

IN THE CONSISTORY COURT OF THE DIOCESE OF SOUTHWARK

ST PETER AND ST PAUL NUTFIELD

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JUDGMENT

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1. By her Petition dated 26 September 2017, Mrs Sarah Beale sought authorisation for the erection of a monument in the churchyard of St Peter and St Paul Nutfield. The Petitioner wishes to commemorate her late parents, Gadfan and Margaret Morris.
2. The details for the proposed memorial as set out in the Petition were that it should be 8 x 11 x 2 inches in size, made out of natural, unpolished Welsh Slate and inscribed as follows:

“Gadfan Morris 1917-2001  
Margaret Morris 1929-2017  
Tangnefedd”

The lettering would be incised and painted. The memorial would be placed flat on the ground at the foot of an oak tree which was planted by Mr Morris after the Great Storm of 1987.

3. The Petition has the support of the PCC and the incumbent, the Reverend Sister Phaedra Pamphilon-Green CA. There are no objections.
4. Mr Morris was cremated and his ashes were buried in the churchyard near the oak tree. Mrs Morris was buried in the Nutfield Woodland Cemetery, a facility about half a mile away which had opened in the intervening period.
5. Petchey Ch. considered the Petition. By letter dated 6 November 2017, the Registrar conveyed his initial observations, as follows:

“This petition is a slightly unusual one and there are two aspects in particular that I shall need to consider.

Mr Morris died in 2001. His body was cremated, and his ashes buried under the oak tree that he had planted in 1987. Mrs Morris died this year. Her body was buried in Nutfield Woodland Cemetery. I imagine that the reason why her body was not cremated and her ashes not buried under the oak tree was because Mrs Morris had expressed the wish for her remains not to be cremated. It would be helpful if Mrs Beale could confirm my understanding or otherwise explain to me the background

circumstances. I also imagine that, because Mrs Morris' body was buried in a woodland cemetery, there will not be a memorial to her in Woodland Cemetery. Again it will be helpful if Mrs Beale could confirm or otherwise my understanding.

People are used these days to small memorial stones indicating where ashes have been buried – I don't know whether there are such stones in Nutfield Churchyard. It does seem to me that anyone looking at the memorial stone proposed would imagine that Mrs Morris' ashes were there interred. This of course is not the case.

This is a situation that very often arises in relation to burials – so that a headstone makes reference to the wife or child of the deceased who is buried elsewhere. Although in the present case I am only looking at a small stone, it seems to me that something similar could be done here – a line could be added saying 'Remember also' (Margaret Morris). Without reaching a concluded view about the matter, I would prefer this. I would be grateful for Mrs Beale's views about this.

The other matter is that the word *Tangnefedd* will not be generally understood by those who might look at the memorial. I have no issue with the use of Welsh as such or with the thought behind the word, and I recognise that it is particularly apt given that it appears on the headstone at the grave of Mr Morris' own parents in South Wales. Although obviously the memorial is of most immediate interest to Mr and Mrs Morris' family, it is in a public place and other people will read it. I can see that if the words 'Go in peace' (in English) are incorporated (perhaps in a smaller size) it may be felt to detract from the simplicity of the memorial but, on the face of it, this could be done. Finally, on a point of detail, is *Tangnefedd* a verb or a noun? (Having looked on the internet – always a dangerous thing to do – it suggests that it just means peace or serenity).

I will be grateful if Mrs Beale would comment on the matters that I have raised in an email or letter. It may be that in due course it might be helpful for her to meet either me or my deputy but that can be thought about if the need arises.

I appreciate that I am considering 'only' a memorial measuring 11" x 8" but I am sure Mrs Beale will understand that it is still a matter of importance that I want to get right."

6. Mrs Beale requested the opportunity of making her response and representations orally, as she is entitled to do. The Petition was passed to me for determination.
7. At the hearing, Mrs Beale explained that her parents had lived in Nutfield for the whole of their married lives. They were both baptised Christians who attended the church. Mrs Morris was on the PCC for many years.
8. Mr Morris came from a village in Carmarthenshire and was a first language Welsh speaker. Mrs Morris was English, originating in Ilford. Mr Morris' Christian heritage was a Chapel one. The parish has its own link with Wales via Jesus College, Oxford, which is an institution with strong Welsh connections. Apparently there was a tradition of Welsh incumbents; Jesus College is one of two Joint Patrons of the Benefice.
9. Turning to the circumstances of the interments, the funeral services for both parents were conducted in church. Mr Morris' remains were cremated and subsequently interred near the oak tree which he had planted. By the time that Mrs Morris died, the Woodland Cemetery had opened, close to the church. For various reasons, including the fact that the churchyard is closed, Mrs Beale felt that this was the best choice for the burial of her mother's body. It is not proposed for there to be any visible marker commemorating her mother there.
10. At the hearing, I invited Mrs Beale to focus on the two issues which had troubled the Chancellor: the Welsh word and the potential inaccuracy.

11. *Tangnefedd*, according to Y Geiriadur Mawr – The Complete Welsh-English, English-Welsh Dictionary (10<sup>th</sup> ed. 2007), is an obsolete word meaning “peace”. The University of Wales’ outline dictionary gives the same meaning, without the additional information. I understand that it is a word which is strongly associated with old Welsh gravestones and carries connotations of heavenly peace. The meaning is, therefore, entirely appropriate for a Christian memorial, redolent of the hope of Heaven as a peaceful dwelling place with the Lord.
12. The Chancellor’s reservation concerned intelligibility for the majority of non-Welsh-speaking visitors. Mrs Beale considered that there would not be space to include his suggested translation.
13. The struggle for the Welsh language to achieve recognition and legal status has been a long one.<sup>1</sup> Whilst the language does not enjoy in England the legal status which it does in Wales, it is one of the languages of the United Kingdom. Those who want to find out the meaning can, these days, easily look it up online, as I have said. Culturally, I can understand that the use of this word, not translated into English, is a fitting memorial to a native Welsh speaker and his wife, although she did not speak Welsh. The simple design of the tablet is also pleasing and uncluttered. The church evidently has its own association with Wales and this, in my view, strengthens the case for the use of *Tangnefedd*.
14. The second point, concerning accuracy, was, to my mind, of greater weight. I note the Diocesan Advisory Committee’s advice to the effect that:
- “The only difficulty might be that future generations will be misled into thinking that there are two bodies buried nearby. Rather than ruin the elegance and appropriateness of the suggested text, the DAC suggests that the churchwarden inserts a note in the parish records ... as to what is buried there and why the memorial has been so placed.”
15. At the hearing, I drew Mrs Beale’s attention again to the case of In re St Peter’s Limpsfield [2004] 1 WLR 2504, the only reported decision on the point. By chance, that case also concerned a couple called Morris; Mrs Morris sought permission for a memorial to her husband who was interred elsewhere. The then Chancellor of Southwark, who is now the Dean of the Arches, gave a preliminary view to the effect that, save exceptionally, no headstone should be erected in a churchyard unless there was an associated body buried. He passed the case to the then Deputy Chancellor, who is now Petchey Ch. Petchey Ch. noted that the topic was not covered in the Chancellor’s Guidance on Churchyard Memorials, but he endorsed the accuracy principle saying (at paragraph 27 of the report):
- “It does seem to me that there is a reasonable objection to the erection of a memorial in a churchyard which looks like a headstone commemorating interred remains, but in fact is not. It would be misleading. However this objection would be met by appropriate wording on the memorial ...”
16. I respectfully agree with that statement of principle and with the approach of the then Chancellor. The case before me is distinguishable to some extent because the remains of one of the people to be commemorated are there but it may well be that I should have felt it necessary to refuse this petition had a sensible way forward not been agreed at the hearing.
17. After much discussion, Mrs Beale agreed that a good solution would be to add to the 2 inch upstand of the tablet the following words:

“Margaret buried in Nutfield Cemetery  
Gadfan interred at this spot”

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<sup>1</sup> Recent landmarks were the Welsh Language Act 1993 putting the Welsh language on an equal footing with English in the public sector in Wales, and the Welsh Language (Wales) Measure 2011.

18. Accordingly, I directed that the Petition be amended and a Faculty issued in those terms. There can be no conceivable prejudice to anybody arising from the amendment. The outcome is a happy one, which allows the important principle enunciated in St Peter's Limpsfield to be upheld in a way which is also acceptable to the Petitioner. I hope that this solution might prove useful in any other cases where a similar issue arises.

A handwritten signature in black ink, appearing to read 'M. Ellis', followed by a long horizontal line extending to the right.

MORAG ELLIS QC

Deputy Chancellor

15 April 2018