteenth century, though frequently in arrears (in 1880 £9 was paid, representing payments due in 1862, 1869 and 1876), which made it very difficult for the trustees, the churchwardens in this case, to administer the charity efficiently. In 1861 they had advanced £3, making a premium of £6, when they bound John Collett; the next time they were able to indenture an apprentice was in 1881, when they advanced £5 to make a

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103 Lane, *Apprenticeship*, pp. 89-90.

104 Lane, *Apprenticeship*, p. 89.

105 *Brougham,* pp. 310, 734. Simmonds Charity in Atherstone put out 11 apprentices in 1833, ten with premiums of 30s. and one of only 10s. *Brougham*, p. 984.

£10 premium to bind Joseph Hobday to a shoemaker. The last apprentice during the period under consideration was in 1898 when Elizabeth Ward, deaf and dumb, was 'to go to Mrs. Bennett to learn dressmaking for two years. Mrs. Bennett to be paid £1 per quarter.'[106] William Herbert, on the other hand, left land in his will dated 1694. This increased in value to such an extent that the income was used to support the village school, established in 1786, and meant that above average premiums could be paid with charity apprentices, both boys and girls. For example, in 1815 Henry Webb was apprenticed to a cordwainer with £15; the following year Ann Tew was apprenticed with £11 for one year to learn dressmaking with another Ann Tew, spinster, of Warwick; in 1827 John Woodfield was apprenticed to Edward Pershore, grocer of Warwick, with £30.[107]

Usually the terms of these apprenticing charities were fairly general, saying that the youngsters should 'be put to some useful trade.' However, some donors made specific directions, such as that the child might, or might not, be apprenticed to his own parents, or that he should be apprenticed outside his own parish, or sometimes within it.[108] This was probably influenced by the implications of the laws of settlement, which meant that serving a full legal apprenticeship in a parish gave one a legal settlement and so the right to relief from that parish.[109] More usual were directions as to where the child should come from – usually a single parish, or group of contiguous parishes. Sometimes the parishes of benefit might be in different counties, wherever the donor had estates,

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106 *Brougham*, p. 736; W. C. R. O. DR 154/7, Stretton-on-Dunsmore Churchwardens' Accounts, 1807-1897, DR 485, Stretton-on-Dunsmore Bread and Small Charities' Accounts, 1895-1946.

107 *Brougham*, p. 736; W. C. R. O. CR 700/9-10, Herbert Charity accounts, 1787-1895, CR 700/15, Herbert Charity indentures, 1802-50;

108 Lane, *Apprenticeship*, pp. 90-92. The Commission of Inquiry found that in Coventry the Samuel Collins charity apprentices were 'almost always [bound] to their fathers; so that the premium amounts in fact merely to a donation to the parent.' *Brougham*, p. 984.

109 Snell, 'Apprenticeship system, pp. 308-10; P. Styles, 'The evolution of the law of settlement', in P. Styles, *Studies in Seventeenth-century West Midlands History* (1978), pp. 175-204; M. E. Rose, 'Settlement, removal and the new poor law', in D. Fraser (ed.), *The New Poor Law in the Nineteenth Century* (1976), pp. 25-43.

as was the case with Thomas Moncke's charity, endowed in 1713 to benefit the parishes of Austrey in Warwickshire, Shenton and Wightwick in Leicestershire and Measham in Derbyshire. Apprenticing poor children of these parishes was just one of the charitable objects specified. By 1831 only boys in Austrey and Wightwick were being regularly apprenticed (with premiums of £10), and by 1867 the Austrey money was spent on education (£45) and distributions of money (£5).[110] Other stipulations might regard the child himself, such as Lady Bridgeman's charity in Castle Bromwich, which gave preference to a child who could say the catechism.[111]

Charles Wilson felt that 'the educational and training schemes' of the late seventeenth century 'had a real value, but their effects were slower to make themselves felt' than the relief charities.[112] Certainly apprenticing charities can have had little effect on the overall levels of unemployment and poverty, though, no doubt, being of considerable benefit in many individual cases. In the late seventeenth century some political arithmeticians, as Donna Andrews put it, thought that 'since lack of employment was rooted in contingent and changeable economic circumstances rather than in the eternal nature of things, this kind of poverty was merely accidental and could be overcome by social action. Thus, for most of the poor, justice came to mean the provision of employment. Charity, in contrast, now consisted of acts of grace toward the poor and needy, which, unlike acts of justice, were totally voluntary and nonobligatory.'[113] A few people tried to combine charity with justice, by providing work for the poor, especially by furnishing stocks of materials on which the poor could work, but this aspect of their endowments was not complied with for long. In Warwickshire there were

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110 *Gilbert;* W. C. R. O. QS 69/ f. 1 Enrolment of charity estates; *Brougham*, pp. 652-4; *Supplementary Inquiry.*

111 *Brougham*, p. 560.

112 C. H. Wilson, *England's Apprenticeship, 1603-1763* (Cambridge, 1965), p. 235.

113 D. T. Andrew, *Philanthropy and Police: London Charity in the Eighteenth Century* (Princeton, 19), pp. 197-8

four endowments for this purpose. In 1642 William Randoll had left money to buy land to benefit the towns of Preston (Northamptonshire), Banbury (Oxfordshire) and Henley-in-Arden (Warwickshire), the latter two towns having to use the profits to purchase stock 'to set their poor on work.' A deed poll dated 20 June 1700 recited that since the land had been purchased the rents 'had been employed for the greatest part ... in setting out poor children ... apprentices, which had proved very beneficial to the said inhabitants.'[114] Two of the other three endowments, all dating between 1690 and 1712, included 'setting the poor on work' as one of their possible objectives, though the income does not seem to have been used in this way.[115] Lady Bridgeman's charity stipulated that the residue of the income could be used 'in buying tools or other materials to set to work one or more indigent tradesmen of the said hamlet, who were not well able to provide the same for themselves, such persons to be preferred who were put out apprentices by the said charity in case they behaved well, and no one person to have above the sum of 40s.'[116] This was occasionally done.

Training and servants' registries

Towards the end of the eighteenth century, with the development of political economy, the understanding of the nature of unemployment and its place in the national economy began to change, though not everyone was in agreement. Donna Andrew wrote that 'on the theoretical side, the only area of agreement was on the impropriety of providing employment for the poor ... Most philanthropists agreed that guaranteed relief and care in an institution like the workhouse would increase the total burden of poor relief, harm the national economy, and ruin the labourer's character.'[117] Some historians might disagree with this statement; but it does seem to be true that those philanthropic endowments and organisations

114 *Brougham*, pp 86-8.

115 Fentham's charity, Birmingham established 1690 and Thomas Everitt's charity, Coleshill. *Brougham*, pp.403, 578-81.

116 *Brougham*, p. 561.

117 Andrew, *Philanthropy and Police*, p. 155.

which concerned themselves with work tended to concentrate on the training of the young through practical experience of work in asylums and schools. In the metropolis institutions such as the Female Asylum in Lambeth took in destitute girls, maintained them while young, gave them rudimentary training through work, and found them situations when old enough to leave.[118] The governors of the Foundling Hospital had already, in 1753, converted one of their kitchens into a shop 'where the children might work in public for all passers-by to see the virtue and utility of the experiment.'[119] This emphasis on rescuing and training young people became more pronounced in the nineteenth century, with its fears of a teeming criminal underclass, and the discipline of work was part of the reformatory school movement's panoply of remedies.

In Birmingham the Dissenting Charity School was established in 1760, by 'benevolent founders [who] proposed to themselves to establish a 'Working School for Poor Children', where as many poor children, from any locality and of any religious denomination, as its funds could provide for, should be boarded, clothed and educated.'[120] Many institutions of this sort tried to cover at least some of their costs by taking in outside work, though few were very successful and relied heavily on subscriptions and bequests. Even the London Philanthropic, one of the more efficient, only derived 22% of its income in 1798 from the work of its children. It made so much partly because it then had more boys in its care than girls, and they could be put to more profitable work, such 'as carpentry, brick-laying, shoemaking and tailoring, as well as the operation of the printing press for which the Philanthropic Society was to become famous', rather than the 'notoriously overstocked and badly paid' occupations of spinning, weaving, sewing, knitting and washing to which girls were generally put.[121] In Birmingham,

118 Andrew, *Philanthropy and Police,* pp. 115-19.
119 Andrew, *Philanthropy and Police*, pp. 62-3.
120 G. Griffith, *History of the Freeschools, Colleges, Hospitals, and Asylums of Birmingham and their Fulfilment* (1861), p. 133.
121 Andrew, *Philanthropy and Police,* p. 185.

the Dissenting Charity School only took girls after 1813, and in 1861 it was recorded that

> sewing and knitting are taken in to be done by the girls, who make all their own clothes, and perform all of the household work; no servant is kept, an assistant washerwoman being the only help that is ever employed; so that these 'poor girls', beside being well instructed in school, are taught, as far as is possible in such an institution, the duties of domestic servants.[122]

The school thus met with what Lord Brougham

> has noticed as among the special wants of the age. In a speech delivered in Liverpool, and reported in the *Birmingham Journal* of November 7, 1857, Lord Brougham remarks. – 'I only wish it were possible that I saw any immediate prospect of any kind of school for the benefit of persons of humble rank, to be taught, not needlework or embroidery, or arts of that description – things useful enough in their own way – but ordinary, common things; so as to qualify girls for being domestic servants ... they would obviate that universal complaint, both in town and country, the difficulty of obtaining domestic servants; and prevent that great source of immorality of young women in London and elsewhere, which Mr. Acton has so justly, and without the slightest exaggeration, described.'[123]

The training of boys in useful trades, or placing them in the navy as the Marine Society did, was seen to benefit not only the individual child, but also to increase the general prosperity of the nation, at the same time as relieving it of a drain on the poor rates. By the late nineteenth century some organisations were at pains to ensure that boys were not placed in 'blind-alley jobs.' Similar concerns were much more rarely expressed about girls, and they often continued to be trained for little else than domestic service until the end of the century, and indeed beyond.[124] It was felt that such training not only equipped them for employment, but fitted them for their domestic roles later in life should they marry. Whatever the benefit to the girls, the middle-class patrons of such training establishments were also aware of the benefit of improving the supply of well-trained domestic servants for themselves. This motive also informed the number of domestic

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122 Griffith, *History of the Free-schools*, pp. 133-4

123 Griffith, *History of the Free-schools*, pp. 133-4.

124 F. K. Prochaska, 'Female philanthropy and domestic service in England', *Bulletin of the Institute of Historical Research*, 54 (1981), pp. 79-85.

employment agencies which were run on philanthropic lines, often in conjunction with hostels for female servants 'between situations', such as the Servants Home earlier established in Leamington Spa in 1840.[125] Denominational loyalties informed even this aspect of philanthropy, and in 1846 the 'Catholic Institute for Domestic Servants' was established in Portman Square, London. In 1860 it advertised its services, and the fact that it was patronised by 'the Clergy, Nobility, Gentry etc.'[126] It did not seem to provide lodgings for servants, but later in the century the Catholic Girls Society had a hostel at 3 Trafalgar Square, Chelsea. The objects of this society were '1. To afford to Catholic servants a safe and comfortable lodging when out of a situation; 2. To give them an opportunity of hearing of good situations; 3. To bring them into relations with those interested in their welfare.'[127]

In 1886 the Birmingham Catholic Girls Aid Society was established by a committee of twelve women 'to promote the interests of our friendless Catholic girls.' The first annual report stated that 'the object of this Society is to find situations for young girls; to watch over their interests while out in situations; and, above all, to encourage them to go to Mass and frequent the Sacraments.' Very soon the ladies' involvement with working girls led them to realise the difficulties faced by girls who were without work or without homes. In 1890 they opened a temporary night shelter in Shadwell Street, central Birmingham, under the shadow of St. Chad's Cathedral. They began to make plans to open a working girls hostel, which was to be staffed by three Sisters of Charity of St. Vincent de Paul, and which was to be open to girls of all creeds. Miss Weld-Blundell, of Blundell Sands, had secured an income of £110 a year for the maintenance of the Sisters,

125 R. Hopper, *The History of Leamington Priors: From the Earliest Records to the Year 1842* (Leamington, 1842), pp. 87-8. In the mid-nineteenth century 'the increase and encouragement of good servants' was deemed charitable in law. *Loscombe* v. *Wintringham* (1850), 13 Beav. 87. Keeton and Sheridan, *Modern Law of Charities*, p. 132, n. 4.

126 *Catholic Directory*, 1860, p. 246.

127 *Catholic Directory*, 1890, p. 450.

and the Society pledged to find another £110 a year to pay for the rent, taxes, fuel and daily expenses. On this basis St. Anthony's Home was opened in 1895, being a home for working girls, those temporarily out of a situation, a servants' registry and a training workshop for young girls. The committee hoped that the young girls going there to be trained for domestic service would stay for about two years, as 'their characters have to be formed and solidly trained; often enough their whole idea of living has not only to be changed, but thoroughly reformed.'[128] The work of the Catholic Girls Aid Society was prompted by the same sort of moral concerns as those which motivated the Protestant Ladies' Association for the Care and Protection of Young Girls.[129] Although not explicitly expressed, much of this concern centred on the fear that unsupported girls would fall into prostitution.

Emigration

When all else failed to solve the problem of the increasing numbers of the poor, emigration was seen as the answer. This movement began in the seventeenth century, with the sending of indentured servants to the new colonies in the Americas. In the early nineteenth century, with fears mounting about the increasing cost of the poor rates, the emigration of paupers seemed an ideal solution. Not only would their departure relieve the ratepayer of a burden, if they went to the under-populated British colonies in Australia and Canada, they would be able to expand the productivity of those areas, swelling the supply of grain to Britain. As Robert Torrens wrote in 1817, 'the amount of the Poor Rates would afford an infallible barometer for determining whether emigration to the colonies was going too slowly or too fast.' He also saw emigration as a 'safety valve to the political machine ... the hive contains more than it can support; and if it be not permitted to swarm, the excess must either perish of famine, or be destroyed by

128 B. R. L. 14006, Catholic Girls Aid Society, *Annual Reports*, 1887-1915.

129 P. Bartley, 'Preventing prostitution: the Ladies' Association for the Care and Protection of Young Girls in Birmingham, 1887-1914', *Women's History Review*, 7 (1998), pp. 37-60.

internal contests for food.'[130] Such systematic expulsion of the poor labourers as was proposed by some writers was not, in fact, undertaken, although there is evidence of poor law payments covering the cost of emigration.[131] It is now impossible to tell what level of coercion was used to induce the labourers to go. Many did go willingly, although they made the decision in the light of dire poverty at home, and welcomed, even expected, the help of the poor law officers. Charles Blunn, who emigrated from Warwick to New York in 1829, wrote to his brother, 'give my kind love to my wife and children and tell them that Mr. Shaw [William Shaw, Assistant Overseer of the Poor] will pay thear [sic] passage over if the [sic] have a mind to come.'[132]

Many people scraped together their fares themselves, or were helped by family and friends, or by wealthy patrons. From the 1830s philanthropic societies assisted with emigration, which was encouraged throughout the rest of the century.[133] The publicity for these organisations made clear the benefits to the individual migrant, the host colony and the home country. In 1833 the Emigration Committee, based at the erstwhile Refuge for the Destitute at 18 Aldermansbury, London, circulated all the 'Clergy, Magistrates, and other influential Persons in the Kingdom', enclosing a copy of their 'Notice to Young Women desirous of bettering their condition by an Emigration to New South Wales.' The notice pointed out that 'in New South Wales and in Van Diemen's Land there are very

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130 R. Torrens, *A Paper on the Means of Reducing the Poor's Rates, and of Affording Effectual and Permanent Relief to the Labouring classes* (1817), pp. 521, 524-5, cited in Snell, *Annals*, pp. 111-2. Snell listed several other publications on emigration schemes to reduce the rates, T. P. MacQueen, *Thoughts and Suggestions on the Present Condition of the Country* (1830) and MacQueen, *The State of the Nation at the close of 1830* (1831); R. F., *Observations on Pauperism* (1832), Anon, *Emigration and the Condition of the Labouring Poor* (Colchester, 1832), Snell, *Annals*, p. 112 n. 25.

131 A clause in the Poor Law Amendment Act, 1834, allowed the use of Poor Rates to assist emigration.

132 W. C. R. O. DR 126/719/16/C, Letter from Charles Blunn, 9 February 1830. She did not go to America, but had a child with another man in Warwick, which is why his letter survives with her settlement examination.

133 In the 1850s emigration was promoted by trades unions as a way to relieve unemployment. Canon J. Bennett, *Fr. Nugent of Liverpool* (2nd edn, Liverpool, 1993), p. 94.

few Women compared with the whole number of People', and encouraged young women to come forward for an assisted passage. The accompanying letter pointed out that the women would be

> benefited morally, because they enter a state of Society where, instead of the cruel temptations of destitution, they feel all those inducements attending good conduct, in a condition where it can scarcely fail to lead to respectable employment or to a prosperous marriage. Besides these advantages to the Females themselves, this Country gains by a relief from persons who could only be an expence at Home; the Colony gains by the acquisition of persons much wanted there. Thus, in the Emigration of young Women in poor circumstances to New South Wales or Van Dieman's Land, there is not one party to the transaction who is not largely benefited.[134]

During the 1850s the Church Penitentiary Association promoted a scheme for the emigration of 'fallen women.', while in the 1860s the Female Middle Class Emigration Society was active in emigration to Canada.[135] In 1886 the Charity Organisation Society formed an Emigration Committee, which joined forces with the East End Emigration Fund in 1890.[136] Periods of economic crisis increased the activity of Emigration Societies, so that the Coventry Emigration Committee, of which Lord Leigh was chairman, was particularly active during the ribbon-trade crisis of the early 1860s.[137] The small town of Bedworth was also badly hit by the 'Ribbon Famine', and had an active Emigration Committee. On 31 January 1862 'at six o'clock a large crowd assembled to witness the departure of forty-five emigrants on their way to Western Australia. It was a scene of peculiar interest;

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134 W. C. R. O. 583/98/1-2, Copy of printed notice and printed letter from the Emigration Committee, London, 19 January 1833.

135 M. P. Hall and I. V. Howe, *The Church in Social Work: A Study of Moral Welfare Work undertaken by the Church of England* (1965), p. 19; K. Heasman, *Evangelicals in Action: An Appraisal of their Social Work in the Victorian Era* (1962), p. 102

136 C. S. Mowat, *The Charity Organisation Society, 1869-1913, its Ideas and Work* (1961), pp. 89-90.

137 Lord Leigh also established Leigh Mills in Coventry, 'to provide alternative employment during this period of industrial distress.' N. Hampson, 'William Henry, 2nd Baron Leigh

these people were leaving their homes and their native land, not by choice but by necessity, cast out, as it were because the land would no longer maintain them.'[138] The Committee seemed only to assist people born in Bedworth, and so the vicar's daughter, Nona Bellairs, took pity on the family of John Tibballs, shoemaker, helping them to emigrate in July 1861. She later recorded, 'I had a little fund, collected from friends for the most needy cases, and with this I found the father work till I could arrange for their emigration.'[139] Over the next three years she helped a number of families to emigrate, and published two pamphlets on the subject. One, published on 11 February 1862, took the form of a letter to the people of Bedworth, reminding them of their hopeless condition and encouraging them to emigrate with the phrase 'starving in Bedworth will not pay the loan.'[140]

At first the emphasis was on migrating adults or whole families. From the mid-nineteenth century the emphasis shifted towards the migration of children.[141] The Children's Friend Society had tried a scheme to train boys and send them to the Cape and Canada in the 1830s, but with little success.[142] It was the work of two female evangelicals, Maria Rye and Annie MacPherson which started the flood of child migrants which was to flow out of Britain's workhouses and orphanages in the final decades of the nineteenth century. Maria Rye gave workhouse girls three months training at her Little Gutter Girls Home in Peckham, then settled them in Canada. This work was carried on by the Waifs and Strays

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of Stoneleigh, 1824-1905: A paternalist philanthropist' (unpub. M.A. dissertation, University of Warwick, 1998), pp. 18-19.

138 *The Guardian*, 5 February 1862, quoted in T. Davis, *The Ribbon Famine Letters* (Bedworth, 1998), p. 10.

139 T. Davis, *Starving in Bedworth will not pay the Loan: The Bellairs Family and their Contribution during the Ribbon Famine* (Coventry, 1990), pp. 26-7.

140 Davis, *Starving in Bedworth*, p. 26.

141 E. Hadley, 'Natives in a strange land: the philanthropic discourse of juvenile emigration in mid-nineteenth-century England', *Victorian Studies*, 33 (1990), pp. 411-39.

142 E. Bradlow, 'The Children's Friend Society at the Cape of Good Hope', *Victorian Studies,* 27 (1984), pp. 155-77 ; P. Horn, *Children's Work and Welfare, 1780-1880s* (1994), p. 69.

Society after 1896. Annie MacPherson also arranged an initial period of training at her Home of Industry in London, before arranging apprenticeship or adoption for the children in Canada. She drew members of her family into her work, and made contact with many others working in the field of child migration, acting as the placing agency in Canada for many homes and asylums in Britain.[143] Grave concerns were voiced about the methods employed by these two ladies in placing their young charges in homes in Canada. A Local Government Inspector, Mr. Doyle, was sent to investigate, and produced a damning report. Poor Law Agencies were alerted to the dangers, though many voluntary societies blithely continued to use Miss MacPherson as an agent until the end of the century.[144] The Middlemore Emigration Homes in Birmingham were among the very few emigration societies of any size which had no connection with the MacPhersons.[145] Kathleen Heasman noted that the Catholic Emigration Society was started at the suggestion of two members of the committee of the Liverpool Sheltering Homes, established by Miss MacPherson's sister, Mrs. Birt in 1873.[146] However, Fr. Nugent had independently taken the first party of Catholic children to Canada in 1870, and Fr. Nugent's biographer stated that 'Mrs. Birt's Homes, in Myrtle Street, ... were regarded by Catholics for many years as a proselytising agency.'[147] The diocese of Westminster established a Canadian Catholic Emigration Committee in 1874, but it was not until 1903 that a branch was established in the diocese of Birmingham.[148] However, a few boys resident in the St. Paul's Roman Catholic Poor Law School at Coleshill had been sent to Canada during the 1890s. At least one of them, Henry Goodwin, was paid for by the St.

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143 Heasman, *Evangelicals in Action,* p.p. 102-5.

144 V.A. M 'Clelland, 'The making of young imperialists: Rev. Thomas Seddon, Lord Archibald Douglas and the resettling of British Catholic Orphans in Canada.', *Recusant History*, 19 (1988-9), pp.513-4.

145 Heasman, *Evangelicals in Action* p. 105. B. C. A. MS 517/1-475, Records of Middlemore Children" Emigration Homes and Crowley Orphanage, 1869-1971.

146 Heasman, *Evangelicals in Action* p. 105.

147 Bennet, *Fr. Nugent*, p. 95.

148 B. A. A., *Almanack and Directory of the Diocese of Birmingham*, 1904, p. 97.

Vincent de Paul Society.[149] When the various Catholic emigration societies amalgamated in 1904 to form the Catholic Emigration Association, it was the Administrator of the Boys' Home at Coleshill, Fr. George Hudson, who became first treasurer and then secretary. Thereafter all the administration of Catholic emigration from England and Wales was done from Coleshill until it ceased in 1956.[150]

The combined efforts of charities to relieve poverty and those which attempted to prevent it were small in comparison to the magnitude of the problem. Although no doubt useful in individual cases, they alone could not affect the social and economic structures which created poverty. However, by stepping into the interstices of the formal poor law they helped to push forward the boundaries of welfare provision, indicating services which were later provided by the rates. Their example, especially that of the voluntary societies which responded to changing situations in a more flexible way, served as a moral example to others.

Objects of Public Utility

This brief final section will comment on the great variety of charitable objects which might be classed as of general public utility. For all the scope of such a heading, the number of charitable trusts for these purposes was very small in comparison with the numbers of those for the advancement of religion and education, and for the relief of poverty. This heading can also be used to categorise certain institutions which, although not charitable in law, are comprehended in the wider definition of charitable work which has been used throughout this discussion. Returning to the preamble to the Charitable Trusts Act, 1601, which provided the framework for all later charity legislation, we find that the enumeration of possible charitable trusts included those for 'repaire of

149 Father Hudson's Society, St. Paul's Admission and Discharge Register, 1884-1899, f. 155.

150 S. M. Pinches, *Fr. Hudson and his Society: A History, 1898-1998* (Birmingham, 1998), pp. 26-9, 37.

bridges, portes havens causewaies ... for reliefe or redemption of prisoners or captives, and for aide or ease of any poore inhabitantes concerning paymente of fifteenes, setting out of souldiers or other taxes.'[151] Other trusts for the public good which were regarded as charitable included the provision and maintenance of water supplies, the improvement of towns and the promotion of trade and the general good of a locality, or even the whole country.[152] The index to *Brougham* listed 68 objects which could be put under this heading, and most of those were only one aspect of charities which had a number of objects. However it is instructive to examine the list, to see the range of activities which were felt to promote the common weal, or, in later parlance, to be of public benefit.

Roads and highways

The most numerous category was that for the maintenance of causeways, roads and highways, with 28 cases, increased to 32 if the maintenance of town streets and pavements is included. This was closely followed by endowments for the repair of bridges, with 23 endowments relating to 17 bridges. Some of these endowments were for the repair of any highways and bridges in certain parishes, others were for the maintenance of particular bridges, such as the bridge over the Avon at Stratford, built with a payment of £200 under Sir Hugh Clopton's will in 1496.[153] Higher up the Avon, in the parish of Stoneleigh, money was left in 1631

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151 43 Eliz. I c. 4.

152 Keeton and Sheridan, *Modern Law of Charities*, pp. 119-21, 123-4, 132-3.

153 The Commissioners of Inquiry discovered a number of rent charges, amounting to 16s. 11d. a year for the upkeep of this bridge, and that it was 'probable that some of these may have formed part of the guild estate.' The only rent charge for which they could find the origins was that of 5s. a year given by Mrs. Elizabeth Quiney in 1617. However, a case in the King's Bench in 1811 decided that the corporation 'was a corporation by prescription, and as such had been immemorially bound to repair the bridge; and that though the guild, out of their revenues, had repaired the bridge, this was only an ease to the corporation.' This was followed by an Act of Parliament in 1812 creating Commissioners to oversee the rebuilding and maintenance of the bridge, the corporation paying £30 a year towards the costs. *Brougham*, pp. 50-53. Sir Hugh Clopton, a native of Stratford-upon-Avon, became a mercer in London and served as Lord Mayor of the City in 1492. When he died in 1496 he made numerous bequests, including £200 for the bridge at Stratford. W. K. Jordan, *The Charities of London, 1480-1660: The Aspirations and Achievements of the Urban Society* (1960), pp.197, 324, n. 8.

for the repair of the wooden footbridges known as Hudson's Bridge and Stareton Bridge, so that the inhabitants of the hamlet of Stareton should always be able to get to the parish church in Stoneleigh village.[154] Many of these were very ancient endowments. The oldest in Warwickshire for which a foundation date is certain is Aliborne's Charity in Ladbroke, with a deed of trust dated 15 June 1483.[155] In the late eighteenth and early nineteenth-centuries other town improvements were allowed to be charitable, even 'where money was levied by rate under parliamentary authority, in aid of the pecuniary inability of the inhabitants to do so', as in the case of Brighton, which raised money for protecting the coast from the 'encroachment of the sea, any surplus being in aid of the rate for paving, lighting and watching the town.'[156]

No example of a charitable trust in conjunction with town improvements under parliamentary authority has yet been identified in Warwickshire, but there were three ancient endowments which supported the poor inhabitants paying fifteenths and subsidies (ancient taxes on movable property) in Sutton Coldfield, Willoughby and Wroxall.[157] When the trustees enrolled the details of the Wroxall charity at the Quarter Sessions in 1813 they stated that the objects of the charity were first to pay all reparations, chief rents, services, suits of court and suits in law on behalf of the inhabitants, then, if any money was left, 'to bear out the whole Inhabitants in Subsidies Fifteenths Setting out of soldiers and such other payments as shall be imposed ... otherwise the poorest Inhabitants are to be borne out first and if any money remains ... the Feoffees are to bestow it on such other charitable and godly uses as they shall think most necessary.'[158] When the

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154 When repairs were not necessary the trustees distributed the income of the charity to the poor. In 1822 they spent £29 1s. 6d. on a new wooden footbridge. *Brougham*, p. 342-3.

155 *Brougham*, p. 193. W. C. R. O. DR 85A, Aliborne's Charity, deeds and declarations of trust, 1451-1874.

156 Keeton and Sheridan, *Modern Law of Charities*, p. 123.

157 *Brougham*, pp. 596, 737, 144-7.

158 W. C. R. O. QS 69/1, Enrolment of Charity Estates, ff. 15-16. The trustees declared that they did not know the origins of this charity, but in 1786 it was stated that it had been endowed

Commissioners of Inquiry came they found that after any necessary repairs to the property forming the endowment 'the rest of the income is applied to the relief of the poor of the parish, by administering to their necessities in the various articles of clothing, fuel, house-rent, medical attendance in sickness, and others, as they from time to time arise', which could be interpreted as relieving the poor rates.[159]

Public amenities

The promotion of economic activity is a charitable use, although the advancement of individuals involved in a trade or profession is not, as it is not for the public good.[160] The encouragement of markets was one method employed in the early modern period for this end, and even the regulation of weights and measures. In 1802 the Chancery order regulating the Sutton Coldfield charity estate, established under Henry VIII, stipulated 'the warden being enjoined by the charter to see that the weights and measures are just within the parish, that there should be allowed for a weighing machine, for the use and benefit of the poor inhabitants, £173 14s; and for a salary for a person to attend on the same, £5 per annum.'[161] Sir Hugh Clopton's will in 1496 left £68 for the market cross at Stratford, and in 1591 Thomas Oken left 10s a year for maintaining the paving of the market place at Warwick, which was still being paid to this purpose in 1824.[162] In 1618 Sir Fulke Greville gave £300 to build a market house in Alcester, of

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in 1511 and 1516 by John Thurston, John Bennitt and Thomas Bennitt, the same man who endowed the apprenticing charity in 1523 mentioned above, p. 280. *Gilbert.*

159 *Brougham*, p. 146.

160 Keeton and Sheridan, *Modern Law of Charities*, p. 132.

161 *Brougham*, p. 605.

162 Jordan, *Charities of London*, p.197; *Brougham*, pp. 773-4, 782. Some of the income of the King Henry VIII charity estate in Warwick was also applied to lighting and paving the town, which were 'recognised as legitimate objects of expenditure by the Master of the Rolls in 1817, though a few years later the Commissioners of Inquiry felt that a little more attention might be paid to the regulatory decree of 13 Charles I, which said that the surplus income should be applied to 'the relief of poor and aged people in the town, and

which he was Lord of the Manor. Although there was no endowment with this benefaction, the Market House was of great benefit to the town, and served not only as a market place but also Town Hall, and was eventually conveyed to the ownership of the town to become the War Memorial Hall in 1919.[163] One modern example of the voluntary support of a market house is the case of Nuneaton, where school rooms and a market house, which was also used as the Town Hall, were erected in the 1820s.[164]

The provision of market halls and street-lighting and the maintenance of pavements and streets were partly expressions of urban pride, and were increasingly paid for by rates from the later eighteenth century. An even more basic amenity, the provision of clean water, received little attention from either philanthropists or local government until the nineteenth century. This was perhaps because of the seeming abundance and ubiquity of water in Great Britain. However, the collecting of water from wells and springs was one of the more onerous and time-consuming tasks which fell to women. Assuming an average amount of water per journey to have been three gallons, to fulfil the nineteenth-century sanitary reformer's ideal of 12 gallons per head per day, a woman 'supplying a family of six ... would have to make 24 journeys a day.'[165] Even in the early twentieth century it was not unusual to have to fetch water from a quarter of a mile away.[166] Small wonder that the reality fell far short of the ideal, especially in rural areas where the journey was often longer.[167] The supply of clean water was only slowly taken up by private companies and local government

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other religious good and charitable uses, tending to the general good of the town, and the ease of the inhabitants.' *Brougham*, pp. 755, 759.

163 *V. C. H.* , 3, p. 9; N. Pevsner and A. Wedgewood, *The Buildings of England: Warwickshire* (Harmondsworth, 1966), p. 60; Charity Commission file 503810.

164 W.C.R.O. CR3009/296-397, Nuneaton Sunday School and Market House records, 1817-85.

165 Davidson, *A Woman's Work*, p. 14.

166 Davidson, *A Woman's Work*, p. 9.

167 Davidson, *A Woman's Work*, p. 15.

in the nineteenth century, under the spur of cholera and typhus.[168] Occasionally in the distant past some benefactor had considered the supply of water as a public act of charity, as when one of the earls of Devon laid a water supply to run through the streets of Tiverton in the time of Henry III.[169] In Warwick, the wide-ranging beneficence of Thomas Oken included a payment for the upkeep of wells.[170] The only two rural endowments in Warwickshire concerning water supplies were rather more agricultural in their intent. In Napton the income of the Town Lands, held on trust 'for the benefit of all the inhabitants of the said town, about defraying of common and town-charges only, according as the major part of the inhabitants of the town should think necessary', was used in the eighteenth century 'for repairing the springs, watercourses, ponds and pools.' As this use was extinguished by the enclosure of the common fields in 1779, the income was thereafter used to support the National School and to supplement the fuel allotment charity.[171] In Snitterfield there was a charity for the maintenance of watering places for cattle.[172]

However, nineteenth-century sanitary reform eventually extended its reach into the rural areas, sometimes anticipated by philanthropic individuals. John Brace's study of the water supplies of five Warwickshire villages under the Burton Dassett hills gives a good indication of the mixture of individual action, private enterprise and even the use of endowed funds that was used to improve the water supply.[173] The first initiative was taken by the Rev. Charles Abel Heurtley when, soon after his appointment as vicar of Fenny Compton in 1840, he

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168 Davidson, *A Woman's Work*, pp. 28-32. For Birmingham's town water supply see A. Briggs, *Victorian Cities* (1963; Harmondsworth, 1968), pp. 223-6.

169 W. G. Hoskins, *Devon* (1954; Tiverton, 1992), p. 495.

170 *Brougham,* pp. 774, 782.

171 *Brougham*, pp. 201-2, 205.

172 *Brougham,* p. 42.

173 J. W. Brace, 'Seven Springs: water supplies to the Warwickshire villages of Knightcote, Northend, Fenny Compton, Avon Dassett and Burton Dassett', *Warwickshire Industrial Archaeology Society Occasional Papers*, 1 (Leamington Spa, 1997).

discovered that the open drain supplying the village was contaminated by human and animal waste. He raised a subscription of £87 15s. 3d., which paid for a covered drain to bring water from a spring above the village, with three pumps to draw water from the drain along its length. This voluntary enterprise was replaced by the Fenny Compton Water Company in 1866.[174] In neighbouring Knightcote and Northend the surplus income of the Kimbell charity was used about 1870 to install three water tanks over springs on the Burton Dassett hills, piping the water to stand-pipes in the two villages. The trustees of the charity continued to supply water until 1947, when their tanks and pipes were bought by Southam Rural District Council.[175] At Chadshunt it was not until the 1880s that moves were afoot to improve the water supply. In August 1885 the parish magazine made a plea for increased voluntary contributions as 'little practical progress has been made on this scheme since the offer of Mr. Bolton King of one half of the sum required, and that of £25 on the part of the squire, provided that the remainder be raised promptly by those interested.' The article went on to warn that 'the alternative is enforced measures, which means a water rate and the loss of the considerable sums mentioned.'[176] This seemed to have the desired effect, for in April 1886 the magazine was able to report that 'this long talked about improvement is at length accomplished fact, and pure and abundant water is already within the reach of all the village, whilst an extension is being made to Mr. Bolton King's new cottages, which will soon be in possession of the same great benefit.' The only sour note was that 'some mischievous children, it seems, succeeded in doing damage to the stand pipes, within a few hours of their being in working order.'[177]

The provision by charities of other public amenities, such as parks and gardens, meeting halls and museums, was more difficult, because 'the provision of

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174 Brace, 'Seven Springs', pp. 14, 19.
175 Brace, 'Seven Springs', pp. 3-4.
176 W. C. R. O. DR 220/36, Gaydon and Chadshunt *Parish Magazine*, August 1885.
177 W. C. R. O. DR 220/37, Gaydon and Chadshunt *Parish Magazine*, April 1886.

pleasure is not in itself a charitable activity, and recreation has only recently come to be viewed as a social necessity.'[178] However, despite the danger of being present-minded, village institutes, libraries, museums and botanical gardens may be included in this category.[179] As methods of promoting self-improvement and rational recreation they were seen as worthy objects of philanthropic endeavour, and absorbed much voluntary effort and expenditure.

Medical charities

Medical charities were closely linked with the relief of the poor, but modern legal interpretation sees them as being for the public benefit, rather than for the poor alone.[180] Throughout the period under consideration much medical care was provided by charitable or voluntary means. The rise of hospitals and dispensaries has been discussed in Chapter 4, so only some of the smaller charities will be discussed here. In the index to *Brougham* there were only thirteen endowments which provided medical care. A number of the almshouses made payments for a 'nurse' to attend the inmates, really what would be called a care attendant today.[181] Nine of these charities provided medical attendance and physic during illness, usually for the inhabitants of a parish.[182] However, the Wroxall charity also paid for medical attendance for the non-resident poor belonging to the parish.[183] Offalia Rawlins' charity in Coleshill only covered the cost of physic.[184] In 1777 John Knottesford left two hundred guineas to the Worcester Infirmary to ensure admittance for the inhabitants of Alveston, Tiddington and Studley.[185] The

178 Keeton and Sheridan, *Modern Law of Charities*, p. 91.

179 Although it could be argued they come under the advancement of education.

180 Keeton and Sheridan, *Modern Law of Charities*, pp. 114-17.

181 For example, the separate endowment for the maintenance of a nurse at the Lord Leicester Hospital, *Brougham*, p. 1059.

182 These charities were at Bedworth, Castle Bromwich (two endowments), Chilvers Coton, Coleshill, Leamington Hastings, Sutton Coldfield, Willoughby and Wroxhall. *Brougham*, pp. 687, 560, 562, 474, 576, 199, 605, 740, 145.

183 *Brougham*, p. 146.

184 *Brougham*, p. 576.

185 *Brougham*, pp. 18, 73. Many parishes also paid subscriptions to voluntary hospitals in the late eighteenth and early nineteenth centuries..

1802 regulation of the charity estate of Sutton Coldfield allowed for the payment for vaccination against smallpox.[186] The fight against smallpox involved medical controversy and the partisanship of medical practitioners, as well as the support of laymen, either through poor law payments for inoculation or philanthropic donations.[187] Sir Charles Shuckburgh M.D. (1722-73) was a firm believer in the benefits of inoculation, and wrote a pamphlet in its defence, *A Treatise upon the Inoculation of the Smallpox*.[188] Through his agent, Astley, he distributed money to pay for the inoculation of the poor on his Warwickshire estate.[189] Other members of the elite led by their example, and the Earl of Aylesford encouraged the practice by having his own children vaccinated, though two of them were also 'inoculated with the smallpox, at the distance of two years, after having had the cow-pock without effect.'[190]

The final two medical endowments listed in *Brougham* were for the provision of lying-in services to women, although in neither case was this the original purpose of the endowment.[191] The 1802 regulation of the Sutton Coldfield charity estate included the provision of lying-in care.[192] In Bedworth the trustees of the Nicholas Chamberlaine charity subscribed £10 a year to the Bedworth Lying-in Charity [193] Whereas childbirth had always been a private matter, during the mid-eighteenth century concern about the lack of sufficient population to sustain industry and promote the wealth of the nation, coupled with fears that

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186 *Brougham*, p. 605.

187 G. Miller, *The Adoption of Inoculation for Smallpox in England and France* (Philadelphia, 1957); P. E. Razzell, *The Conquest of Smallpox: The Impact of Inoculation on Smallpox Mortality in Eighteenth-Century Britain* (Firle, 1977); P. E. Razzell, *Edward Jenner's Cowpox Vaccine: The History of a Medical Myth* (Firle, 1980).

188 W. C. R. O. CR 1248 Box 51, Sir C. Shuckburgh, *A Treatise upon the Inoculation of the Smallpox* (n.d., c. 1770); R. Bearman (ed.), *The History of an English Borough: Stratford-upon-Avon, 1196-1996* (Stroud, 1997), p.134.

189 Bearman, *History of an English Borough*, p. 134.

190 *Warwick Advertiser*, 24 May 1834.

191 In 1847 Mary Herne bequeathed a rent charge of £2 a year to the Wolston Women's Clothing and the Childbed Linen Societies. *V. C. H.*, 6, p. 280.

192 *Brougham*, p. 605.

193 *Brougham*, p. 688.

there were not enough men to supply the army and the navy, brought the matter of childbirth and peri-natal deaths of mothers and children into the public domain. These fears led not only to the establishment of institutions for the care of orphans, but also for the provision of medical attendance to women in childbirth. The first Lying-in Hospital in Great Britain and Ireland was that in Dublin, established in 1745.[194] Within twenty years a number of Lying-in hospitals and maternity wards at general hospitals had been established in London.[195] Provincial initiatives were slower to arise; apart from the Princess Mary Maternity Hospital in Newcastle-upon-Tyne, founded in 1760, they were developments of the 1790s and later.[196] It was not until 1842 that Birmingham had a Lying-in Hospital, and that closed in 1868 because of the high levels of infection and mortality. The work of the charity was carried out by midwives in the homes of patients from 1868 until 1907, when a new Maternity Hospital and training school for midwives was opened.[197] The closure of the original hospital led to agitation for a specialist women's hospital, but it was not until 1871 that the Birmingham and Midland Hospital for Women was opened, 'exclusively for the reception and treatment of women afflicted with diseases peculiar to their sex.'[198]

The move to home care of women made by the Birmingham Lying-in charity had been anticipated in the 1750s in London.[199] Then there was criticism

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194 F. N. L. Poynter, *The Evolution of Hospitals in Britain* (1964), pp. 78-9. Similar concerns about infant mortality led to the founding of the *Société de Charité Maternelle* in Paris in 1788. S. Woolf, 'The *Société de Charité Maternelle*, 1788-1815', in J. Barry and C. Jones, *Medicine and Charity before the Welfare State* (1991), pp. 98-112.

195 Poynter, *Evolution of Hospitals*, pp. 79-86; Andrew, *Philanthropy and Police*, pp. 65-71. See also D. Andrew, 'Two medical charities in eighteenth-century London: the Lock Hospital and the Lying-in Charity for Married Women', in Barry and Jones, *Medicine and Charity,* pp. 82-97.

196 Poynter, *Evolution of Hospitals*, pp. 89-95.

197 Poynter, *Evolution of Hospitals*, p. 91; Anon., *Handbook of Birmingham prepared for the British Association* Birmingham 1886), pp. 87-8; B. C. A. HC/MH/1-7, Records of the Birmingham Lying-in Charity and Loveday Street Maternity Hospital, 1842-1926.

198 *Handbook of Birmingham,* p. 91; B. C. A. HC/WH/1-5, Records of the Birmingham and Midland Hospital for Women.

199 There was an earlier home-care Society for Administering Relief to Poor Lying-in Women in Birmingham. B. C. A. MS 954, minutes, 1813-28, 663720 [IR 14], minutes 1828-47.

of lying-in hospitals on a number of counts. They were accused of not relieving the worthiest of the poor, who would not deign to ask for help. They were also accused of being extravagant in their expenditure, thus spoiling the patients and perhaps even injuring their health by over indulgence. As a result, the Lying in Charity for Delivering Poor Married Women in their own Habitations was founded in 1757.[200] This claimed to be a more financially effective method of proceeding, and that the benefits of keeping the mother at home were numerous, and included restraining 'the husband's Extravagances, perhaps his Debaucheries' and the preservation of 'that Order, Harmony and Industry, which the Presence of the Wife is found to keep up in the Families of the Poor.'[201] This form of providing help to women in childbirth was more readily adopted in the provinces than the expensive hospital model. In Warwickshire a number of lying-in charities were established in the towns. In Coleshill in 1786 a Society was established for the Benefit of Sick and Lying-in Married Women.[202] This Society remained active until at least 1953.[203] Another early establishment was the Charitable Institution for Relieving Indigent Lying-in Women in Coventry. This was 'under the Patronage and Management of the Ladies of the City and Neighbourhood', who were, nevertheless, obliged to have gentlemen to act as stewards when they held a fund-raising assembly in 1806.[204] The 'whole management' of the Warwick Lying-in Charity, founded c. 1815, was also 'placed under the direction of a patroness [the wife of the Rev. Henry Wise] and of a committee, consisting of 10 Ladies, chosen annually by ballot.'[205] The objects of the society were to

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200 Andrew, *Philanthropy and Police*, pp. 105-8. Most lying-in charities, either providing hospitals or home deliveries only attended the married. A charitable society could not be seen to be condoning illicit behaviour.

201 *A Plain Account of the Advantages of the Lying-in Charity for Delivering Poor Married Women in their own Habitations* (1767), p. 8, quoted in Andrew, *Philanthropy and Police*, p. 108.

202 B. C. A. A/16 (LS/H), *Plan of the Society Established at Coleshill for the Benefit of Sick and Lying-in Married Women* (1786).

203 W. C. R. O. DRB 100/162-3, minute books and correspondence of the Coleshill Lying-in Charity, 1832-1953.

204 *Warwick Advertiser*, 4 January, 11 January, 1806.

205 W. Field, *An Historical and Descriptive Account of the Town and Castle of Warwick* (Warwick), 1815, pp. 92-3.

> Provide relief for poor married women, residing within the borough, during the time of confinement at their own houses. Every person applying, with proper recommendation, is entitled to the use of a set of child-bed linen for a month; and receives also a pound of candles, a pound of soap, and, during the winter months, two hundredweight of coals. A sufficient supply of caudle is also to be provided, together with proper attendance, and all necessary medical advice.[206]

On a smaller scale, many parishes, especially rural ones, had a 'charity box' or 'charity bundle', comprising the linen and infant clothes which would be needed. The Burton Dassett *Parish Magazine* contained the following notice in 1893:

> A charity bundle for the use of women during their confinement is ready at the Vicarage. Any woman living in the parish may obtain it on loan, by applying to Mrs. Tuck, and paying 1s. deposit, which sum will be returned when the bundle is restored to the vicarage in good condition.[207]

These two chapters discussing the multifarious activities of charities, both endowed and voluntary, have shown the wide scope of voluntary action in the fields of religion, education, welfare, medical care and public amenities. They have also demonstrated the shifting emphases of such activity over the years, and the way in which the different forms of charity interacted with each other and with agencies of the state. In all branches of activity they provided funding and services which were not necessarily available from statutory sources. Some of their provision has been taken over almost exclusively by the state, some continues to be provided by a mixture of voluntary agencies, the state and the market, and others remain mainly voluntary. The advancement of religion, in an ever more secular world, is increasingly seen as a matter for voluntary provision. The education of the young, receiving ever larger amounts of state-funding from the second half of the nineteenth century, still has many schools supported in part by

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206 Field, *Historical and Descriptive Account*, p. 93.

endowments and voluntary subscriptions, as well as a number in the commercial sector. The provision of welfare relief and health care are areas where the shifting boundaries between state and voluntary care have been most elastic, with charitable enterprises often pointing the way in which state provision was later to go. This has not been uncontested, nor entirely free of competition from the market, in the form of unemployment and sickness insurance, and private medical care. The provision of other public amenities, especially the supply of water and fuel and the maintenance of the infrastructure of communications, have been abandoned by voluntary agencies, to be disputed between the state and the market. Others, related to what might be termed the 'value added' aspects of life, continue to draw the support of charities, voluntary societies and individuals. Even at the end of the twentieth century there is 'an explicit acceptance that whatever the role of the state, there will always be a significant part to be played by a wide range of individuals brought together by a common desire to improve life for others through the gift of time, money and personal resources.'[208]

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[207] W .C. R. O. DR 220/44, Burton Dassett *Parish Magazine*, 1893.

[208] C. Hanvey and T. Philpot, 'Introduction', in Hanvey and Philpot (eds), *Sweet Charity: The Role and Workings of Voluntary Organisations* (1996), p. 1

Chapter 7:

The Purpose of Charity

Motivation

Having examined the laws regulating charity, the various structures which charitable activity assumed, and the very great variety of objects which it pursued, it is necessary to reconsider the motivation for, and the meaning of, charity. In the twentieth century various theoretical interpretations have been put upon charitable activity, many of them calling into question the very notion of charity or altruism. Charity has been seen as the much less disinterested function of reciprocity. Some, like Mauss and Blau, saw it as an indirect form of reciprocity, either with 'the gods', in the case of Mauss, who saw it as 'the old gift relationship raised to a position of a principle of justice', or with other members of society in the case of Blau, with his definition of 'indirect social exchange.'[1] Others, like Homans, have examined it in terms of behavioural psychology.[2] Others again, like Offer, have pursued an economic line.[3] Yet people in the past understood their charitable actions in the light of religious duty, economic necessity, social justice or even as an altruistic result of compassion, and it is perhaps advisable to begin by looking at the way in which these ideas influenced their charitable behaviour.

It is impossible to discuss charity or voluntary philanthropy in the past without being aware of religion. At a theoretical level theology justified charity,

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1 M. Mauss, *The Gift: Forms and Functions of Exchange in Archaic Societies* (1926; 1970, trans. by I. Cunnison), p. 15; P. M. Blau, Exchange and Power in Social Life (New York, 1964), pp. 260-1.

2 G. C. Homans, *Social Behaviour* (1961), pp. 12-13.

from Scriptural precept, through the teachings of the Church Fathers, to the innumerable sermons preached upon charity in the eighteenth and nineteenth centuries. At a personal level, religious faith acted as an inspiration to charity, at least in the hagiography of charitable individuals. Yet it was often guilt and fear, induced by religious faith, which prompted charitable actions. In 1780 Lady Spencer admitted that 'I am an Idiot about play [gambling], and make what amends I can for the Vice, by being something of a Lady Bountiful to the poor.'[4] Therefore much charity, seen in this light, was an issue of personal salvation, especially that which Professor Pullan has called 'redemptive charity' and Paul Slack has described as 'a quest for self-sanctification through saving the souls of others, for example, and a deliberate seeking out of social and moral outcasts to be reclaimed and embraced with humility.'[5] They were writing about an earlier period, but the preoccupation with sin and salvation was exacerbated by evangelical theology, in which salvation was conditional and provisional. People were in constant fear of 'backsliding' and damnation, and the saving of their own souls, as well as those of others, was paramount.[6] This was especially evident in the various moral crusades and the settlement movement of the second half of the nineteenth century. Even though J. R. Seeley and T. H. Green expressed a more humanist confidence in 'the equation between religious feeling, self-sacrificing

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3 A. Offer, 'Between the gift and the market: the economy of regard', *Econ. Hist. Rev.* 2nd ser., 50 (1997), pp. 450-76.

4 Quoted in D. T. Andrew, '*Noblesse oblige*: Female charity in an age of sentiment', in J. Brewer and S. Staves (eds), *Early Modern Conceptions of Property* (1985), pp. 275-300, p. 277, n. 18.

5 B. S. Pullan, 'Charity and poor relief in Italian cities', *Continuity and Change,* 3 (1988), pp. 193-95; P. Slack, *From Reformation to Improvement: Public Welfare in Early Modern England* (Oxford, 1999), p. 139..

6 F. K. Prochaska, *The Voluntary Impulse* (1988), p. 46.

philanthropy and science', Canon Barnett could still say in 1909 that 'the sense of sin has been the starting point of progress.'[7]

Just as religion has always been part of the charitable discourse, so too have notions of property. Donna Andrew has traced a shift in the perceptions of the relationship of property to charity through the eighteenth century. In the late seventeenth century property, and poverty, were generally seen as providential, and charity was 'the rent annexed to the use of property, and thus ... almsgiving [was] merely the workings of justice.'[8] This attitude of stewardship and justice gradually gave way to one of proprietary interest, in which the poor had no share other than the right to beg a 'free and voluntary gift', as Bishop Sherlock put it.[9] However, throughout the eighteenth and nineteenth centuries it was possible to find subscribers to both theories of property, and these differing interpretations fuelled the political debate about charity and the relief of the poor. Politics in a party sense could also be served by charity. Lady Spencer felt that her charity 'cements her local, political influence and quiets turbulence and disaffection.'[10] Charitable funds could be used to influence elections, and charity itself was an object of party disagreement, especially in cities such as Coventry, Bristol and Norwich.[11]

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7 G. Stedman Jones, *Outcast London: a Study in the Relationship between the Classes in Victorian Society* (1971; Harmondsworth, 1984), p. 6; .S. A. and H. O. Barnett, *Towards Social Reform* (1909), p. 285, quoted in A. Briggs and A. MacCartney, *Toynbee Hall: The First Hundred Years* (1984), p. 5.

8 D. T. Andrew, *Philanthropy and Police: London Charity in the Eighteenth Century* (Princeton, 1989), p. 17.

9 Andrew, *Philanthropy and Police,* p. 17.

10 Quoted in Andrew, '*Noblesse oblige*', p. 277, n. 18.

The manipulation of charity funds or patronage and the display of philanthropy could be used both consciously and unconsciously to control subordinates and to maintain or enhance one's own status. The theory of social control mechanisms, like all theories, must be used carefully. As Donajgrodzki pointed out, there is a danger of a 'crude reductionism, which doubts the humanity of the humanitarian, sees clergymen, social workers and educators as *only* and *merely* policemen without boots ... which coarsens our appreciation of the complexity of social relationships and historical processes.'[12] Yet many social commentators and active philanthropists were aware of the role of charity in controlling the lower classes, 'moralising the poor' in contemporary language.

How conscious people were of using charity and subscription to voluntary societies to enhance their own status is more difficult to assess. Certainly there were critics and observers who noted the snobbery and pretension which permeated philanthropic societies.[13] The ostentation and vainglory of charitable donations was often criticised in the eighteenth century. William Hutton observed in 1783 that 'perhaps ostentation has brought forth more acts of beneficence than charity herself, but like an unkind parent, she disowns her offspring, and charges them upon charity.' He also noted that 'charity and self-interest, like the apple and the rind, are closely connected, and, like them, we cannot separate one without trespassing on the other.'[14] In 1868, in a paper on 'Characteristics of Charitable

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11 M. Gorsky, *Patterns of Philanthropy: Charity and Society in Nineteenth-Century Bristol* (Woodbridge, 1999), pp. 63-85.

12 A. P. Donajgrodski, 'Introduction', in Donajgrodski (ed.), *Social Control in Nineteenth-Century Britain* (1977), p. 9.

13 F. K. Prochaska, *Royal Bounty: The Making of a Welfare Monarchy* (Yale, 1995), p. 33.

14 W. Hutton, *An History of Birmingham* (1783; Wakefield, 1976), pp. 250-1.

Foundations' Lord Hobhouse commented on the 'love of power, ostentation and vanity.'[15]

However, theology, economic theory and the operation of social mechanisms were not the only factors which influenced an individual's level of philanthropy. There is debate about whether there is such a thing as altruism. Titmuss certainly felt that there is, and wrote about the 'biological need' to help.[16] The theory of biological 'selfishness' can be traced from Bernard Mandeville's *The Fable of the Bees* (1714) through Darwin to Richard Dawkins' *The Selfish Gene* (1976), though Richard Holmes has identified 'an alternative intellectual tradition which observes the same phenomena in terms of an emerging 'altruism', which may be traced from the German *Naturalphilosophien* to Peter Kropotkin's *Mutual Aid: A Factor in Evolution* (1888) to Matt Ridley's *The Origins of Virtue* (1996).'[17] Yet, if altruism is inherent in humans, why are some individuals of similar background, status and wealth compassionate and generous, while others are not? If the existence of altruism is doubted by some, the existence of an altruistic personality is even more debatable. As Alan Kidd has explained, the closest social psychologists have come so far in defining such a personality is the development of a 'concept of pro-social behaviour, defined as voluntary actions designed to benefit others carried out without expectation of an external reward.'[18] Research in this field:

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15 E. Lascelles, 'Charity', in G. M. Young (ed.), *Early Victorian England, 1830-1865,* 2 vols (Oxford, 1934), 2, pp. 317-47, p. 345.

16 R. Titmuss, *The Gift Relationship: From Human Blood to Social Policy* (1970), p. 198, 225, 243.

17 R. Holmes, *Coleridge: Darker Reflections* (1998), p. 540.

18 A. J. Kidd, 'Philanthropy and the 'social history paradigm'', *Social History*, 21 (1996), pp. 180-92, p. 185.

> 'concentrates on ... an individual's capacity for extensive relationships, i.e. their strong sense of attachment to others including those outside their sphere of intimacy. The roots of the altruistic personality, it is claimed, are to be found chiefly in the role modelling and social learning of childhood which produces a personality type more inclined to seek attachment rather than status as the source of basic life gratification's.'[19]

Apart from the biological imperative or the promptings of religion and social conscience, many people threw themselves into good works for contingent personal reasons. One justification, amongst many given by Lady Spencer, was that her charity gave her comfort after her husband's death.[20] Nearly a hundred years later, Benjamin Jowett, Master of Balliol, wrote to Florence Nightingale, saying, 'Do you ever observe how persons take refuge from family unhappiness in philanthropy?'[21] Others took a positive pleasure in doing good, especially when it took the form of attending fund-raising balls and concerts.[22] In the 1850s and 1860s 'the most fashionable amusement of the present age is philanthropy.'[23] Others, like Anne Clough, felt that philanthropy needed no explanation or motive: 'I don't see that we are to have any motive in this, but that the love which is in us makes us do all this naturally, and constrains us to work. Is this not the Spirit of God which stirs in our hearts?'[24] Individuals often operated from very mixed motives, in which many of the factors discussed above operated, and as E. P.

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19 Kidd, 'Philanthropy', p. 185.

20 Andrew, '*Noblesse oblige*', p. 277, n. 18.

21 V. Quinn and J. Prest, *Dear Miss Nightingale: A Selection of Benjamin Jowett's Letters to Florence Nightingale, 1860-1893* (Oxford, 1987), p. 88.

22 In 1732 the *Gentleman's Magazine* described the pleasure of giving as 'the most lasting, valuable and exquisite pleasure', quoted in R. Porter, 'The gift relation: philanthropy and provincial hospitals in eighteenth-century England', in L. Granshaw and R. Porter (eds), *The Hospital in History* (1989), p. 162. C. D. Williams, "The luxury of doing good': benevolence, sensibility and the Royal Humane Society', in R. Porter and M. M. Roberts (eds), *Pleasure in the Eighteenth Century* (1996), pp. 77-107.

23 *The Porcupine*, 1 June 1861, quoted in M. B. Simey, *Charitable Effort in Liverpool in the Nineteenth Century* (Liverpool, 1951), p. 56.

24 The diary of Anne Clough, quoted in Simey, *Charitable Effort in Liverpool*, p. 65.

Thompson said, 'how can one detect the gap (if one exists) between a man's motive's and his rationalisation of these motives, and, further, the ideological or doctrinal gloss which he places upon these rationalisations?'[25] As Martin Gorsky has put it, 'individual agency was in most cases simply unknowable, as Jordan famously put it, 'deep in the recesses of our nature, immune, perhaps happily, from the fumbling probing of the historian, and, certainly happily, from the arrogantly pitched enquiry of the psycho-analyst.'[26]

However, without being able to ascribe, with certainty, motives for any individual donor, certain patterns of giving behaviour have emerged during the course of this research, which suggest types of motivation. Individual motives could perhaps be encapsulated in the phrase 'pride and prejudice'. The personal pride and family pride which was expressed in many charitable endowments can be interpreted as part of the status-seeking aspect of charitable activity. Family pride led to bequests such as those for the repair of the family tombs, as well as to the erection of almshouses, schools and endowments which would perpetuate the family name. Lady Spencer thought that 'only benevolence establishes lasting local memorials.'[27] The childless were particularly keen to perpetuate their family names. In the early seventeenth century Francis Bacon commented that:

> the perpetuity by generation is common to beasts; but memory, merit and noble works, are proper to men: and surely a man shall see the noblest works and foundations have proceeded from childless men, which care sought to express the images of their minds, where their bodies have failed; so the care of posterity is most in those that have no posterity.[28]

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25 E. P. Thompson, 'Anthropology and the discipline of historical context', *Midland History*, 1 (1972), pp. 41-55, p. 42.

26 W. K. Jordan, *Philanthropy in England, 1480-1660* (1959), p. 44, in Gorsky, *Patterns of Philanthropy*, p. 3.

27 Andrew, '*Noblesse oblige*', p. 277, n. 18.

28 F. Bacon, *Essays* (1819), p. 25.

Where this type of family pride, expressed in acts of benevolence, was followed through succeeding generations it could be said to be a family tradition, as with the Leighs.[29] This is perhaps more a case of the social learning forming the altruistic personality, though it was often expressed as a duty owed to tradition and family honour. As well as family traditions of paternalism there were traditions of patronage of voluntary societies, so that examination of subscription lists and committee minutes of societies often show several members of a family, sometimes over a number of generations, supporting particular voluntary organisations.

There were also families with charitable traditions in lower social classes, such as the brother and sister Elizabeth Taylor and William Herbert, who endowed charities in Stretton-on-Dunsmore in the 1690s.[30] Over a hundred years later another brother and sister founded charities in the parish of Whitchurch, John Ayshcombe founding a bread dole in 1810 and his sister Ann a clothing dole in 1816.[31] Sometimes a feeling of family tradition could lead to a number of dole charities being instituted on the same day. For example, in the parish of Berkeswell in 1701 John Whitehead left some land, the profits of which were to be distributed on the Thursday before Whitsun. Ten years later Catherine Whitehead left a rent charge of 30s. a year 'to be distributed as John Whitehead's Charity.' In 1747 John Taylor left £16, the interest also to be paid on the Thursday before Whit, although it is unclear whether he was a relative, or merely following

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29 See p. 321 below.

30 *Brougham*, p.736; W. C. R. O. DR 154/12, Stretton Parish Charity Notes, 1839.

31 *Brougham*, p. 182.

an established practice in the parish.[32] Sometimes husbands and wives or brothers and sisters arranged for a dole on the same day, but stipulated different gifts, reflecting a general tendency for women to leave gifts especially for women and children. For example in 1730 in Meriden Mr. Featherstone left money for a sermon on 26 April, and Mrs. Featherstone left 5s to five widows on the same day.[33]

Personal pride was also a motive, and the desire to have one's own, as well as one's family, name remembered. However, at Fillongley Peter Johnson was remembered by his Christian name, as 'Peter's Bread' was distributed every Christmas.[34] Sometimes the donor's name was commemorated in more visible form, with the placing of badges with the donor's initials on the gowns given to alms-people or children, or sometimes the colour of the gown reflected the donor's name, as in Green or Grey.[35] Personal events were also commemorated by the setting up of doles. In 1715 George Sacheverell left a £5 rent charge to provide 50s. worth of bread to poor widows on 2 February, it being his birthday, and another 50s. worth on the feast of St. George, his name saint.[36] Even as late as 1878 Samuel Messenger of Edgbaston established a dole to be distributed on his birthday, 13 September.[37] Other memorial charities were audible: in 1789 William Edwards left £100 to the parish of St. Michael, Coventry, £2 10s. of the interest of

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32 *Brougham*, p.642

33 *Brougham*, pp. 645-7

34 *Brougham*, p.. 483

35 P. Cunnington and C. Lucas, *Charity Costumes of Children, Scholars, Almsfolk and Pensioners* (1978), pp. 32-9. Warwickshire examples include Sir Henry Greswold's charity in Solihull, where the children's clothes bore the letters 'H G', and Ayliffe Green's charity at Fillongley, where they were clothed in green. *Brougham*, pp. 301, 487-9.

36 L. J. R. O., Will of George Sacheverell, proved 3 September 1715.

37 B. C. A., Will of Samuel Messenger, proved at Birmingham 15 March 1878.

which was to be paid to the person who rang the 6 a.m., 6 p.m. and 9 p.m. bells and the residue to the sexton and the rest of the ringers 'share and share alike payable on every New Year's Day Old Stile. And it is my Will and Desire that immediately after their Receipt thereof they shall from time to time for ever thereafter Ring a peal of Remembrance of me.'[38]

So much for pride, what about prejudice? By this can be understood the use of charitable means to prosecute particular ends. While many charities (though by no means all) were given to encourage the industrious and respectable poor, and included stipulations that they should not be given to those who had received parish relief or were of bad fame, it was perhaps religion more than social propriety or economic probity which excited some of the most prejudiced bequests. Many bequests stipulated that the recipients should be those who had attended the parish church regularly, but none was so pointed in its opposition to Catholicism as the bequest of Francis Capell in 1704 in the parish of Brailes, south Warwickshire. This was an area where Roman Catholicism hung on in some strength. The lords of the manor, the Sheldons, and the other major landowners, the Bishops, were also Catholic and there was a long history of conflict between the two confessions.[39] Francis Capell bequeathed 'unto Fifteen of the poorest Protestant widdows in Brailes twelve pence a piece yearly for ever, to be paid on the fifth day of November ... and also to two poor Protestant widdows in Brailes two gowns ... and unto Twenty of the poorest Protestant Families twelve pence

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38 L. J. R. O., Will of William Edwards, Coventry, 9 June 1789.

39 C. Haydon, *Anti-Catholicism in Eighteenth-Century England, c. 1714-80: A Political and Social Study* (Manchester, 1993), pp. 13, 126, 159. C. Haydon, "The mouth of hell': religious discord at Brailes, Warwickshire, c. 1660-1800', *The Historian* (forthcoming). I am grateful to Colin Haydon for sending me a copy of this paper.

apiece yearly ... upon the fifth day of November ...[40] This was still distributed in the mid-nineteenth century on 5 November, that day which was a double celebration of the Protestant triumph over Catholicism, recording the scotching of the Gunpowder plot in 1605 and the successful landing of William III in 1688.[41]

Whatever the motives, consciously held or identified by sociologists and anthropologists, there were certain mechanisms which affected the form which charities took. Here I will explore the impact of a sense of community and of tradition on charity.

A Sense of Community

Even a cursory examination of the endowed charities of England and Wales shows the local bias of many bequests. There were many endowments for the inhabitants of individual parishes or small groups of contiguous parishes; some were even restricted to the residents of a single hamlet.[42] The growth of voluntary or subscribing charities in the eighteenth and nineteenth centuries in general followed this pattern of local provision, although this period also saw the development of national societies. Even the national organisations were often comprised of semi-autonomous local branches, and many national movements

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40 W. C. R. O DR 308/91, Extract from the will of Francis Capell, dated 2 May 1704..

41 For a more detailed discussion of the significance and observance of 5 November see D. Cressy, *Bonfires and Bells: National Memory and the Protestant Calendar in Elizabethan and Stuart England* (1989), pp.141-55. He notes a number of doles being given on that day, p.147

42 The most localised charity so far identified was that of Richard Lea of Coventry. He left one quarter of the rent of a tenement to be paid 'to one widdow between the Gate and Mr. Jesson's house ... but if no widdow shall live within that compass to one widdow in Little Park Street.' L. J. R. O., will dated 10 Dec. 1668. However, despite its inclusion in the 1786 returns, valued at 6s. 8d., the Brougham Commission stated that 'there is no such receipt in the churchwarden's book, nor do we find that any benefit was ever received from this charity.' *Brougham,* p. 1028.

were of purely local operation. For example, even during the First World War three-quarters of the war charities founded were run on local lines, or were to benefit the men of particular localities.[43] There were obvious practical constraints which narrowed the area of benefit of charities, but even so, issues of local community influenced the areas chosen. In turn, the existence of local charities affected community life and local pride.

The meaning of community has been even more contested than that of charity, and it, too, suffers from an everyday understanding which bears little relation to specific academic definitions. It has been said that 'every sociologist, it seems, has possessed his own notion of what community consists of, frequently reflecting his ideas of what it should consist of.'[44] Crow and Allan's warning to sociologists to avoid the dangers of romanticising 'community' in their contemporary studies applies equally to historians of past communities. One should beware of 'finding and reporting only solidarity and co-operation and ignoring the schism and conflict in local social life, highlighting the positive, celebrated sides of communities and neglecting their oppressive and coercive aspects.'[45] Nearly all definitions of community contain some reference to locality. Certainly, the sense of community in the period 1750-1900 had a spatial element, but also embodied social and psychological aspects - what Dore defined as 'the

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43 S. Fowler, 'Flag Days', unpublished paper read to the Public History Workshop, Ruskin College, Oxford, 20 March 1999.

44 C. Bell and H. Newby, *An Introduction to the Sociology of the Local Community* (1971)), p. 27.

45 G. Crow and G. Allan, *Community Life: An Introduction to Local Social Relations* (New York, 1994), p. 2.

sense of primary belonging'.[46] Some communities were not necessarily spatially circumscribed, but consisted of a shared religious faith or trade or an economic interest; members of such communities of interest were also members of local geographic communities, which sometimes led to conflicting loyalties.[47] In all communities there was some element of a common life and common interest, and that interest implied a share in the resources of the community, including poor relief and charitable distributions. As Craig Calhoun wrote, 'members of communities often desire that benefits should accrue to large social units with which they identify - kinship and descent groups, for example. If we fail to look at community, and instead only look at individuals ... a very significant part of social life must elude our analyses.'[48] This desire to benefit particular groups with whom one felt a sense of community was a motivation for charity, and that charity was one of the ways in which a sense of community could be displayed.

In the case of endowed charities the terms of the original gift shaped the operation of the charity, and even if the objects were later changed, either legally by application to Chancery or to the Charity Commission, or illegally by unilateral

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46 R. Dore, *Shinohata: a Portrait of a Japanese Village* (New York, 1978), quoted in A. P. Cohen, *The Symbolic Construction of Community* (London, 1985), p. 15.

47 'The eighteenth-century town-dweller would have subscribed to a multiplicity of allegiances, and it is impossible to assess the relative significance of loyalty to and identity with the town in comparison with ties of religion, occupation, status, residence or gender.' R. Sweet, *The Writing of Urban Histories in Eighteenth-Century England* (Oxford, 1997), p.158. Communities which crossed the parochial divide were particularly common among dissenting groups, especially Quakers, who organised themselves on a regional, national and even international basis. C. B. Estabrook, *Urbane and Rustic England: Cultural Ties and Social Spheres in the Provinces, 1660-1780* (Manchester, 1998), pp. 227-8, 239-44.

48 C. Calhoun, 'Community: toward a variable conceptualization for comparative research', in R. S. Neale (ed.), *History and Class: Essential Readings in Theory and Interpretation* (Oxford, 1983), p. 105. For charities intended to benefit kinship and descent groups see G. D. Squibb, *Founders' Kin: Privilege and Pedigree* (Oxford, 1972).

action of the trustees, the area of benefit usually remained the same.[49] Jordan, in his study of London charities between 1480 and 1660, maintained that the donors of this period 'were in no sense parochial minded', endowing charities which benefited the whole city, with only 'small and almost customary bequests for the poor and for church repairs in particular parishes'.[50] However, he went on to explain that many of the donors made benefactions to their native parishes in the counties. They particularly favoured the support of the poor and the establishment of schools, and their endowments often eclipsed those of less wealthy folk who had not gone away.[51] Warwickshire examples of native sons endowing charities out of profits of London trade were Hugh Clopton who benefited Stratford in 1496 and Lawrence Sherriff who endowed alms-houses and a school at Rugby in 1567.[52] In later years, while many still went to London to seek their fortunes, there was also money to be made in Birmingham, some of which found its way back into the rural areas of Warwickshire as endowments. For example, George Fentham of Hampton-in-Arden became a mercer in Birmingham, investing his profits in land in Warwickshire and Staffordshire. In his will, dated 24 April 1690, he left land to endow the schoolmaster of Hampton-in-Arden and to provide one apprenticeship each year and £5 to be shared amongst ten of the poorest families. While there is no evidence that William Dewes of Alcester and Long Marston

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49 The main instance where the area was altered were those in parishes affected by the London Parochial Charities Act, 1883 and the Local Government Act, 1894.

50 W. K. Jordan, *The Charities of London, 1480-1660: The Aspirations and Achievements of the Urban Society* (1960), p. 33.

51 'In three-fourths of all the English counties the great benefactions were of a size and quality which were to make them dominant in the shaping of the institutional life and the culture of the areas thus favoured.' Jordan, *Charities of London*, pp. 308-9.

52 Jordan, *Charities of London*, pp. 90, 197, 275; W. H. D. Rouse, *A History of Rugby School* (1898); *Brougham,* pp. 709-11.

made his money in Birmingham, he made a bequest of £50 for a bread dole to Coughton, 'being the place of my nativity'.[53]

Sometimes people made generous gifts not to their native place, but to the town or village where they had been made welcome and done well, or with which they had trading links. An early example of this in Warwickshire was the charity established in 1474 by John Kimbell to benefit the hamlets of Knightcote and Northend in the parish of Burton Dassett. In a nice retelling of the tale in the nineteenth century it is stated that young John, an orphan travelling from Oxfordshire in search of work, passed over the bleak hills of Burton Dassett one winter's day. He sought shelter at the doors of the inhabitants of Burton Dassett, only to be turned away into the snow. Travelling a little further, he came to the hamlet of Knightcote where he was taken in and given shelter and work. Eventually he prospered, and in time established a charity for the poor of the two hamlets where he had been kindly received, explicitly excepting the mother village.[54] Allowing for the romantic flights of fancy in the telling of the tale (which in themselves illustrate the nineteenth-century attitude to local endowments), it is certainly true that the charity was established for the benefit of the inhabitants of the two hamlets alone.[55] In the following century came one of the most generous gifts of this nature, that of Sir Thomas White, a native of Reading, who became a merchant tailor in London. During his life and in his will he gave large sums of money to the cities with which he traded, Coventry, Leicester, Northampton, Nottingham and Warwick, to establish loan funds to

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53 Worcs. C. R. O. Will of William Dewes, proved 28 November 1717.

54 J. T. Burgess, *Historic Warwickshire* (Birmingham, 2nd edn 1893), pp. 38-41.

encourage young tradesmen.[56] However, most parish endowments were made by people who never moved far from the place of their birth, and who never made great fortunes.[57]

Another common link between donor and locality was the role of lord of the manor - either in a strictly legal sense, or as an assumed patriarchal responsibility on the part of a major landowner. By no means all lords of the manor, whether resident or not, endowed charities, but some gentry families had long-established traditions of generosity. Families like the Throckmortons, who were only intermittently resident at Coughton, nevertheless were liberal with their largesse, and a number of generations endowed charities in Coughton and the neighbouring manor of Wixford.[58] Perhaps the supreme example in Warwickshire is the family of Leigh of Stoneleigh. This family acquired Stoneleigh Abbey in 1562, and the first Sir Thomas was renowned for his old-fashioned hospitality. In 1594 his widow built ten alms-houses in accordance with his will. Succeeding generations emulated Sir Thomas and Lady Alice, increasing the endowment of the alms-houses and founding a school, building a workhouse, providing pensions, clothing and bedding, and even baskets of broken meat from their table, right down to the early twentieth century.[59] On the other hand, there were arriviste lords

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55 *Brougham*, pp. 155-7.

56 *D. N .B.*; Jordan, *Charities of London*, p. 1745, n. 31; *Brougham,* pp. 924-43. Estabrook has pointed out that 'the conventions of charity and credit, important links in social networks, were not purely expressions of neighbourliness. They were also key elements of commercial relations and power relations.' Estabrook, *Urbane and Rustic England,* p. 70.

57 See pp. 90-1.above.

58 *Brougham*, pp. 23-26. The tendency for charity to run in families was remarked by Jordan in W. K. Jordan, *The Charities of Rural England, 1480-1660: The Aspirations and Achievements of the Rural Society* (1961), p. 35.

59 *Brougham,* pp 335-43; K. Thomas, 'A study of the patronage of the Leigh family towards the village of Stoneleigh, up to the mid-nineteenth century', (B. A. essay, University of Warwick, 1997, deposited at WCRO); N. Hampson, 'Wlliam Henry, 2nd Baron Leigh of

of the manor who assumed the cloak of charity to confirm their gentry status and to strengthen their links with the local community. In the nineteenth century a number of Birmingham businessmen established themselves in gentry style in Warwickshire villages: men like George Frederick Muntz, proprietor of a metal works in Birmingham, who retired to Umberslade Hall in the Warwickshire Arden. Many members of the Muntz family busied themselves in philanthropic works in the county, and in 1890 the Muntz Trust was established, a grant-making body for the support of medical charities in Birmingham.[60] Not all such men were businessmen. The family of King had made their way in the professions. The first to settle in Warwickshire was Edward Bolton King who moved to Chadshunt in 1859, where he settled into the role of 'Squire'. It is recorded that he and his son, Bolton King, bore half the cost of installing a piped water supply to the village of Chadshunt in 1885/6, as well as making frequent gifts of food, clothing and fuel to the poor.[61]

The development of hospitals and voluntary societies of all sorts was often prompted by a desire to be in the forefront of national society, as much as to relieve distress. However, while civic pride often led townsfolk to participate in innovative methods of social welfare, sometimes it led them to deny the need for particular types of reform. For example, at a meeting of the Birmingham Branch of the N.S.P.C.C. held at Oscott on 8 July 1892 it was stated that 'it was at first

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Stoneleigh, 1824-1905: A paternalist philanthropist', (M.A. dissertation, University of Warwick, 1998).

60 *D. N. B.*. Charity Commission, file 216934, Muntz Trust; D. M. King, *An Index to Birmingham Charities* (Birmingham, 1983), p. 250.

61 WCRO DR 220/36-37, Gaydon and Chadshunt *Parish Magazine*, 1885-86; R. Bolton King, J. D. Browne, E. M. H. Ibbotson, 'Bolton King: Practical Idealist', *Warwickshire Local History Society Occasional Paper*, No. 2 (1978).

thought that Birmingham, with its superior cultivation and civilisation, had no need of such a society, for there could be little or no cruelty exercised towards children.' However, in the three and a half years of the branch's existence it had dealt with 694 cases, involving 1,500 instances of cruelty to children.[62]

People took a considerable pride in their local charities, and the benefactions of the past encouraged them to make new efforts.[63] This was overtly expressed by J. A Langford in his description of the opening of the Queen's Hospital, Birmingham, in 1840. Langford wrote about 'the works of charity which have distinguished the history of the town. This spirit of charity has never failed. Whenever distress had to be relieved, the benevolence of the inhabitants has never been appealed to in vain.'[64] Participating in the support of the hospital was seen as one of the means of demonstrating one's sense of community. In Birmingham, as mentioned above (p. 159), annual collections were held in all the churches and chapels on 'Hospital Sunday'. By 1873 'it was felt, too, that the great body of artisan population were able and willing to do something for the support of the great institutions founded almost wholly for their benefit.'[65] Adherents of marginalized religious groups could use this method of demonstrating their participation in the wider society. In 1846 the members of the Birmingham Roman Catholic Friendly Society had agreed to an additional levy of 1d. each for three months to be paid to the fund for the Queen's Hospital, 'for the benefit of charity

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62 St. Mary's College, Oscott, Cutting from the *Birmingham Daily Gazette*, 8 July 1892, pasted into MSS 'History of Oscott, 1830-1900'.

63 Sweet, *Writing of Urban Histories*, pp. 78,128-9, 176-7, 251.

64 J. A. Langford, *A Century of Birmingham Life, or, A Chronicle of Local Events from 1741-1841,* 2 vols, (Birmingham, 1868), 2, p. 46.

65 Anon., *Handbook of Birmingham Prepared for the Members of the British Association* (Birmingham, 1886), pp.84-5.

and also to convince our fellow townsmen that Catholics are at least as ready and willing to forward good work as any others.[66]

However, sometimes the control of, and access to, charitable funds could become the locus of considerable contention at the local level. Bitter legal disputes could ensue, both in rural parishes and major cities. It was not just the economic value of the charities which made the struggles so fierce, but the sense of local pride and desire for justice and an honest exercise of trust. On the grand scale, the charities administered by the Corporations of Coventry and Warwick caused considerable concern and litigation from the late seventeenth to the mid-nineteenth centuries.[67] On a smaller scale, various endowments in the parish of Berkeswell had been a cause of litigation from the sixteenth to the eighteenth centuries. In 1589 a bill was filed in Chancery on behalf of the inhabitants against Samuel Marrow, the lord of the manor, who was accused of trying to gain possession of premises which had been used 'since time immemorial' as a school. Eventually the case was found for the inhabitants. In the time of Charles II it was the turn of the churchwardens to be investigated by a royal commission and they were found to have not kept proper accounts and to have retained some of the revenue to their own uses. By 1754 there was another case in Chancery, brought at the relation of some of the inhabitants, against the vicar and churchwardens, complaining that they had misapplied the school money in re-pewing the church. A scheme was drawn up to regulate future administration. Yet in 1794 the overseer of the poor was complaining about the method by which the charity land

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66 B. A. A., BRCFS/1, Minutes of the Birmingham Roman Catholic Friendly Society, 1795-1852, 4 October 1846.

had been released.[68] In Tysoe part of the struggle over control of the Town Lands hinged upon whether they belonged to the inhabitants as a right or were a 'charity estate', as the vicar's wife insisted on calling them in the mid-nineteenth century.[69] Agitation and petitioning by the inhabitants led to two inquiries by the Charity Commissioners, in 1859 and 1886.[70]

Being part of a community involved having a share in the resources of that community. As William Cobbett expressed it in 1834, 'every man and woman and child old enough to understand anything, looks upon his parish as being partly his; and a sufficiency of food and raiment he looks upon as his inheritance.'[71] For the poor this was most patently manifested by eligibility for poor relief, for which the legal hurdles could be high. In addition, hurdles of 'respectability' were placed between the poor and charitable relief. Only by conforming to the normative expectations of the local elite, who often administered both poor relief and charity, could the poor claim full membership of the community and actually receive the charity which many of them saw as theirs by right. In many instances the receipt of poor relief not only disenfranchised a man (supposing him to have been eligible to vote in the first place), but also removed him from the ranks of the respectable, deserving of charity. It is now a received wisdom that charity was

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67 See pp. 126-8 above

68 *Brougham*, pp. 637-40; W.C.R.O. CR 2037/1-2, Inquisition into charities, 14 Jan. 20 Car. II; DR 720/20, letter from Joseph Liggins, overseer of the poor, 1794.

69 M. K. Ashby, *Joseph Ashby of Tysoe, 1859-1919: A Study of English Village Life* (1961; 1974), p. 46. See also pp. 112-3, 116-7 above.

70 Ashby, *Joseph Ashby*, pp. 46-53, 127-33.

71 W. Cobbett, *Political Register*, 20 February 1834, pp. 241-2, quoted in I. Dyck, *William Cobbett and Rural Popular Culture* (Cambridge, 1992), p. 161.

used in this way to exert social control.[72] Yet, as shown in ch. 3 (p. '7' above), according to the 1843 *Analytical Digest* there were only 22 charities which were specifically for the poor not receiving relief, although many more were administered taking that into account. While many donors may have approved of trustees' actions in using their charity to keep down the poor rates, some others had different opinions. When Stanhope Dormer established his charity in the small parish of Budbroke near Warwick in 1810 he stated that his object 'was to add a small comfort to the afflicted and not to relieve the parish poor rates.'[73]

There is a danger of exaggerating the importance of the community or locality focus of charities, and certainly religion and social theory had major parts to play in the changing patterns of charitable provision. However, a sense of local community was significant. Endowed charities, especially doles, almshouses and schools, with their physical manifestations and maintenance of the founders' names helped this. With their emphasis on being for parishioners alone, or certain categories of parishioners, they helped mould a sense of belonging. By recalling former benefactors they linked people to their past, and they encouraged current generosity. Even voluntary societies, with their annual reports and lists of subscribers, echoing the lists of parish benefactors on the boards in the church, tapped in to the need for individuals to make a name for themselves, even though most people could only hope to be big fish in little ponds.

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72 'Distributions of charity were to some extent policemen', A. P. Donajgrodzki, "Social Police' and the bureaucratic elite: a vision of order in the age of reform' in A. P. Donajgrodzki (ed.), *Social Control in Nineteenth-Century Britain* (1977), pp. 51-76, p. 54. For the development of the concept of social control and its use by historians, see Donajgrodski, 'Introduction' to *Social Control*, pp. 9-26.

73 W.C.R.O. CR 895/55, Copy will filed with correspondence re Stanhope Dormer Charity, c. 1826-1875.

Ritual and Tradition

While the period under consideration has been regarded as one in which tradition played less and less part, some local charities were slow to give up their traditions and actively conserved or even enhanced them. This was partly a practical result of their legal status - they were duty bound to follow the instructions of the founder - but it was also part of an atavistic sense of identity with the local community. Newly founded societies based upon 'scientific' theories of social welfare might adopt new approaches, but the endowed charities were operating on trust, both in the legal sense, and in a more nebulous sense as conservators of the community's values and traditions, as well as its resources. The weekly or annual dole ceremonies (decried by some critics since the late eighteenth century, but still practised a hundred years later), or the charity costumes of alms-people or children, were the visible signs of the community's goodness to its poor and also of continuity with its past. Some trustees managed to modernise ceremonial or costume to harmonise with more modern thinking, but still retained something of the essence of the original stipulation. For example, by 1826 the trustees of the charity of Richard Warwick, tailor, of Atherstone, had stopped sewing a large red cloth tailor's shears onto the alms-people's clothing in deference to their feelings, and had replaced it with specially stamped buttons discreetly bearing the sign of the tailor's shears.[74] Almshouses like the Lord Leicester's Hospital had long been regarded as 'quaint', often painted, written about and photographed. Ceremonies such as the Warwick Bread Dole were also

[74] *Brougham*, pp. 506-8.

preserved for their quaintness.[75] These outward signs of charity attracted the attention of antiquarians and their writings helped to reinforce the local communities' attachment to the customs. This is an example of ritual no longer operating as tradition, but being itself a cultural creation.

In Warwickshire 390 instances of endowments establishing doles to be distributed on particular days have been identified, mainly from the indexes to *Brougham*, but also from wills and local records. This section will examine the significance of these dates.[76] There have been a number of studies of Warwickshire customs published between 1875 and 1976.[77] These included occasional references to customs connected with doles and begging customs, which are closely related. Much of the research on ritual and tradition has focused on periods earlier than that studied in this work, such as that by Charles Phythian-

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75 C. Holland, paintings by F. Whitehead, R.B.A., *Warwickshire* (1906), illustration of Warwick Bread Dole, opposite p. 78.

76 Early interest in calendrical customs led to collections such as J. Brand (Sir H. Ellis, ed.), *Observations on Popular Antiquities: Chiefly Illustrating the Origins of our Vulgar Customs, Ceremonies and Superstitions*, 5 vols (1841-42); R. Chambers (ed.), *The Book of Days: A Miscellany of Popular Antiquities in Connection with the Calendar*, 2 vols (1883); W. Hone, *The Every-Day Book: or the Guide to the Year*, 2 vols (1826); A.R. Wright (T. E. Lones, ed.), *British Calendar Customs: England*, 3 vols, (1936). The more recent analytical studies include B. Bushaway, *By Rite: Custom, Ceremony and Community in England, 1700-1880* (1982); D. Cressy, *Bonfires and Bells: National Memory and the Protestant Calendar in Elizabethan and Stuart England* (1989); D. Cressy, *Ritual, Religion and the Life-Cycle in Tudor and Stuart England* (Oxford, 1997); R. Hutton, *The Rise and Fall of Merry England: The Ritual Year, 1500-1700* (Oxford, 1994); R. Hutton, *The Stations of the Sun: A History of the Ritual Year in Britain,* (1996; Oxford, 1997)

77 J. H. Bloom, *Folklore, Old Customs and Superstitions in Shakespeare Land* (1930); S. J. Coleman, *Warwickshire Folklore* (Douglas, IOM, 1952); J. A. Langford, 'Warwickshire folklore and superstitions', *Transactions of Birmingham and Midland Institute Archaeological Section* (1875), pp. 9-24; G. Morley, *Shakespeare's Greenwood: The Customs of the Country; The Language; the Superstitions; the Customs* (1900); R. Palmer, *The Folklore of Warwickshire* (1976; Felinfach, 1994); C. Phythian-Adams, 'Ceremony and the citizen: the communal year at Coventry 1450-1550', in P. Clark and P. Slack (eds), *Crisis and Order in English Towns, 1500-1750: Essays in Urban History* (1972), pp. 57-85; C. S. Wharton, 'The folklore of south Warwickshire' (unpub. PhD. thesis, University of Leeds, 1974); C. S. Wharton, 'Warwickshire calendar customs', *Warwickshire History*, 1 (1971), pp. 2-11

Adams on the role of ritual and calendrical customs in defining the urban community of Coventry in the late medieval period.[78] However, it seems likely that charities and their ritual doles had a role in reinforcing local identities in later periods.[79] David Cressy, Bob Bushaway and Ronald Hutton, in particular, have looked at doles in the context of custom. Bob Bushaway emphasised the ritual context of many claims to 'rights' in the past, including the 'right' to particular doles or distributions.[80]

Only the days which were favoured and the periods during which they were founded have been examined. Their financial value, which varied enormously, has not been analysed as it did not affect their ritual significance. **Appendix 2** shows the dates stipulated, the religious feasts they related to, the number of charities mentioning this date, and the number of parishes in which distributions took place on that day. The number of charities and the number of parishes do not match, because of the number of charities which applied to more than one parish. Some parishes had more than one charity to distribute on a given day. The figure of 391 refers to the total number of mentions of particular days, not the number of charities which stipulated dates, because 32 distributed their bounty on more than one day in the year. The most frequent combinations were Easter with Christmas (eleven doles) and Easter with St. Thomas' Day (21 December), seven doles.

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78 C. Phythian-Adams, 'Ceremony and the citizen'.

79 D. H. Sacks, 'The demise of the martyrs: the feasts of St. Clement and St. Katherine in Bristol, 1400-1600', *Social History*, II (1986), pp. 141-69.

80 Bushaway, *By Rite,* pp. 170-2, 180-90.

Two patterns emerged from this analysis. One is that of the liturgical calendar, the other is linked to seasonal dearth. Most dole days coincided with feast days approved by the Anglican communion, with peaks at the major festivals of Easter and Christmas, and a much smaller peak at Whitsun. Yet the single most popular day for doling was not one of the major festivals, although an authorised feast day. It was the feast of St. Thomas the Apostle on 21 December, which is also the winter solstice and one of the four Quarter Days. The feast of St. Thomas the Apostle was established in the twelfth century, and although it is unclear when it became so closely identified with doles, certainly from the late middle ages it was a firmly established custom.[81] It was also one of the most common begging days, and the one most observed in Warwickshire, where it was known as a-Thomasing or a-corning, as the villagers made a circuit of the village, singing a ritual song, with a bag to receive contributions of corn.[82] The ritual element of Thomasing was further enforced in certain Warwickshire parishes by the ringing of the church bell at 6 a.m. to announce that Thomasing could begin.[83] It would seem likely that the preponderance of endowments to be distributed on St. Thomas' Day was a formalisation of the traditional hospitality of the wealthier inhabitants towards their poor neighbours. St. Thomas' Day may have been such a popular day for doles as a way of ensuring that the poor had cheer against the feast of the Nativity, but it was also part of the seasonal pattern which is evident. Most doles were distributed either in early winter against the coming season of dearth

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81 Chambers, *Book of Days*, 2, p. 724.

82 Morley, *Shakespeare's Greenwood*, p. 136; Morley, 'Folklore', pp. 166-7.

83 The parishes noted were all in the Felden, namely Ettington, Bidford, Fenny Compton, Frankton, Harbury, Kineton, Tachbrook, Southam and Wellesbourne. Palmer, *Folklore of Warwickshire*, p. 38 This has echoes of the gleaning bell which was rung in many parishes signifying the opening of the fields. P. King, 'Gleaners, farmers and the failure of legal sanctions, 1750-1850', *P.&P.* , 125 (1989), pp. 116-50.

(58.6% in November and December), or in early spring when poor people's stocks of food, fuel and money would be most depleted (24.0% in March and April). The early winter period included the major religious festival of Christmas, and the spring included that of Easter, so that religious and practical considerations were interwoven.

Other periods noted around the country for begging customs were Hallowmas (2 November), St. Clement's (23 November), St. Catherine's (25 November), St. Andrew's (30 November), New Year's Day, Shrove Tuesday, St. Valentine's (14 February) and Easter. There were distinct regional patterns to these.[84] Warwickshire seems to have fallen on the edge of better documented regional patterns. In a study of Souling, Clementing and Catterning in the West Midlands, Charlotte Burne noted Clementing customs at Aston, Sutton Coldfield, Curdworth, Minworth and Kingsbury, all in the north of the county, close to the Staffordshire border, where the feast of St. Clement, patron of blacksmiths and iron workers, was much more honoured.[85] In 1875 Langford made a reference to children begging apples on St. Clement's, but gave no evidence of in what period this took place or in which parishes.[86] There appears to have been no instance of a dole on either of those days.[87] The evidence for Souling in Warwickshire is very sparse. Burne, writing in 1914, found no evidence, though she stated that 'judging from the simile Shakespeare (*Two Gent,* I, ii) applies to a disconsolate lover, "He goes puling, like a beggar at Hallowmas", *Souling* must once have prevailed

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84 Hutton, *Stations of the Sun*, pp. 148-9, 163-7.

85 C. S. Burne, 'Souling, Clementing, and Catterning. Three November Customs of the Western Midlands', *Folklore* (1914), pp. 285-99; Wharton, 'Folklore', p. 165.

86 Langford, 'Warwickshire Folklore', p.21.

there.'[88] Palmer agrees that 'the custom seems to have died relatively early in Warwickshire.'[89] However, the dole instituted by John Collet in Solihull in 1565 was still being made on All Souls in 1826, and its distribution was announced by the tolling of the church bell.[90] St. Andrew's day was particularly honoured in Buckinghamshire and Northamptonshire by lace-makers, but there is little evidence for it in Warwickshire. In 1607 Mary Turner endowed a charity which provided for 6s. 8d. to be distributed in each of ten parishes in central Warwickshire on that day.[91] In 1614 the vicar of Rugby, Edward Tyrrell, left 20s. a year to be distributed to four poor women on the feast of St. Andrew, the patron saint of the parish church.[92] In 1629 a sermon was endowed in Coventry.[93] Thereafter St. Andrew seems to have fallen out of fashion in Warwickshire.

Valentining is stated to have been practised by children in the eighteenth and nineteenth centuries across a broad band of midland counties, including Warwickshire. In Oxfordshire, Northamptonshire and Warwickshire the normal form of the legitimating rhyme was along the lines of:

Morrow, morrow, Valentine

I'll be yours if you'll be mine

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87 There was one dole on St. Crispin's Day (25 October), instituted in 1688 in Meriden by Thomas Avery, shoemaker. L. J. R. O. will of Thomas Avery, proved 19 October 1688.

88 Burne, 'Souling', p.293.

89 Palmer, *Warwickshire Folklore*, p.168.

90 *Brougham*, pp. 278, 281, 299; H. T. Tilley and H. B Walters, *The Church Bells of Warwickshire: Their Founders, Inscriptions, Traditions and Uses* (Birmingham, 1910), p.89.

91 Will of Mrs. Mary Turner, dated 24 Sept. 1607 left dole to parishes of Kenilworth, Styvechale, Baginton, Stoneleigh, Bubbenhall, Ryton, Wolston, Stretton, Marton, Wappenbury. *Brougham*, p. 507

92 *Brougham*, pp. 727-8

93 *Brougham*, p. 963.

Please to give me a Valentine.[94]

Warwickshire children going Valentining would hope to collect apples or money from local farmers.[95] Whether there is a connection with this tradition is not clear, but in 1729 Richard Simmons established a dole of money in the parish of Meriden, and even though it was one of the charities amalgamated in the Right Lands, £3 10s was still being distributed to the poor on St. Valentine's in the 1830s.[96]

Neighbouring parishes sometimes shared the same pattern of days, although it is not yet clear whether this is because of emulation or a reflection of long lost local cults and traditions. For example, the only places having doles on New Year's Day were Allesley and Baginton, both contingent to Coventry, which had two doles on that day, and Knowle which is only some eight miles west of Allesley; doles on All Souls were made at Solihull and Henley; on Ascension Day at Fillongley and Meriden. Sometimes this is because the distributions are part of one charity, e.g. the distribution of 10d. in both Arley and Shustoke on Maundy Thursday arose from an ancient rent charge on Hall Meadow in the parish of Arley; the bread doles on the feast of St. James the Great (25 July) at Fillongley and Over Whitacre came from the James Dufresnoy charity.[97] In other cases there is not any apparent reason for the contiguity of custom. There does not seem to be much congruity between dole days and church dedications except in the case of Rugby (St. Andrew), Berkeswell (St. John the Baptist), Rowington (St. Lawrence)

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94 Hutton, *Stations of the Sun*, pp. 148-49; Bushaway, *By Rite*, pp. 38-40

95 Wharton, 'Warwickshire Calendar Customs', p.3; Wharton, 'Folklore', p. 126.

96 *Brougham*, pp. 645-46

and Temple Balsall (the 'Wake Shilling' distributed on the octave of the Assumption of St. Mary).[98]

Doles were part of an ancient tradition of charitable giving, but there were fluctuations in their popularity over time. The dates of foundation of 272 doles have been identified between 1460 and 1840. Only 16 can be safely ascribed to dates before 1600, and by analysing the remainder over decennial periods an interesting pattern emerges. While the average is 11 foundations per decade, the range is between one and 28. Between 1621 and 1630 there was a peak of 21, falling back to eight in the next decade. This coincided with the peak of charitable endowments identified by Jordan.[99] Endowments of all sorts, including doles, began to rise again in the early years of the eighteenth century. In Warwickshire, the endowment of doles rose to 25 between 1711-20, and in 1721-30 peaked at 28. There was a decline in 1731-40 to 18, subsequent decades falling to eight or nine. There was another slight increase to 15 in the period 1781-90, but thereafter a marked falling off. This coincided with a general dissatisfaction with the idea of distributing gifts in money or kind. Much was written about the baleful and pernicious effects of doles, and gradually they fell out of favour, with very few being founded after 1800. Two very late examples were endowed in the 1870s in Edgbaston, by then already a prosperous suburb of Birmingham. In 1876 Eliza O'Neill endowed a money dole to be distributed on St. Thomas' Day, a day on which, intriguingly, a subscription charity in the parish already distributed

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97 *Brougham,* New Year pp. 275, 674, 681; All Souls, pp. 80, 278-81; Ascension Day, pp. 486, 645-7; Maundy Thursday, pp. 538, 681; St. James, pp. 485, 964.

98 *Brougham*, pp. 136, 144; W. C. R. O. CR 2440/16/2, Will of William Sleath, Berkeswell, 30 December 1724.

money.[100] Two years later Samuel Messenger left £2,000 to endow a distribution of 'clothing or blankets or any protection for the winter' to be distributed on his birthday, 13 September.[101]

The old-established doles had varying fortunes in the nineteenth century. While trustees were legally obliged to fulfil the terms of the bequest two discernible trends were noticeable. One was for the dole day to be changed, and the other was for the public aspect of the dole to be done away with altogether. By the time of the Charity Commissioners' enquiries a number of the charities had come to be given at Christmas or at St. Thomas, whatever the original day stipulated. There are a number of possible reasons for this. One was that it was felt that these two days were most appropriate to doles. Another possibility is that the trustees no longer wanted to honour apparently Catholic holy days: at least three moved from All Saints and one from All Souls to Christmas.[102] The third, and most likely, possibility is the convenience of the trustees. There was a definite tendency for parishes to concentrate their doles on either St. Thomas or Christmas. This was most likely to occur when a number of small charities were administered together, under the trusteeship of the churchwardens.

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99 W. K. Jordan, *The Charities of Rural England, 1480-1660: The Aspirations and Achievements of the Rural Society* (1961), p. 26.

100 King, *Index of Birmingham Charities,* p. 261; B. C. A. MS 515/64-89, Edgbaston, St. Thomas Day Charity Accounts, Donation and Distribution Books, 1839-76; MS 690/10, Edgbaston, St. Thomas Day Charity contribution card, 1862.

101 He also made a payment of £5 a year to the vicar to preach a sermon on 'charity' on the Sunday nearest to 13 September, left money for the maintenance of a memorial window to his parents, the erection of a bust to his father, and endowed a number of prizes for design and drawing at the Birmingham and Midland. Institute, as well as making bequests of £100 apiece to the General Hospital, the Queen's Hospital, the Asylum for the Blind and the Institution for the Deaf and Dumb. His will thus showed the whole gamut of charity from filial piety to the encouragement of industry. King, *Index of Birmingham Charities*, pp. 241-2; B. C. A., will of Samuel Messenger, proved 15 March 1878.

Despite the variations which occurred in some doles, there was a remarkable adherence to the spirit and the letter of these foundations until the nineteenth-century reforms of charity law and the development of Charity Commission schemes. Even when their financial value was not great, in those parishes where they existed, doles were part of the framework of social life and the annual cycle. With their emphasis on being for parishioners, or certain categories of parishioners, they helped mould a sense of belonging. By recalling past benefactors they linked the people to their past, and they encouraged current generosity. Bob Bushaway described the begging customs as 'reinforcing the labourer's normative view of the social structure, in which there was a reciprocal relationship between the responsibilities of the wealthy for their poorer neighbours and the dues owed by the labouring community to the governors of rural society.' He went on to say that 'it is important to stress the essential differences between these folk charities and the distributions of institutionalised charities and bequests'.[103] However, these endowed doles formed a link between the informal and the formal, and in their institutionalised form helped to maintain something of the old customary calendar.

Another form of traditional charity which declined dramatically over the eighteenth century was the funeral dole. Distributions of money, food and drink, and even clothing, had once been a common component of funerary arrangements. The decline began with the Reformation for, as Houlbrooke said, 'in the exchange of benefits at funerals, the poor no longer had anything to offer'

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102 Randall's Charity, Henley-in-Arden; Greswold, Solihull; Harrington, Atherstone; Miller, Long Compton

103 Bushaway, *By Rite*, pp.188-91

once their prayers were no longer believed to be intercessory.[104] Here it is only possible to make a few tentative comments on the continuation of the funeral dole in the eighteenth century. It seems likely that it had all but disappeared by the nineteenth century, except for the meal provided for invited mourners, the 'burying him with ham' of popular humour. From the scattered references found during these researches, it seems that funeral doles tended to be the preserve of antiquarian minded gentry and aristocracy, conscious of their family prestige. Some, like George Sacheverell of Sutton Coldfield (d. 1715) instituted a charitable trust (a bread dole) as well as directing that there should be a distribution of £10 worth of bread within eight days of his funeral.[105] Other donors set up no permanent charity, but only funeral distributions which were reflections of the liberality and hospitality expected of a nobleman.[106] Such a one was Francis Greville, first Earl of Warwick, who died in 1773. As well as detailed dispositions to provide trust income for his children, he gave all his servants a year's wages and he gave £150 to be distributed to the poor of the two parishes in Warwick.[107] This was a particularly liberal gesture on the part of a man who was proud of the elevation of his family to the rank of earl, and was not repeated by his son George (d. 1816), who was, nevertheless, accorded the reputation of being 'the poor man's friend.'[108] It was not only men who made these gestures. Anne Stratford, widow of Francis Stratford of Merevale, in her will dated 10 February 1767 left similarly detailed provisions for her children and servants and meticulous instructions for

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104 Houlbrooke, *Death, Religion and the Family*, pp. 114, 257-9, 266-7, 294; P. Cunnington and C. Lucas, *Costume for Births, Marriages and Deaths* (1972), pp. 143-4.

105 Will of George Sacheverell, proved at Lichfield, 1715, book C, f.214.

106 Early modern notions of hospitality, as described by F. Heal, 'The idea of hospitality in early modern England', *P.&P.*, 102 (1984), pp. 66-93 and Heal, *Hospitality in Early Modern England* (Oxford, 1990), were declining in the eighteenth century. As Amanda Vickery wrote, 'Good, old hospitality had to be reconciled with polite exclusivity.' *The Gentleman's Daughter: Women's Lives in Georgian England* (Yale, 1998), p. 203.

107 W. C R. O. CR 556/827/2, Copy will of Francis, First Earl of Warwick, dated 2 September 1771.

108 W. C. R. O. CR 1886/723/3, Copy will of George, 2nd Earl of Warwick, dated 22 June 1812. It was reported that a poor labourer, on hearing of his death, exclaimed 'God rest his soul! He was, indeed, the poor man's friend.' *Warwick Advertiser*, 18 May 1816.

her funeral. In a codicil dated 2 March 1777 she arranged for funeral doles of money 'or the value in corn' to be made in the parishes where the family held land: £10 in Merevale, £5 in Mancetter, and £2 each in Nuneaton, Ansley, Bentley, and Baddesley Ensor.[109] Also in 1767, a much less wealthy spinster, Mary Madew of Solihull, after dispositions to her cousins and her servant, left £5 to the poor of the parish.[110]

Conclusion

Much of the preceding discussion has focussed on the motives of donors and the meanings they ascribed to charity, though the themes of community and tradition embraced both donor and recipient. It is much more difficult to assess what meaning charity had for the beneficiary. There is very little first-hand evidence, and many contemporary reports were filtered through the perceptions of the donor, or someone from a similar background acting as commentator. As Peter Mandler put it, 'not only did the observers have an interest in recording mostly what they wanted to hear, but the working-class supplicants had an interest in saying what their masters wanted to hear.'[111] While religious belief and economic understanding informed the responses of the recipients, as they did the actions of donors, in various ways, so, too must personality have played a part. If one can recognise a generous or a mean spirit in a person (however one accounts for that person's having that personality), then surely one must also allow for grateful and ungrateful people. However, was the 'ingratitude' denigrated by so many donors really the independent spirit which they were trying to inculcate in the poor? The

109 W. C. R. O. QS 9/18/m. 26, Enrolment of deeds and wills.

110 W. C. R.O. QS 9/18/m. 18, Enrolment of deeds and wills.

111 P. Mandler, *The Uses of Charity: The Poor on Relief in the Nineteenth Century Metropolis* (Philadelphia, 1990), p. 14.

charity of transfer payments from rich to poor could elicit gratitude or resentment, or a sense that there was, after all, justice in the world. Was the gift relationship any different when it is not a matter of transfer payments? Were the responses of recipients different if they had a more participatory role in the exchange, as in the provision of education or the promotion of self-help and temperance? More work needs to be done on the elusive attitudes of the recipients.

However, one should not stress too much the dichotomy of charity, dividing the gift relationship into mutually exclusive groups of donors and recipients. This is a logical nonsense, as the one cannot exist without the other. Rather charity is a dyad, combining donor and recipient. What is important is the relationship between the two, the interaction. Also, for many people below the level of those who could endow charities, they could be both donor and recipient at different stages in their lives. The charity of the poor to the poor was frequently remarked upon during the nineteenth century, which obviates Mandler's rather harsh judgement that 'at no point did the forms in which charity was offered match the forms in which it was needed.'[112] Yet it is true that charity was as much a reflection of the wealth and beliefs of the donor as a response to the needs and expectations of the recipient.

Despite that, there were positive aspects of charity. Not all, but some of the hungry were fed, some of the naked were clothed, and some of the sick were visited. To have accomplished an act of charity was to have performed a duty, secured one's salvation or achieved social status or personal satisfaction (or,

indeed, any combination of these things), depending on the particular outlook of the donor. This is not to suggest that all the other factors of pride, self-interest, social control and even conflict, did not play a part, the balance between them altering from place to place, time to time and person to person. However, a sense of participation and justice could be fostered by charitable action. Brian Harrison has spoken about the 'integrating role' of philanthropy in the nineteenth century, involving the middle class and the upper working class, religious groupings outside the establishment and women.[113] Through the fostering of a sense of community and tradition it could endeavour to embrace the recipient as well as the donor. Perhaps the last word should be left with Mr. Griffith, the author of a book on the charities of Birmingham. The words he used in connection with the Birmingham Town Mission in 1861 may stand for all charitable effort: 'Hypocrisy and formalism there may be, and doubtless there is, but our decided conviction, from what we have seen, is, that after every deduction, a large amount of good that will stand the test of time will be the final issue.'[114]

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112 Mandler, *Uses of Charity*, p. 1.

113 B. Harrison, 'Philanthropy and the Victorians', in Harrison, *Peaceable Kingdom* (1982), p. 229

114 G. Griffith, *History of the Free-Schools, Colleges, Hospitals and Asylums of Birmingham and their Fulfilment* (1861), p. 449.

Appendix 1

Charities Created by Enclosure

Place	Date	Act/ Ag/mnt	Acreage	Purpose	Trustees	Gilbert 1787	Brougham 1843	Charity Commission 1877	Charity Commission Scheme
Aston, township of *Erdington*	1804	Act	0a. 3r. 16p.	The Poor	No data	n. a.	Money £15	Money £20	
Avon Dassett	1780	Act	6a. 3r. 1p.	Fuel Rights	Private	Fuel £6 10s.	Money £21 5s.	Money £18	
Bilton	1662	Ag/mnt	42a.	The Poor	Churchwardens & overseers	Not listed	Coal & garden ground £60	Cash/kind £114 14s. 9d.	
Bishop's Itchington	1775	Act	8a. 0r. 1p.	Fuel Rights	Private & minister	Furze £7 17s. 11d.	Money & furze £13 13s.	Fuel/ Clothes £14 10s.	1871
Bourton & Draycott	1766	Act	10a.	Fuel Rights	Lord of manor & minister	To poor £2	Coal £13 1s	Money £23 12s.	
Brailes	1787	Act	8a.	Fuel Rights	Churchwardens & overseers	Firing	Coal £13 13s.	Coal 8 ½ tons	
Brinklow	1741	Act	5a. 0r. 8p.	Common Rights	Constable, rector, wardens & overseers	To poor £6 10s.	Not listed	Education £15	1857 Education
Bulkington	1771	Act	3a. 3r. 12p.	The Poor	Churchwardens & overseers	Not listed	Money £4 17s 6d.	Money £5	
Clifton-on-Dunsmore, hamlet of *Newton*	1757	Act	2a. 1r. 0p.	Cost of enclosure	Constable & churchwardens	Not listed	Not regarded as charity	Not listed	1916
Dunchurch	1709	Act	20a.	Fuel Rights	Churchwardens	To poor £11 12s.	Houses/Cash £59 10s.	Houses/Fuel £79 9s.	1861 Coal
Ettington	1795	Act	4a	Fuel Rights	Vicar & churchwardens	n.a.	Money £5	In kind £5	1874 sold

Place	Date	Act/ Ag/mnt	Acreage	Purpose	Trustees	Gilbert 1787	Brougham 1843	Charity Commission 1877	Charity Commission Scheme
Harborough Magna	1755	Act	3a. 3r. 2p.	Fuel Rights	Churchwardens & overseers	Fuel from 3a. 3p.	Not listed	Not listed	1861
Harbury	1780	Act	30a.	Fuel Rights	Vicar, churchwardens & overseers	To poor £13 5s.	Coal £33	Money £88 1s	1865, 1869
Ilmington	1781	Act	5a.	Fuel Rights	Churchwardens	Not listed	Furze & money £3	Money £14 7s.	? Allotments
Leamington Hastings	1667	Ag/rmnt	108a. 2r. 19p.	The Poor Church School	Lord of manor, vicar and eight others	The Poor and School £47	Coal, church, apprenticing, school £100	Coal, church, apprenticing, school £136	
Long Compton	1812	Act	4a. 0r. 27p.	Fuel Rights	Earl Northampton & vicar	n.a.	Coal £11	Money £11	
Long Lawford	<1719	Ag/mnt	20a.	The Poor	Overseers of poor	Not listed	Coal & money education £45	Money £66 18s. 4d.	
Napton	1778	Act	12a.0r 26p.	Fuel Rights	Vicar, churchwardens & overseers	Not listed	Coal £13 14s.	£17 14s.	
Pillerton Hersey	1795	Act	8a. 1r. 22p.	The Poor	Churchwardens & overseers	n.a.	Coal £9	Money £13 6s. 8d.	
Preston Bagot	1741	Act	1a. 0r. 29p.	The Poor	Churchwardens and overseers	Poor house	Poor house	Poor house	
Ratley	1796	Act	1a. 2r. 28p.	The Poor	Vicar, churchwardens & overseers	Not listed	Coal & school	Money	
Shotteswell	1794	Act	0a.3r.13p.	Fuel Rights	Lord of manor, vicar, wardens & overseers	n.a.	Money & clothes £4 14s.	Not listed	
Stretton-on-Dunsmore	1704	Ag/mnt	c.11 a.	The Poor	Private	Not listed	Amalgamated with others	Amalgamated with others	1859
Stretton-on-Dunsmore, hamlet of *Princethorpe*	1762	Act	12a.3r.24p.	The Poor	Churchwardens	Not listed	Coal & money £12 3s. 3d.	Coal £24 7s. 10d.	1918
Stretton-under-Fosse	1771	Act	5a. 2r. 20p.	Fuel Rights	Lord of Manor	To poor £2	Coal £12	Not listed	

Place	Date	Act/ Ag/mnt	Acreage	Purpose	Trustees	Gilbert 1787	Brougham 1843	Charity Commission 1877	Charity Commission Scheme
Thurlaston hamlet of Dunchurch	1729	Ag/mnt	43a.	Fuel Rights	Churchwardens & overseers	To poor £12 8s.	Money & coal £46 4s.	Fuel £95 10s.	1865
Tysoe	1798	Act	18a.	Fuel Rights	Earl of Northampton and others.	n.a.	Coal £26 10s.	Fuel £42	
Wappenbuy, hamlet of *Eathorpe*	e. 18th Cent/y?	?	4a. 1r. 6p.	Public uses bridges etc	Vicar & churchwardens	Not listed	Public uses or coal £9	Coal £10	1932 sold £7 14s
Warwick St. Nicholas	1772	Act	15a	Fuel Rights	Earl of Warwick and others	Not listed	Coal £27 6s.	Fuel £36	

Appendix 2:
Warwickshire Dole Days

Date	Feast	No. Charities	No. of parishes
1 January *	Circumcision of Christ/New Year's Day	7	5
6 January	Epiphany	1	1
28 January		1	1
2 February *	Candlemas/Purification of the Virgin	7	6
14 February	St. Valentine	1	1
24 February *	St. Matthias	2	2
Variable	Ash Wednesday	1	1
10 March		1	1
19 March		1	1
20 March		3	1
25 March *	Lady Day	8	8
Variable *	Palm Sunday	1	1
Variable	Maundy Thursday	1	2
Variable	Good Friday	44	43
Variable*	Easter	30	37
23 April	St. George	1	1
26 April		2	1
29 April		1	1
1 May*	Ss. Philip & James the Less	1	1
Variable*	Holy Thursday/ Ascension Day	2	2
Variable *	Whitsuntide	19	15
Variable*	Trinity Sunday	3	3
24 June *	St. John/Midsummer	8	7
25 July *	St. James the Greater	2	3
10 August	St. Lawrence	1	1
16 August		1	1
22 August	Octave of the Assumption	1	1
24 August	St. Bartholomew	1	1
13 September	(Donor's birthday)	1	1
Variable	Thursday before Michaelmas	2	1
29 September*	St. Michael/Michaelmas	6	6
25 October	St. Crispin	1	1
1 November *	All Saints	5	5
2 November	All Souls	2	2
5 November	Gunpowder Treason	3	3
17 November	Crownation Day (Eliz. I)	1	1
30 November *	St. Andrew	3	13
21 December *	St. Thomas	118	67
24 December	Christmas Eve	1	1
25 December *	Christmas	90	63
27 December *	St. John the Evangelist	5	7
Total		390	

Some parishes had more than one charity to be distributed on the given day, other charities benefited more than one parish. Some charities also specified distributions on a number of separate dates. Each separate reference to a dole on a particular date is included in the table. For Coventry and Warwick the parishes have been counted as one place. Those dates marked * are feast days approved under the Elizabethan settlement of 1559. November 5 became a day of thanksgiving and obligatory attendance at church by Act of Parliament in 1606; the service was abolished in 1858 and the Act repealed in 1859.

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