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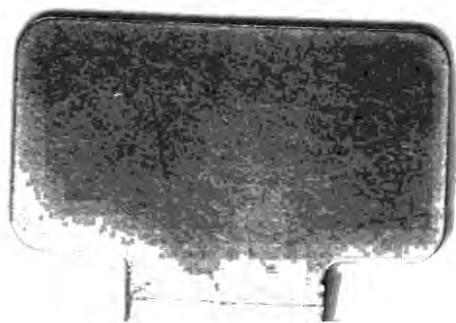
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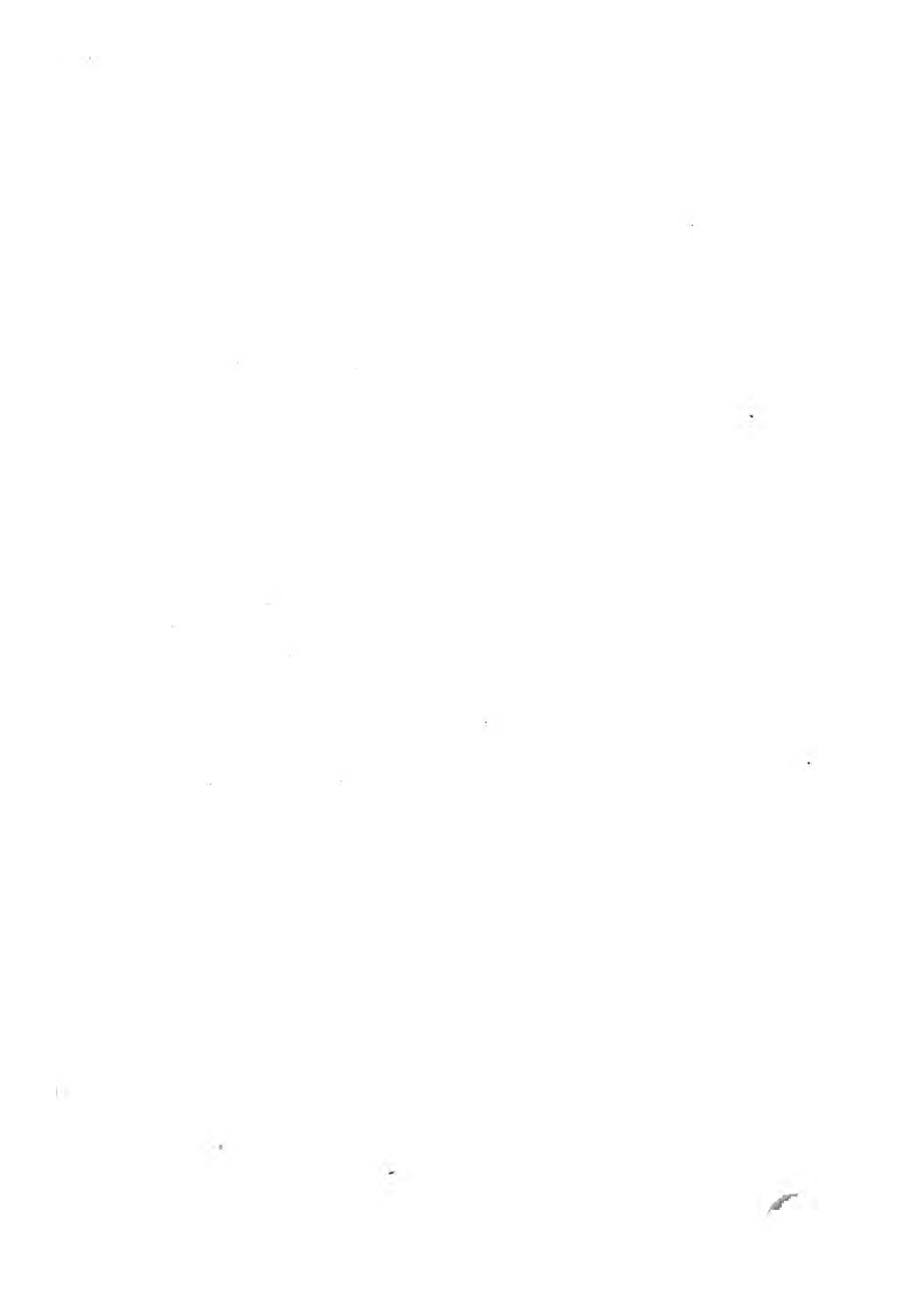
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AN  
ACCOUNT  
OF THE  
SUPERVISION  
HELD AT THE  
COLLEGE near WINCHESTER,

BY THE  
WARDEN and SUPERVISORS  
OF  
ST. MARY WINTON COLLEGE in Oxford,  
commonly called New COLLEGE,



ON THE  
Third Day of *September*, in the Year One  
Thousand Seven Hundred and Sixty-six ;

AND SOME  
PROCEEDINGS  
Consequent thereupon.

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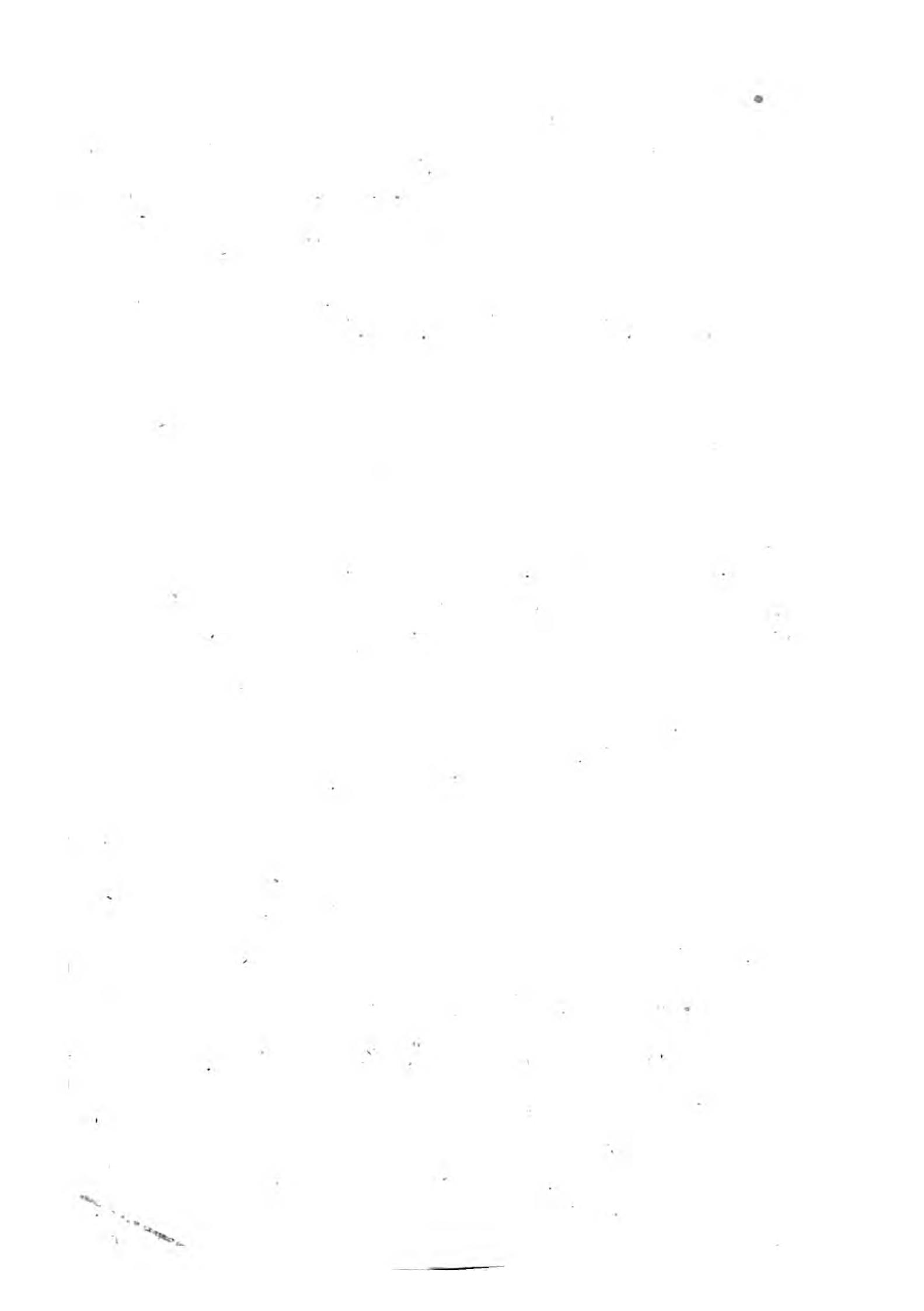
In a LETTER to a FRIEND.

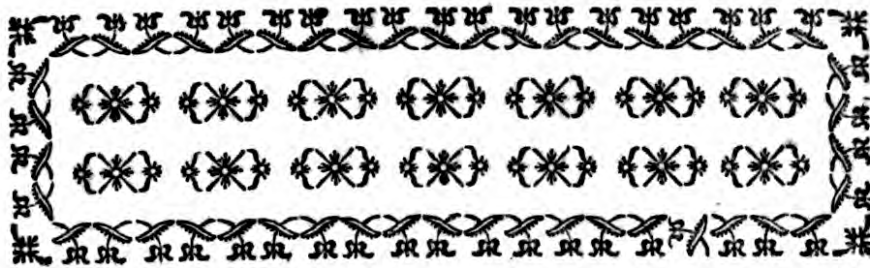
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L O N D O N :

Printed in the Year M.DCC.LXVII.

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A N

# ACCOUNT

OF THE

## SUPERVISION, &c.

DEAR SIR,

WHEN, in the *Christmas* Holidays, I spent some Days at \_\_\_\_\_, you expressed great Anxiety concerning the Dispute between the Warden of *New College*, and the Masters of the School at the College near *Winchester*, relative to their receiving Fees from the Parents or Friends of the Children upon that Foundation. You said that you were in an aukward Situation ; that you could not tell how to act for your Nephew ; that you should be glad to withhold such



Fees, but feared lest your Kinsman might not be used so well by the Masters as you could wish, if you withheld the Fees; and that you should be glad to be informed somewhat more particularly of the State of the Case, and desired me to get what Information I could in Relation to it. Through my Acquaintance with the Gentlemen of *New College*, I have an Opportunity of sending you an exact Account of the whole Proceedings: And I cannot help declaring, that I am of Opinion that the Masters are in the Wrong; though, in their Petition to the Bishop of *Winchester*, the Substance of which is contained in the Pamphlet which I here send you, and which I lately procured from a Friend in *Hampshire*, they have given their Cause a plausible Appearance. I will now explain to you, with that Plainness and Perspicuity I am able, the Grounds of my Opinion; which will, perhaps, confirm you in the Rectitude of your Behaviour, should you have the Courage, which I hope you will, to withhold any future Presents.

• In *September* last, the Warden of *New College*, and two of his Fellows, annually chosen for that Purpose, went, as usual, to the College near *Winchester*, to hold the Election, as it is commonly called, and for

for another End also, (indeed their more immediate and primary business) to enquire into, and to redress any Abuses that might have crept into that College. Upon their Enquiry, they found that the unwarrantable and (as will soon appear) unstatutable Custom, by which the Masters generally receive of each Scholar ten Guineas yearly, still prevailed. They were the more surprized, it seems, at this Proceeding, because, soon after the Masters had been elected into their respective Offices, in the preceding Month of *May*, the Warden and Fellows of the College near *Winchester*, had offered to make a considerable Enlargement of their Salaries, in order to prevent their receiving such like Gratuities for the future. The present Masters were asked by the Warden of *New College*, and the Supervisors, (for so the two Fellows of *New College*, who go to *Winchester* on this Occasion, are called in the Statutes, though commonly *Posers*) whether they would accept of Salaries on the Condition of not receiving any future Gratuities? but they absolutely refused, and professed that they would take whatsoever might be offered to them. Nay more, it appeared, in the Course of the Scrutiny, that this Payment was esteemed, by the Scholars, as a necessary Article of Expence in their Educa-

Education, and an established Fee; and what the present Head Master, when Usher, had inclosed in their Accounts, (which were, at each Holiday-time, sent home to the Children's Parents by the Usher) as a stated Article in their Expences. The Warden, therefore, and Supervisors, came to the following Resolutions:

*Winton College, Sept. 4, 1766.*

**A**T a Scrutiny, held by the Warden and Supervisors of *New College*, in the Room commonly called *The Election Chamber*, in the College near *Winchester*, on the third Instant, and continued to the Day of the Date hereof; it was unanimously resolved by them,

*First*, That the Practice, which hath, for some Time, prevailed, generally of presenting Ten Guineas *per Annum* to the Master and Usher of the School, from the Parents or Friends of each Child, is contrary to the obvious Intention of the Founder, a grievous Imposition on the *Pauperes et indigentes Scholares, et grave Scandalum* to the College itself.

*Secondly*, That the Children be therefore admonished, by the said Warden and Supervisors, to inform their Parents and  
Friends,

Friends, that they should not present such Gratuities to the Master and Usher for the future; as the said Master and Usher ought to be paid out of the Revenues of the College for their Labour and Trouble in the Discharge of their Offices.

*Thirdly*, That it be recommended to the Warden and Fellows of the College near *Winchester*, to prevent, as far as in them lies, the Offer of any future Gratuities to the Master and Usher from the Children, their Parents, or their Friends, and even to remove the said Master and Usher from their respective Offices, if they presume hereafter to accept of any such Gratuities; since any Members of the College, *per quos grave scandalum Collegio generatur*, are removable; those especially who are expressly *conductitii atq; etiam remotivi*; and they do hereby recommend the same.

The two first of these Resolutions were read to the Scholars assembled before the Warden and Supervisors for that Purpose, in the Election Chamber, and a verbal Admonition followed; That no Scholar should presume, for the Time to come, to offer any Present or Gratuity (or Words to that Effect) to the Masters.

Some Time within the Month after the Supervision and Election were concluded,



cluded, the two Posers, willing to have these Resolutions confirmed by the highest Authority, reported (or, to use the statutable Expression) denounced to the Bishop of *Winchester* these Resolutions, with some other Matters ; and prayed the Favour of of his Lordship's Concurrence and Support. Not long after the Masters presented a Petition to his Lordship, which you will see, in a great Measure, contained in the inclosed Pamphlet, both with Respect to the Matter and the Language. It is by some, at *Winchester*, boasted of as a most masterly Performance, and that the Arguments advanced are unanswerable. How far they are unanswerable, you are to judge. It does not seem necessary to take Notice of all the Scurrility contained in it, as some things there advanced are really unworthy of a serious Answer ; particularly that Distinction without a difference, of a Power over Things, and not over Persons ; and that trite Observation from the Canon Law, of the four Requisites in an Injunction, relative to Persons to whom such Rules cannot be applied ; and the Buffoonery in advising the Warden and Supervisors to collect all the Paupers from the Places where their College Estates lie, that they may turn an illustrious Seminary into an Alms-house.

But

But to consider the Force of the Argument in this Case; as far as I can collect from these following Periods, what the Petitioners advance, and what is meant as proved, may be reduced to these Propositions.

*First*, That the Practice of the Master's and Usher's receiving Fees, is not contrary to the obvious Intention of the Founder.

*Secondly*, That, in Consequence of the first Proposition, the aforesaid Custom cannot be a grievous Imposition on the *Pauperes et indigentes Scholares*.

*Thirdly*, That it cannot be called *grave Scandalum*. And,

*Fourthly*, That the above Resolutions and Recommendations of the Warden and Supervisors of *New College*, are full of strange Improperities and Misapplications of Expression; that they do an Injury to the Master's and Usher's Characters, by gross and undeserved Misrepresentations, tending to lower, to blacken, and to discredit them in the Eyes of their own Scholars; and that their reading part of the Resolutions to the Sholars was an heavy Grievance.

Among the Arguments in Proof of the first Proposition, it is asserted, that it is hard to say how the Gratuities paid to the Master and Usher should become Objects of the Warden's and Supervisor's Enquiry.

If the Receiving of Gratuities be no Object of their Enquiry in the present Mode, I agree with the Petitioners, that the Warden and Supervisors have acted erroneously in Regard to them ; but even then it will not follow, that they have so acted with any Design to lower, to blacken, and to discredit them, either in the Eyes of their Scholars, or any other Person.

I shall begin then to shew, that this Payment of Gratuities is an Object of their Enquiry ; which, if I can shew, I doubt not but I shall be able to disprove every other Proposition advanced by the Petitioners. After this I shall proceed to consider with what Truth the Facts alledged in the Petition are asserted, and in what Manner the Warden and Supervisors have been treated by these Petitioners.

That the Master's receiving Gratuities according to Custom, lately prevalent at *Winchester*, is an Object of the Warden and Supervisor's Enquiry, is clear from these Reasons :

*First*, Because (to quote the literal Words of the Statute in full) the said Warden and Supervisors have their Commission (as I am informed, and by what I can transcribe from the Pamphlet) set forth in the following Words—

*Custos Collegii nostri prædicti et unus se discretioribus, &c. ac unus alius, &c. sumptibus Col-*

*Collegii nostri Oxoniæ accedant ad Collegium nostrum Wintoniæ, &c. et ibidem super Regimine ipsius Collegii Wintoniæ Custodis, ac Magistri in Grammaticâ Informatoris, Hostiarii sub ipso, Scholarium et aliarum Personarum degentium in eodem, ac super Informatione Doctrinæ, et Profectu Scholastico Scholarium ipsius Collegii, et qualiter in victualibus providetur iisdem, ac super aliis articulis in statutis ejusdem contentis diligenter inquirent, et scrutinium faciant, corrigenda et reformanda etiam in eodem juxta præfata Statuta, et secundum quod pro utilitate, Honore, Honestate, ac felici Regimine præfati Collegii propè Wintoniam, ac personarum ejusdem melius viderint expedire corrigant et reforment, et si forsitan aliquæ invenerint ibidem corrigenda quæ absque gravi Incommodo per se corrigere non possunt, ea quam citò ad id se obtulerit Facultas infra mensem proximè tunc sequentem Domino Episcopo Wintoniæ qui pro Tempore fuerit, vel ejus Vicario in Spiritualibus Generali, vel sede vacante Custodi Spiritualitatis ejusdem denuntient per ipsorum aliquem corrigenda, ac debite reformanda, ac pro Reformatione, Correctione, ac Punitione debitis eorundem diligenter insistant, ac prosequantur juxta posse. Quorum omnium Conscientias in hâc Parte apud altissimum arctius oneramus.*



It may be observed here, that, as the Warden and Supervisors are obliged to enquire into the several Articles contained in the Founder's Statutes, they are also, by these Statutes, impowered to act *secundum quod pro Utilitate, Honore, Honestate et felici Regimine præfati Collegii prope Wintoniam melius viderint expedire.* Which Words express a discretionary Power in them to reform any Enormities which, from Time to Time, may arise, and obstruct the happy Government of the said College, and be inconsistent with the Honour, Interest, and Credit of it.

*Secondly,* Because every Visitor hath a Power to explain and set forth a Founder's Meaning, by known Usage, provided that such Explanations be not contrary to an express Statute, deprives not any statutable, regular Member of a Foundation of an uncontroverted Right, and is consistent with the general Design of any particular Foundation, as it shall appear to him, and according as he may collect such Design from the several Parts of the whole Body of Statutes of such Foundation as laid and compared together : And where any Practice contradicts such Design, every Visitor hath a Right and Power to abolish that Practice, by which such general Design is immediately subverted.

It

It is a Power which most Visitors, at different Times, have exerted in their particular Injunctions to the several Societies under their Jurisdictions. Where a Statute reaches expressly any Mal-practice, there is no need of a particular Injunction. Times and Circumstances, in the Course of Things, must be so various, that it is impossible for human Foresight to provide Statutes in such a Manner as to answer all Occurrences ; and therefore Visitors have been appointed, in order to fulfil the obvious Intention of Founders ; not by making new Statutes, but by giving such Directions as might prevent any growing Evil, inconsistent with, and contrary to a Founder's general Plan ; when, perhaps, no express Words of a particular Statute could remedy that growing Evil. Such a Power the Founder of the *Wickamical* Societies, by the Tenor of his Statutes, seems to have invested his Warden and Supervisors of *New College* with, on their annual Visitation of *St. Mary College* at *Winchester* ; or the Words of his Charge to them mean nothing. They seem to be in this View designed, the sole immediate Visitors, and the Bishop of *Winchester* (I humbly presume) only named as a Person to whom they might apply for his Aid and Assistance, if they themselves could not effect their intended

Refor-

Reformation of any Grievance, *absq; gravi Incommodo*. And there is no Instance of this Power's ever being disputed before this Time. It is true, the Bishops of *Winchester*, as local Visitors of *New College*, have a Power to restrain an Usurpation of Power in the Warden and Supervisors, and a coercive Power to prevent their Negligence in exerting their real Power; which latter hath been exercised by a Bishop of *Winchester*.

I think I may now proceed to the first Proposition urged by the Petitioners, *viz.* That the Master's and Usher's receiving Fees after the Custom lately prevalent in *Winton College*, is not contrary to the obvious Intention of the Founder. And, in Support of this Proposition, the Petitioners assert, that the only Statute which relates to the Case in Point is Rubric the Twelfth; and, as it is the only Passage of this Sort, they have begged Leave to quote it at large, but have only done it in part; by their Leave, I shall subjoin the Remainder of it, according to my Information: *Ad quæ omnia et singula supradiçta, ET QUÆCUNQUE ALIA PRÆSENTIBUS STATUTIS INSERTA FACIENDA ET FIDELITER OBSERVANDA, eosdem Magistrum et Hostiarium, quatenus ista ipsorum utrumque singulariter concernunt in ipsorum Admissione primariâ coram Custode*

*Custode vel vice Custode prædictis præstare volumus tactis sacrosanctis Evangeliiis corporaliter Juramentum.*

Although the Rubric they have referred to seems, to common Eyes, sufficiently express against the Reception of any Fee or Reward whatsoever, for the Instruction of the Youth submitted to their Care; I cannot allow, so far as I have heard of the Statutes, that Rubric the Twelfth is the only Statute relative to the Case in Point. For passing over, as useless to their Purpose, the grammatical Explanation of the Words *Exigere, petere, et vendicare*, and the bold Insinuation that the Warden and Supervisors would have foisted in a new Word, *accipere*, into this Rubric, we must consider the Nature and Design of the Foundation at *Winchester*. *William* of *Wickam*, the pious and munificent Founder of that College, provided for the Education and Maintenance of seventy Scholars; out of which Number the Vacancies which might happen in his College, which he had founded in *Oxford*, were to be filled up. For the Instruction of these Scholars, he appointed an Informator, and Hostiarius; to superintend the whole Design, a Warden; and afterwards were added ten Fellows.

To



To the Warden he assigned a very handsome Allocation and Commons, &c. (to be settled at the Discretion of the Warden and Fellows) and twenty Pounds a Year Stipend ; to the Informator ten Pounds a Year Stipend ; to each Fellow an hundred Shillings yearly ; and to the Hostiarus five Marks yearly ; and to each of these a Shilling a Week Commons, and equal Allocations, &c. as appears by the Statute Rubric, the thirteenth and twenty-sixth.

The Statute which settles the Schoolmaster's and Usher's Allowance, seems very full to the Purpose. By this, ample Provision is made for the Schoolmaster, who is intitled to a Portion half as great as the Warden's, that he may discharge his Office without any Expence to the Scholars. The Founder has not, it is said, forbidden the Master, in express Terms, to receive any Gratuities. He, perhaps, could never have supposed that any Person would freely offer them to *him*, who had so handsome an Endowment. But a corrupt Practice might prevail of Money being required, at least indirectly, by the Masters, if ever they should not receive their just Proportion, according to the equitable Construction of the Statute, (and indeed, it has, for many Years, prevailed) which

which is luckily guarded against by the Word *Quomodo petere, &c.*

The Founder's Intention then, in this Case, is very obvious to every unprejudiced Mind, that the Scholars should receive their Education *gratis*, in Consequence of the liberal Appointment made for the Master and Usher. Now, at this present Time, the Schoolmasters instruct other Children besides those on the Foundation; for which they receive annually ten Guineas; the Informator six, and the Hostiarius four; as large Fees for that Purpose only, as any paid throughout the whole Kingdom! The Scholars on the Foundation, generally, and for the most Part, pay the same. So then, the Founder's Benefaction, in this Respect, can be of no Service to his Scholars; as they are not eased of any Expence: And I think it follows, that if the Benefaction is of no Service, what renders it so must be contrary to the obvious Intention of the Founder. And let it be remembered further, that, in the solemn Conclusion of his Statutes (as I have been informed) he has taken great Care, and has been very earnest to prevent any Abuses which might creep into his College, contrary to his general Design, lest any one of the regular and established Members of his Founda-

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tion,

tion, those who were the Objects of his Body of Statutes, of what Degree soever, should render void his Intention by any sinister Interpretation, or any Advantage taken of Words, or any Art or Plea whatsoever. What then must we think of those who are removeable at Pleasure, if they dare attempt such a Thing?

To the second Proposition, therefore, I answer, That what is contrary to, and counteracts the obvious Intention of the Founder, is a grievous Imposition. Where a Scholar is intitled to receive his Education *gratis*, and yet it shall be as expensive to him as another, who is not intitled to the same Privilege; that Scholar then loses such Privilege; and the Loss of such Privilege is, in respect to him, a grievous Imposition, to him who is also one of the *Pauperes et indigentes Scholares*; such as the Founder supposed not in the Petitioner's sense of the Word; but such as to whom a liberal Education, *gratis*, would be convenient: And this is plain by the Oath which each Scholar takes, that he is worth no more than five Marks annual Income (a Sum equal to the Usher's Portion;) which implies, that he may possess a less Income: And the Omission of such Oath to a Founder's Kinsman, which also implies, that he may possess  
any

any Income, unless a particular Statute forbids it ; as does Rubric the twenty-fifth, where a Founder's Kinsman, who possesses more than twenty Pounds annual Income clear, must be removed from the College. Now all these are equally considered by the Founder, as *Pauperes et indigentes*, and consequently Objects of his Bounty ; insomuch that the private Tutor of his Kinsmen is to be provided at the Expence of the College, Rubric the second : Which Statute shews, that even the wealthiest Part of his Foundation should be at no Degree of Expence for the Instruction which his charitable Institution had provided for them.

To the third Proposition I answer, by affirming that the Practice lately prevalent, is *Scandalum* ; as it is an Imposition on the Scholars, contrary to the obvious Intention of the Founder, and subversive of his charitable Foundation in the Education of his Scholars. It may be *grave Scandalum* in a plain Meaning, and as it would generally be understood ; though it may not exactly coincide with the Petitioner's Notion of what the Founder meant by that Term. Indeed, in those Statutes referred to, in Rubric the twenty-fifth and twenty-sixth, the Crimes there specified are not the only Crimes by which *grave*



*Scandalum* might be brought upon the College, as appears by the Words of those Statutes ; which declare, That *any other Faët*, by which Damage, Prejudice, or *grave Scandalum* may accrue to the College, shall bring on the same Penalty. Such a Practice, surely, as tends to overturn and defeat the munificent Benefaction of the Founder in so essential an Article, must be one of the *Majora delicta*, and what deserves the severest Cognizance. If it be asked, Why there is no Statute relative to the Removal of the Masters similar to the aforementioned one, *Propter quas Causas debent amoveri* ? I answer, for this obvious Reason ; because they are removeable at the Pleasure of the Society, as being *conduëlitii atque etiam remotivi*, as appears by Rubric the twelfth. Therefore it is impertinent, in this Case, to refer to a Statute respecting the regular Members of the Foundation, and to apply it to Persons hired ; and consequently such are removeable at the Will of those who hire them.

*Fourthly*, In Answer to the Petitioner's Position, I must reply ; That the Resolutions and Recommendation of the Warden and Supervisors, do not seem to me to contain strange Impropriety and Misapplication of Expression, since they coincide

incide with the Will of the Founder, collected from the several Parts of his Statutes, and what was *secundum Intentionis ejus Propositum*, as he himself expresses it. Much less do I think they were contrived in order to injure (for they do not injure) the Master's and Usher's Characters; since they could not condemn the Practice as adopted by either of them, in their present Stations; when the one had never yet received Gratuities as Master, nor the other as Usher. But as a Corruption had been continued for some Years, which called aloud for Redress, being contrary to the obvious Intention of the Founder, &c. the Warden and Supervisors endeavoured to abolish it, without any Prejudice against the particular persons of either Master or Usher. And if this Corruption had been entirely abolished, the bringing such a scheme to take effect, would be so far from blackening the Masters in the Eyes of their Scholars, that it would be setting them upon a more honourable, as well as more statutable Footing, and giving them the *Dignity of their respective Stations, in so illustrious a Seminary*.

The reading over these Resolutions to the Scholars (it is to be observed the two first only were read) could not be a grievance, if they were founded (as to me it seems

seems evident they were) on the Intention and general Plan of the Founder, to which the Custom of presenting ten Guineas annually was contrary.

I am now to consider the Facts contained in the Petition.

In the first Place, I deny that these Gratuities are voluntary. They are usually paid as customary Dues; and few Parents dare to refuse sending them out of Tenderness to their Children; and the two last Ushers have mentioned them in their Letters to their Parents with their Sons Bills, as stated and necessary Articles of Expence. It must be allowed, indeed, that the present Master and Usher, in their present Capacities, have never claimed these Fees; and, for a very good Reason, *viz.* because they have not been in these Capacities at the Time in which these Fees are generally paid. It is a strange Method of changing the Question in their Petition against the Resolutions. The Resolutions condemn the Custom of paying ten Guineas yearly to the Masters as a stated involuntary Fee, regularly expected, and as regularly paid. The Petitioners contend for a Right to receive in general Gratuities, if offered freely. I must look on that Declaration, with which they conclude their Petition, as a Subterfuge

fage unbecoming fair Reasoners, when they set forth, that they are left destitute and naked of any Income, except forty-two Pounds for one of them, and thirty-two for the other ; when it is notorious, from their own Confession, that they have had an offer of two hundred and fifty for one, and an hundred and fifty for the other ; which they have rejected ; and to him that should be Resident in College, twenty Pounds extraordinary would accrue in some particular Conveniences. And it is further to be remarked, that these Petitioners knew that such Terms were to be proposed to them by the Warden and Fellows, and were the implied, though not express Condition of their Election into their respective Stations. I cannot but be of Opinion, and am certain, that I am very far from being singular in it, that when an enlarged Salary is offered to the Masters, and Resolutions are entered into to prevent their receiving Fees according to the established Custom ; and yet the said Masters profess, that they will still receive them if offered ; that they will receive no Salary whatever, if *clogged with Conditions* ; and moreover, lodge a Petition with the Bishop of *Winchester*, complaining of an Injury in the Warden and Supervisors endeavouring to prevent the usual



usual Payment of such Fees (for to say they are injured, is, by fair Implication, to claim a Right to that, the withholding of which is an Injury) and asserting, that the Payment of these Fees is no Object of the Warden and Supervisor's Enquiry; I say, I cannot but be of Opinion, that this Conduct does not barely amount to a *Quo-vismodo exigere, petere, et vindicare*, but an *Omnimodo*. It is entertaining to hear these Petitioners roundly assert, that the Warden and Supervisors had no Statute to produce in Support of their Measures; otherwise, say they, such Statute would have been produced. The Truth is, they had Statutes to produce, which now have been produced: They had also evidence, that the present Master, when Usher, had violated them. But their Intention was to remove future Grievances, not to enquire into past Enormities, any farther than as it might be the Means of accomplishing that End. It is therefore begging the Question, to say that, because the Warden and Supervisors have not expressly charged them with a Breach of the Statute, Rubric the Twelfth; therefore they allow that they have not been guilty of a Breach of it: The contrary to which has been proved above. How must the Warden and Supervisors be surprized to meet with

with such Opposition from Persons whose Honour they were consulting, as well as the Credit of the Society, by furnishing them with an ample Maintenance upon a more liberal Plan ; and thereby preventing them from being laid any longer under Obligations to the precarious Bounty (as they represent it) of their own Scholars !

Another unfair Insinuation is made by the Petitioners, in these Words—“ Let it now be considered whether the Acceptance of free Gifts can be called *grave Scandalum*.” I must beg Leave to make some Excuse for dwelling on the Topic so long, and even in the same Strain ; but I must follow the Call of these Petitioners. The Resolutions declare no such Thing : They declare, That the usual Method of receiving ten Guineas yearly is *grave Scandalum* : That the Scholars on the Foundation should pay as much as those whose Education the Masters are under no Obligation to superintend, and who pay as much to their Masters, as is paid at any School in *England*, and more, by six Guineas, than is paid at *Eton* School ; which is in the most flourishing State of any that I know of, is *grave Scandalum* ; but that the Masters should revolve to continue an Abuse by their Exaction of  
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the abovementioned Fees, though they have a Salary enlarged offered them, is *Scandalum gravissimum*, and a notorious Perversion of the Founder's Benefaction.

Their Complaint, that the Warden and Supervisors have not prescribed any other Method of replacing such a heavy Defalcation from their Incomes, is very singular. Whatever has been once paid to the Masters, whether properly or improperly, if withheld by the Parents of the Foundationers, must be made good to those who succeed to their Offices some other Way. A modest Proposal truly! worthy the Petitioners. The Warden and Supervisors, in their Resolutions, declare, That the Scholars shall not give any farther Gratuities; because the Masters are to be paid out of the College Revenues. Is not this prescribing a Method whereby they may receive a proper Salary? Had that Method been admitted some Years before that Time, there might not ever have existed this Dispute. When the Petitioners declared, That they would not submit to any Proposals clogged with the Condition of their not receiving Gratuities, What could the Warden and Supervisors do for them? They condemned the present iniquitous Custom, and recommended to the Warden and Fellows of *Winchester* College

lege to enforce and carry into Execution their Injunctions. They were sensible of the Generosity of the Society, in offering an enlarged Salary, and left them to adjust Matters in the best Manner, as they had it entirely in their Power. If the Petitioners thought the offered Salary was not sufficient, and equal to their statutable Proportion, they should have laid their Claim to that Proportion. In this the the Warden and Supervisors (I make no Doubt) would have gladly assisted them : But it is to be remarked, that the Society of *Winton College* declared, that they had already allowed them more than their Proportion, and as much as they could afford. All these Matters might have been enquired into and settled, if these Petitioners had not preferred the Continuance of an Abuse, and what, in all Probability, may be a growing Evil to the upright Measure of receiving the statutable Allowance for the Discharge of their respective Functions. I say, a growing Evil : For why may not ten Guineas a Year, paid as a customary due (and in this Light it is considered by those who place Children on the Foundation) be soon raised to fifteen ; since, within little less than half a Century, it has risen from five to ten, as I am informed by living Witnesses ?



I cannot but remark also, the Treatment of the Warden of *New College*, in these Words :

*Whether to make the presenting, or not presenting, a free Gratuity, a Condition of his Favour or Displeasure, be consistent with his solemn Oath as an Elector, it becometh not us to determine.*

You will recollect what I said above, that it was not a free Gratuity which was condemned, but the common Practice of presenting Gratuities not free, but what were presented as Matters of Course, as customary Dues, what were set down among the necessary Articles of the Expence of the School, and what Parents gave no more freely than many Fees given at different Offices, whose real Foundation depend on Custom, and which are esteemed an Imposition on the Public. The Warden then might justly set his Face against those who should attempt to continue a Custom so contrary to the obvious Intention of the Founder ; which makes Education as burdensome and expensive as at any School in *England* (as far as concerns the Payment of the Masters) where the Scholars have no Advantage of a Foundation ; and which is therefore a grievous Imposition on the  
*Pauperes*

*Pauperes et indigentes Scholares, et grave Scandalum* to the College itself.

Upon the Whole then, it appears evident to me, that the Petitioners have, by no Means, overturned the Principle on which the first Resolution of the Warden and Supervisors is founded; that they have only shifted the Terms by calling these Gratuities voluntary ones; that they have not made it appear, that the Custom condemned is not contrary to the Founder's Intention; and therefore that this Custom, till better Arguments can be brought in its Support, must be considered, by all impartial Judges, a grievous Imposition on the *Pauperes et indigentes Scholares, et grave Scandalum* to the College itself; that this very Petition, addressed to the Bishop of *Winchester*, proceeds upon the Supposition that such Fees are not only expected by them, as their stated Allowance, but also considered by them as the Bulk of it; and therefore, that by insisting on this as a Right, they do, to all Intents and Purposes, come up to the full Size of the Guilt implied in the Words *Petere, exigere, et vendicare*, though bound by Oath to the contrary; and consequently, that having contumaciously refused the Jurisdiction of the Warden and Supervisors in this Behalf, and suggested a false Surmise,

Surmise, whether the Warden of *New College* acted consistently with his Oath as an Elector; and moreover, endeavoured to obstruct the Warden and Supervisors in the Execution of the Trust reposed in them; and all this in order to assert a statutable Authority for the Continuance of an odious and illegal Practice, with a View only to their own Interest; they have, therefore, greater Reason to ask themselves, Whether their own Oath, at their Admission, has been sufficiently attended to.

Thus, Sir, I have given you, to the best of my Knowledge, an exact State of the Case. His Lordship of *Winchester* has set aside the Resolutions; and, I suppose, allows the Masters to receive what they can get. The Warden and Fellows of *Winchester* have settled an hundred and fifty Pounds a Year on the Head Master, and an hundred on the Usher. The Masters, therefore, are greatly benefitted by this Supervision; since they have an Increase of near two hundred a Year to their Salaries; and a free confirmed Right of acquiring, in any Manner they please, whatever they can obtain of the Scholars, their Parents or Friends, provided they do not ask for it *totidem Verbis*. Now, Sir, with Respect to your Nephew, as you ask my Advice concerning the Propriety

priety of your sending no Fees in this critical Situation of Affairs, I will give it you in few Words. The Warden and future Supervisors will, undoubtedly, exert themselves with Vigour in support of these Resolutions, so maturely entered upon, and so effectually tending (in the Opinion at least of the Formers of them) to give full Scope to *Wyckam's* beneficent Plan of Education. They will, therefore, discourage all such as shall endeavour, by officious Presents, to frustrate these salutary Measures. On the other Hand, as the Masters publicly profess, that they behave alike to those Children who do not, and to those who bring with them those Gratuities; at *present*, you can be no loser by withholding them; nor need you be under any Apprehensions for your Nephew. I wish him Success, and am,

Dear Sir,

Your sincere Friend,

And humble Servant,

*E. C.*

*Inner Temple, London,  
Feb. 5, 1767.*

