

EXETER CONSISTORY COURT

WELCOMBE

JUDGMENT

1. On 27 October 2000 Mrs Angela Alexander and Miss Karen Blunn, who are one of the daughters and a grand-daughter respectively of Mr Gordon Mills, petitioned this court for authority to add an inscription, commemorating Mrs Margaret Walker, on a tombstone in Welcombe Churchyard, which presently commemorates only Mr Gordon Mills. Objection has been taken by several members of the Mills family to the proposed additional inscription, which is in these terms: "Also his beloved Margaret (Walker) Much loved Mum and Nan 31-12-1915 – 24-2-2000". It has sensibly been agreed that the issues can be resolved simply on a consideration of written representations, rather than by a hearing in open court.
2. The rival contentions have been set out not only at considerable length, but also in considerable detail. I have read and considered all that has been written, but I do not believe that it would now be helpful for me to investigate each of the matters raised or to express a concluded view one way or the other on many of them. Nevertheless I should set out what I believe to be the principal considerations and my conclusions on them.
3. Mr Gordon Mills died in April 1983 in his early 60s. He had been married to Mrs Nancy Mills, by whom he had had seven children: two sons and five daughters.

Unfortunately this marriage broke down, and latterly Mr Mills lived with and was cared for by Mrs Margaret Walker.

4. The Mills family resided principally in East Devon. On a visit, however, to North Devon, Mr Gordon Mills expressed a wish to be buried, when the time came, in Welcombe Churchyard. In due course, after his death in 1983, Mrs Walker caused Mr Mills' body to be buried, and a memorial stone to be erected over his grave, in Welcombe Churchyard. The inscription is in these terms: "In loving memory | of | a much loved father | and beloved companion | Clarence Gordon Mills | who died 6th April 1983 | aged 64 years." The inscription is positioned towards the top half of the tombstone. The monumental sculptors involved in the 1984 erection have asserted that the inscription was so positioned that Mrs Walker's details could be added in due course. Whether and to what extent this was also understood by the various members of the Mills family may be open to some doubt; but it seems to me reasonable to infer that anyone considering this memorial between 1984 and 2000 would have realised that this was the probable intention. So far as I am aware, however, no relevant points were raised, or objections made, during the lifetime of Mrs Walker.
5. On 24 February 2000 Mrs Margaret Walker died. She was cremated, and her human remains were interred in the same grave as that occupied by Mr Gordon Mills. Mrs Alexander made the necessary arrangements. By her will, Mrs Walker had provided as follows: "I wish to be cremated and that my ashes be interred in a convenient

burial ground.” Thus, there is no specific reference to her precise place of burial, but I do not draw any particular inference from this. In my view it was the common intention of Mr Gordon Mills and Mrs Margaret Walker that they should be interred, after death, in the same grave, and a member of the family contemplating this, during the lifetime of Mrs Walker, would probably have concluded that this was what was likely to happen. The burial of Mrs Walker’s human remains in Mr Mills’ grave has, however, given rise to a dissension within the family. Mrs Angela Alexander and her daughter Miss Karen Blunn take the view that what has been done has been correct, whereas the objectors (who are four of Mr Mills’ children) take the view that what has been done should not have been done.

6. Be that as it may, it is not now urged before me that Mrs Walker’s remains should be exhumed and re-buried elsewhere; and, for my part, I would need a great deal of persuading that this would be an appropriate course. The burials have taken place, and there that matter, at least, should remain.
7. The real contention between the parties is what further inscription (if any) should now be added to the memorial stone. It is the fact of the matter that Mrs Walker’s human remains have indeed been interred in the grave; and I take the view that it is right that there should be some form of public commemoration of that fact.. It has been contended that no further inscription should be added to the memorial stone, but this strikes me as being unacceptable.

8. There can be no doubt, in my view, that in his latter years Mr Gordon Mills and Mrs Margaret Walker were devoted to one another, and, although not married in law, cared for one another. Further, although the children of Gordon and Nancy Mills regretted the breakdown of their parents' marriage, and tended, thereafter, to take their natural mother's part, it was recognised, at least by some of them, that their father was well-cared for by Mrs Margaret Walker. Mrs Alexander even went so far as to look upon Mrs Walker as her "mother", and her daughter as her "grandmother" (calling her "Mum" or "Nan"). Most of Mr Mills' daughters were, however, unwilling to accept Mrs Margaret Walker.
9. It is in these circumstances that there is now particular opposition to the proposed reference to "much loved Mum and Nan". It is objected that to include these words would be, at best, misleading. Although, biologically, Mrs Margaret Walker was both a mother and a grandmother, she was not the mother or grandmother of any of the Mills children; and that, since this is the way in which the inscription would be likely to be interpreted, it is objectionable.
10. In my view there is force in this. In my view the incorporation of these words could well give rise to genuine and well-founded sense of objection.
11. No form of words will be wholly acceptable to all: whatever form of words is chosen, will inevitably be open to some objection. Mrs Alexander, in presenting this

matter for consideration by the Diocesan Advisory Committee, perhaps sensibly, suggested alternative wording, giving an order of preference:

- (1) “Also his beloved Margaret (Walker) much loved Mum and Nan, 31-12-1915 – 24-2-2000”;
- (2) Also, Margaret Walker, beloved Companion, Mum and Nan, 31-12-1915 – 24-2-2000”; or
- (3) “Also, Margaret Walker, Much loved and Sadly missed. 31-12-1915 – 24-2-2000”

12. It seems to me that, whatever else, the words “Mum” and “Nan” should not be included. “Much loved” is included, in this context, in relation to “Mum and Nan”, and so needs to be reconsidered. Further, the close conjunction of “beloved” and “loved” would, if “much loved” stood alone, be repetitious. Finally, I do not believe that the inclusion of brackets is generally desirable on an inscription on a tombstone.

13. Accordingly, I have reached the conclusion that I am prepared to authorise an additional inscription on the tombstone in these terms:

“Also his beloved companion Margaret Walker
31st December 1915 – 24th February 2000.”

14. The lettering and style will be similar to the inscription commemorating Mr Gordon Mills.
15. The Court costs must be borne by the Petitioners.

David Calcutt

17 July 2001

SIR DAVID CALCUTT Q.C.

Chancellor