

CARE OF THE CHILDREN : THE ALDERMEN AND THE ORPHANS

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Several recent papers read to this Association have been on historical topics which still have relevance for the modern City. Although my title, "Care of the Children", sounds very much like a modern function of a modern Social Services Department, my story today is set wholly in the past but, since it deals with a matter once of great concern both to the Aldermen and the Freemen of the City, I hope it will be of interest. It dates from a time when for almost five hundred years, from the thirteenth to the early eighteenth century, the City had a responsibility for the well-being, both physical and financial, of numerous children who were known as the City orphans. These were the children of freemen of the City who were under age at the time of their father's death although in many cases the mother was still alive. This responsibility was exercised through the Court of Aldermen and at certain periods, notably in the seventeenth century, absorbed a very considerable amount of the Court's time and attention. Several of the City's high officers, in particular the Chamberlain and later the Common Serjeant, were also closely involved in orphanage matters.

Until the early years of the eighteenth century the custom of London dictated that a freeman's personal estate at death should be divided into three. His widow was entitled to one third, his children to a second third which was divided equally among them and known as the orphan's portion, and the remainder he could dispose of by will. If there was no widow, the estate was divided into two parts only. The custom did not extend to real property but included all his household goods, his clothes, jewels and money, the tools of his trade, the contents of his shop or warehouse, debts due to him or from him at the time of his death, farm stock should he own any and business adventures such as shares in a ship or its cargo. The estates varied enormously in value, of course, ranging from that of the humble craftsman to that of the wealthy merchant for both were freemen of the City. The four children of John Shrigley, citizen and blacksmith, received £5.15s.2¼d each, the two daughters of Sir Jonathan Dawes, citizen and fishmonger and one time alderman of Bread Street Ward, more than £5,000 apiece.

It was the responsibility of the Aldermen to ensure that on coming of age an orphan received his orphan's portion, plus any legacy bequeathed by the father's will, but more than this to ensure that the child was properly cared for during his or her minority and was fed, housed, clothed and educated. To this end an elaborate procedure was established. On the death of a freeman his executors or administrators were required to appear before the Court of Aldermen and enter into a bond to bring in within a short space of time an inventory of the personal estate of the deceased. The Court then appointed a guardian, perhaps the widow or a friend or relative of the deceased, to have custody of both the property and person of the child and the guardian also gave bond, backed by several sureties, that in due course he would hand over the orphan's inheritance. The guardian had to submit accounts of his stewardship of the inheritance and finally on coming of age the orphan had to acknowledge that he had received what was due to him.

Just how early this procedure was established is uncertain. In 1276 the Court committed the wardship of three children of one Alan Godard to a certain Sarah Haberdas together with the houses, buildings, rents, chattels and all goods belonging to the children until they should come of age. There was a condition: that Sarah should keep the children in food, linen and woollen clothing, shoes and all other necessaries and that when they came of lawful age the houses and other possessions should revert to them in as good or better condition than that in which Sarah had received them. Sarah promised to do all this and was backed by five male pledges, one of whom was her father. This appears to be the first orphanage entry recorded in the surviving City records but there is no suggestion of anything unusual or innovative and the custom of caring for the City orphans almost certainly predates this entry of 1276.

Many entries of this kind are scattered throughout the early records of the Court of Aldermen. In 1306, for example, the wardship of Nicholas, son of Hamo le Paumer, aged twelve, together with a sum of £60 was delivered to William de Caustone, mercer. In this case the guardian undertook to instruct the boy in his own trade for eight years. According to a later entry Nicholas appeared before the Mayor and Aldermen in 1314 and asked that the £60 should now be delivered to him as he was of full age and had completed his apprenticeship. The guardian also appeared in court, paid over the money and received an acquittance.

The Chamberlain, as the officer most concerned with all matters concerning the freedom, was closely involved in orphanage affairs, often sitting with the Aldermen when grants of guardianship and other matters were considered. Sometimes he even assumed responsibility for the care of the child. In 1320 a child named Walter, the son of Richard the cook, was found as a vagrant and

taken into care. A few days later he was brought before the Commonalty assembled for the election of the Sheriffs and with their assent, and presumably because he had no known friends or relatives, guardianship was entrusted to Andrew Horn, the Chamberlain. The age of the child is not given but following Horn's death in 1328 his account of his stewardship of the property of the boy and of his expenses in feeding and clothing him for eight years was laid before the Court of Aldermen. Later, in 1374, the then Chamberlain, John de Cantebrigge, successfully claimed an allowance for the maintenance of an orphan whom he had had in his custody for twenty-seven weeks following the surrender by the boy's original guardian of his wardship.

There is no doubt that the Aldermen investigated the circumstances of orphans very carefully as witness this example. On 4 December 1419 the executors of one John Shawe delivered to the Chamberlain the sum of £20 to be held in trust for John's son, William, then aged 17½ years. This sum was a legacy from the father rather than an orphan's portion. Two days later the boy himself came before the Mayor - Dick Whittington, incidentally - and the other Aldermen and told them that he wished to enter the Order of Black Monks in the Abbey of St. Albans, then the premier Benedictine abbey in the country, and could the money please be spent upon his becoming professed as a monk. On receiving the request the Mayor and Aldermen took a careful look at the father's will and saw that it contained a provision that if William should die under age then this sum of £20 was to be divided among his other children. So they decided to agree to William's request providing that he found surety for refund of the money if he should die under age or leave the abbey before he became a monk. And a little later the proceedings record a surety entering into a bond with the Chamberlain to repay the £20 in either of these eventualities and later still we find that bond being cancelled on William's coming of age.

An orphan came of age at twenty-one or in the case of a girl upon marriage if that occurred earlier. The Aldermen exercised strict control over the marriage of orphans demanding in all cases that it should have the Court's approval. Most of the problems arose in relation to girl orphans since until quite modern times a woman's property on marriage became that of her husband and there was considerable scope for abuse. A guardian who permitted an orphan to marry without leave of the Court could be imprisoned as could the husband of a girl orphan married without licence and the orphan's property could be withheld until a satisfactory jointure was made. That the Aldermen's vigilance was justified is instanced by the following early case. In April 1315 the City received a royal writ directing them to grant the guardianship of Agnes, the daughter of John Lawrence, to her mother, Matilda, and step-father, Simon de Burgh. To this the City made reply that Agnes was only eight years old and that Simon and Matilda

were planning to marry her to Simon's son, Thomas, who was not yet eleven. The banns had been published and the wedding garments and feast prepared when certain friends of Agnes brought her to Guildhall before the Court of Aldermen. And the Court, after enquiry, had entrusted the girl to the care of the Chamberlain, John Dode. The Crown was not satisfied with this reply and again ordered that Agnes should be placed in the custody of Simon and Matilda. The City stuck to its guns, replying that Simon and Matilda ought not to have custody of the child and that it would answer in the king's court. The City seems in fact to have won for in the following February we find the guardianship of Agnes being entrusted to her aunt.

In a much later case of an orphan married without licence which occurred in 1580 one Robert Hewson, a young man accused of stealing away 'a younge mayden' by 'lewde inticementes' and carrying her off to Gravesend, was imprisoned by the Aldermen. The orphan was Judith, one of the daughters of William Coxe, haberdasher, and I suspect a considerable heiress. Robert was himself a freeman, a member of the Goldsmiths' Company, and subsequently for his offence he and also two friends who had aided and abetted him, one a leatherseller and the other a merchant taylor, were all disenfranchised from the freedom of the City for ever. This meant, of course, that they were unable to trade and the Chamberlain was ordered to shut up all their shop windows.

The mid sixteenth century saw the beginnings of two very important developments concerning the City's responsibilities vis à vis the orphans. In the first place, from the 1550s onwards and continuing throughout the seventeenth century, there was a marked increase in the volume of orphanage business handled, a growth which must presumably be linked to an explosion in the size of the population and an increase in the number of freemen. The second development was to have even greater significance for the future. As we have seen, in the middle ages the guardian of an orphan normally retained monies belonging to an orphan in his own hands under bond to repay in due course and it was comparatively rare, other than as a purely temporary measure, for an orphan's portion to be held in the Chamber of London. From the mid sixteenth century, however, things changed. Executors increasingly deposited the orphan's inheritances in the Chamber with the City acting as trustee of the monies and paying interest on the deposits. In the late Tudor and Stuart periods when a great deal of money was borrowed and lent but when no formal banking systems existed, the Chamber provided a safe haven. In an addition to Stow's *Survey of London* (an addition probably made before 1633) it was declared 'The Chamber of London hath been accounted the safest and best security in and about London', and therefore executors interested chiefly in security were only too happy to deposit the orphans' portions here. By 1585 the Chamber was holding

£5493 of orphans' money; by 1626 this had risen to more than £182,000 and by 1680 to nearly £581,000.

Three consequences stemmed from these developments. In the first place the growth of business meant that the Aldermen were devoting a very large part of their time and attention to the orphans. Charles Carlton, who has written an invaluable study of the City and the orphans, calculated from the evidence of the Repertories of the Court of Aldermen that in the year 1599 45% of the Court's business concerned orphans and that at the single court held on 14 November 1626 of twenty-six items discussed twenty-two related to orphans.

Secondly, considerable organisational change was required at Guildhall in order to cope with the matter of increased deposits, which threw an enormous volume of work upon the Chamber. New, and happily for us informative, series of accounts were instituted to cope with the new situation. The Common Serjeant, too, acquired many new responsibilities. In earlier centuries he had acted as attorney for orphans in the courts if required and taken recognizances. Now he came to preside over what was generally known as the Orphans' Court where inventories were produced, measures taken to try to ensure that debts due to the estate of a deceased were brought in, and the complicated calculations made which would establish the final worth of the estate and the amount due to each child. These activities also resulted in some splendid series of records, including more than 3,000 inventories of freemen's personal estates.

And thirdly, the City, faced with hugely increased expenditure in the seventeenth century, aggravated, of course, by such events as the Civil War and the Great Fire, expenditure which could not be met from its traditional and largely medieval sources of revenue, both failed to keep the orphans' monies as a separate trust fund and was increasingly tempted to borrow from them.

Nevertheless throughout all this time the social role of concern for the welfare of the orphans continued unchanged. The interest paid upon orphans' deposits, known as finding money, was paid to guardians for the orphans' provision and maintenance and was sometimes advanced for special needs. In 1633, for example, the Aldermen authorised £160 to be paid out of the finding money for placing Joseph, son of William Vaughan, grocer, as an apprentice and providing him with clothes and other necessaries, and £40 to be spent on necessaries to fit his brother, William, for the university. In the same year the finding money paid to the three orphans of George Hadley, George, Ann and Mary, included a sum of £10 to be spent on 'Physick for Mary', and a licence was granted to Elizabeth Ticker, daughter of Robert Ticker, to marry one Peter Leigh, the Court having satisfied itself that she was to receive a satisfactory jointure.

The City's financial problems continued to escalate. In 1681 it was unable to meet the interest on its outstanding debt, the greater part of which was owed to the orphans. The next year it stopped paying both interest and principal. It was rescued by an act of parliament of 1694 consolidating all the City's debts into an Orphans' Fund on which the Chamber would pay 4% and the stock could be freely traded in by the general public. But that is another story and not part of this paper. The act effectively brought to an end the traditional procedures for caring for the City orphans but I hope I have shown that in the centuries during which they were exercised they were carried out with much care and devotion to duty.

Sources

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Misc. MSS

Charles Carlton, *The Court of Orphans*