

Chapter I

THE FOUNDATION OF DOWNING COLLEGE

ON 22 September 1800 a royal charter for the incorporation of a new college at Cambridge, to be styled Downing College, passed the Great Seal, and as several of the colleges had far fewer undergraduates than they could easily accommodate, this addition to an overstocked market was probably considered by some persons as particularly inopportune. Yet however unwelcome the foundation of Downing was to such colleges as were ruefully examining their lists of annual admissions, there was a hope that it might mark a turning point in the history of the University. The youngest of the existing colleges had been founded more than two hundred years before, and all of them were living under statutes which belonged to a by-gone age and precluded them from meeting the needs and requirements of a changed world, even if they had desired to do so. The wish, indeed, was not there, but it might very well arise if they found themselves unsuccessfully competing with a rival institution which owed its prosperity to its more enlightened statutes. Thus the foundation of Downing gave an opportunity of pointing the way to reform, and, if the venture had prospered, that steep and stony road might have been taken. But as during many years Downing completely failed to justify its existence, and was the most despised and least frequented of all the colleges, it unfortunately seemed to point the moral that reform was dangerous if not fatal; and as speculation about what might have happened is not encouraged by the Muse of History, who of late years has become very sensitive to the accusation of frivolity, its failure has generally been taken to require no explanation. This is unfair to those who framed its constitution, which, but for a series of accidents and errors, might possibly have been a beacon light in the University.

The troubles of Downing began, like those of Tristram Shandy, before birth. Sir George Downing, by a will dated 20 December 1717, bequeathed his estates in Cambridgeshire, Bedfordshire and Suffolk to trustees in trust for his cousin, Jacob Downing, and his issue, with remainder to certain other kinsmen and their issue; and, in the event of the failure of such issue, the trustees were directed to establish a college

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in Cambridge to be called Downing's College,¹ and to apply to the Crown for a charter of incorporation. Sir George died in 1749, having survived all his trustees, and his property passed to his cousin, Jacob, who succeeded him in the baronetcy. Sir Jacob died without issue in 1764, and as all the parties entitled in remainder had previously died without issue, the University, for the purpose of establishing its rights under the will, took proceedings in the Court of Chancery against Sir Jacob's widow, Sir George's heirs at law, and others. In 1769 the Lord Chancellor gave judgment in favour of the University, ruling that the will had been well proved, and that, if the Crown granted a charter, the trusts for the foundation of a college could be executed; but, in consequence of the deaths of some of the parties to the suit, several informations of revivor and supplement were filed, and the case dragged on until March 1800 when the Lord Chancellor pronounced a final decree in favour of the foundation of the college. In the following June the Privy Council advised the Crown to issue a charter of incorporation which passed the Great Seal three months later.² In 1805 the college received statutes which, in accordance with a provision of the charter, were framed by Sir George Downing's heirs at law, and approved by the Archbishops of Canterbury and York and the Masters of St John's and Clare.³

The charter prescribed that the college should consist of a Master, two Professors, one of medicine and the other of the laws of England, sixteen Fellows, and of such number of Scholars as the statutes should ordain; and nominated the first Master, the first two Professors and three of the sixteen Fellows. It, however, provided that future Masters should be appointed by the two Archbishops and the Masters of St John's and Clare, and that the same electing body, with the Master of Downing added to it, should appoint all future Professors. The charter further stated that the Crown proposed to appoint the other thirteen Fellows when suitable college buildings had been erected, but that subsequently the Fellows should be elected by the Master, the two Professors and such Fellows of the college as were Masters of Arts. As it was necessary to make provision for the instruction of undergraduates

¹ In the royal charter the name, probably inadvertently, was changed to Downing College.

² C. H. Cooper, *Annals*, vol. iv, pp. 267, 268, 467, note 3; Willis and Clark, *Architectural History of the University of Cambridge*, vol. II, pp. 765-766. There is a tradition that the younger Pitt had a hand in drafting the charter.

³ Sir George Downing's will so directed.

and the discharge of other college duties, two of the sixteen fellowships, unless certain disqualifications were contracted, were to be tenable for life if their holders resided and took Holy Orders within six months of their election; but the other fourteen, to which no obligation of residence was attached, were to be tenable for only twelve years, and, moreover, to be reserved for laymen who intended to pursue the professions of law or medicine.

Several of these provisions had a very practical bearing. The encouragement, for instance, given to medical and legal studies in the University was dictated by an urgent need. The medical school was generally admitted to be in a very languishing condition, and, indeed, the decline in its fortunes was painfully obvious. There was a Regius Professorship of Physic, which had been established in the sixteenth century; but it was a hundred years or more since an occupant of the chair had delivered lectures. Some of the colleges had fellowships appropriated to medicine, but this restriction was by no means always observed. The subject was little, if at all, taught in any of the colleges, and at Caius, which had for centuries enjoyed a medical reputation, no trace of any systematic instruction in medicine can be discovered until about the middle of the nineteenth century.¹ It is therefore not surprising that the candidates for medical degrees were few, for there was very little to attract them. The law school, though in better repute, was not in a satisfactory condition. It is true that the Regius Professors of Civil Law regularly delivered lectures at which attendance was compulsory, and included in their courses a certain amount of English law;² but it was mainly civil law that was taught and studied, and consequently undergraduates reading for a law degree had little opportunity of acquiring a knowledge of the legal system of their own country. They were possibly unconscious of their loss, as most of them were extremely idle. The law school was generally recognised to be a refuge for those who were averse to intellectual effort.

The establishment of a Professorship of the Laws of England had therefore a very definite purpose, and there was at least a hope that the Downing Professor of Medicine would supply a want which the Regius

¹ J. Venn, *Biographical History of Gonville and Caius College* (1901), vol. III, p. 253.

² In 1775 Philip Yorke, then a Fellow Commoner of Queens', attended the lectures of the Regius Professor of Civil Law, and he informed his uncle, the second Lord Hardwicke, that the latter part of the course "has had a great deal of English law in it, particularly when he [the Professor] compared the usage of the civil law courts with those of the common law". Add. MS. 35377, f. 181.

Professor of Physic showed no inclination to meet. It might also be reasonably anticipated that the fourteen fellowships assigned to law and medicine would stimulate the pursuit of those studies in the University. But the limitation of the tenure of those fellowships to a period of twelve years was a far more revolutionary step. The foundation fellowships of the other sixteen colleges were tenable for life, though generally on the condition of taking Holy Orders after a certain number of years, and as they were free from any obligations of service, many of the Fellows led very idle and unprofitable lives. They were deserving of pity as well as of censure. The ability, which had enabled them to gain a good degree and win a fellowship, was not always accompanied by a genuine interest in learning, and therefore many of them, if not lucky enough to be appointed to a college office, found time heavy on their hands and passed unhappy lives. Yet as mankind is ever reluctant to relinquish a privilege, even when it brings misery, it was until late in the nineteenth century an almost undisputed article of belief that a college could not possibly promote learning and research if its fellowships were not tenable for life; and therefore the restriction of all but two of the Downing fellowships to a term of years must have seemed to many not so much a leap in the dark as a leap into the abyss. It was, however, a leap well worth making, and it is significant that the lay Fellows were not to enjoy even a twelve years tenure unless they obtained certain professional qualifications. The charter prescribed that the “lay fellowships shall be held only for the term of twelve years respectively, and shall within that time be vacated by those who are in the law line by their not being called to the bar within eight years after their elections, and by those who are in the medical line by their not taking the degree of Doctor of Physic within two years after they are of sufficient standing”.

The regulations contained in the statutes for the award of the fellowships and scholarships also indicate an intention to improve upon existing practice. Anyone who had been admitted at an Oxford or Cambridge college, and had not been in residence for more than a year and a half, could compete for a scholarship,¹ and the electors were forbidden to give any “preference whatsoever...to the candidates in respect of the colleges to which they belong, the counties in which they were born, or the schools in which they had been educated”. Moreover, any graduate of Oxford or Cambridge, without regard to his “place of birth or education”, could compete for a lay fellowship; and anyone

¹ King’s was the only college which awarded its scholarships before residence.

who had graduated as a Bachelor of Arts at either University was eligible as a candidate for a clerical fellowship. Moreover, both fellowships and scholarships were to be awarded upon an examination, which for scholarships was to be in “the Greek and Latin languages, and such other learning as the examiners shall think proper”, and for fellowships in “all subjects of academical learning, without preference to any branch of science and literature above others, studied in the University at the time”.

It has sometimes been urged that it was unwise to discourage clever boys from entering Downing by not allowing them to acquire thereby any advantage in competing for its emoluments; and the criticism is just. But few would nowadays question the expediency of abolishing those local preferences which were then so common. Several of the colleges had scholarships, and some had fellowships, appropriated to certain schools or districts, and inevitably these closed emoluments were not infrequently awarded to candidates who would never have gained them in open competition. It was again extremely desirable that fellowships as well as scholarships should be awarded upon an examination. Though all the colleges held scholarship examinations, fellowships were very commonly awarded upon academic record; and as most of the candidates for them were Bachelors of Arts who had distinguished themselves in the Senate House Examination, they were commonly given for proficiency in mathematics. And as mathematics also had a very important place in many of the scholarship examinations, Cambridge was justly open to the reproach of having taken only one branch of learning as its province. The Downing examinations were clearly designed as a protest against a mathematical monopoly.

It is also of some interest that a page of what was then recent academic history was enshrined in that provision of the statutes which disqualified fellowship and scholarship electors from voting at an election if they had not “been present at, and taken part in, the examination” which preceded it. This provision was the direct outcome of a famous controversy in Trinity, which was one of the few colleges that elected its Fellows upon an examination. During the latter part of the eighteenth century it had not been at all uncommon for a Trinity fellowship elector to vote at an election without having taken any part in the examination; and when in 1786 ten Fellows of the college protested against this gross abuse of trust, they were treated as criminals and solemnly admonished for irreverence and disrespect by the Master and

Seniors, who constituted the Governing Body of the college. Infuriated by treatment so flagrantly unfair, they appealed to the Lord Chancellor as the Visitor; and, although he did not wholly disculpate them from the charge of lack of respect to the Master and Seniors, he censured the abuse, of which they had complained, in terms so strong as to insure its cessation. The statutes of Downing echoed their triumph.

Yet statutes and regulations, however carefully devised, must in time become antiquated and impediments to progress, and consequently a simple and effective machinery for revising them is indispensable. This necessity had frequently been overlooked in the past; and the ease with which the constitution of Downing could be changed would certainly have greatly shocked earlier academic law-givers. The two Archbishops and the Masters of St John's and Clare were authorised by the charter to "revoke, repeal, augment, alter or make new, all, every or any of the said statutes", if requested to do so by the Master, the two Professors, and five of the senior Fellows; and their discretion was only limited by the provision that the statutes must always conform with the terms of Sir George Downing's will and the charter. As Sir George, unlike many other eighteenth-century benefactors of the University, had not burdened his bequest with many detailed instructions, and the charter had left much to be settled by statute, Thomas Worsley, the third Master of the college, could justly boast of the "very peculiar, large and permanent provision for effecting all requisite modifications of the statutes".¹

The break with the past was, however, by no means complete. The statutes of some of the colleges forbade the election of more than a certain number of Fellows, generally one or two, born in the same county, and the statutes of Downing, instead of totally omitting this restriction, merely modified it by raising the number to seven. There was little justification for retaining in any form a prohibition which belonged to an age when local feeling ran high and menaced the impartiality of college elections, and it is again somewhat singular, when so much new ground was being broken, that all Fellows of the college were forbidden by the charter to marry. It is perfectly true that this regulation was common to all the colleges, and that its strict observance was believed to be essential for the maintenance of collegiate life; but as the lay Fellows of Downing had only a limited tenure and were not expected to reside, it is difficult to see how the college could have suffered if they had been permitted to retain their fellowships after marriage.

¹ *University Commission Report* (1852), Correspondence and Evidence, p. 436.

Certain other prohibitions and restrictions, which had long ago ceased to serve a useful purpose, were retained, but, nevertheless, the constitution of Downing can be fittingly described as an experiment in college reform. And just because it was an experiment which, if circumstances had been favourable, might have had far-reaching effects, it is important to realise that its failure was almost entirely due to an inexcusable neglect of duty on the part of the Court of Chancery. That Court approved a very ambitious building scheme which could not be completed owing to lack of funds;¹ and as the Crown was not prepared to appoint more than the three Fellows named in the charter until suitable buildings had been erected, and the statutes did not allow any scholarships to be awarded until the same condition had been fulfilled, the college remained over a long period without Scholars and with only three Fellows. It was also financially crippled by having, under an order of the Court of Chancery, to assign every year a considerable sum to a building fund, and this was a particularly heavy burden as the Downing estates had been much neglected during the years of litigation. "The college," wrote Worsley in 1851, "in its present unfinished state, is the only one in Cambridge which possesses no scholarships, exhibitions, prizes or other endowments or emoluments for undergraduates; and its three actual fellowships have hitherto been regarded as open to candidates, properly qualified, from any college in Oxford as well as in Cambridge. Downing, therefore, stands alone as unendowed, for any purpose of attraction to undergraduates, among the several colleges which constitute the University."² Consequently, Downing had only a handful of undergraduates, who were generally above the normal age, and, not infrequently, married men.³

Thus what was intended to be an encouragement of reform became a warning against it; and the other colleges were strengthened in the belief that the old ways were best or, at least, less dangerous. When urged to put their houses in order, they could point to Downing as an object lesson on what might happen if they drastically revised their statutes; and they seldom failed to draw such a convenient moral. This was by no means the only argument used against college reform, but the others might possibly have been less effective if it had not been available.

¹ H. O. Pettit-Stevens, *Downing College* (1899), p. 71.

² *University Commission Report* (1852), Correspondence and Evidence, pp. 437-438.

³ *Ibid.* p. 438.

Chapter II

A COLLEGE ELECTION

DURING the early morning hours of Wednesday, 11 February 1807, William Elliston, Master of Sidney, lay dying at his Lodge. He had been Master for nearly fifty years, and had seen many changes in the life and manners of the University.¹ When a comparatively young man he had, as Vice-Chancellor, played an important, and, some thought a decisive, part in the contest between Lord Hardwicke and Lord Sandwich for the High Stewardship; but except on that occasion he had not been active as a University politician. He had, however, been a good Master;² and though he had probably outlived his usefulness, his loss would be regretted, particularly because there was no obvious person to succeed him. John Holden, who had been an extremely successful Tutor of the college, and had seemed destined to become its Master in due course, had died a few years before; and his colleague in the tutorship, George Butler, who had attained the rare honour for a Sidney man of being Senior Wrangler, and was a much respected member of the society, had in 1805 become Headmaster of Harrow School. Butler, though still a Fellow, had therefore ceased to play an active part in college business, and as the Master was under a statutory obligation to reside for at least six months of the year,³ he seemed to have abandoned any idea of being Elliston's successor. Some of the other Fellows were unwilling to shoulder the burden of high office, and others were thought unfit to do so.

Consequently the problem of finding a new Master was likely to be difficult, and was not made any easier by the conditions under which the search had to be conducted. The statutes provided that if there was no suitable candidate among the Fellows, an ex-Fellow of the college might be chosen; but that if neither a Fellow nor ex-Fellow was qualified and willing, any member of Trinity College had a claim to be considered.

¹ Elliston had been an undergraduate at St John's College, and for an account of him see R. F. Scott, *Admissions to St John's College*, Part III, pp. 598–599.

² G. M. Edwards, *Sidney Sussex College* (1899), chapter xi.

³ Earlier statutes of the college had forbidden the Master to be absent longer than one month in every quarter: *Documents relating to the University and Colleges of Cambridge* (1852), vol. III, pp. 535, 538.

Only in the unlikely event of Trinity being unable to produce an eligible candidate were the electors at liberty to select a Master from among the members of any other college in the University. Consequently, if a successor to Elliston could not be found among the Fellows and former Fellows of Sidney, the college would be in danger of being ruled by a Trinity man and, perhaps, of becoming a dependency of its more magnificent and opulent neighbour. Such a possibility struck terror into the heart of every loyal son of Sidney. College spirit ran high in those days; and the smaller colleges, often struggling for existence and very uncertain of their future, were particularly jealous of their independence.

The danger, indeed, was not remote. Only two Fellows of Sidney, William Chafy and Thomas Hosking, were willing to stand for election; and to both of them Butler and John Green, the senior Fellow, had the strongest objection, holding them to be quite unfitted for responsible office.¹ But as it was uncertain whether a candidate would be forthcoming from among the former Fellows, Green and Butler needed to be cautious in their opposition. They must have realised that if the Fellows of Sidney, who were the electors, were compelled to choose between one of themselves and a Trinity man, they would almost certainly prefer the former alternative.

When Elliston died about nine o'clock on the morning of 11 February, only four of the ten Fellows of Sidney, Green, Butler, Renouard, and Chafy, were in residence;² and before the breath was out of the Master's body, Butler had written to Edward Pearson and two other former Fellows, urging them to come forward as candidates. Also, immediately after Elliston's death, he joined with Green in making a second appeal to Pearson, and he subsequently wrote to another former Fellow.³ But, as answers to these letters were not likely to arrive for some days, and the statutes required a new Master to be elected on the seventh day after the vacancy had become known to the Fellows in residence, there was much to be said for insuring against those answers being unfavourable. It is possible that this consideration

¹ In an appeal to the Visitor, Green, Butler and other Fellows of Sidney stated that both Chafy and Hosking were unsuitable candidates for the mastership, but asked to be excused from specifying, "however able they may be to do it, the particular points of disqualification". Trinity College Documents, Box 29, C, IV b.

² There were twelve fellowships, but two of them were vacant.

³ Appeal of Green, Butler and other Fellows, Trinity College Documents, Box 29, C, IV b.

was not overlooked. When, an hour after Elliston's death, the four Fellows in residence assembled to hear Green announce that the election of a new Master would take place on Wednesday, 18 February, they were intruded upon by Francis Wollaston, who "in the presence of the Fellows assembled desired to be considered as a candidate, if the Fellows should be disposed to look for a Master beyond the members of their own body"¹

Wollaston, who at this time was Jacksonian Professor of Natural and Experimental Philosophy, had been an undergraduate and then a lecturer at Sidney, but he was not, and never had been, a Fellow of the college. Consequently, he could not legally be considered for the mastership unless Trinity was unable to produce a qualified candidate; and therefore the consideration of his claim ought to have been postponed until Trinity had been formally notified of the vacancy. But no such notification was ever given. Renouard, one of the Sidney Fellows, did indeed talk with his brother, the Vice-Master of Trinity, and some other Fellows of that college about the Trinity claim; but these conversations were quite informal, and Lort Mansel, then Master of Trinity, was rightly indignant when they were represented to have been an official communication.

"This mere chit-chat of one brother with another", he scornfully wrote, "is meant to be worked up into an official communication by adding the distinction of Vice-Master. Now the Master being in college at the time, I humbly conceive that the Vice-Master upon such an occasion differed in no respect from another Fellow. Indeed, so little aware was the Vice-Master himself of this being anything like an intimation designed to be communicated to the college, that he never opened his mouth about it, conceiving it to be (as he told me himself this day) no other than private conversation between his brother and himself."²

Green afterwards solemnly declared that Wollaston, in thus coming forward as a candidate, had acted "without any persuasion, entreaty or solicitation whatever at that time or any other";³ and this statement cannot be disregarded. But Green may have distinguished between a hint and "persuasion, entreaty or solicitation"; and it is not impossible

¹ Statement and Memorial of John Green, Trinity College Documents, Box 29, C, IV b.

² See a marginal note by Mansel on the copy of the appeal of Green, Butler and other Fellows. *Ibid.*

³ Statement and Memorial of John Green. *Ibid.*