

In the Consistory Court of the Diocese of St Albans

Petition 1138

**re St James, Bushey**

**Introduction**

1. This is a petition for a memorial to be added to a grave in the picturesque and extensive churchyard of St James, Bushey. As this would be the second memorial on the grave, it falls outside the Churchyard Regulations, and so requires a faculty. The petition is opposed.

**Family background**

2. The grave in question is the final resting place of Walter Hucklesby (who died in 1968) and his wife Minnie (who died in 1983). Walter and Minnie had children: Wendy, Colin and Peter. Wendy died in 2019, and her husband Clifford Allen died shortly thereafter, in 2020. Wendy's and Clifford's ashes were, separately, interred in the grave; but their presence there is as yet unmarked.

**The Petition**

3. The Petitioner is Sharon Allen, Clifford's and Wendy's eldest child; I have been furnished with letters in support from four siblings of Sharon, as well as from two members of the next generation.
4. The petition is for an open-book memorial, commemorating Wendy on one side and Clifford on the other. The inscription to Wendy would refer to her as "Wendy Joan Allen (nee Hucklesby)", making clear the link between them on the one hand and Walter and Minnie on the other. The PCC and the incumbent are fully supportive of the proposal, and The DAC does not object (subject to provisos

concerning material, lettering and location), all of them appreciating the compromise of the present dispute which it represents. It seems to me that there is nothing inherent in the proposed memorial or inscription which would make it unsuitable, so long as the provisos advised by the DAC were complied with.

## **Opposition**

5. I owe it to the parties to set out with care the grounds of opposition and my assessment of them.
6. The Party Opponent is Colin Hucklesby; and I have received a letter of opposition from Peter Hucklesby.
7. Colin's initial letter of opposition sought to "preserve the integrity of [his parents'] resting place"; by ensuring that Clifford's name (with surname) did not appear there, it would do justice to his father's pride in his surname. It would also reflect Walter's view that the cost of the grave represented an investment to secure a memorable point of contact for the benefit of future family (by which was meant, Hucklesbys). He proposed a compromise, by which a tablet inscription would refer to Wendy "resting in peace with her husband Cliff", without mention of the Allen surname.
8. On his Form 5, by which Colin became a Party Opponent, the basis of his opposition had broadened and hardened. He then opposed any additional memorial on the grave at all. He further said that Sharon had not had his agreement to inter Wendy's or Clifford's ashes at the grave.
9. Peter's letter of opposition echoes Colin's objections, in saying that "out of respect to [his] parents' wishes", no-one other than the Hucklesby family should be memorialised at the grave.
10. As well as Sharon's Form 6, responding to Colin's Form 5 (which helpfully included a transcript of a relevant and extended text conversation between them), I have received further submissions. In particular, Colin wrote a letter to the

Registry on 18 September 2021, which he wished me to take into account. He was made aware that this would only be possible if a copy was sent to Sharon, to which he reluctantly agreed, albeit acknowledging the risk of further division in the family if that happened.

11. In that letter, Colin stated that:
  - (a) Sharon did not properly communicate her intentions, and failed to make it clear that Clifford had passed away, leading Colin to think that she was only considering the disposition of Wendy's remains; and
  - (b) The incumbent was shocked to discover that Wendy's and Clifford's remains had been interred in the grave, and that Sharon had pulled the wool over his eyes to get her own way;
12. Further, he thought it right to ask me to consider the following, while acknowledging that in raising the matters he was muddying the waters:
  - (a) Sharon had been adopted; and as she was not directly related to Walter and Minnie, she "was not entitled to dictate proceedings"; and
  - (b) Wendy had divorced Clifford, but Clifford was so pig-headed that he did not leave the house, relegating Wendy to sleeping in the boxroom till the day she died.
13. Sharon responded to that letter in her written submissions, which included correspondence between her and the incumbent. The substance of that response is set out below.

## **Discussion**

14. In assessing factual disputes, generally the more contemporaneous a document, the more likely it is to reflect the true course of events.

15. I am satisfied, having seen the text conversation referred to, that Sharon had asked Colin in May 2020 whether he or Peter would object to Clifford's ashes being interred with Wendy's in the grave. His reply (after four days, so not an unconsidered reply) was "That sounds great, let me know when and I'll try to be there for the event." His later recollection, that he had not been informed of the interment of either of them, is unreliable. Clearly, he both knew of and, at the time, consented to the interment of Clifford's ashes in the grave. I have no evidence that Peter was informed of the interments, either by Sharon or by Colin; given Sharon's apparent reliance on Colin to consult with Peter, it is entirely possible that he was not.
16. Sharon later, in February 2021, asked Colin whether he was the "plot owner", as she needed that person's permission for a small memorial to Wendy (it is fair to note that Clifford was not mentioned in this conversation). Colin replied that he thought it would be him; and if so, he would be most willing to grant permission. He later asked that the inscription read "nee Hucklesby", out of respect for the name (suggesting that it would also include the name Allen). His later position, opposing any memorial at all or any mention of the Allen name, is at odds with this.
17. I have seen the incumbent's response to the suggestion that he had been shocked to discover of the interments of the remains of Wendy and Clifford in the grave. He reported that he was not shocked; indeed, he had presided at both interments.
18. Colin's references to his father's "buying a burial plot" betray a misunderstanding. When a person obtains a faculty for the reservation of a gravespace, for which there is a fee, they are not "buying a plot"; they do not acquire any rights of ownership over the land. They merely reserve the right for themselves, and any others named in the faculty, the right to be buried there. Future interments in the same grave remain at the sole discretion of the incumbent, while space permits; and no one person has a

veto over that discretion. I suspect that Walter understood that, as did Colin when he wrote the text message of 12 February 2021 in which he observed “When dad payed [sic] for the plot for them both to be together, he would have loved for all his family to join them as time goes by. A memorial for Wendy fits in with this thinking and is well within dad’s forward thinking idea.”

19. I fail to see the relevance of Sharon’s adoption, at the age of two weeks. To suggest it is relevant is scurrilous and, as I think Colin recognises, hurtful. Further, I am satisfied the Colin’s assertions about Wendy’s and Clifford’s divorce in 1980 are only half the truth; I am told that after some time apart, they remarried in 1987, living together happily thereafter. Indeed, I have seen photographs of them which appear to show them celebrating their Golden (or possibly 45<sup>th</sup>) Anniversary – that must be, of their first wedding – in 2019. I am told that the third person in one of those photographs is Colin. It seems to me that the parental wishes now expressed by Colin are more likely to be his own than theirs; and that this and the narrative he now tells are borne of the historical dislike of Clifford which emerges from Colin’s correspondence with the Registry.
20. Considering all the evidence together, I am satisfied that both Colin’s recollection of events and the wishes imputed to his father are unreliable. If this were simply a trial on the evidence, I would be satisfied that where their evidence differed, I should prefer Sharon’s.

## **Conclusions**

21. This is, to some extent, beside the point. The real issue is that the remains of Wendy and Clifford have been properly and lawfully interred in consecrated ground; has the petitioner satisfied me that they should not remain unmarked?
22. In an inversion of the well-known phrase, for their resting place to be unmarked leaves the dead unhonoured; the living uncomforted; and

posterity uninformed. Having said that, the burden is as always on the petitioner to satisfy the court that a faculty should be granted, and there is no automatic right to a headstone or other memorial.

23. In this case, I am provided with ample material which shows that there is a pressing pastoral need amongst Wendy's and Clifford's family, many of whom are still local and visit the grave regularly, for such a memorial. I note in this regard the support from the incumbent and the PCC. For me to accede to the views of the Party Opponent would be pastorally painful. Not only that; it would perpetuate a discrimination under which the daughter of Walter and Minnie, having changed her surname on marriage, would be treated differently and less favourably than their sons, having retained their surnames.
24. It seems to me that the compromise proposed by the Petitioner is one which both properly marks the last resting place of Wendy and Clifford, and honours the link between each of them and Walter and Minnie Hucklesby. I direct that a faculty pass the seal to permit the introduction of a memorial in the form and with the wording as proposed, subject to provisos that:
  - (a) the memorial is made of the same stone and in the same colour as the existing headstone;
  - (b) the new inscription lettering is in a style which matches the inscription on the original memorial; and
  - (c) there is a safe distance between the plaque within the area of the grave and the hard surface at the bottom of the grave.
25. In doing so, I should say that this should not be regarded as setting a precedent; it is merely facilitating a compromise in response to this very particular set of facts and circumstances.

26. I appreciate that Colin, and perhaps Peter, will be disappointed with this decision. So I would add this. *“No man is an island, entire of itself; every man is a piece of the continent, a part of the main.”* (John Donne) The same is true of a family. A family is not a monolith or a silo, comprising only those with a shared surname. It is an unbounded network of infinite variety, each one linked to many others. Each of us, in turn, are members of not just one but many families. That is why, like Longfellow, *“I like that ancient Saxon phrase, which calls the burial-ground God’s-Acre”*. Every person whose remains are committed to consecrated ground lies not apart or separate, but joins those who went before, just as the soul is commended into the fellowship of saints in the hands of the Saviour. Whatever has separated us in life, ceases to do so in death.
27. I express my gratitude to the Registry; this petition has required a substantial amount of additional time and work on their part. I note that the Assistant Registrar has indicated that the relevant costs which have been incurred will not be sought, as a gesture of goodwill.

David Willink Dep. Ch.

9 April 2021