



南山慈善译丛

NANSHAN CHARITY TRANSLATION  
SERIES

第一辑主编 / 褚莹

# 慈善法史

1532~1827

**HISTORY OF  
THE LAW OF CHARITY:  
1532-1827**

[英] 加雷思·琼斯 / 著  
(Gareth Jones)

吕鑫 / 译

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CHARITY RESEARCH

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曾令发

<<<<<<<<<<

2014年，我来到广州，开始寻找学术的意义。在这里，我寻找到了一座“山”，并在“山”上安居，过一种处江湖之远，近乎隐居的生活。偶然也有友人来广州寻我，问及“山在哪里”，我笑而答曰“山在心中”。

“山在心中”是一种学术态度，也是一种人生态度。选择做这种学术，能安静地思考；选择过这种生活，能获得幸福。事实上，这种恬淡而平静的生活的确给了我智慧的惠风，也给了我幸福的感觉。这才是真正的“采菊东篱下，悠然见南山”。

所幸的是，“山”中的生活并不孤单。我来广州后，相继有多位好友来“山”中与我结庐为伴。我们时常会面，把酒言欢，谈天论地。于是，“六朝多少兴废事，尽入渔樵闲话”。

2015年初，一位好友在聚会时提出：“我辈皆以弘扬中华慈善学为趣，而我国慈善学之研究甚为鄙陋。

我们何不是一套译丛，介绍西方慈善思想，以为对比借鉴。”听到这一主张，我拍手称好。经过两年的筹备，这套南山慈善译丛终于推出了第一辑。而其中“南山”二字，正取自我们内心安居地之名。

这套译丛以慈善思想为主线，分为三个系列：慈善思想、慈善历史、慈善法律。每一个系列皆选择数种国外经典慈善学作品，逐步翻译引入。其中，第一辑选了三本书，即每个系列各有一本书。这三本书都是有一定影响力的作品，也是我们从400多本慈善学作品中精挑细选之后确定的作品。参与这套译丛翻译工作的译者都是做义务劳动，没有领受一分钱的报酬，而且他们翻译都十分认真。这种一丝不苟的学术态度，恰恰符合前文言及的“南山精神”——爱智慧，爱生活。

是为序！

褚 莹

2016年12月20日

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在摘录原始文献的过程中，我既没有追求将当时的拼写方式转变为现代的拼写方式，也没有在翻译弗朗西斯·摩尔（Francis Moore）著作中的法律法语时纠正其错误。但编辑的修订和校正已经用方括号标注出来；缩写也相应予以了详述。

1

他们在与我的学术探讨中表现出了极大的耐心，并在学术上给予了我重要的帮助。我在此还要向我的妻子表示最诚挚的敬意，她始终在我最需要支持和鼓励的时候给予我所需要的一切。

加雷思·琼斯  
三一学院，剑桥  
1968 年 11 月 5 日

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Hill MS. Manuscripts of George Hill (1716 - 1808), Ser-  
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Cases in House of Lords; Arguments of cases before House of Lords.

3. 剑桥大学图书馆保存的资料

Moore *Reading on the Statute of Charitable Uses* (43 Eliz.  
I c. 4), MS. Hh. III 2 (c).

4. 二手文献资料

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Church of England* (London, 1957).

Co. Inst. Sir Edward Coke, *Institutes of the Laws of England*,  
4 parts (London, 1797).

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Duke (Moore) Abridgement of Francis Moore's *Reading on the Stat-  
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George Duke, *Law of Charitable Uses* (London,  
1676).

Monro Cecil Monro, *Acta Cancellariae* (London, 1847).

Viner, Ahr. Charles Viner, *A General Abridgement of Law and  
Equity*, 2nd ed. (London, 1791).

5. 判例汇编

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Ambler. (ed. Blunt) Ambler's Reports, 2nd edition by J. E. Blunt, 1828.

Anst. Anstruther's Reports, 3 vols. Exchequer, 1792 - 1797.

Atk. Atkyns' Reports, 3 vols. Chancery, 1736 - 1755.

Beav. Beavan's Reports, 36 vols. Rolls Court, 1838 - 1866.

Bli. N. S. Bligh's Reports, New Series, 11 vols. House of Lords,  
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Bro. C. C. Brown's Reports, 4 vols. Chancery, 1778 - 1794.

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| Bro. C. C. (ed. Belt)    | Brown's Reports, 5th edition by Robert Belt, 1820.                         |
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| Cases <i>temp.</i> Bacon | Reports of Cases decided by Francis Bacon, prepared by John Ritchie, 1932. |
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| Tothill        | Tothill's Reports, Chancery, 1559 - 1564.                                 |

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| Ves.                       | Vesey Junior's Reports, 19 vols. Chancery, 1789 - 1817.                |
| Ves. Jun. Supp.            | Vesey Junior's Reports, supplement by J. E. Hoven-den, 2 vols. , 1827. |
| West. temp. Hard-<br>Wicke | West's Reports, Chancery, 1736 - 1739.                                 |
| P. Wms.                    | Peere Williams' Reports, 3 vols. Chancery, 1695 - 1736.                |
| Wilm.                      | Wilmot's Notes of Cases, King's Bench, 1757 - 1770.                    |

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