

Southwark
George, G

17.3.02

Memorial plaque

IN THE CONSISTORY COURT OF THE DIOCESE OF SOUTHWARK

St. Mary's Church, Wimbledon: Petition of David Leslie Godfree

1. This Petition, which the parties have agreed should be determined by the written representations procedure under Rule 26 of the Faculty Jurisdiction Rules 2000, concerns a memorial plaque which the Petitioner seeks to install on the eastern-most of four window cills in the north aisle of St, Mary's Church, Wimbledon, a Grade II* church with main aisle and two side aisles.

2. The Petitioner is David Leslie Godfree, the son of those whom the plaque would commemorate, Leslie Allison Godfree and Kathleen ("Kitty") Godfree. The matter has a long history, but it is necessary to start by saying something of this remarkable couple.

Kitty and Leslie Godfree

3. Kathleen Godfree is described thus in Bud Collins' Tennis Encyclopedia:
"Kathleen McKane Godfree, a sturdy, good-natured competitor, may have been the best female player Britain has produced. In winning Wimbledon for the first time in 1924, she charged back from 1-4 in the second set to hand Helen Wills her lone defeat in nine visits to the Big W...

Kitty won Wimbledon again two years later over Lili de Alvarez.... Thus Kitty and Dorothy Round (1934,'37) were the only Brits to win twice since World War 1....

Speedy, smart and a fighter with an all-round game, she was her country's most successful Olympian, gathering five medals in the 1920 and 1924 Games. In 1920 she won a gold medal in the doubles..., a silver in mixed doubles....and a bronze in singles. Five years later, a silver medal in doubles... and a bronze in singles.....

Kitty and her husband, Leslie Godfree, were the only married couple to win the Wimbledon mixed [doubles], in 1926. In 1922 she and Margaret McKane Stocks were the only sisters to contest a Wimbledon doubles final...

She was among the champions of the past who received Centenary medallions on Wimbledon's Centre Court in 1977 and was inducted into Hall of Fame in 1978. Born May 7, 1896, in London, she died there at the age of 96, June 19, 1992”.

This account leaves out the fact that she also won the mixed doubles at Wimbledon in 1924, as well as numerous ladies' All England badminton titles. Her 1926 defeat of the American, Helen Wills (who went on to be eight times Wimbledon Ladies Champion), has been described as “In retrospect... a monumental outcome” (Little and Tingay: Wimbledon Ladies Centenary Record 1884-1984 Singles Champions).

4. Leslie Allison Godfree was also a distinguished tennis player. Born in 1895, he won the men's doubles at Wimbledon in 1923, married Kitty McKane in 1926, and (as already mentioned) won the mixed doubles, with his wife, in 1926. He served in the two World Wars, was twice decorated (including the Military Cross), and died in 1971.

The background to the Petition

5. Three days after Kitty Godfree's death in 1992, the Petitioner went to see the then Rector, Canon Parrott, to ask him whether his mother's funeral service could be held at St. Mary's. As the church was then being renovated, and because in any event it was doubted the church could hold the numbers expected for so great a sporting celebrity, the funeral service was held at St. Michael and All Angels, Barnes, when over 350 people attended. Canon Parrott suggested that Kitty Godfree's ashes be interred in the Garden of Remembrance at St. Mary's, and, in response to a question whether it would be possible to transfer her late husband's ashes from Mortlake Crematorium, replied "symbolically, yes of course". It seems that the Petitioner then raised the matter of a memorial. Canon Parrott asked the Petitioner whether he would like a small memorial plaque in the church, discussed with him some possible wording, and showed him a position for the plaque beneath a window in the north aisle.

6. At the burying of ashes in St. Mary's Garden of Remembrance, the undertaker scattered there some earth, taken from the rose garden at Mortlake Crematorium. Leslie Godfree's ashes are not buried at St. Mary's, save symbolically, but, in the words of the Petitioner (writing in 1993), his parents are "together in death on earth and in the Church on the Hill overlooking the club", which he described in the same letter as "their beloved Wimbledon".

7. Unfortunately for the Petitioner, Canon Parrott had not consulted with, nor anticipated the response of, his Parochial Church Council ("PCC"). Since the end of the

first World War no further plaques have been installed in St. Mary's (save on the War memorial screen), and the PCC did not then (or now) see any reason to make an exception for the Godfrees.

8. It is worth setting out the position from two letters written by Canon Parrott in 1993. In the first he referred to "a decisive vote against allowing the proposed memorial tablet to be placed in St. Mary's", focussing on two points:

"The practical fact is that...there is precious little space left in the walls for any new tablets and a decision was taken some years ago...to bring into being the Book of Remembrance which would do the same job as memorial tablets but more comprehensively. This being so, there have been no considerations given to memorial tablets for quite a number of years.

The matter of principle...is that the memorial tablets at present in the Church relate to people who had close and longstanding associations with worshipping in St.Mary's building. Although no one wishes to doubt for one moment the great fame based upon the outstanding achievements of the Godfrees, their merit is not primarily based upon their association with St. Mary's Church. It was pointed out that many other famous persons have lived in Wimbledon over the years and are not on those qualifications alone commemorated with memorial plaques inside the Church.

..... what may seem to be regarded as a negative decision was actually based upon the desire to support positive principles.....".

In a second letter, he wrote:

“.....it is of considerable regret to me that the memorial tablet proposal has run into difficulties which I had not envisaged at the outset. Furthermore, I acknowledge with sadness that I can well be regarded as being in error for having even entertained the proposal in the first place without having made further enquiries. In fairness I did say that it would need to have the approval of two committees and I anticipated difficulty over agreement on precise wording.....

...The undoubted international fame of your parents was readily acknowledged, but other considerations determined their decision. The fact is that for over twenty years a custom has been established whereby ashes are buried in the Garden of Remembrance and names inscribed in the Book of Remembrance in Church. With the closure of the churchyard the Garden of Remembrance was brought into use and memorial tablets on that site are not allowed. The Book of Remembrance has its page turned every day and by request it may be viewed at any time. Many names are inscribed in this book and if you were to make use of it, it would answer [your] regret....that there is “nothing tangible” to note that your parents’ earthly remains are buried here.

The second thing about the Book of Remembrance is that it has been seen to supersede the former practice of memorials being either on tablets inside the Church or at the head of a grave. You will recall that there is no wall space left in the Church and the only available site that could have been envisaged is the sloping windowsill behind the pulpit steps. The committee’s decision was based upon the fact that they do not feel it is right to make an exception to custom and practice which has now been in use for many years.....had I been better informed I would not have responded to your first approach in

the way I did. I hope you will accept my apologies but acknowledge my intended goodwill when we first met.....”

9. Despite reconsideration by the relevant committee in 1993, the response remained the same. In 1994 the Petitioner took the matter up with the Area Bishop and with the Archdeacon. The Bishop replied that there was nothing Canon Parrott or he could do, the PCC having made the decision it did some years ago that no more plaques were to be allowed. The Archdeacon replied that nothing could be done unless and until the PCC changed their ruling “which applies to the whole churchyard”. Fortunately it was possible to arrange a Memorial Service at St. Mary’s for Kitty Godfree, which took place in 1994.

10. In 1997 there appears to have been a further approach to the PCC, which was rejected on the ground that it would constitute an unwelcome precedent to allow a permanent memorial to be placed in the absence of a substantial personal connection with the life of St. Mary’s Church of the people involved.

11. There the matter seems to have rested until June 2001 when the Petitioner lodged his Petition, presumably having discovered that this Court (and not the PCC) has the final determination in the matter.

12. The Petition is opposed by the PCC for reasons very similar to those expressed in 1993 and 1997:

“We would not wish to see a precedent created which breached our policy of only considering the possibility of a permanent memorial inside St Mary’s for people who have had a substantial personal connection with the life of St Mary’s Church in their lifetimes.

It is clear that Mr Godfree’s parents do not meet this criterion....The interior of St Mary’s already contains a considerable number of permanent memorials, mainly Victorian. Very few have been added in recent decades. We do not feel that a significant further number of memorials would enhance the Church’s interior.

We are particularly fearful that if one memorial with a tennis connection was allowed then we would be in serious difficulty in refusing others from Wimbledon champions, of whom there are a substantial number, many very well known....arrangements have been made for a large memorial service to be held at St Mary’s on 5 December for another Wimbledon champion....the executors of the champion involved have already sounded out our Rector about the possibility of a permanent memorial in that case too, and given that there was also no strong personal connection with the Church itself we would wish to give the same response”.

It is, however, to be noted that the primary objection in 1993 to *any* further memorial seems to have shaded into an objection to a memorial for someone unconnected with the church, which in 1993 was only a secondary factor.

13. I sought the advice of the Diocesan Advisory Committee, whose relevant sub-committee was unanimously of the view that the proposals are not acceptable, supporting

the reasons given by the Objector. Additionally they criticised the size, length and wording of the proposed inscription, and the fact that it “has nothing about faith in it”.

14. I visited St. Mary’s on Friday 15 February 2002, in the company of the Petitioner and one of the churchwardens.

The proposed plaque

15. The Schedule to the Petition identifies the proposed location for the plaque and its dimension (18 X 12 inches), but not its materials or wording. In response to my request for details, the Petitioner replied by letter of 27 September 2001:

“...what I have thought is for the plaque to be made from, say, 8 guage – 4 mm brass sheet and rectangular in shape, 18 inches long X 12 inches wide, with a suitably engraved “frame” just within the periphery. Then the wording, which we have (and I would be guided by Russell Hanslip of course) spaced out on a computer as follows:-

In Loving Memory Of
Leslie Allison Godfree M.C. 17.04.1895 – 17.11.1971
and Kathleen (Kitty) Godfree (nee McKane) 07.05.1896-10.06.1992
* Who Now Rest Together in the Garden of Remembrance.
Between Them They Won at Wimbledon and Elsewhere
1923 Men’s Doubles
1924 Ladies’ Singles & Mixed Doubles
1926 Ladies’ Singles & Together Mixed Doubles
1920 & 1924 One Gold, Two Silver, Two Bronze Ladies’ Olympic Tennis Medals
1921-1924 Ten Ladies’ All England Badminton Titles
** R.I.P. The Family

* or “Whose Ashes are Buried in the Garden of Remembrance”
or “Now Resting in the Garden of Remembrance”

** or “Their Sons David and Martin and the Family”

I am not an engraver, so I do not know exactly how the above layout would be achieved, or even if it is possible, but I believe something like it is achievable. I have also included some variations in the wording”.

(The reference to Russell Hanslip is to the church’s inspecting architect, with whom the Petitioner has been in touch since 1992).

16. It has always been my understanding, and this was confirmed on my visit, that the Petitioner primarily seeks approval in principle for the erection of a plaque to his parents in St. Mary’s. Size, wording and indeed precise location are matters which can be decided later. The churchwarden told me that the PCC for their part had given no consideration to the question of size or wording, nor indeed had they addressed the question whether, were a plaque to be erected, the proposed location (*originally identified by Canon Parrott*) would be the most appropriate.

The law

17. In *Re. St Margaret’s, Eartham* [1981] 1 WLR 1129 the Court of the Arches considered an appeal against a refusal by the chancellor of a confirmatory faculty in respect of a memorial wall tablet, commemorating the widow of the churchwarden. Sir John Owen, Dean of the Arches said (at 1133-4):

“...a faculty is always necessary before a memorial tablet is placed in a church...Incumbents have a responsibility to prevent breaches of this rule.

Neither the incumbent, nor the parochial church council, nor the Diocesan Advisory Committee has any power to grant a faculty. A faculty can initially only be granted or refused by the chancellor of the diocese. He is the person appointed to consider all the relevant and available evidence and then to decide. He will, of course, consider the recommendations of the incumbent, the parochial church council, the Diocesan Advisory Committee and other interested bodies before applying the law and making his decision. How should he come to his decision? The law requires him to exercise a judicial discretion and in so doing to bear in mind: (i) faculties for memorials cannot be freely or extensively granted for, if they were, the walls of a church might soon become so crowded as seriously to detract from the church's appearance. (ii) A faculty for a memorial should be regarded as a special privilege reserved for very exceptional cases: see *In re St. Nicholas, Brockenhurst* [1978] Fam. 157, a decision of Phillips Ch. with which I fully agree. The reasoning of that case requires the chancellor to ask himself the questions (a) is this case so exceptional that the special privilege of a faculty could properly be granted, and (b) if so, are the circumstances such that a faculty should be granted? (iii) Factors which may show exceptionality are for example the character of, or outstanding service to church, country or to mankind by the person to be commemorated by the memorial, a desire to record by the memorial some important or significant aspect of local or national history and some family history or tradition of such memorials, especially, but not necessarily, if any future application based on the family connection would be impossible. (iv) The burden of showing that the case is exceptional and that a faculty should be granted is on the petitioner. The chancellor will need clear evidence and, of necessity, will need to rely greatly on the submissions of the incumbent,

the parochial church council and the Diocesan Advisory Committee. Whatever the grounds of exceptionality claimed, in future they should be stated in the petition for the benefit of the chancellor, and those supporting the petition should also explain why the case is considered exceptional and why it is claimed that the special privilege of a faculty should be granted. (v) Even where exceptionality to an extent which could justify a faculty is shown, such a faculty will not be granted as a matter of course as petitioners should be warned by incumbents and registrars. Factors which may persuade a chancellor not to grant a faculty despite the exceptional nature of the case would include for example the character of the church, the number of memorials already in the church, the inappropriate design of the proposed memorial tablet and any lack of support or, a fortiori, opposition in the parish, the parochial church council, the Diocesan Advisory Committee or other interested bodies”.

In *Newsom* Faculty Jurisdiction of the Church of England (2nd ed.1993) page 144, following citation of authorities, the authors state:

“Further the monument, if erected, must be such as will embellish the church, since nothing ugly should ever be allowed to be introduced and moreover it must not contain anything that could cause offence.

The tests to be passed are severe..... On the whole... it is generally better that both aspects of the case, exceptionality and embellishment, should proceed together through the consultative process... One element which arises frequently is to consider whether the church is in danger of becoming cluttered with memorials.....some chancellors have taken the view that the petition should only be presented, say, five years after the death of the person to be commemorated, so that his career may be seen in perspective and so that

the matter is not dealt with in the pangs of recent bereavement. It is important to give much thought to the inscription, not only for its lettering but for its content, so as to avoid the boastful, the sentimental, or the banal”.

The Diocesan Directive

18. Guidance as to the proper approach is contained in the Revised Directive on Churchyards and Memorials in Churchyards & Churches issued by my predecessor on 1 February 1994:

“The relatives of a deceased person sometimes ask if they may put a memorial tablet into a church. It is not infrequently the case that no one else wants the tablet: but incumbents, churchwardens, and parochial church councils are naturally reluctant to say so and sometimes, out of kindness, support an application which they really wish had not been made and which ought not to be granted.

Churches are not primarily intended as repositories for family memorials. They are intended for the worship of God and must be guarded against misuse. Tablets seldom beautify a church and are often neither edifying nor of interest to anyone other than the family of the decease. It may help if the following points are borne in mind:

(a) No tablet may be put into a church without a faculty from the Consistory Court and the ultimate decision as to whether one will be granted does not lie with the parish but with the Chancellor alone.

(b) A faculty will not usually be granted unless:

(i) the person (or event) to be commemorated is of general public interest; or

- (ii) the public display of a memorial is in some way edifying or inspirational;
and
- (iii) the memorial is doctrinally sound; and
- (iv) it is artistically an adornment to the church.

(c) As a safeguard against an impetuous application or decision, a faculty is not likely to be granted until at least twelve months after the event or the death of the person to be commemorated.

Each case must be judged on its merits and the foregoing provides no more than a rough guide; but its study may save unnecessary distress and expense....

In some instances a need will be satisfied by the provision, under faculty, of a benefactors' board or book of remembrance in which names may be inscribed with perhaps, as many pages as there are days in the year, so that the appropriate page may be exhibited daily".

The issue of principle

19. Although the practice of erecting plaques on the walls of St. Mary's appears to have ceased many years ago, I do not consider that the time has yet come to rule out further memorials in appropriate cases. Of the eight windows in the two side-aisles, three bear plaques, leaving three potential spaces; additionally I detected at least four other locations on the walls of these aisles where small plaques could be accommodated without causing clutter to, or otherwise damaging the appearance of, the interior of this attractive, and undoubtedly historic, building. Whilst there are those who on principle

decri the erection of further plaques, I have no doubt that plaques, depending on design and the persons commemorated, are capable of adding interest to the church.

20. There is, in my view, no question but that a plaque in memory of Kitty Godfree passes the test of “exceptionality”. She was a most exceptional tennis player, and her achievements *are* part of local and indeed national history.

21. Applying the tests of the Diocesan Directive:

(i) Kitty Godfree’s achievements *are* “of general public interest”. In this context I noted a piece of cardboard affixed to the wall near to another plaque recording that that person was the son of the founder of Wimbledon Football Club. This confirms my view that sporting connections are recognised to be of interest to those visiting churches.

(ii) Given that (i) is satisfied, (ii) is inapplicable

(iii) The memorial contains nothing that is doctrinally unsound. True it says nothing specifically doctrinal, other than the implications of the invocation “R.I.P.”, but I see no reason why memorials should have something “about faith” in them (though this was one of the criticisms raised by one member of the DAC sub-committee)

(iv) Subject to location and wording being reconsidered, I am satisfied that a plaque of the materials, and no more than the dimensions, proposed could be an adornment to the church.

22. I doubt that Leslie Godfree’s achievement on its own meets the test of “exceptionality”, or could be regarded as “of general public interest”. But if Kitty is to be

commemorated, there is good sense in also commemorating her husband, quite apart from the “general public interest” which lies in their being the only married couple to have won the mixed doubles at Wimbledon.

Local connection and floodgates

23. The Church of England is a national, established church, and I see no reason why commemoration within a particular church should be confined to those who have worshipped in that church on a regular basis during some part of their life. On the other hand I can understand the desire to curtail the number of those whose commemoration may be sought, and normally some local connection will be requisite. The fact that Kitty Godfree’s triumphs were local ones, at the nearby All England Club, alone achieves that local connection; but even more so is the fact that her ashes are interred in the Garden of Remembrance. That gives her a close and direct connection with St. Mary’s.

24. I understand and respect the PCC’s concern not to set a precedent, and their fear that they may receive a flood of applications for memorials for tennis-players. In reality, however, post-war history suggests that the number of British Wimbledon champions is exiguous and likely to remain so, and there would be no difficulty in distinguishing (and refusing) applications to commemorate foreign champions – in the unlikely event that this was sought by their surviving relatives. If the further criteria are applied that the British champion, to be truly exceptional, must have won the championship more than once (as did Kitty Godfree) *and* been interred in the St. Mary’s Garden of Remembrance, then the floodgates are likely to remain securely closed.

The role of Canon Parrott

25. If I found this a border-line case, then the early encouragement given to the Petitioner by the then Rector would be a relevant consideration, although he ought not to have given as much encouragement to the Petitioner as he did. However, I have not found this a border-line case. In any event, as will be apparent, I consider that Canon Parrott was right to appreciate the exceptional nature of Kitty Godfree's achievements, and to have been surprised when his PCC took so restrictive a view of who could properly be commemorated in their church.

The views of the PCC

26. Naturally I am reluctant to go against the views of the PCC. I appreciate that they represent those currently worshipping at St. Mary's. Nevertheless I am confident that in time they will recognise that it adds to the interest of their church to give express recognition to the exceptional achievements of the Godfrees. In the case of most applications for commemorative plaques, exceptionality is lacking, and the availability of a Book of Remembrance is sufficient. In the present case, I share the Petitioner's concern that the Book of Remembrance is an inadequate substitute. Nothing in this judgment should be taken as setting a precedent for other plaques in St. Mary's or elsewhere in the diocese, since each case will need to be scrutinised on its merits.

Location, wording and design

27. I am confident that, once the principle of an additional plaque has been determined, the Petitioner will be able to agree with the PCC:

(a) the appropriate location for the plaque – which may or may not be the window cill identified by Canon Parrott. I have already indicated that my provisional view is that there are other, more appropriate locations, but I would wish the PCC to be actively involved in this matter;

(b) a revised wording. I am mindful of the passage in *Newsom*, cited above, concerning the need to avoid boastfulness. Although it is the number of titles won by Ketty Godfree which constitutes her “exceptionality”, I agree with the DAC sub-committee that the proposed inscription is too long. My suggestion (and at this stage it is no more than this) would be as follows:

In loving memory of
Kathleen (Kitty) Godfree (nee McKane) 7.5.1896 – 19.6.1992
and Leslie Allison Godfree M.C. 27.4.1895 – 17.11.1971
Her ashes are buried in the Garden of Remembrance
Separately and together they won at Wimbledon
Ladies Singles (twice), Mixed Doubles (twice, once together), Men’s Doubles
She also won a Gold and other Olympic Medals
R.I.P.

It seems to me that this sufficiently marks their exceptional careers, and in particular does not erroneously suggest that Leslie Godfree’s ashes are also buried at St.Mary’s.

(c) design. The precise design and lettering will only emerge when the wording has been settled, but I shall limit the size of the plaque to no more than 30 X 23 cm (approximately 12 X 9 inches), which should also ease location. The wording and materials of a

monument were specifically reserved by Judge Newey QC Com.Gen., when granting a faculty for a memorial in *Re St. Peter's, Folkstone* [1982] 1 WLR 1283.

28. I shall impose a condition requiring all these matters to be agreed with the Parochial Church Council, and then submitted to the Court for final approval. I shall be much influenced by, but not bound by, what the parties agree; and if the parties cannot agree, then I shall have to decide the matter myself. If the Petitioner does not like what is finally determined, then he will of course be under no obligation to erect the plaque.

Costs

29. As is normal, the Petitioner must bear the costs of the Petition, including a correspondence fee to be determined in accordance with the appropriate scale by the Registrar.

17 March 2002

CHARLES GEORGE

CHANCELLOR