

In the Consistory Court of the Diocese of Worcester

Archdeaconry of Worcester: Parish of Suckley: Church of St John the Baptist

Faculty petition 13-64A relating to replacement of three headstones

Judgment

1. This is a proposal by Mrs Thelma Redding to replace three memorials in the churchyard at Suckley. The memorials are in the form of headstones above the graves of three of her relations:
 - (a) Mr Ernest Frederick Hudson, her grandfather, who died in February 1960;
 - (b) Mrs Mary Hudson, her grandmother, who died in January 1978; and
 - (c) Miss Florence Lewis, her aunt, who died in July 1974.

2. Mrs Redding and her mother commissioned and paid for memorials (b) and (c); headstone (a) was apparently paid for her uncle. She has explained that none of these were in the position of being able to buy a memorial of the quality they would have wished; and she feels that the resulting poor quality of the stone has led to them now being severely eroded.

3. She states that:
 - memorial (a) is leaning forward a long way, and is unstable;
 - memorial (b) is not secure, and is now unreadable; and
 - memorial (c) rocks when leaned on, and can be rotated 360 degrees.

All three constitute health and safety issues.

4. Mrs Redding's uncle died, leaving her a property that has since been sold. One of his last wishes was that some of the proceeds of sale be used to replace the three memorials with ones that would last forever. A discussion apparently took place as to whether the stones should be repaired, but he wanted them replaced. She accordingly now wishes each of them to be replaced with standard modern headstones. This is partly because of her promise to her dying uncle, and partly because she is concerned that someone will lean on the headstones and hurt themselves.

5. The DAC has recommended the proposed works, provided that the new memorials are to be made using a stone that is not highly polished.

6. The PCC has objected to the proposal. The minutes of its meeting on 8 May 2013 record that the incumbent had suggested to Mrs Redding that renovation of the memorials would be expected to restore them to their former glory. The minutes continue:

“The PCC wished to thank Mrs Redding for her concern and her interest in the stones; and was unanimous in its concern for and sympathy with Mrs Redding, and did not wish to contribute further to her unhappiness; however all members were worried about the future consequences of setting a precedent with the proposed new gravestones in this ‘old’ area of the graveyard. These old and weatherworn stones are part of the history of the graveyard, and could be cleaned and re-engraved. The PCC would unanimously prefer this option. After much discussion, there was a unanimous vote that the 3 old gravestones should not be replaced with new. It was unanimous that we could not pass a resolution supporting the proposals.”

7. I have seen a photograph of each of the three memorials when it was first erected, and I have visited the churchyard myself to see their condition now. I have also looked at other memorials in the vicinity. Both the petitioner and the PCC are content that the petition be determined on the basis of written representations, and I consider that to be expedient.

8. The churchyard at Suckley is unremarkable but pleasant; it is typical of English country churchyards. It is generally well-maintained, although some of the memorials appear to have been imperfectly fixed, and could be easily pulled over by anyone so minded; this could with advantage be attended to by the PCC, to minimise the possibility of action being taken under the Occupier's Liability Acts.
9. The three memorials are in a part of the churchyard, to the east of the church, that contains a number of headstones, in a variety of styles but of a broadly traditional character, set in rough mown grass, generally without visible bases.
10. The memorial to Ernest Hudson is a conventional upright rectangular stone, which has become slightly mottled in the half century since it was first erected, but is still perfectly legible. As noted by Mrs Redding, the memorial is leaning forward, and is unstable. I am certain that this instability could be rectified by a competent memorial mason.
11. The memorials to Mary Hudson and Florence Lewis are each in the form of an open book, with the text set on the left-hand page. They were perfectly legible when first erected, but have now become completely illegible due to lichen. This may be, as suggested by Mrs Redding, due to the nature of the stone; certainly many others in the vicinity, of comparable age, are still perfectly legible. They are both insecure, especially that to Florence Lewis; although I have already noted that other memorials nearby are also insecure.
12. Here too, I imagine that a monumental mason could make each of these two memorials secure, although that would of itself do nothing to make them more legible. That could perhaps be achieved by cleaning the two memorials thoroughly, which would be easier if they were to be detached from their bases before being re-fixed more securely. However, it may be that if, as feared, it is the type of stone that has

been used that makes the two memorials illegible, then they will soon become illegible again.

13. The proposal is to replace each of the three memorials with a new one, in a modern style, to a landscape format, with a curved top, and the same wording as before. The drawings of the new memorials do them no favours, having been crudely drawn; the proposed stone appears to be unduly thick in proportion to the height and width, but that may be due to an inadequate representation.
14. I understand Mrs Reddings's wish to comply with the promise she made to her uncle. But that of itself does not justify any particular course of action.
15. I understand too her entirely proper concern as to the safety of the three monuments – the fact that others nearby are also unstable does not lessen the need to sort out these three; and if Mrs Redding does not do so, the parish will have to. It seems to me that this must be dealt with without further ado; although that does not necessitate the replacement of the memorials, which could all be simply taken apart and re-fixed more securely.
16. As for the legibility of the memorials to Mary Hudson and Florence Lewis, it is perhaps unfortunate that they have degraded in the way they have; but that has merely brought forward the process by which almost all memorials eventually become worn and illegible. A casual glance around any old churchyard will show that the older memorials are generally less legible; and the oldest ones are entirely indecipherable. That does not of itself justify a wholesale replacement of all illegible stones; to do so would alter the character of the churchyard, and might also bring pressure to bear on other relatives to replace memorials that are gradually decaying. On the other hand, if a particular memorial is prematurely illegible, there would seem to be no particular reason why those responsible for its upkeep should not replace it if they wish to.

17. I am therefore not unsympathetic to the replacement of the two illegible memorials. However, I am concerned about the detailed design of the replacement memorials that have been chosen. They are very crudely designed, and would be very conspicuous by comparison with the other, older memorials nearby. I thus share the concern expressed by the PCC as to the setting of a precedent by introducing obviously new memorials in this part of the churchyard that is generally populated by older stones.
18. I see no reason why all three memorials could not simply be dismantled, cleaned, re-engraved, and re-fixed securely. That would deal with all the problems raised by Mrs Reddings.
19. As an alternative, the memorials to Mary Hudson and Florence Lewis – but not the memorial to Ernest Hudson – could be replaced with precise facsimiles, to the same design and dimensions as the existing, of stone similar in colour to the existing, albeit possibly more durable in nature.
20. If either course of action were to be adopted, that would seem to me to enable Mrs Redding to be content that she had complied with the spirit of the promise she made to her dying uncle, whilst also meeting the understandable concerns raised by the PCC.
21. A faculty should accordingly issue to authorise:
 - (a) the restoration of the memorial to Ernest Hudson, by its being dismantled, cleaned, re-engraved, and re-fixed securely;
 - (b) the restoration of the memorial to Mary Hudson, by its being dismantled, cleaned, re-engraved, and re-fixed securely; or alternatively its replacement with a new memorial to precisely the same design and

dimensions as the existing, with same inscription, and of stone similar in colour to the existing; and

- (c) the restoration of the memorial to Florence Lewis, by its being dismantled, cleaned, re-engraved, and re-fixed securely; or alternatively its replacement with a new memorial to precisely the same design and dimensions as the existing, with same inscription, and of stone similar in colour to the existing.

DR CHARLES MYNORS

Chancellor

5 December 2013