

# Problems of Reform in Eighteenth-Century Oxford: The Case of George Wyndham, Warden of Wadham, 1744–77

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## SUMMARY

*This article considers the problems of college heads trying to enforce discipline on their members in eighteenth-century Oxford, specifically through the example of George Wyndham, warden of Wadham, 1744–77. His attempts to enforce residence among fellows, for instance, were arbitrary and random, given the prevalence of apparently unauthorised absence, and are likely to have been motivated by personal malice against individuals. The warden could only proceed through the college statutes of 1612, which were held to be unalterable. They were in many points ambivalent and, more importantly, no longer fitted the realities of the time. The college ‘visitor’, the bishop of Bath and Wells, charged with their interpretation, wriggled to avoid their literal enforcement for that reason. Wadham was additionally handicapped by being able to appoint fellows only from its own scholars, and did so solely by seniority, so obviating any question of ‘merit’ in their selection. Widespread absenteeism was unavoidable as fellows struggled for ecclesiastical preferment. Only the 1800 examination reforms began to give colleges once more a serious academic purpose.*

Oxford colleges in the eighteenth century were subject to statutes, generally dating from their foundation, in a world where those statutes had often come to have only the most tenuous relation to reality. There was no provision for changing statutes, except by act of parliament. The Wadham statutes allowed the foundress, Dorothy Wadham, to amend the statutes during her lifetime, but thereafter the warden and fellows were forbidden to introduce new statutes or alter existing ones, contrary to her intentions.<sup>1</sup> Any attempt by a college head to do his duty by countering abuse and enforcing discipline provoked accusations of absurdity and arbitrariness, and faced defeat at the hands of vested interests, specifically the college fellows. Moreover statutes, although inflexible, could be ambivalent. In Wadham’s case the warden was held personally responsible for the good administration of the college and swore a fierce oath to that effect; but equally he was to do nothing about ‘the more important affairs [undefined] of the college, without the consent of the majority of the fellows.’ Similarly, very fierce provisions against absenteeism by fellows seem implicitly contradicted by a provision that no more than seven fellows and scholars were to be absent at a given time.<sup>2</sup> College visitors were responsible for the interpretation of statutes but these, usually bishops, were themselves products of the

<sup>1</sup> *Statutes of Wadham College, Oxford*, printed for the first University Commission in 1855, in Latin. They were previously available only in the manuscript versions kept in the college. For a summary and guide, see T.G. Jackson, *Wadham College, Oxford* (1893), chapter 5. For the prohibition on alteration, see *Statutes*, chapter 31. For the circumstances of the foundation and composition of the statutes: C.S.L. Davies, ‘A Woman in the Public Sphere; Dorothy Wadham and the Foundation of Wadham College, Oxford’, *English Historical Review*, 118 (2003), pp. 883–911.

<sup>2</sup> *Statutes*, chapters 3 and 9. There were to be fifteen fellows and fifteen scholars; but since absence for scholars was more restricted, the foundress must have envisaged the possibility of almost half the fellowship being absent.

same system, and disinclined to support a reforming head. This is, of course, only a particular aspect of the problems facing the Church of England, of which the university was effectively a part, in the eighteenth century.

George Wyndham's long reign as warden of Wadham, from 1744 to 1777, provides an interesting case-study of attempts to tighten the running of a college. The problems included lax, possibly fraudulent, accounting by college officers, wholesale absenteeism by fellows, their failure to pursue advanced studies, or to resign their fellowships on obtaining substantial positions outside the college. College offices were shared out between fellows annually, most of them sinecures but carrying additional payment; the most valuable, however, were the two bursarships which involved total control of the college's financial turnover, giving the holders the opportunity to use any cash in hand for private purposes. (Each bursar accounted for six months of his nominal one-year joint tenure.) The sums involved were considerable; some £3,700 turnover in a typical six-month period at Wadham in 1774, for instance.<sup>3</sup> On the other hand the bursar frequently had difficulty in extracting sums owed to him, and accounts were often not finally settled for some time after their supposed completion. The 1774 accounts were passed in October 1776, rather more promptly than most. One wonders whether bursarships were offices to be sought after or rather to be avoided if possible, at least for those fellows lacking financial acumen. One regulation which does seem to have been universally respected was that requiring fellows to resign on marriage, perhaps because that provision was so deeply entrenched in the scheme of things that flouting it (as opposed to occasional examples of concealment) was in practice impossible.

Wadham was unusual in three respects. Its warden, like the fellows, was to be unmarried.<sup>4</sup> Only scholars of the college could be elected to fellowships. In practice the senior scholar at the time was invariably elected, with no regard to merit, short of outright scandal. He would be a scholar who had clung on to his scholarship after graduating, presumably in the hope that a fellowship would fall vacant at a convenient time.<sup>5</sup> Wadham was, however, spared the burden of life fellows which afflicted other colleges, since fellowships expired at a fixed time, twenty years after taking the M.A.<sup>6</sup> Since the college had relatively few 'college livings' available for time-expired fellows or those wishing to marry, this increased the pressure on fellows to seek out patrons and connections to advance their clerical careers, leading to large-scale absence from Oxford while they did so.<sup>7</sup>

The story begins with the resignation of Robert Thistlethwayte as warden (since 1724) in 1739. Thistlethwayte was a domestic chaplain to George II and a likely candidate for the episcopal bench. His downfall followed an allegation of sexual assault on an undergraduate of the college, William French, resulting in complaints to the vice-chancellor and to a criminal charge against the warden at the assizes. Thistlethwayte avoided the latter by resigning his

<sup>3</sup> Rigby's accounts, March to September, 1774; in W[adham] C[ollege] A[rchives], 16/5, bursars' accounts. Wyndham as bursar acknowledged himself debtor to the college for £290, £713, and £474 for three successive accounts in 1739–40; WCA, 17/2, bursars' summaries.

<sup>4</sup> *Statutes*, chapter 2. This requirement was eventually abrogated by a special act of parliament in 1806; Jackson, *Wadham*, p. 53.

<sup>5</sup> *Statutes*, chapter 4. Scholarships were tenable for twelve years after taking the M.A., though very few could have contemplated living so long on the miserly scholar's stipend of £10 a year; *Statutes*, chapters 6 and 13. The only motive other than the hope of succeeding to a fellowship would be to fill in the time until ordination. The minimum age for ordination as a deacon was 23: N. Sykes, *Church and State in England in the XVIIIth Century* (1934), p. 196.

<sup>6</sup> *Statutes*, chapter 13; Jackson, *Wadham*, p. 57. (Technically, eighteen years after completing regency.) The Foundress's original intention, from which she was dissuaded, was for twelve years only: Davies, 'Dorothy Wadham', pp. 900–1.

<sup>7</sup> The college presented to five livings: Hockley and Fryerning in Essex, Southrop in Glos., Esher in Surrey, Wadhurst in Sussex. For the statutory limitation of one living to two fellows, see I.G. Doolittle, 'College Administration', in L.S. Sutherland and L.G. Mitchell (eds.), *Eighteenth Century Oxford*, vol. 5 of the *History of the University of Oxford* (1986), p. 247.

office and fleeing to Boulogne (where he was to die some five years later). The fellows decided immediately to elect a distinguished former fellow, Samuel Lisle, archdeacon of Canterbury, to succeed him. This was the first time in the college's history that the fellows had not elected one of their own number to the wardenship, and was designed as the best means 'to wipe out the infamy'.<sup>8</sup>

Administration in Thistlethwayte's time had been extremely lax. The college's 'convention book' (records of the governing body of warden and fellows) was badly kept. Bursars failed to present their accounts for some time after they had given up office, hanging on to any 'surplus' in their accounts meanwhile. Absenteeism was rife. When William French complained to his friends about the warden's behaviour only one fellow, John Swinton (his tutor, as it happened), was resident in college. French was reluctant to confide in Swinton. A 'special messenger' for Edward Stone (probably residing nearby at Chipping Norton or at Horsenden in Buckinghamshire) produced his arrival next day, and another fellow, Richard Watkins, the day following. These two fellows then advised how best to proceed.<sup>9</sup>

Lisle was warden until 1744, when he was consecrated bishop of St Asaph. Some tightening up occurred in his time. Within a week of his admission it was resolved that no 'testimonium' should be given for candidates for ordination without their being examined by the warden and fellows.<sup>10</sup> The register of 'foundationers', neglected since 1689, was reinstated, and lists since 1720 inserted.<sup>11</sup> The accounts for several years past since 1734 were examined and settled between April and July 1739, bringing in considerable sums owed by bursars.<sup>12</sup> In December 1739 it was resolved that in future bursars should give bonds (amount unspecified) for prompt accounting, and absentee college officers were to pay their colleagues an agreed salary to deputize for them.<sup>13</sup> The most notorious example of abuse was that of Philip Speke, whose accounts from 1732 were still outstanding. Indeed, even during Thistlethwayte's time, in 1737, there was talk of investigating the possibility of sequestering Speke's fellowship; but nothing was done, and indeed in December 1737 he was elected sub-warden. On 27 March 1739, a week after Lisle's admission, the college ordered the sequestration to proceed. For whatever reason, Speke's fellowship was held to be vacant in 1741. Even so, in 1746 the college had still not received the £213 owing to it. An agreement was reached on 25 March 1746 to accept £100 and costs as a final settlement, provided payment was made in six months. Speke was evidently unable (or unwilling) to abide by this agreement, and the £213 debt continued in the accounts until 25 October 1748, when the college, presumably despairing, gave Speke a final discharge on payment of £100 and £12 costs.<sup>14</sup>

<sup>8</sup> ODNB, online edition (2013), 'Robert Thistlethwayte', 'Samuel Lisle'; V.H.H. Green, 'The University and Social Life', *History of the University*, pp. 309–58, p. 350. John Wilkins, warden 1648–59, was imposed on the college as an outsider by the Parliamentary Commissioners. For quotation, Hants. RO, 9m/73/6627/2; see note 19 below.

<sup>9</sup> *A Faithful Narrative of the Proceedings in a late affair between the Rev. John Swinton and Mr George Baker both of Wadham College Oxford* (1739); this account is often tendentious, but presumably reliable in this instance. For Edward Stone, see ODNB. His entry is due to his noticing the therapeutic virtues of willow bark due to sacyllic acid, the active ingredient in aspirin.

<sup>10</sup> WCA, 2/3, convention book 1719–1828, 3/4/1739 (references given by date, adjusted to year beginning on 1 January).

<sup>11</sup> Register of foundationers (Wadham, warden's lodgings).

<sup>12</sup> WCA, 17/2, summaries of bursars' accounts, entries for 1734–9.

<sup>13</sup> WCA, 2/3, 6/12/1739.

<sup>14</sup> WCA, 2/3; his nephew, William Speke, was fellow and office-holder from 1741, indeed bursar 1745–6. Philip held livings in Somerset near the family seat at Jordans from 1721 until his death in 1778; online Clergy of the Church of England Database (CCed), ID 23598. J.[B.] Wells, *Wadham College* (1898), p. 132, cites as an apparently worse example William Thomas who at his death owed £1,050. But this was evidently due to an arrangement of 1732 by which Thomas was to be responsible for felling trees in the back quadrangle, in return for paying the college the value of the timber, presumably selling on at a profit. In fact in the year of his death his debt was reduced to £243, and that eventually disappeared from the accounts in 1740, presumably paid by his executors; WCA, 2/3 for 9/12/1732, and WCA, 17/2, entries for 1738–40.

Absenteeism continued, such that only the sub-warden (Costard), and John Swinton turned up for a 'convention' on 10 May 1743. It was 'agreed the Warden and such fellows as are in London, should be empowered to consult about holding a court in Essex [for college estates] and to hold one or not as to them should appear most proper'.<sup>15</sup> Warden Lisle himself had stipulated at his election for reasonable absence to be granted him to do his duty as vicar of Northolt, in Middlesex, as well as archdeacon and canon of Canterbury.<sup>16</sup> In 1744 Lisle was succeeded as warden by George Wyndham. Wyndham was a member of a prolific family, which had supplied many members to the college. He was a grandson of Sir Wadham Wyndham (1609–68, fellow-commoner 1626), a distinguished lawyer during the Protectorate and judge at the Restoration; Sir Wadham, in turn, was a great-nephew of the college's founder Nicholas Wadham. George's father, also George (1666–1746), was a seventh son, who had been lucky enough to marry an heiress, Catherine Ashley of Ripley, Hampshire (1672–1752). George himself was born in 1704. His elder brother Wadham Wyndham (1700–83) outlived him. Although his brother inherited their mother's Hampshire estate, George himself was comfortably off, inheriting the lease of a house in Salisbury Close (Simsbury House, subsequently the Deanery), eventually moving to a new-built house in the Close. He lived at Salisbury in the summer vacation with, for a time, two unmarried sisters.<sup>17</sup>

George came up to Wadham in 1722, as a scholar, aged seventeen. He became probationary fellow in 1727 and fellow in 1728, during Thistlethwayte's time as warden; this progress was extraordinarily rapid, and due apparently to the chance of convenient vacancies among the fellowship and lack of ambition by other scholars. He intended to be a lawyer and was admitted barrister at Lincoln's Inn in 1731.<sup>18</sup> As a barrister he had been prominent in the attempts to proceed against Speke by sequestration. In 1739 he was canvassing vigorously to build up a party to elect him warden in the event of Lisle's refusing; and indeed seems to have tried to impose such conditions on Lisle as to induce him to refuse. In 1739 he also led the move to have Thistlethwayte criminally indicted. He schemed successfully to have the affair publicised in the London press, complete with the circulation of a lascivious poem, which he apparently composed himself. He and a scholar of the college, George Baker, tried to bring a similar charge against John Swinton, of sodomising a servant boy, a charge which foundered on the boy's inability to give consistent evidence. It is possible that Wyndham was the anonymous author of the *Narrative*, with its vivid account of both Thistlethwayte's and Swinton's activities. It may be that he and Baker were motivated by righteous indignation. But it must be suspected that their vehemence resulted from Wyndham's hopes of becoming warden, and of Baker's of succeeding to Swinton's fellowship if Swinton were forced to resign, or to Wyndham's if he became warden.<sup>19</sup>

More positively, in 1742 Wyndham wrote, initially to those former members of the college who, like himself, were related to Nicholas Wadham, later broadening to others of his acquaintance, to raise money for the repair of the great east window in the college chapel.<sup>20</sup> He was, clearly, the most active figure in the fellowship in the last years of Thistlethwayte and

<sup>15</sup> WCA, 2/3, 10/5/1743.

<sup>16</sup> Hants. RO, 9m/73/6627/ 8; see note 19.

<sup>17</sup> H.A. Wyndham, *A Family History, 1688–1837* (1950); pp. 189–90 for George. ODNB for Sir Wadham Wyndham.

<sup>18</sup> R.B. Gardiner (ed.), *Registers of Wadham College, Oxford*, 2 vols. (1889–95), vol. 2, p. 9; J. Foster (ed.), *Alumni Oxonienses, 1715–1886*, vol. 4 (1888), p. 1620; *Faithful Narrative*, pp. 7–8, describes him as esquire and barrister.

<sup>19</sup> See his letters to James Harris in Hants RO, 9m/73/6627/ 1–15, *passim*. The 'lascivious poem' may be *College Wit Sharpen'd* (1739). I am grateful to Dr Rosemary Dunhill, former County Record Officer for Hampshire, for bringing these letters to my attention, and for providing copies, now in WCA, 4/133. For Harris, a Wadham alumnus and contemporary of Wyndham's at Lincoln's Inn, and also an inhabitant of Salisbury Close, see R. Dunhill in ODNB, and C.T. Probyn, *The Sociable Humanist: the Life and Works of James Harris, 1709–80* (1991).

<sup>20</sup> WCA, 4/132, early letters.

the wardenship of Lisle, displaying already the persistence and determination which were to characterise his later years.

Wyndham sprang into action fast when Lisle resigned in 1744. It is uncertain quite when Lisle's promotion to the episcopal bench became known to the college. The game of episcopal appointments was fluid about the New Year of 1744. John Thomas had been elected to St Asaph in December 1743, but the death of Richard Reynolds of Lincoln on 15 January resulted in the rapid translation of Thomas to Lincoln. Lisle's election to St Asaph was therefore between that date and his consecration on 1 April.<sup>21</sup>

Wyndham knew about the forthcoming election on 1 March and was making his dispositions. The warden was required to be in Holy Orders, and to become a Doctor of Divinity within a year of election. Wyndham had been ordained deacon by the bishop of Oxford on 3 January 1744 (an indication that he believed that some sort of promotion for Lisle was imminent), and, with unusual speed, was ordained priest by the bishop of Bath and Wells on 10 March.<sup>22</sup> However, it was not until 9 May that Wyndham, as senior fellow and in the absence of the sub-warden, read Lisle's letter of resignation. Obviously the fellows would already have known of Lisle's imminent departure before this, and were present in force; nine (out of fifteen) fellows. They designated a meeting to elect a new warden just two days later. Joined by one further fellow, they unanimously elected Wyndham on 11 May. Curiously the sub-warden George Costard was absent from both meetings, although he had been present immediately before (19 March) and after (7 July).<sup>23</sup> Wyndham completed the necessary formalities by taking the B.D. and D.D., on 1 December 1744 and 22 February 1745.<sup>24</sup> Possibly the fellows were influenced by the prospect of a substantial benefaction by Wyndham's first cousin, Thomas Wyndham, who had been briefly a member of the college in 1698, before going on to Lincoln's Inn.<sup>25</sup> Thomas had become Lord Chancellor of Ireland and an Irish peer as Baron Wyndham of Finglass. He retired in 1739 to Salisbury. He responded to George's 1742 appeal for the chapel window. In his will dated 29 July 1745 he left £2,000 to Wadham 'for the better maintenance of the warden' and £500 for 'repairing and adorning the same college'.<sup>26</sup> He died on the 24 November 1745, and the college received the bequest the following May.

Once elected, Wyndham tried to take a grip of the college by enforcing regulations. Unfortunately these consisted of the statutes ordained by the foundress in 1612, now way out of kilter with the realities of the time. Among his objectives was trying to prevent students taking their degrees without his specific consent. John Culm was deprived of his scholarship on 30 June 1746 'for having taken the degree of M.A. in the absence and without the consent of the warden', Wyndham citing chapter 12 of the statutes. Deprivation would prevent Culm being elected probationary fellow, which was due to happen that very day. Culm replied that he had thought that consent from the sub-warden and fellows was sufficient in the warden's absence, and that he intended neither 'a wilful breach of the statutes' nor 'neglect of the

<sup>21</sup> For the circumstances of his succession to St Asaph, see Sykes, *Church and State*, p. 357; St Asaph was worth some £1,400 a year, compared to Oxford, which he had turned down in 1737, at £500: *ibid.* pp. 61–2, 360; *ODNB*. Even so, he was allowed to keep his vicarage and archdeaconry in *commendam*.

<sup>22</sup> CCEd, ID 38901.

<sup>23</sup> WCA, 2/3. Costard was not listed among Wyndham's potential supporters in his earlier bid for the wardenship, and may have disassociated himself from a foregone conclusion. See Wyndham-Harris letters, above. For Costard, see below, note 36.

<sup>24</sup> *Registers*, vol. 2, p. 9. The requirement in both cases consisted in nothing more than appropriate residence, which Wyndham would already have acquired, and the payment of fees; Sutherland, 'The Curriculum', in *History of the University*, pp. 486–91.

<sup>25</sup> *Registers*, vol. 1, p. 400; *ODNB* (Thomas Wyndham); Wyndham, *Family History*, for genealogies. The Wyndhams were an extremely prolific family; Thomas was a son of Sir Wadham Wyndham's first son, George of his seventh.

<sup>26</sup> WCA, 10/2/7, Wyndham benefaction, for copy of the clause. Wyndham, *Family History*, pp. 75–6, for summary of will.

warden. The warden revoked the deprivation, on condition that he should 'then and there' subscribe a 'submission' and 'humbly ask his pardon.' He did so, the submission was 'lodged in the Treasury' and a copy entered in the convention book. Culm was immediately elected to the probationary fellowship.<sup>27</sup>

A similar case was that of Thomas More Molyneux, B.A. and scholar, in 1750. Molyneux had 'taken on him the Profession of a Soldier.' The warden had 'indulged him in above two years absence (for the greatest part of which he served abroad)', but since his return to England had demanded he either return into residence or resign his scholarship. Eventually Molyneux returned, but 'only in his Officer's dress' rather than academic gown. The warden then deprived him of his scholarship for having 'accepted an ensign's commission in the Guards', making his residence impossible. Molyneux did not contest the deprivation.<sup>28</sup>

In contrast, John Pester, scholar, featured for 'entertaining Principles of disaffection to his Majesty's Person and Government', presumably Jacobite ones. On 21 June 1753 he 'wore publicly Marks of Distinction as such.' His father was induced to remove him from the college. He returned next term, and applied to take his B.A. 'Out of compassion to his Friends' it was decided to grant the necessary permission, provided he resign his scholarship and promise future good behaviour. He refused, and compounded his faults by again 'wearing marks of distinction' at the 'late election', presumably the notorious county election of 1754. His offence evidently aroused general horror among the fellows of a traditionally Whig college, since there was unanimous agreement to his being 'struck out' of the scholar's list on 8 July. An accommodation was eventually made, and he was given the necessary grace for his degree on 7 February 1755 (in the warden's absence). He was ordained almost immediately, and became curate to his father at Stocklinch Ottersey in Somerset.<sup>29</sup>

The legalism involved in questions of the tenure of scholarships and fellowships was vividly illustrated by the case of Henry Doughty. On 8 July 1752 Doughty was admitted to a fellowship, having completed his probationary year, taking his oath on 22 July. The very next day he was charged with 'incontinency', which would involve immediate removal from the fellowship. He admitted his fault, and promised better behaviour in future; but claimed that dismissal could not be justified under the statute, since at the time of his committing the offence he had only been probationary fellow, and that being admitted since as an actual fellow 'barr'd and excluded' action on events before that date; also that the 'five absolute Senior Fellows were required in Case of Expulsion', and that only one, the sub-warden, was present. The warden surprisingly admitted defeat, and 'to remove the Scandal' Doughty's punishment was reduced to a year's suspension, with return dependent on a testimonial 'to his modest and chaste Behaviour' meanwhile. This duly took place, and Doughty went on to occupy several

<sup>27</sup> WCA, 2/3, 30/6/1746; *Statutes*, chapter 12; I can find no specific provision for consent having to be the warden's. This case looks to be one in which Wyndham was merely making a point about his own authority in circumstances which gave Culm or the sub-warden no possibility of defending their actions.

<sup>28</sup> WCA, 2/3, 21/6/1750; 16/4, bursars' accounts, shows his stipend being paid 1748–50; *Registers*, vol. 2, p. 64. Molyneux remained in the Guards, attaining the rank of lieutenant-colonel; he also became MP for Haslemere from 1759, dying unmarried in 1776; *The House of Commons, 1754–90*, L. Namier and J. Brooke (eds.), *The History of Parliament*, vol. 3 (1964), p. 148.

<sup>29</sup> WCA, 2/3, 8/7/1754 and 7/2/1755; *Registers*, vol. 2, p. 85; CCEd, ID 47705. 21 June was celebrated as the anniversary of the 'old pretender's' birth (10 June 1688, allowance having been made for the recent adjustment of the calendar). I owe this point to Dr L.G. Mitchell. There appears to be some confusion about Pester's ordination dates. His father (*Registers*, vol. 1, p. 451 and CCEd, ID 47707) died in 1758, and I have not succeeded in tracing John's later career. It is possible that his curacy may have been merely to give him a title for ordination. On the 1754 county election, and the violent pamphlet war which followed, see Sutherland, 'Political Respectability, 1751–1771', in *History of the University*, pp. 130–42; a Tory mob attempting to deny Whig voters access to the polling booths in Broad Street was foiled by Exeter College's letting the Whigs through the college premises while dispensing quantities of drink. Exeter and Wadham were, with Christ Church and Merton, the four traditionally Whig colleges in Tory Oxford.

college offices before resigning in September 1757, and dying in 1777, a layman ('esquire') and landowner.<sup>30</sup>

Wyndham continued trying to tighten up the performance of college officers. On 9 December 1761 the system of officers levying fees on members of the college for particular services was replaced by modest salaries, only to be paid if the officer concerned was actually resident and exercising his office. (Previously there was a good deal of informal deputising by a resident fellow for his absent colleagues.) Bursars were not included in this reform, but a similar resolution was applied to them on 17 July 1767; followed on 6 December 1768 by a further tightening on the presentation of accounts.<sup>31</sup>

A valuable part of a fellow's income came from the college 'dividend', the annual distribution of such 'unpredictable' revenues as fines for the renewal of leases. Fellows only qualified for shares in the dividend if they were actually present on the stated day. In July 1755 it was objected that Robert Phillips not been personally present, 'but had only sent a servant to take something on his name in the Buttery at Nine in the Evening'. Phillips seems to have got away with this, but it was resolved for the future that 'none should have any share but such as have been personally in the College before Sun Set' on the appointed day.<sup>32</sup>

'Dividend' featured much more importantly in a case of 1771. The warden had evidently argued that scholars should have a share in any surplus revenue on the annual account. Two fellows, Wadham Diggle and Richard Bethell, appealed to the visitor, the bishop of Bath and Wells, Edward Willes. Willes's opinion (not a formal ruling) was to confine the distribution to the warden and fellows only, since it was to 'the Credit and Advantage of the Society in General to make the Fellowships a decent Competency'.<sup>33</sup> The warden was able to retrieve something for the scholars two years later. In 1773 it was reported that due to the custom of 'chumming' (sharing of rooms) 'being almost grown totally into disuse, the scholars themselves 'chose rather to hire single Rooms, than Chum in those allocated to them by the College'. It was decided to improve the 'cocklofts' (attics) so that they could be allocated to scholars as (free) single rooms. Two years later this scheme was implemented. Scholars were to be obliged to live in the rooms allocated to them, thereby saving the cost of renting for themselves, 'often more than half their stipends' (£10); 'this shall be taken in full compensation for any loss suffered by them due to the visitor's opinion' of 1771.<sup>34</sup>

However, the two major problems remained: absenteeism by fellows and the issue of deciding which outside employments were incompatible with the tenure of a fellowship. A notorious case of absence was that of Bennet Allen. Elected full fellow in 1760, he apparently was given leave of absence almost immediately (although this is not recorded in the convention book). Next year he was summoned to make up a quorum to seal a lease, which he obeyed, but applied for further leave. The warden made him swear that leave was essential for his health's sake. It was granted, but only for six weeks at a time. Allen pleaded for indefinite absence. This was refused, but a compromise was reached; Allen could be absent without specific permission, provided he attended whenever he should be sent for. He did appear occasionally, and was appointed to various college offices, all apparently performed by deputy. He lived in London, pursuing a career in Grub Street, specialising in lubricious satire. His patron, George Calvert, sixth and last Lord Baltimore (1732–71), recommended him for a lucrative church post in Maryland, of which he was 'proprietor'. Allen went to Maryland in October 1766. He eventually acquired the wealthiest living in the colony, All Saints, Frederick, worth some

<sup>30</sup> *Registers*, vol. 2, p. 76; WCA, 2/3, 8–23/7/1752. *Statutes*, chapter 18, does indeed prescribe removal for 'incontinnce', but stipulates that the offender should be 'convicted' before the warden and five seniors, or a majority of the latter with the warden's consent. For Doughty's subsequent career see *VCH Glos.* 6, p. 52.

<sup>31</sup> WCA, 2/3, 17/1/1767, 6/12/1768.

<sup>32</sup> *Ibid.* 13/7/1756. Wadham was unique, with Merton, in insisting on actual presence at a given date to qualify for dividend: Doolittle, 'College Administration', p. 237.

<sup>33</sup> WCA, 2/3, 27/6/1771. For Bethell and Diggle, *Registers*, vol. 2, pp. 88, 106.

<sup>34</sup> WCA, 2/3, 8/7/1773 and 21/4/1775.

£800–£1,000, about on a par with a lesser English bishopric. He held All Saints, amidst a good deal of scandal, until his hurried return to England in September 1775 with the outbreak of the American War. He then held college offices, until his fellowship expired in 1780. His subsequent career included a charge of murder for killing a prominent Maryland loyalist in a duel in London in 1782. (He was convicted of manslaughter and sentenced to six months in prison, with apparently no damage to his clerical status.) The rest of his life was devoted to claiming large sums from both the British and American governments for losses incurred as a 'loyalist'. The college (by then under a new warden) refused in 1783 to subscribe to a fund on his behalf, supported by, among others, Lord North; 'they had many reasons for not being in the number of his subscribers'. He died in 1819, aged 83. There seems no record of his absence in Maryland in the college books. Indeed he drew his stipend as a fellow throughout that period, the warden acting as his agent and drawing his stipend for him. Possibly his powerful patrons made it inadvisable to proceed against him for blatant absenteeism, or indeed for holding an enormously wealthy colonial living with his fellowship. Plainly there was collusion in this case by Wyndham; even, possibly, outright corruption, if he was actually pocketing Allen's stipend.<sup>35</sup>

The question of enjoying an income incompatible with the holding of a fellowship was perhaps the trickiest to police. Dorothy Wadham's statutes made a fellow on admission swear that, without a fellowship, he could not spend more than £10 a year. It was recognised that this sum had become unrealistic by the eighteenth century. Calculating the 'equivalent' was complicated, and various. Benefices had to be 'for life' to count; those without cure of souls, such as cathedral prebends, did not feature. Neither did curacies, which were 'precarious'. Lay income was even more difficult to calculate, and far easier to conceal.

George Costard, for instance, frequently sub-warden, was vicar of the desirable college living of Southrop (Glos.) from 1745 to 1748, exchanging it for another college living, Hockley in Essex. Both these livings were substantial and would normally result in resignation of the fellowship, yet Costard did not resign until 1753, although in both cases the presentation was recorded in the convention book. The resignation followed his presentation to the vicarage of Whitchurch Canonicorum in Dorset by the bishop of Bath and Wells.<sup>36</sup> Less seriously, there was a convention in the university for a year's 'grace' between taking up a benefice and resigning a fellowship.<sup>37</sup>

The most spectacular stand-off between the warden and his fellows concerned, however, not benefices as such, but positions on William Jones's foundation at Monmouth. Jones was a self-made Hamburg merchant. His foundation dated from 1615, almost contemporary with the college. It comprised a school, an almshouse and a lectureship at Monmouth, and also a lectureship and almshouse at Newland, a few miles away in Gloucestershire, Jones's place of birth. Jones entrusted the administration of his bequest to the Haberdashers' Company. There had been financial difficulties in the meantime in paying the stipulated stipends. Nonetheless, by our period the Monmouth lecturer was paid £100 a year, the headmaster £60, and the school's usher £30. Headmaster and usher could also receive fees and provide boarding for pupils additional to the sons of Monmouth townfolk educated on the foundation. In addition

<sup>35</sup> *Registers*, vol. 2, p. 94; *ODNB*; WCA, 2/3, 15/3/1761 and 6/12/1783; WCA, 16/5, bursars' books, for stipend payments; WCA, 18, bursars' annual accounts, 1774 and 1775 for Wyndham signing for Allen's stipend; WCA, 19, buttery books (for 1775–80).

<sup>36</sup> *Registers*, vol. 2, p. 20; *ODNB*; CCEd, ID 806; WCA, 2/3, 17/4/1745; 19/3/1747; 16/7/1747; 2/7/1753. He held Whitchurch until his death in 1782, along with Twickenham, to which he had been presented by the lord chancellor in 1764, and where he normally resided. He earned his place in *ODNB* as a scholar of ancient astronomy.

<sup>37</sup> Doollittle, 'College Administration', p. 247. WCA, 2/3, 18/7/1750; 30/6/1751; 30/6/1755; 30/6/1757; in the last two the benefices were noted to be incompatible with a fellowship because they were worth £8 in the 'King's Book' (the *Valor Ecclesiasticus* of 1535). Henry Gresley had become rector of Tarrant Hinton (Dorset) in 1749 (CCEd, ID 50842), but he was not deprived of his fellowship until 1757.



all three were provided with what appear to have been substantial houses rent-free. They were therefore desirable positions in an age when benefices might pay about £100–£200 (with house), curacies £30–£80 (without); indeed those appointed were generally able to add local curacies or even lesser benefices to further boost their incomes.<sup>38</sup>

Wadham's connection with the Jones foundation began with James Birt (son of Thomas Birt of Sutton, Hereford, plebeian) who came up in 1707 as a servitor, was appointed usher at Monmouth school in 1715, and headmaster in 1723, combining the latter with a succession of benefices.<sup>39</sup> His son, also James, came to Wadham as a fee-paying commoner in 1733, became scholar the next year, a fellow (1741), and then (1743) lecturer at Newland, resigning his fellowship the following year. He subsequently acquired a Llandaff prebend (1748) and the rectory of Llanfair Kilgeddin (1749). He became a canon of Hereford (1760), and held a number of benefices, some in plurality, the last the vicarage of Lydney from 1789 to his death in 1801. He was also Master of St Catherine's Hospital, Ledbury.<sup>40</sup> No reason was given for the resignation of his fellowship in 1744, but he may have believed the positions incompatible, or he may have married; his son Thomas, came up to Wadham in 1768, aged 17. Thomas's own career is itself of interest; again, prebends at Llandaff and Hereford; domestic chaplain to the first Lord Sherborne, and vicar of Sherborne in Gloucestershire. The Birts are a good example of a family from modest background working its way via the college system and local connections to the affluent clerical bourgeoisie.<sup>41</sup>

James Birt was therefore in touch with the college, and probably responsible for opening the way to the two controversial appointments at Monmouth, that of Richard Stubbs as usher in 1770, and of George Smyth as lecturer in 1773. The actual appointments were made by the Haberdashers' Company, which seems to have taken its responsibility seriously, appointing a selection committee for the purpose.

Stubbs was a native of Cumberland, son of a gentleman, Richard Stubbs of Lorton. He came up in 1764, becoming a scholar, then, in 1769 probationary fellow, in 1770 fellow. He was ordained deacon by Bishop Louth of Oxford in 1769. In 1770 he was appointed usher. He was the only candidate, perhaps unsurprisingly, since the headmaster John Crow was idle, incompetent, and possibly mad.<sup>42</sup> It looks as if Birt had been asked to discover a suitable candidate for a not particularly desirable post. Curacies, however, were particularly badly paid in Cumberland, as in Wales; this, with the provision of a house, may have made the post attractive to Stubbs.<sup>43</sup> Stubbs appeared briefly in college for meetings in April 1771 and 1772. In December 1773 he was summoned to college and 'struck off the Roll of Fellows'. The reasons alleged were that he had obtained 'the place or office of usher' at the school, 'and had a salary ... of above the annual value, one year with another, of ten pounds', and that he had held the post 'more than a year', against statute 18, clause 2.<sup>44</sup>

In January 1773 the Monmouth lecturer, Raynon Jones died. Stubbs was one of five candidates for the post, but it went to George Smyth, also a Wadham fellow. Smyth was very much Stubbs's senior, and a more considerable figure in the college. He had become probationary fellow in 1756, fellow in 1757. He was sub-warden in 1765, and also served the University as proctor in 1765–6. Thereafter he was only intermittently at college, while occupying curacies in Herefordshire. As a native of nearby Kilpeck, he must have

<sup>38</sup> W.M. Warlow, *A History of the Charities of William Jones at Monmouth and Newland* (1899); K. Kissack, *Monmouth School and Monmouth, 1614–1995* (1995); I.W. Archer, *The History of the Haberdashers' Company* (1991).

<sup>39</sup> *Registers*, vol. 1, p. 430; CCED, ID 7705. His younger brother Philip matriculated at Christ Church in 1713; CCED, ID 7823.

<sup>40</sup> *Registers*, vol. 2, p. 42; CCED, ID 3660; Warlow, *Charities*, p. 285.

<sup>41</sup> *Registers*, vol. 2, p. 125; CCED, ID 3661.

<sup>42</sup> Warlow, *Charities*, pp. 162–3, 315; Kissack, *Monmouth School*, p. 35.

<sup>43</sup> Sykes, *Church and State*, p. 206, for Cumbrian and Welsh curacies, 'the extreme of poverty'.

<sup>44</sup> WCA, 2/3, 4/4/1771, 22/4/1772, 6/12/1773.

been aware of the desirability of the Monmouth lectureship, and of the careers of Birt and Stubbs.<sup>45</sup>

It was presumably Smyth's becoming lecturer, in January 1773, which caused the warden to proceed against Stubbs the following December, having apparently turned a blind eye to his situation earlier. A post at £20 could be passed over, one of £100 was more significant, especially if, as seemed possible, positions on the Jones foundation might become a regular attraction to Wadham fellows. There might have been bad blood between Wyndham and Smyth from years before. Smyth attended the meeting to which Stubbs was struck off on 6 December 1773. On 30 March 1774 it was Smyth's turn. It was then alleged that he had been initially asked in July 1773 whether the lectureship involved his being absent from Oxford for more than a month each year. He had been summoned to present himself on 24 September to explain the situation, but had not appeared. (No mention was made of his presence on 6 December.) He had been absent for more than a month since that date, proof that his Monmouth post was indeed incompatible with a fellowship. The warden announced that he had struck Smyth out of the roll of fellows. He invoked clause 1 of statute 18, on absence, rather than clause 2, on holding a remunerative post; even though procedure under that clause would seem easier to justify, given Smyth's £100 as against Stubbs's mere £20.<sup>46</sup>

Smyth was not a man to be trifled with. He was given to litigation to defend his rights. He was already involved in a suit against his predecessor's widow, Mrs Jones, over dilapidations to the lecturer's house. She in turn sued the Haberdashers Company (perhaps collusively), which referred the case to Chancery. In 1775 Smyth claimed the house was in too dangerous a condition to be inhabited, and claimed £400 for repairs and for rent paid in compensation for having to live elsewhere. He then asked the Haberdashers for leave to live abroad while the house was under repair. This was refused, but he did get leave for two months absence in France. In 1776 he and Mrs Jones successfully invoked Chancery to force the Company to allocate £500 for repairs.<sup>47</sup>

On the college front, Smyth and Stubbs moved fast to protect their interests. By 19 June 1774 they had written to the new visitor, Charles Moss, bishop of Bath and Wells, translated from St David's in 1773. The visitor's reply was presented to the college on 30 June. It asked the college not to proceed to new elections to the forfeited fellowships until he had time to look into the matter.<sup>48</sup>

Smyth then got a formal decree from the visitor, dated 30 March 1775, which he presented to the college at a meeting of the entire fellowship (including Stubbs) on 20 April. The visitor ruled that the Monmouth posts were not 'for life absolute', since they could only be held as long as the holders 'were of ability of body and mind to perform their duties'; the statutory proscription of posts 'to the end of life' was, by implication, only applicable to freehold clerical posts, effectively benefices, for which incapacity was apparently no bar. As for unauthorised absence, the visitor accepted the assurances of Smyth and Stubbs that they had secured leave by the unanimous vote of the college convention. (There is no such record in the convention book, but see below.) Moreover, the warden had acted on his own authority in depriving them of their fellowships, without the support of the fellows. Bishop Moss therefore ordered the immediate reinstatement of both men. In a follow-up letter to the warden he explained that he had framed his decree 'on a strict interpretation of the statutes and constitution of the college'. 'I should have been better pleased if it had been more in your favour'. The visitor's decree was accepted by the 20 April meeting, and Stubbs and Smyth were restored 'to the possession of their Fellowships and to the full profits thereof'. This decision was signed by the sub-warden

<sup>45</sup> Warlow, *Charities*, pp. 166–7; *Registers*, vol. 2, pp. 84–5; CCEd, ID 37660.

<sup>46</sup> WCA, 2/3, 30/3/1774; 6/11, decrees of visitors; 7/15C, letters to and from visitor.

<sup>47</sup> Warlow, *Charities*, pp. 166–8; Archer, *Haberdashers*, pp. 115–16.

<sup>48</sup> WCA, 2/3, 30/6/1774. Moss had been a sizar and fellow of Gonville and Caius College, Cambridge, and had inherited a substantial estate while an undergraduate. As domestic chaplain to the bishop of Salisbury and, from 1738–48, canon of Salisbury, he must have been acquainted personally with Wyndham: *ODNB*.

(Gerard) and fellows, but not by the warden, although he was present. Moreover, unusually, the minute was entered by a hand not the warden's. Was this an attempt by the warden to disassociate himself? Or does it signify a rebellion against the warden by the fellows?<sup>49</sup>

The next day, 21 April 1775, another convention was held, which tackled a good deal of important business. Stubbs had departed, but Smyth was present at the beginning, though not the later parts, of the meeting. The warden there protested that the college should have been given more time to consider the visitor's decree, and whether to appeal further. He was bound by his oath of office to defend the interests of the college. He therefore demanded time to consider the decree, and whether to appeal 'to the King in his council as Supreme Visitor of the said College'. However, in the interests of 'peace and quietness' he had decided to comply and acquiesce in the reinstatement of Smyth and Stubbs.<sup>50</sup>

He soon changed his mind. On 21 October 1775 he told the college that the sub-warden had written to the visitor under the college seal, and had also apparently had an interview with him. I have found no copy of the sub-warden's letter. It apparently raised again the possibility of an appeal. The visitor reminded the sub-warden of the expense of an appeal and urged 'an easier method'. The warden then explained to the convention that although he had initially proceeded against Stubbs because of his possession of a paid external office, he now wished to remove both fellows on the grounds of their absence between 22 April and Michaelmas 1775. He again struck them out of the fellowship list. On 6 December the fellows protested that the warden's latest actions were 'irregular and unstatutable' without the consent of the fellowship. This was signed by the just-appointed sub-warden (Rigby) and six other fellows; once again the entry is not in the warden's hand.<sup>51</sup>

Almost six months later, 30 May 1776, on receipt of a letter from the visitor, the sub-warden (still Rigby) was asked to draw up an immediate reply. Neither the visitor's letter, nor the reply, is extant. Stubbs and Smyth were still absent, and not receiving their stipends. The imbroglio was however resolved a year later by the death of warden Wyndham, on 2 May 1777, announced the next day.<sup>52</sup>

Two days later, on 5 May 1777, Gerard, the sub-warden at the time of the original fellows' rebellion of 1775, was elected warden. On 23 June the visitor issued a second decree. The removal of Smyth and Stubbs for absence was invalid, since Wyndham's action had incurred a 'unanimous judgment and remonstrance' by the fellows. In particular 'leave of absence had been granted to them after the same manner and form it had usually been granted to other absent fellows'. This it may be observed, was a decidedly vague formulation, since there is no written record of such leave either for the Monmouth pair or for the generality of the fellows. Smyth and Stubbs were reinstated, complete with arrears of stipend.<sup>53</sup>

In the event Smyth was only able to hold his fellowship until 1779, when he came up against the statutory limitation on length of tenure. He continued as Monmouth lecturer, with a cluster of other posts, until his death in 1793. Stubbs resigned as usher in 1779 and competed unsuccessfully for headmaster the following year. He appeared occasionally in college; was appointed vicar of Eastwood in Essex in 1782, adding the plum college living of the rectory of Fryerning the following year, upon which he resigned his fellowship and married. He died in 1810.<sup>54</sup>

What are to make of the Stubbs-Smyth saga? Wyndham's actions seem clearly justified in terms of the statutes, both literally and in their spirit, the more so once he had retreated

<sup>49</sup> WCA, 2/3, 20/4/1775; 6/11, decrees of visitors; 7/15C, letters to and from visitor.

<sup>50</sup> Ibid. 2/3, 21/4/1775.

<sup>51</sup> Ibid. 21/10/1775, 6/12/1775.

<sup>52</sup> Ibid. 30/5/1776, 3/5/1777; *Registers*, vol. 2, p. 9.

<sup>53</sup> WCA, 2/3, 5/5/1777, 26/6/1777; 6/11-2.

<sup>54</sup> *Registers*, vol. 2, pp. 84-5; Warlow, *Charities*, pp. 168, 315; CCEd, ID 37769; E.E. Wilde, *Ingatesone and the Essex Great Road with Fryerning* (1913) pp. 148-53, 206.

from the hideously complicated ground of financially incompatible posts to the simpler question of absence. Wyndham himself habitually had leave of absence granted him, for his 'necessary business,' from July to Michaelmas, and always had permission recorded in the convention book. But many of the fellows could have been accused at any time of (apparently) unauthorised absence of well over a month.<sup>55</sup> And this is to take no account of the apparently scandalous and permanent absence in Maryland of Bennet Allen. It seems likely, therefore, that Stubbs and Smyth were victims of malice on the warden's part, probably the result of a quarrel of which we have no record. He evidently made a mistake in targeting Smyth, a determined opponent. The result was a long drawn-out battle with the visitor and increased restiveness among the fellows in Wyndham's declining years.

It is interesting that such justification for proceeding against offenders as was produced centred on the need to assure quorate meetings for the grant of leases. To judge merely by the convention book, one might never realise that the college was concerned with education. We only know of 'tutors' through a chance mention in a pamphlet about the Thistlethwayte scandal. It seems that tutors were appointed by arrangement between parents of students and individual fellows.<sup>56</sup> Nor is there reference to the academic exercises prescribed in both college and university statutes. The deans had powers to punish in various ways (impositions, 'short commons,' fines) routine breaches of discipline, but these leave no trace in the college records.<sup>57</sup> It may merely be that such business was not entered into the surviving records. But it does seem that 'education,' other than the keeping of terms and payment of fees, was taken less seriously by the Wadham authorities than, for instance, by those of Christ Church.<sup>58</sup>

The purpose of the college had changed dramatically since the statutes were drawn up in 1612. An establishment of fifteen fellows was now larger than could be justified in terms of utility, given the decline of the 'higher studies' to which fellows were supposed to devote themselves. Taking a doctorate had become almost entirely a matter of paying the necessary fees and (nominally) keeping the prescribed residence; only a few fellows did even that much.<sup>59</sup> Similarly there seemed no longer justification for the continuation of scholarships beyond graduation, except in the chance of eventually qualifying their holders by seniority for fellowships. This is not to deny that some individuals devoted time to scholarship. Wadham notably produced a number of scholars in Oriental Studies of various sorts.<sup>60</sup> But there seems to have been no sense of obligation to pursue higher studies, or to add to what learning had been imbibed as an undergraduate. Fellowships had become a convenient perch from which to manoeuvre one's way to the comfort of a (hopefully) well-paid benefice. An elaborate

<sup>55</sup> For instance through Michaelmas term 1774, there were present in the college the warden and seven fellows; absent six fellows. Four of the absentees were also absent the following term; the more serious because the absentees were largely the senior fellows who, by statute, had special collective responsibilities in college government. See WCA, 19, buttery books for 1774–5.

<sup>56</sup> The assaulted victim said 'he did not care to let Mr Swinton into [his complaint], tho' his Tutor, lest he should do his utmost to quash it'; *Faithful Narrative*, p. 6. *The Humours of Oxford* (1730) a play by a recent Wadham undergraduate, James Miller, has a character, Ape-all, a fop, who mentions his tutor, 'who made me read Latin and Greek, and would certainly have ruined me, if two or three honest fellows had not got me out of his Clutches, carried me to town, and showed me the World'. Thereafter he was untroubled. He also complains of being made to attend morning chapel by 'formal old surly fellows' who 'never see the Inside of a Chappel throughout the year', but 'come down heavy', setting a Greek imposition, on errant undergraduates; pp. 6–7, 25.

<sup>57</sup> *Statutes*, chapter 10; Jackson, *Wadham*, pp. 56, 81.

<sup>58</sup> Cf. P. Quarrie, 'The Christ Church Collections Books', in *History of the University*, pp. 493–506; cf. the absence of Wadham references in Sutherland, 'The Curriculum', pp. 469–91.

<sup>59</sup> Of Wadham members matriculating 1719–69, eight fellows took doctorates. Three (Wyndham, Gerard, and Wills) did so to qualify themselves to be warden. One of the others was Richard Stubbs, who marked his appointment to Fryerning with a D.D. in 1783. Of the other four, there were two D.D.s, one D.C.L., one D.M. Seventeen members not fellows took doctorates, often in mid-career, apparently to strengthen their claim to preferment or to celebrate its attainment: Registers, vol. 2, *passim*.

<sup>60</sup> Wells, *Wadham*, pp. 138–41.

system of endowed positions intended to make possible the pursuit of learning had become merely stages in a clerical career.

We usually imagine absentee fellows serving country curacies. One feature which has emerged from this investigation is that a large number of Wadham absentees at any given time could be found in London; and therefore easily able to attend meetings in Oxford at short notice in an emergency. London was, after all, the centre of important patronage. Bishops spent most of the year there, only visiting their dioceses during the summer.<sup>61</sup> Nobility and gentry were there for Parliament and the season. The royal court and government generally might, with luck and the right *entr ee*, provide tangible benefits to the needy cleric. The inns of court opened the way to another patronage system, not without its spin-off in the church; the extreme example is of course the extensive church patronage of the lord chancellor.

It might be suggested that Wyndham had little sympathy with the problems of his fellows. As we have seen he campaigned actively for the wardenship in 1739 and 1744. I know of no evidence of his seeking further advance once he had taken orders and attained his goal. Comfortably off, holding a position for life, apparently happy to remain a bachelor, with his house in Salisbury close, with no pressing duty of guarding his inheritance (he died intestate, oddly for a lawyer), he did not share the anxieties of his colleagues about securing a comfortable berth before his time in college expired. Nor does he seem to have sought ecclesiastical preferment to augment his stipend, as his predecessors had done; still less to advance to a bishopric.<sup>62</sup> By contrast, the fellows needed preferment. Wadham conspicuously lacked students from noble families, and contained fewer students from the upper gentry than it had in the previous century. The chance of one's pupil's family being able to provide a living was therefore reduced. Wadham had, as we have seen, few college livings of its own. The fellows needed to forge their careers rather than engage in higher study, as envisaged in the statutes. It may well be that Wyndham's campaigns were fuelled by animosity against the individuals concerned, along with, perhaps, a desire to assert his own authority as against the fellows collectively. He may have become increasingly autocratic with age; he was about seventy when the fellows were driven to protest in 1775. Nevertheless his wardenship illustrates the practical difficulties, even the near-impossibility, of real reform, even if that had actually been his intention.

To be fair to Wyndham, he helped to pull the college round from the abyss of Thistlethwayte's time; tightened up on bursarial accounts; carried out improvements to the structure of the college, helped by his cousin's legacy; and tried to secure some share, at least, for scholars from the increased prosperity of the college resulting from buoyant rentals. By one criterion, the number of students admitted each year, little changed in Wyndham's time. The figure remained about fifteen, much as it had been in under Thistlethwayte. This compares with admissions of around thirty to thirty-five in the seventeenth century. Decline had set in about 1700.<sup>63</sup> These figures reflect the general university pattern.<sup>64</sup> The college seems to have stumbled on at a respectable enough level by the standards of the time. Little more, it may be suggested, was possible until colleges regained some sense of academic purpose as teaching institutions with the reintroduction of a system of serious examinations. Ironically, two of

<sup>61</sup> Sykes, *Church and State*, pp. 93–4.

<sup>62</sup> College heads could hold benefices without prejudice to their positions: Doolittle, 'College Administration', p. 230. As was the case in most colleges, however, the Wadham wardenship could not be combined with a bishopric: Statutes, chapter 2.

<sup>63</sup> Admissions reached an all-time low of four in 1741, in the immediate aftermath of the Thistlethwayte scandal, and two, for reasons unexplained, in 1762; *Registers*, vols. 1 and 2. These figures may be marginally affected by the non-listing of those who did not matriculate between 1738 and 1806, although, to judge by preceding years, these were very few.

<sup>64</sup> L. Stone, 'The Size and Composition of the Oxford Student Body 1580–1910', in L. Stone (ed.), *The University in Society*, vol. 1 (1974), pp. 3–110; Green, 'The University and Social Life', pp. 309–12. University numbers reached their nadir in 1750–9, which puts the Wadham numbers in context.

the three heads primarily responsible for the new university examination statute in 1800 were former Wadham scholars. (The third was Cyril Jackson, dean of Christ Church.) John Eveleigh, who matriculated at Wadham in 1768, in Wyndham's time, became fellow of Oriiel immediately after taking his B.A. in 1770, and provost in 1781. John Parsons matriculated as a servitor at Wadham in 1777, just after Wyndham's death, became scholar in 1780, fellow of Balliol 1785, and master in 1798. Both presumably seized their chance in a competitive situation in the university at large, rather than waiting for a Wadham fellowship to become vacant. Both are credited with inaugurating the outstanding academic reputations of their colleges in the new century.<sup>65</sup> Because of its stereotyped method of electing to fellowships, Wadham lost the chance of profiting from the vigour and talents of two of its most notable alumni.

#### NOTE ON SOURCES

The main source for this paper is the MS 'convention book' (2/3) for the years 1719–1828. This was extensively used for the *History of the University*. Such records are usually treated as a reasonably uncontentious account of events. Close inspection, however, shows that the book has to be used with caution. The entries seem normally to have been written by the warden himself; exceptions are obviously if he were absent, or, occasionally, if he disapproved of the proceedings. They reflect Wyndham's legalism. The appropriate clause of the statutes is copied in when he is trying to bring a disciplinary charge against a fellow or other member of the college. Leave of absence is always entered for the warden's habitual summer absence, but few such concessions for fellows appear, in spite of the habitual absence of many of them. As we have seen, Smyth and Stubbs claimed to have received the unanimous vote of the fellows in convention for their absences, although there is no record of this. The resignation and election of fellows and scholars, the renewal of leases on college estates, the annual appointment of college officers, appointments to college livings, comprise almost the totality of entries. There seems no evidence that the minutes could be challenged or amended at the subsequent meeting. How much more was discussed but not recorded? Can we take the almost complete absence of reference to education at its face value, or were discussions on such matters, or indeed on such controversial issues as subscription to the Thirty-Nine Articles which troubled the university, not thought necessary to be recorded? In short, does the convention book reflect more than a highly selective view of the business transacted? As with formal records today, it naturally fails to indicate personal animosities which may lie behind many decisions. Nor do we know what access any aggrieved fellow might have had to the convention book; or indeed to the statutes, their exact interpretation so pivotal to disputes, which existed only in three manuscript copies, one of them theoretically available in the bursary.<sup>66</sup>

Wadham does have very extensive and overlapping series of bursarial accounts, which can be useful in checking on such matters as presence or absence from college, or payment of stipends.<sup>67</sup> What seems almost entirely lacking for the period, at least as far as I have been able to discover, are personal memoirs or correspondence by those involved. The only relevant correspondence I have come across are Wyndham's letters to James Harris about the wardenship elections of 1739 and 1744, and the incidental references to college life in the tendentious literature of the Thistlethwayte affair. These provide a rather different picture of events than might be gathered from the convention book. Were further sources of this kind

<sup>65</sup> *Registers*, vol. 2, pp. 121–2, 152–3; *ODNB* for both.

<sup>66</sup> *Statutes*, chapter 21; Jackson, *Wadham*, pp. 141–2.

<sup>67</sup> WCA, 16 (bursars' accounts), 17 (summaries of bursars' accounts), 18 (bursars' annual accounts); in addition WCA, 19 (detailed buttery books, from 1740, showing 'battells' for college members on a weekly basis) and WCA/20 ('broad books and kitchen books' from 1722).

to come to light for the events of Wyndham's wardenship, my account would need extensive recasting.

The online Church of England Clergy Database has enormously facilitated the tracing of clerical careers, even though it is still in progress. Such research previously involved painstaking consultation of unwieldy county histories, and could rarely be complete.

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