

Parochial Charities

The only Charity in wch all the parishioners are entitled to participate is that known as Guest's Charity, concerning the origin of wch the following documents have been preserved:

Indenture made the 24th September, 1653. Between John Guest of Aburgham afterwards called Abraham in the Co: of Lanc: Yeoman; William Downall of Haddock, yeoman; & Robert Parr of Westleigh, yeoman; on the first part. – And Charles Herle, Rector of the Parish Church of Winwick; Robert Mawdesley, of Mawdsley, Esqre; John Tilsley, of Deane; John Wood of Ashton-in-Makerfield; Bradley Hayhurst of Leigh; Thomas Crompton of Astley; William Williamson of Hindley; William Leigh of Westhoughton; in the said County, Clerks; & Richard Smith of Pennington, yeoman; on the second part – Witnesseth, that William Downall & Robert Parr at the request of John Guest in performance of a Trust created by Indenture dated 3rd February, 1651, by the said John Guest made between Edward Bolton of Aburgham, aforesaid, Gentleman, & William Bolton, Gentleman, of the same place, his son & heir apparent, on the first part, - And John Guest, William Downall, & Robert Parr, of the second part – They Downall, Parr, & Guest have enfeoffed the aforesaid Herle, Maudsley, Tildsley, Wood, Hayhurst, Crompton, Williamson, Leigh & Smith, of all that capital Messuage, &c. In Aburgham bought by John Guest of Edward Bolton, To hold &c. To said John Guest for life; remainder to John Smethurst, of Aburgham, (cousin of said John Guest) for life; - remainder to John Smethurst his eldest son & his heirs male; - remainder in default of such heirs male, to Jeremy Smethurst, of Warrington (brother of the aforesaid John Smethurst, the father, & cousin to Guest), for life, & afterwards to his issue male; remainder in default to Thomas Smethurst, of Billinge, yeoman (another brother of John Smethurst, the father aforesaid), for life, & his issue male; - remainder to Jane, wife of John Taylor of Gouldbourne, (sister to the aforesaid John Smethurst, the father), & her issue lawfully begotten; - remainder to the next heirs of Thomas Smethurst, for ever. A proviso was also made reserving power to John Guest to charge the estate with any sum or sums of money by his last will or Deed.

Witnesses John Urmston, Hugh Hindley, Roger Naylor and Seth Radcliffe.

Note On the 27th September, 1653, Guest, Downall & Parr delivered seisen [?] of the premises to Richard Smith, & to his use & to the use of Herle, Maudsley, Tildsley, Wood, Hayhurst, Crompton, Williamson & Leigh.

On the 28th September, 1653, John Guest made his will as follows: - "In the name of God, &c. – I, John Guest of Aburgham in the co: of Lancaster, yeoman, being aged & infirm of body but sound of mind, &c. Hoping through the merits of Jesus to be saved – my body to be buried at my parish Church of Wigan in the burial-place belonging to the house wherein I do now inhabit & dwell. – Whereas I together with William Downall of Haddock & Robert Parr have conveyed by Indenture duly executed and dated the 24th of this [suistal?] September unto Charles Heale, Clerk, Robert Mawdsley of Mawdsley, Esqre, John Tilsley, James Wood, Bradley Hayhurst, Thomas Crompton, William Williamson, & William Leigh, Clerks, & Richard Smith of Pennington, Husbandman, & their heirs for ever All that messuage, &c, together with thirty acres of land wch I lately purchased from Edward Bolton, of Abraham, Gentleman, & William Bolton his son & heir, being in Abraham aforesaid to the uses in the said Indenture conveyed with limitations, that it should be lawful for me by my las Will in writing to change the said Lands with any Rent charge. Now it is my Will, & I do hereby limit & appoint, &c. "unto the minister of the parish church of Winwick for the time being & his successors for ever one annuity of £3-15-0, arising from the said premises to be paid every 11th day of November, & that he with the same money do buy or cause to be bought five score & twelve yards of Linen cloth to be bestowed upon forty & five of the poorest people of the said Parish such as the Minister shall conceive to stand in greatest need of the same." A like bequest was made in the same

words to each minister of the parish churches of Leigh, Wigan, Deane, Radcliffe, Bolton, Bury, & Middleton, & their successors for ever.

The awful distress resulting from the Civil War, wch had prevailed in Lancashire for some time before this bequest was made, has been already noticed; (see before, p95, note 33), & doubtless it was with the desire to relieve that distress amongst the “poorest people” in the most impoverished part of the country, that John Guest made this very charitable gift. But after the experience of several years’ distribution, difficulties arose through the rent received from the lands charged with the bequest, not being sufficient to provide the total sum required. In order to relieve themselves of this difficulty, the Trustees obtained an Act of Parliament. The Bill was introduced before the House of Commons on Thursday, the 16th Jany, 13^o Caroli Regis (1661-2), entitled – “A Bill for the Better Settling & performing of the charitable Gifts given by John Guest, “late of Abraham, in the County of Lancaster, Yeoman, to the Poor of several parishes within the said County”. **3**

This Bill received the Royal Ascent on 12th March, 15^o Caroli secundi, (1663), & reads as follows (abstract).

Whereas John Guest late of Aburgham als Abraham in the county of Lancaster, Yeoman, William Downall of Haddock, Yeoman, & Robert Parr of Westleigh, Yeoman, being lawfully seised in their demesue as of fee of & in a Messuage, &c, in Abraham, containing by estimation heretofore thirty acres, but wch is in truth only twenty acres, Did by their Indenture dated 24th Sept. 1653, grant, alien, & assign the sais Messuage, &c. unto Charles Herle, Rector of Winwick, Robert Mawdsley, Esqre & several others. To have & to hold to the use of John Guest for life, &c. (reciting the entails in the before-mentioned Deed, & the will of John Guest, & his bequests to the eight Parishes of £3-15-0 each), & that since John Guest’s death it had been proved by experience that the said Messuage, &c. is not of value sufficient ultra repairs[?] to pay the said sums to the said Ministers, so that the said charitable gifts cannot be performed. Therefore for staying suits[?] and controversaries wch have already been & might hereafter arise. It is agreed by the Right Reverend Father in God, George, Lord Bishop of Chester, to whose Bishoprie the parsonage of Wigan is annexed, & by the rest of the Parishioners & vicars of the [Page 162] parishes of Winwick, Leigh, Wigan, Deane, Radcliffe, Bolton, Bury & Middleton, & Radcliffe, also it is the humble desire of the parishioners of the said parishes, & of the said John Smethurst, the owner & occupier of the said Messuage that they, the said George, Lord Bishop of Chester, & the other Parsons & Vicars shall be henceforth freed & discharged from every trust reposed in them by the said Guest: Yet, so as that the said charitable use may hereafter as near as may be to the will of the Donor be observed & performed out of other lands & tenements wch the said John Smethurst is contented to purchase with the sum of £500, wch by the purport of this Acte is to lay out in Land for the object of the will as far as possible & the said Smethurst to hold his Messuage charged with £3-10-0 per annum to each of the Ministers for the discharge of the said charitable use until he shall have purchased Lands, &c., to the value of £500, & then to hold the Messuage &c under the Will of the said John Guest to himself & his heirs for ever, & to confirm this an Act is needed: - - Therefore with the Authority of the Lords Spiritual & Temporal, & the Commons in Parliament Assembled It is enacted that Smethurst shall buy lands in Lancashire with the consent of & as shall be approved by Sir Roger Bradshaw, Knight, & fifteen other Parishioners, viz: - two out of every Parish interested who shall be the first Trustees for the investment of the said sum of £500. - - The first Trustees appointed by & under the Act were – Sir Roger Bradshaw, Knight, & Richard Molineux, of Hawkley Hall, Gent, for Wigan; James Sorocold, Gent, & Thomas Potter, Clerk, for Winwick; Sir Henry Slater, Knight, & Richard Smith, yeoman, for Leigh; Adam Robinson & William Roycroft, Gents, for Deane; Thomas Lever, Esqre., & Alexander Norris, Gent, for Bolton; Thomas Whitehead & Richard Lomax, Gents, for Bury; Sir Ralph Assheton, Knight & Baronet, & Edmund Hopwood, Esqre, for Middleton; the said Sir Ralph Assheton, Knt. & Baronet, & the Rev. Charles Beswick, Clerk, for Radcliffe. Power was also given that whenever there should be but three, two, or one Trustee living, the survivors or survivor should convey the said premises to sixteen other good &

able Freeholders & inhabitants of the Parishes for wch they were severally appointed, being two of each Parish. – The said Parsons & Vicars named by the said Testator shall from time to time carefully see that the said charitable uses be duly performed out of the rents of the lands to be purchased by the said Smethurst, anything herein contained to the contrary in anywise noted.⁴

Although the parties concerned went to the trouble & expense of obtaining an Act of Parliament, for “the staying of suits & controversies”, yet it does not appear that the provisions of that Act were ever carried with effect. Instead of spending the stipulated sum of £500 in the purchase of lands, Smethurst appears to have bargained with the Vicars & Trustees of the several Parishes interested, for the payment of a capital sum in each case⁴⁹. The amount received by the Trustees for the parish of Deane appears to have been £63, but when it was received we do not know⁵. The earliest account of the distribution of the Charity is preserved in the Middle Hulton Town’s Book, reads as follows: -

‘April the 14th. 1713; The Gift of John Guest of Abram is as followeth in lin cloth.

Richard Partington	-	-	2 yards & a half
Cuthbert Modsley	-	-	2 yards & a half
James Rusell	-	-	2 yards & a half
John Hope	-	-	2 yards & a half
Richard Yates	-	-	2 yards
Richard Higson	-	-	1 yard
Henere Moris	-	-	1 yard & three quarters

May the 8th. 1714; Interest moneyes peade from Mr. Browne is as follows in lin cloth.

Richard Yates	-	-	2 yards & 3 quarters
Henre Moris	-	-	2 yards & a half
Ann Higson	-	-	1 yard.

May the 20th. 1715; Interest moneye peade from Mr. Browne is as follows in lin cloth

Ann Martin	-	-	2 yards & a half
Thomas Colier	-	-	2 yards & a half
Peter Partington	-	-	2 yards & a half
Ann Higson	-	-	2 yards & a half

With the exception of these records of distribution found in the Town’s Books, no further notice of this Charity appears until 1744, when – “Public notice was given in ye Parish Church of Dean during ye time of Divine Service upon Sunday last being ye 13th day of May & Whitsunday That all owners of Lands & Tenements within ye Parish were desired to meet at the Church upon Tuesday ye 15th of ye said month at three o’clock in ye afternoon to nominate & appoint new Trustees to take care & dispose of Interest of ye money for ye use of ye Poor of ye Parish, 50th of ye said money now lying idle & useless for want of fit & proper persons to dispose of ye same.

On the 15th May this Meeting was accordingly held & decided as follows: - “Whereas we whose names are underwritten being assembled in Vestry at ye time & place above mentioned, are unanimously agreed in behalf of ourselves & ye Parish to nominate & appoint George Kenyon, of Peel, Esqre & Richard Edge, of Middle Hulton; Roger Rycroft & James Green of Westhoughton; Peter Rasbothom , Gent, of Farnworth; Nathaniel Nuttall, ***, of Rumworth; James Marsh, of Halliwell; & Thomas Stones, of Heaton, or any four of ‘em Trustees for ye said money, & to place at Interest all or any part of it, so often [page 163] as it shall be paid into their hands. It being Seventy pounds in all: viz. 20th now in ye hands of ye Parish, & 50th in cash. And for further encouragement of ye said Trustees & to ye intent they may more willingly take upon *** ye said Trust we who are ye major part assembled declare in behalf of our selves & ye Parish yt if it happens at any time hereafter yt all

or any part of ye said money should be lost through persons being Insolvent, & not able to repay ye same, after ye Trustees have taken ye best care in disposing of all or any part of ye above sum, That ye such case neither ye said Trustees, their Heirs, nor Executors shall be answerable to make good such loss but it shall be sustained fourthly by ye whole Parish without any disturbance or molestation of ye above named Trustees, their Heirs, Executors & Assigns for ever. As witness our hands ye day & year above mentioned. (Numerously & influentially signed)

The correct & formal style of this record indicates the presence at that meeting of more of ability & experience, & the decision wch they arrived at evidently worked out well & satisfactorily, for we hear nothing more of the matter for over seventy years. The Charity Commissioners in their 19th Report, (dated 26 Jany. 1828), under the head of "Guest's Charity, Dean", state – "We cannot find any trace of the existence of this branch of the charity, unless the sum of £63, mentioned in the Parliamentary Returns of 1786, was derived from this source. In those Returns, under the head of Dean, the sum of £63, producing annually £3-3-0 is stated to have been given for linen cloth for the poor; but the Returns do not state any donor's name or date. In the same Returns, under the heads of the respective townships of the parish, the interest is divided, giving 5s. 3d. to each, & the principal is said to be vested in John & James Edge. We find that a distribution of money or linen cloth took place at Dean Church amongst all the townships of the parish, till about 10 or 12 years ago, when it ceased, & the money applicable for this purpose was provided by the family of Edge, of Moss, the last of whom died about that period.

The Rev. Thomas Brocklebank, vicar of Dean, made repeated enquiries about this charity, & after much trouble obtained in 1826 the sum of £100, from the family of Messrs Edge, being £70 principal, & £30 as interest, for wch he gave a written acknowledgement. This sum is now in his hands, & it was his intention to p[ay] it over to the parish, recommending it to be laid out in building a house to be attached to the school lately erected under his care at Rumworth. It is to be observed, however, that the Rumworth School from its local situation cannot be available to the whole of the parish of Dean, & that such a disposition of this money, supposing it to arise from Guest's Charity, would be wholly inconsistent with the intention of the donor; we therefore think that a mode of distribution more cousenant with that wch prevailed 10 or 12 years ago would be more desirable.

Soon after Mr Brocklebank's resignation of the vicarage of Deane, viz: on the 29th August, 1830, the C'wardens decided – "That a general Parish meeting be called on Friday, the 10th. Sept. next, at 11 o'clock, A.M. & that due notice be given in the Parish Church & Parochial chapels for the purpose of taking into consideration the propriety of appointing Trustees for a sum of money supposed to be the remains of a charitable Bequest to the Poor of the Parish."

In accordance with this decision, due notice was given, & a vestry meeting held on the 10th. Sept. in the Vestry, & adjourned to the School; at wch meeting it was unanimously Resolved – "That Thomas Ridgway, Esqre; Peter Ainsworth, Esqre; & Benjamin Rawson, Esqre; should be appointed Trustees for a sum of £100, supposed to be the residue of a Bequest made by John Guest for the distribution of linen cloth to some of the poorest people in the Parish, & that the said sum be invested in building as a security for the payment of the same at a rate of not less than £5 per cent. Also that the said Churchwardens for the time being be empowered to treat for the said land & invest the money thereon"¹⁰

In carrying out the wish of the Vestry according to the power conferred upon them, the Churchwardens now purchased a small plot of land in Rumworth, lying on the north side of the Bolton & Westhoughton, together with an old disused toll-house standing thereon; & wch was conveyed to them by an – "Indenture made the 28th April, 1831. Between Samuel Houghton, of Bolton, Gentleman; Thomas Howell, of Bolton, Gent.; Thomas Seddon, of Westhoughton, Yeoman; James Platt, of Rumworth, Yeoman; Hampson Lomax, of Great Bolton, Yeoman; & James Fletcher, of

Westhoughton, Yeoman; Trustees acting under the Act of the 40th George 3rd, entitled “An Act for mending, &c the Road from Bolton to Westhoughton”; &also the Act of 2nd George the 4th on the first part: And the Rev. Edward Girdlestone, vicar of Deane, on the second part: And William Holme of Rumworth, & William Longworth of Heaton, Churchwardens, on the third part: And Thomas Ridgway of Wallsuches, Esqre: Peter Ainsworth, of Smithills, Esqre; & Benjamin Rawson, junior, of Darley, Esqre; on the fourth part – Whereas John Guest of Abram, deceased, by his last will made the 28th Sept. 1653, reciting that he with William Downall & Robert Parr by Indenture dated 24th Sept. 1653 had conveyed to the Rev. Charles Herle & other Lands & tenements in Abram with power &c. And in pursuance of much power had appointed & gave to the Minister of the parish church of Winwick & his successors a yearly Rent of £3-15-0 to buy 112 yards of linen Cloth to be bestowed on forty-three of the poorest people in the said parish such as he thought in greatest need And likewise for the Ministers of the parish Churches of Leigh, Wigan, Deane, Radcliffe, Bolton, Bury & Middleton the like sums of £3-15-0 each for the same purpose. Whereas an Act of 15th Charles the second, reciting the aforesaid Will & Indenture, & also that the premises were not of sufficient value to pay the several sums, so that the charitable gifts could not be performed, therefore it had been agreed by the Bishops of Chester & the persons & rectors of the other parishes, that it was the desire of the parishioners, & John Smethurst the owner & occupier of the Lands, &c. should be discharged from the said trusts yet so that they might be performed out of other lands wch the said John Smethurst had agreed to purchase for £500. It was enacted that John Smethurst should buy other lands in Lancashire to be approved by Sir Roger Bradshaigh, Knight, & fifteen others, viz: - two persons of each parish who were to be first Trustees with provision for continuance of the Trust, & who were to pay £3-10-0 yearly to each of the aforementioned parishes. Whereas the said sum of £500 was never laid out as directed, but the sum of £70 as the share of the parish of Deane of the principal & Interest in arrear was sometime ago recovered from one Edge who had become liable to pay the same. And the same sum of £70 & some further [Page 164] Interest now in the hands of Wiulliam Holme & William Longworth Churchwardens, had, in accordance with the desire of the parish been expended in the purchase of the old disused Toll House with the site thereof & the building of a dwelling house thereon & therefore the said Commissioners, as far as they lawfully can or may, did grant, bargain, alienate, &c. to the said vicar, Churchwardens, & Trustees, all the aforesaid plot of land, &c. measuring on the south side thereof 28 feet, on the east side 26 feet 5 inches, on the north side 30 feet 4 inches, & on the west side 38 feet, together with a passage on the west end thereof of 4 feet 6 inches wide, &c. for the consideration of the sum of seventy-five pounds – To the use of Guest’s Charity.

The following account of the purchase of the Old Toll-house & its conversion into a dwelling house is entered in the Churchwardens’ Book of Accounts: -

Guest’s Charity. May 16th 1831.

	£.	s.	d.
Received from Mr A. Howarth on behalf of Mr Brocklebank for Guest’s Charity, together with Interest	105	0	0
Received from Miss Ann Green on security of a note	70	0	0
	<u>175</u>	<u>0</u>	<u>0</u>
Expenses relating to building & Purchasing Old Machine House & Land	65	0	0
John Tong’s Bill for Paint & painting	2	19	5½
William Holme’s Bill	1	7	0
Jas. Seddon’s Do	4	6	8½
Jno. Adamson’s Do	9	17	9
Mr Plumpton’s Do	57	18	1
Mrs Tempest’s Do for Brick	20	13	9

Jno. Marshe's Do		17	2	5½
Jno. Tong's Do	for Plastering	4	1	10
Thos. Green's Do			2	6
		<u>£183</u>	<u>19</u>	<u>6½</u>

The vicar & Churchwardens had thus greatly overspent the capital of Guest's Charity in making their investment, but the Vestry Meeting held on 5th April, 1831, resolved unanimously – "That Mr. Makant, of Halliwell be authorized to borrow a sum of £60, at, or under £5 per cent. Interest for the purpose of defraying the expenses attendant upon the Investment of the Bequest called Guest's Charity, & that the Trustees of the said Charity be requested to give sufficient security".

Apparently, Mr. Makant did not carry out the authority herein given; & the following note, entered in the Minute Book by the Vicar, records what was really done: - "18th May, 1831, - Deane Vestry – It having been provided by the terms of the Trust Deed for the proper investment of a sum of money for the benefit of the Parish Poor that no measures should be taken with regard to the application of that money without the consent of the vicar & Churchwardens of the Parish of Deane for the time being, - We, the Vicar & Churchwardens of the Parish of Deane for the time being do hereby testify our consent that the sum of £70 be borrowed upon security of the Trust Deed with the consent of the Trustees; & the sum of £70 was accordingly borrowed on May 10th. 1831, from Ann Green, of Rumworth, in the Parish of Deane, upon the said security, at the rate of Interest of £5 per cent. per ann. (signed) E. Girdlestone, vicar, William Longworth, William Holme. **12**

Having completed the investment & finished the building of their house, the Vicar now became the tenant at a rent of £9 per annum.**13** The receipt of the first year's Rent from the Vicar, & the payment of the first year's Interest also to Miss Green, are duly entered in the C'wardens' Book; but no further reference to the matter appears until the year 1843. I presume, therefore, the whole income of the Charity during those 12 years was assigned by the vicar & C'wardens to the liquidation of the debt wch they had contracted in 1831. The first division of income amongst the poor of the parish appears to have been made on the 18th April, 1843; when the sum of £3-11-5 was divided among the C'wardens of Westhoughton; the three Hultons; Farnworth, Rumworth & Kearsley; & Heaton, Horwich & Halliwell, in the same proportion as each of those towns contributed towards the expences of the Parish Church. **14** In the year 1844 & 5, the sum of £6-6-0 was divided among the same parties in the like proportion;**15** but in the year 1846, a new scale of division was adopted in consequence of the alteration then made in the basis of change to the Church Rate.**16** In the year 1847, Farnworth & Kearsley having become a separate parish, ceased to share in the division of the Charity;**17** & on the 25th April, 1848; the division was made as follows: - Westhoughton, £1-3-1¼, Over Hulton, 9s. 1¼d., Middle Hulton, 9s. 8¼d., Little Hulton, 15s. 7¼d., Rumworth, 7s. 0¼d., Heaton, 8s. 4¼d., Horwich, £1-4-8¼, & Halliwell, £1-8-1¼: Total, £6-6-0.**18** This scale or basis of division remained **[Page 165]** in force until 1856, that is to say, during the time Mr Girdlestone held the living of Deane; & hence I assume that from 1843 to 1856, the Vicar paid to the C'wardens a nett rent of £6-6-0 yearly, & kept the property in tenantable repair as well. No division of income was made during the years 1857, -8, -9, & 60: Soon after Mr Thicknesse came to Deane, he built an addition to the west end of Guest's Charity House, & converted the premises into two dwellings, & it would seem that the income for the above-named years was granted to him in aid of such enlargement & repairs.**19** From 1861 to 1870, the nett amount of income (after deduction of repairs) was annually divided among the C'wardens of several Townships comprising the parish of Deane in proportion to the assessment of each such township to the County Rate.**20**

Peter Ainsworth, Esqre, the last surviving Trustee appointed under the Trust Deed of 1831, died on the 18th Jany. 1870; & on the 26th May following, The Rev William Bashall, vicar of Deane, together

with James Boardman, Edward Gaskell, James Heaton, William Green, & Thomas Mason, Churchwardens, made application to the Board of Charity Commissioners for England & Wales, for the appointment of new Trustees, & that a Scheme should be established for the future regulation of the Charity. After due notice & consideration, the Board issued an Order, dated 9th Dec. 1870, by wch – “The vicar & Churchwardens of the parish of Deane & their respective successors for the time being by virtue & during the tenure of their respective offices were appointed Trustees for the administration of the said Charity. – “ The Board further ordered that the right to sue for, recover & receive, & to give receipts & discharges for all sums of money, rents in arrears, & choses in action due to or recoverable for the benefit of the said Charity should rest in the said Charity. - - “The Land & hereditaments of the Charity, & all term & estate therein, not being copyhold, together with the appurtenances are vested in the Official Trustee of Charity Lands & his successors in trust for the said Charity. The new scheme ordered & sectioned by the Board for the future regulation of the said Charity is – “that the clear annual income of the said Charity wch shall remain after the payment of the proper outgoing & expenses of management shall be applied by the Trustees for the time being to the benefit of the most deserving & necessitous inhabitants of the said parish of Deane to be selected for this purpose by the Trustees by providing them with clothes, bedding, fuel, medical or other aid in sickness, food or other articles in kind, or with pecuniary aid in special cases as shall be considered by the Trustees to be most advantageous to them, & that either directly or by aiding the funds of any provident or friendly associations to wch they shall belong, or any public Institutions of wch respectively it shall be the object to provide them with like benefits, & so that no funds of the Charity shall be applied directly or indirectly to the relief of the poor rates of the said Parish. - - - “The Estate of the Charity is described in this Order as consisting of – ‘A piece of land containing one hundred square yards or thereabouts situate in the Township of Rumworth, & bounded on the east, north, & west sides thereof by the Glebe lands of the vicar of Deane & on the south side by the Turnpike road, together with the building thereon, now in the occupation of the Rev. William Bashall as yearly tenant, at an annual rent of £9.

In the year 1877 a new Vicar arrived at Deane, & shortly after his arrival he conceived the idea that the premises belonging to Guest’s Charity were an obstacle to the letting of his front land for building purposes; & so (without consulting the C’wardens) he at once proposed to the Charity Commissioners to acquire the said premises, with a view to their removal. Those Gentlemen replied – 24th Dec. 1878. – “If you desire to become the purchaser of this plot of land & the building thereon for the purpose of developing the adjacent Glebe land for building purposes the proper course will be for the Churchwardens of the Parish who are conjointly with yourself Trustees of the Charity to make application to the Commissioners for their authority to effect a Sale of the Property. The Commissioners would be unable to sanction a Sale without being furnished with sufficient evidence of the value of the Property from a Surveyor of their own nomination. Upon receipt of an application from the C’wardens in the enclosed form the Commissioners will be prepared to direct the Trustees to instruct a Surveyor to value the Property in question.²²

The Churchwardens were now for the first time acquainted with the Vicar’s project; & at a meeting held on the 14th Feby. 1879, “The Communication from the Charity Commissioners having been read & considered it was agreed to exchange the Property belonging to Guest’s Charity with the Vicar for a Rentcharge in perpetuity on the Glebe of £8 per annum.

The Schedule was directed to be filled up in accordance with the agreement.

The “Schedule” here referred to, contained 14 queries relating to the Charity estate, answers to wch the Commissioners required, so as to enable them to decide upon the Vicar’s application. The following are the most material answers: (9) What is the present annual letting or rackrent value of the property to be sold? – nine pounds: (10) The special circumstances under wch the sale is proposed & the advantages likely to result to the Charity therefrom? – That the property is

inconvenient & incommodes the Vicar in the full enjoyment of his Glebe. The advantage to the Charity would be, that in lieu of an uncertain & precarious income, we should obtain a good investment of certain value: (11) Whether the sale is proposed to be made by public auction or private contract, & whether any offer for the purchase thereof has been received, & the terms of wch offer if any? – It is proposed to exchange the property by private contract, an offer having been received of a charge of £8 per annum, to be secured upon the Glebe belonging to the Vicar of Deane: [Page 166] (12) The name, description, & address of the person by whom such offer has been made? – The Rev. Henry Sheridan Patterson, vicar of Deane, Deane Vicarage, Bolton-le-Moors, Lanc. – (13) The manner in wch it is proposed that the purchase money shall be interested? – A rentcharge (in perpetuity) on the Glebe estate belonging to the vicar of the Parish of Deane.

This Schedule was dated 27th Feby. 1879; & signed by the Rev. H.S. Patterson, vicar, William Marsh, J. Heaton Partington, Matthew Hampson, & William Young, Churchwardens. After some further correspondence, & due consideration, the Charity Commissioners issued an Order, dated 25th Feby. 1881, stating that they – “being satisfied by the representation of the Trustees of the above-named Charity, & by a Report from Mr. Joseph Jackson, of Bolton, in the co; of Lanc; Land Surveyor, that it will be advantageous to the said Charity that the sale of the messuage, land, & hereditaments belonging thereto, & described in the Schedule hereto, should be effected upon the terms herein-after mentioned: DO, upon the application of the said Trustees, hereby Authorise them, within six calendar months from the date of this Order, to sell the said messuage, land, & hereditaments to the vicar of the above-mentioned Parish of Deane, in consideration of the grant of a perpetual yearly rent or sum of £8, to be duly served to the said Trustees, & to be chargeable upon & issuing out of the glebe lands belonging to the vicarage of the said parish of Deane, &c. &c.

After the order was received, however, the vicar changed his mind, & refused to complete the bargain; so the order was ultimately cancelled. But ten years later he made another effort to remove the property, by presenting the following memorial to “the Secretary” of the Charity Commissioners: - “Sir, - We, the undersigned, being the Trustees of Guest’s Charity, beg to draw the attention of your Honourable Commissioners to the dilapidated condition of the old brick House constituting the security of the Charity. – “We understand that the building in question was formerly used as a Toll House, & that it was purchased nearly a hundred years ago by the then vicar of Deane for £100. The building was erected about the year 1750. It is built on the Deane Glebe Estate²⁴ & has been let for several years past at a gross annual Rental of £9, but it is now empty & cannot be let owing to its dilapidated condition & the Rural Sanitary Authority has on several occasions threatened to condemn it as being unfit for human habitation.^{24a} It is going to rack & ruin & would cost more than its value to repair it thoroughly, & further as the whole proceeds of the Charity have been distributed annually there is no sinking(?) fund provided out of wch to repair or rebuild it. – “The House was valued, upon instructions from your Commissioners by Mr. Thomas E. Smith of this town (one of the local Surveyors to the Board of Trade), in July, 1889, & a copy of his report is annexed, from wch you will observe its condition at that time, & since then it has deteriorated very much. --- “we beg to request that your Commissioners will be pleased to suggest the best mode of dealing with the property.

We are, Sir, &c. – H.S. Patterson, vicar of Deane, J.H. Smith, James Longworth, A. Whitehead, vicar & Churchwardens of Deane Church, being ex-officio Trustees.²⁵

Mr. Wm. Chadwick, C’warden for Over Hulton, refused to sign this remarkable memorial, as well he might; for a more discreditable document does not exist in connection with this Charity. If “the old brick House constituting the security of the Charity” was in a dilapidated condition, then the Trustees had clearly been grossly neglecting their duties in allowing it to become so. The fact that they had first suffered the House to go out of repair, & then remain empty for want of repair, whilst at the same time they declare that it would cost more than its value to repair it thoroughly”, plainly

shows that they sought its removal without any consideration for the interests of the Charity. But they did not succeed, for the House stands yet, & I trust it will continue to do so, at least until an equitable & just arrangement can be made for its removal.

DRAFT

Crompton's Charity for the Poor of Rumworth

It has been already stated under the head of Deane School, that Ralph Crompton, of Manchester, Physician, & James Crompton, his brother, of Rumworth, Yeoman, each left a sum of money to the poor of Rumworth; wch bequests were the object of a suit in the Chancery of the Duchy of Lancaster; & that by a Decree of the Court, dated 16th Oct. 1660, out of a whole sum of £300, bequeathed to the School at Deane & the Poor of Rumworth, the sum of £2000 should be appropriated to the the use of the latter object.

“And that the said Plaintiffs, John Tilsley, Adam Robinson, Richard Leigh, Dionise Grundy, John Mouckes, Robert Foster, William Horrocks, John Platt, Adam Whittle & James Horrocks should be constituted & appointed Feoffees or Trustees for the ordering imploying & disposing of the remainder of the said £300 (i.e. after £100 had been assigned to the use of the School) to & for the use of poor Inhabitants of Rumworth aforesaid.”

With this money the Trustees purchased an Estate of 16 acres of copyhold land, (Ch*** measure) called “Bannister’s”, in Tottington, wch was conveyed to them by a copy of Court Roll, &c. dated 14th May, 1661, at the Halmot Court for the Manor of Tottington on a surrender of the same date, whereby in consideration of the payment of £207, Thomas Warburton & Elizabeth his wife had surrendered to the use of the said John Tildesley & his co-trustees & their heirs & assigns for ever, one messuage, one Barn, two cottages, with other buildings & certain closes or parcels of land, meadow & pasture, commonly called or known by the several names of the Greenlands, the Newer Meadow, the Further Meadow, the Rough Close, the Marled Earth, the Milliner Meadow, the White Hill & the Highmost Close, containing by estimation 16 acres of land or thereabouts, more or less, part of the common called Affetside, situate & being within the manor of Tottington, of the annual rent to the King of 8s. & then or late in the tenure or occupation of the said Thomas Warburton, James Clarke & James Holt, &c. all wch lands, &c. were conveyed & assigned to the aforesaid Trustees or feoffees, their heirs &c. for the charitable uses set forth by the wills of Ralph Crompton & James Crompton, ridelicit, that the rents, issues, &c of the said lands &c. be employed, & disposed of to & for the succour, relief, & maintenance of the poor of Rumworth aforesaid,² in such manner & form, & by such shares, quantum, & dividends as they should think most fit, needful, & convenient for the support & faithful distribution of the said charitable gift of the donor or donors thereof, & should & might from time to time make leases of the premises by surrender &c. with power for appointment of successors &c.³

By Indenture dated 20th October, 1663, reciting the Decree of Chancery, & that the Trustees therein named had with the sum of £200 & interest, purchased the abovesaid premises, the said John Tildesley & others, in consideration that the custom of the manor of Tottington would not admit of more than two Trustees in any one surrender, covenanted with Adam Robinson & John Marsh, parties thereto on the second part, that they would surrender the premises to them upon trust to the uses declared in & by the surrender of 14th May, 1661, &c.⁴

The premises were accordingly surrendered at a Court holden on the 20th November, 12663, by the said John Tildesley & others to the use of Adam Robinson & John Marsh their heirs & assigns, &c.⁵

At a Court held on the 15th April, 1695, Thomas Marsh, son & heir of the above mentioned John Marsh, surrendered the said premises to the use of Thomas Lever, John Marsh, Ralph Platt, William Horrox, Robert Yate & three others – their heirs, &c. as feoffees in trust for the uses of the poor of Rumworth, &c.

At a Court held on the 12th Jany, 1778, William Horrocks & Robert Yate, both of Rumworth, yeomen, being the surviving feoffees in trust surrendered & gave up into the hands of the lords & lady of the manor of Tottington, a certain messuage, three cottages, a barn, & other buildings, & the several closes or parcels of land thereto belonging, containing by estimation 16 acres or thereabouts, of the yearly rent to the lords & lady of the said manor of 8s. & c commonly called Bannisters, & to be their in the tenure or occupation of Jeremy Kay & one Nuttall, their assignees & c to the use of Robert Lathom, vicar of the parish of Deane; Roger Horrocks son of the said William Horrocks; John Yate, son of the said Robert Yate; Thomas Nuttall, son of William Nuttall, deceased; William Gerrard, son of Thomas Gerrard; James Platt, son of Adam Platt; James Lomax, son of James Lomax; John Mason, son of James Mason; & Roger Horrocks, son of the said Roger Horrocks, all of Rumworth, yeomen, inhabitants & possessors or likely to be possessors of lands in Rumworth, aforesaid, their heirs & survivors & survivors of them & his heirs, to be fixed & seised of & in the said premises as feoffees in trust for the uses of the poor of Rumworth, & c.

At a Court held on the 10th Dec. 1823, John Yates, William Gerrard, James Platt, & Roger Horrocks, the then four surviving feoffees in trust under a surrender made the 12th Jany. 1778, surrendered the premises aforesaid to the use of themselves, the Rev. Thomas Brocklebank, vicar of Deane, James Horrocks, John Yates the Younger, Stephen Heelis, Adam Gerrard, James Platt the Younger, Joseph Cooper, James Marsh, & John Lomax the younger, upon the like trusts as declared in the surrender of 1695.

The present Trustees are the Rev. H.S. Patterson, vicar of Deane; Mr Thos. Brocklehurst, Colliery proprietor, Rumworth; Mr Saml. Hough, Farmer, Middle Hulton; Mr W.H. Poole, Cotton Spinner, Rumworth; & Mr Arthur Horsfield, Solicitor. These Gentlemen meet at the School in May & December, soon after the half-year's rent is received, & the amount (after deducting the cost of necessary Repairs) is then distributed in money or goods amongst such of the poor as are thought most in need, & do not receive parish relief. The accounts of the Charity are exhibited yearly at the Easter Vestry Meetings, & inspected by such of the inhabitants as think fit to look at them.

Dame Dorothy Legh's Charity for the poor of Middle Hulton.

The donor of this Charity was the daughter of Sir Richard Egerton of Ridley, by his wife Mary, the daughter of Sir Richd Grosvenor of Eaton, Knight. She married for her first husband, Richard, only son & heir Geoffrey Brereton, of Tatton & Worsley, in 1572; by whom she had issue one son, Richard, who died in infancy, (1573). Sir Richard Brereton died on the 17th Dec. 1598; & Dame Dorothy, his widow, afterwards married Sir Peter Legh of Lyme, for her second husband; but she had no issue by him. She was the second wife of Sir Peter, & survived both her husbands, dying on the 4th April, 1639. This great lady's will, dated 8th Feby. 1638-9 is a most remarkable document, containing considerably over 100 specific bequests; most of wch were gifts to her servants & numerous friends, including the poor of Middle Hulton.

Thus – "I doe freely & absolutely give & remit unto my servants & tenants both in Worsley & Hulton all such debts & summes of money & other demands as they shall owe or be indebted to me at the time of my death so as neither they nor any of them shall be answerable to my executors &c. And by a codicil gave – unto the workmen in or at the coal pitts & counell pitts in Middle Hulton every one tenne shillings a peece.

Beside these legacies, Dame Dorothy had already placed a sum of £200 in the hands of Robert Mawdesley, Esqre, to be disposed of to godly & pious uses; & concerning the disposal of this gift the following record appears:

"By a Deed bearing date 28th July 1657, reciting a decree of the Court of Chancery of the Co: Palatine, dated 15th Jany. 1655, also an order made 2nd Oct. 1656, & another made 28th July, 1657, whereby Robert Mawdesley was ordered to pay to George Leigh & seven others, feoffees & trustees thereby appointed, for the use & behoof of the Minister of the Chapel of Ellenbrook, as likewise for the use & behoof of the poor of the several townships of Worsley & Middle Hulton, 200£ principal (wch was theretofore given & deposited by Dame Dorothy Leigh, deceased, in the hands of the said Robert Mawdesley, to be disposed of to godly & pious uses), together with 61£. 7s. 2½d. for interest from the 1st Nov. 1638 to 1st Nov. 1652, wch by the said decree was ordered to be added to the principal; the said George Leigh & the other trustees acknowledged to have received from the said Robt Mawdesley the said two sums, together with 5£ for interest on the said 200£ from the 1st Nov. to 31st March last, to be by them laid out for such uses as by the said decree was directed.**3**

With this money George Leigh & his co-trustees purchased the Commonhead Farm in Tildesley, & the Middle Hulton Town's Book contains the following reference to the division of the income from the estate in 1685: - "John Mather being the Churchwarden for the year 1685 hee hath lede him four fifteens – And hee hath received of the Ledis mones the sum of £2-17-00. And hee hath received of the monesthat came from the Mester tilisly £1-6-8 and hee hath 8 fifteens more lede him.**4**

By Indentures of Lease & Release dated 28th & 29th April, 1701, between Isaac Marsh, of the one part, & Nathan Mort, John Barret, Richard Edge, of the Moss, Richard Edge, of Edgefold, Robert Cook, John Derbyshire, Richard Peak, Thomas Collier, & Peter Chaddock, trustees appointed for Ellenbrook Chapel & the poor of Worsley & Middle Hulton, of the other part, the said Isaac Marsh, in consideration of 72£. 10s. & of the annual rents thereafter mentioned, conveyed to the said Nathan Mort & others a bay of buildings used as a shippon, belonging to a dwelling-house in Tyldesley called Leyland's House, & the site of the said dwelling-house, barn, & bay of building, together with the orchard & garden, & the fold enjoyed therewith, & also a close called Smithy Croft, lying in Tyldesley, containing by estimation two acres large measure, with a proportionable share & part of the common waste grounds in Tyldesley, in trust for Ellenbrook chapel, & the poor of Worsley & Middle Hulton aforesaid, according to the donation of the late Dame Dorothy Leigh; & the purchasers

covenanted to pay to Thomas Mort, of ### House, his heirs & assigns, an ancient accustomed rent of 13s. 4d. charged upon the premises purchases as well as other premises.⁵

There does not appear to have been any subsequent trust-deed; but a “scheme for the regulation & management of Dame Dorothy Legh’s Charity”, was approved by the Court of Chancery by an order dated the 18th Dec. 1858. In this Scheme “The Charity & the lands & property thereof, consisting of a farm in Tyldesley, called Commonhead Farm, containing according to a recent survey, 58a. 1r. 13p. of land, statute measure, & the sum of £641-11-11, consols, standing in the name of James Loch & Fereday Smith, Esqrs, & £393-18-8, cash in the hands of the trustees, all wch estate shall be under the management & control of the present trustees the Honble. Algernon Fulke Egerton, of All Soul’s College, Oxford, & of Bridgewater House, St. James’s, co. Middlesex; George Loch of the Middle Temple, Barrister-at-Law; Robert Lansdale, of Booth’s Hall, Worsley, farmer; William Aitkin of the Middle Temple, Barrister-at-Law; Peter Nightingale, of Wardley Hall, Worsley, farmer; Francis Charlton, of Rothwells, in Little Hulton, coal proprietor; & Giles Seddon, of Middle Hulton, farmer. The real estate of the Charity to be vested in “The Official Trustee of Charity Lands”; & the Government Stock belonging to the Charity to stand in the name of Stock Trustees, who one to be selected from the general body of Trustees. The annual income of the Charity in accordance with the terms & orders of the Court, after annually capitalizing a certain proportion of the rent received for the minerals under the Common Head Farm, is to be applied as follows, viz: - nine-twelfth parts to the Minister of Ellenbrook Chapel; two-twelfth parts to the poor of Worsley, & the remaining one-twelfth part to the poor of Middle Hulton.⁶

The amount applicable to the poor of Middle Hulton is now distributed annually by the Trustees themselves in the early part of November, in blankets, flannels, linens, & other articles of warm clothing suitable for winter wear, to the value of 10s. each to over 60 persons.

[Picture 414]