

IN THE CONSISTORY COURT OF THE DIOCESE OF GLOUCESTER

***Re: ST MARY MAGDALENE
ADLESTROP***

1. The Rector and Churchwardens of St Mary Magdalene, Adlestrop have petitioned to install a hatchment in the Church, either on the north wall of the nave or on the east wall of a very short northern transept. This hatchment was to be in memory of the late Mrs Collins of Adlestrop Park. This petition was opposed by a Mrs Victoria Huxley (and her objections were supported on paper by two others). To understand the objections it will be necessary to set out the historic background of the Church, and the current ownership of the adjacent great house, together with some brief consideration of what is and who can have a hatchment, and as to whether a hatchment should now be displayed in a Church.

BACKGROUND

2. In English literary history the village of Adlestrop is more than just a poetically remembered name of a now defunct railway station, it was and is the home of the Leigh family, who were relatives of Jane Austen, who was an occasional visitor to the (then) rectory, now Adlestrop House, which stands adjacent to the church and to Adlestrop Park. The Leigh family's connection with the village had begun on the purchase of the land by an Elizabethan Lord Mayor of London. City money, socially good marriages, interspersed with inheritance disputes, (the estate being held at one time in Chancery for a lunatic heir) followed the not unusual pattern of its time. However, it was the remodelling of the Leigh house and grounds which caught the interest of the visiting Jane Austen, and became reflected in the description of this substantial work in her novel "Mansfield Park" where the rectory (now Adlestrop House) may be the model for Edward Bertram's living at Thornton Lacey, (whose fictional living of £700 per annum is exactly that of Adlestrop's in 1814), while Adlestrop Park may have become Sotherton Court, in whose parkland the characters walk and interact, and the Repton redesigning of whose grounds and adjacent village old coach road allow Jane Austen to make her inimitable commentary on the social mores of what she observes. (Although marginally later scholarship ascribes Castle Ashby in Northamptonshire as being the great house, and there are other candidates, but I need not pursue these possibilities, let alone the Leigh family's move by inheritance to Stoneleigh Abbey, a possible Northanger Abbey source). Jane Austen knew Adlestrop from her

family connections and visits there, and the family history, the landscape, the houses, the influences are clear.

3. By reason of this connection, the Church and village have become somewhat of a shrine for Janeites. As might be expected, many of the Leighs are buried and commemorated in the Church, some with hatchments. Many Jane Austen Societies, both in Great Britain and from abroad, make it a place of pilgrimage.
4. However, just as the Leighs subsequently moved from Adlestrop to what was to become their main seat of Stoneleigh Abbey, so there have been changes, economic and social, in this village. The village remains amidst agricultural land still farmed by the Leighs, but the great house, originally leased by the family settlement, is now owned outright by the Collins family. This house is Adlestrop Park, which has a Gothick extravaganza facade and decorations by Sanderson Miller with the grounds re-designed by Repton, whom Austen refers to by name, a rare personal compliment in her books. Adlestrop Park, when the Leigh family left it, had become an approved school. It turned into an institutionalised, run-down disgrace. A block of 37 boys' lavatories had been plonked in the Repton landscape park, until removed by the house's current owner. Once again City money has restored house and grounds to an impeccable state, and the Collins family, whose home it now is, have supported their local Church both financially and practically. It is right to record that none in this case said otherwise, and the late Mrs Collins was referred to by all involved as being greatly loved and respected. Indeed, at the site view I had, I was shown her cared-for grave between the Church and her home. The village is in the Cotswold AONB, and the whole scene of Church, village and great house, let alone the Jane Austen connection, has made it a magnet for tourists, forming as it does a splendid visual set piece of English architectural history, together with the literary links with Jane Austen and Edward Thomas. The village is on long distance footpaths, so attracts walkers as well. Many people have cause to "remember Adlestrop".

THE CHURCH

5. How then has this dispute in respect of the petition for a Faculty arisen? To explain this I turn to the Church building itself. It is a small, simple village church, listed Grade 11, not having any of the facilities, now beginning to be regarded as essential in such a building, to allow concerts and other public meetings or wider use. It has a loyal congregation, and the Parochial Church roll lists over 25% per cent of the 80 or so village inhabitants. The parish forms one of the seven churches of the Evenlode Vale churches, so that, inevitably, there are only some two services per month together with Christmas and Easter, together with weddings, baptisms and funerals. Its adjacent graveyard is still open for burials. In 2015/2016 the existing ring of 5 bells was

refurbished, augmented and the bell frame replaced; Mr Collins was the main (but not the only) donor for this work.

6. Initially, Adlestrop Church was a chapelry held by Evesham Abbey from 703 until the Dissolution, linked to the nearby Broadwell, but it became the main parish for its Rector, as after 1590, the Leighs had donated the land for the churchyard, and the Rector moved his rectory here (though it was serviced by curates for many years on and off). The Church, listed Grade 2, is 13th Century; its Tower and Chancel are 14th century. However, it has been heavily restored in the 18th century and again in the 19th century. Royal Jubilees have been marked by a clock (Queen Victoria's Golden Jubilee) and entrance arch (Queen Victoria's Diamond Jubilee) and a sundial (for the present Queen's Diamond Jubilee). A gate from the churchyard leads into Adlestrop Park. The Leigh family vault (rather decayed) is in the graveyard.
7. However, it is the Church interior to which I now turn. On the walls and floor there are Leigh memorials, reflecting themselves and their dynastic marriages into the nobility. The family were proud of their marital connections with the families of the Duke of Chandos, and the Twistletons of Broughton Castle (Lord Saye and Sele). These are mostly in the short south transept but are also in the nave. There are hatchments for some of the Leighs. There are also some windows commemorating Leighs as well. It is the proposed addition of a Collins' hatchment, which is now in dispute.

What is a hatchment?

8. The black or black and white background indicates the state of the deceased, and whether the hatchment was erected by a widow/widower. During the 18th century a somewhat elaborate scheme of differentiating rank (peers, bachelors, second wives, the last of a line etc.) developed. For instance the hatchment for a deceased bishop would show his own arms against a black background while it would be impaled with the arms of his Diocese against a white background (the diocese never dying).
9. Hatchments are generally associated with a member of the nobility or armigerous gentry. The practice appears to have developed in the early 17th century when a shield or helmet of the deceased would have been carried before the coffin, and then left on display in the church. Many churches have shields and associated armour on display, as well as hatchments. Such armour, by their sale, has currently become a financial life line for some churches. Historically, the hatchment itself would be displayed or hung on the second floor of the deceased's house for a period of 40 days, or 6-12 months (the time appears to differ), and then hung, often in the family /private chapel of the relevant parish church, the family often holding the advowson of that church. There can be

non-funerary hatchments, for example, these are authorised in the regulations for the Order of the Garter for the stall plates. Clearly, in Shakespeare's England a displayed hatchment had come to be, at least in certain quarters, expected. In *Hamlet*, Act iv, scene 5, Laertes complains on behalf of his murdered father, Polonius: "No trophy, sword or hatchment o'er his bones".

10. As I have said above, by the 18th century there developed a somewhat convoluted code for the background of a hatchment, according to whether it was for a widow, or bachelor, or for a widower with another wife etc.; for reasons I refer to below, I need not analyse this further as such use would fall to be properly decided by the College of Arms. It would be for them to pronounce as to whether the hatchment was properly executed in heraldic terms. It would then be for a Chancellor to decide whether such an approved hatchment should be introduced into a church.
11. Hatchments appear in other European countries with variations, at least to the French revolution, though they still continue in Flanders. There are few remaining in Scotland, as the General Assembly of the Church of Scotland passed an Act in 1643 (in the early days of the Civil War) prohibiting: "*Honours of Arms or any such like monuments to be displayed in any church*". Many were then pulled down. Indeed, in 1649 in Strathbogie, the Presbytery of the Kirk, finding some still hanging in the Kirk, had them pulled down "*and the minister rebuked for suffering to hing there so long*". This attitude may not be unconnected with Presbyterian objections to episcopacy and landed gentry.
12. The Church of England never adopted that approach, so that hatchments continued to be hung in churches into the 19th century.
13. However, funeral fashions change, even for Royal funerals, and the hatchment fell into disuse (though not completely as will be seen). If there be an argument (not argued before me) that a hatchment was only to stay in place in a church for a limited period of time, I would and do reject this for lack of authority, and because the sheer number of hatchments still remaining after centuries in parish churches cannot all have been ignored and left up like forgotten Christmas decorations. The number of hatchments being restored and conserved in many, many churches demonstrates the interest and affection in which they are held as representing the local history of a parish. These are clearly not regarded as temporary items to be thrown out or returned to the family. I understand that there are now still in excess of 4,000 hatchments in English Churches. Clearly, hatchments erected in private chapels were intended to stay, and would also need a Faculty. However, Adlestrop Church does not even have a private family Chapel. It is a Parish Church.

14. Many churches often also display the Royal coats of Arms of monarchs. I bear in mind the case of *Re West Tarring Parish Church [1954]* 2 All ER 591 and *Re St Pauls Battersea [1954]* 2 All ER 595. Stained glass windows often include coats of arms; War memorials often have the insignia of the local regiment. Garter banners are hung in churches. Carved wall plaques or grave stones often include the deceased's coat of arms, plain or coloured.
15. Clearly, a Faculty is required legally to introduce, alter or remove any ornament, furnishing or decoration in a church, that by long settled law. Any item sought to be so introduced at the Chancellor's discretion has, however, to be a legal item. (How a hatchment is legal, I consider below).
16. Given there are some three existing hatchments in this church shows that a hatchment in itself, is not barred. Such an object is not uncommon in many churches. **The introduction of a hatchment should conform to the threefold test of:** [1] **“Is it removable?” Yes, clearly, it is.**
 [2] **“Does it harm the fabric?” Not, if carefully installed.**
 [3] **“Can it be removed?” Clearly, yes.**

Are they in any way analogous to the hanging of flags of long disappeared local militia, or are they any different from the ubiquitous memorial wall plaques, which proclaim in English or Latin the virtues of the local deceased? One might think that a hatchment is a more restrained expression of personal loss, than a fulsome bust, pediment and florid inscription to a family now, often long forgotten. I bear in mind the other accretions (some more permanent than others) to walls in many churches, everything from 19th century Italian Stations of the Cross to displays of the Sunday school art work.

THE PETITION

17. As neither the Leigh nor Collins families directly appeared in this matter, the background has had to emerge through third parties. It appears that the Collins family had initially leased, then purchased Adlestrop Park, and have restored both house and grounds immaculately. Sadly Mrs Collins died, and following that, the PCC had notice from her widower, Mr Dominic Collins, that he wanted to donate a hatchment in memory of his wife. On 24th October 2016 the PCC unanimously approved this proposal, and formally petitioned for this on 16th November **2016**. The DAC made enquiries in November 2016 as to the proposed positioning of the new hatchment, and in respect of whether the Collins family were benefactors/parishioners of the Church. Both theses queries having been answered satisfactorily (Mr Collins having a father in Holy Orders, whose last position was at Holy Trinity Brompton, and the family being regular parishioners and benefactors of the Adlestrop Church), the DAC had then formally recommended the proposal without any condition. The Petition was advertised by Public Notice from 26th January - 27th February

2017. This is a small village and the Church is in an obvious position. I find that the Public Notice procedure was properly carried out. The Rector, the Church Secretary and a Church Warden were the formal Petitioners, issuing their petition on 16th January 2017 to: ***“install a heraldic hatchment with the coat of arms of the Collins family of Adlestrop Park in the North transept.”***

18. Neither the Church nor the PCC are to fund this petition. The hatchment and the work of installation is a gift from the donor.

19. With the initial petition I was sent a copy of the grant of arms to Mr Collins from, it would seem Norroy and Ulster King of Arms, granted on 22nd August 2011, so that Mr Collins fulfils the armigerous requirement and his Coat of Arms is legally recognised by the College of Heralds

How does one get a Coat of Arms?

20. I consider this as it arose by way of one of the arguments raised at the Site View. As I have already said, for an item to be introduced under Faculty into a church it has to be legal. Well, in England, put simply, a grant of arms is applied for and purchased from the College of Arms. They (The Heralds of the College of Arms) advise on, approve and organise the design and register a new coat of arms. Even for an established family with an existing coat of arms there is, as I understand it, what I might describe as a re-licencing fee for an inheriting heir. Only when licensed in the College of Arms is a coat of arms properly and legally recognised. Costs for doing this vary from individual people to companies or councils. Like most things in this life, the costs have risen, but the fees are laid down by Earl Marshal's warrant. As of 1 January 2017, the fees payable upon a personal grant of arms and crest are £5,875.

21. In a BBC interview in April 2011, Thomas Woodcock, then Norroy and Ulster King of Arms, said more people are eligible to have their own coat of arms than is generally realised.

"Tests for eminence are very wide in that they include possession of a university degree or a professional qualification," he said.

"A great many people in the country could, if they wish, have a coat of arms, but if we were to advertise too much it would debase our own currency." In England, honours from the Crown, civil or military commissions, university degrees and professional qualifications as well as *"eminence or good standing in national or local life"* are taken into account.

22. If people want to buy their own coat of arms they may do so for various reasons: family loyalty, romantic historicism, show, for their children, to have something to put on the wall, or not to feel left out in a painted display of armigerous High Sheriffs or Readers at an Inn of Court; all kinds of deeply personal and understandable reasons, which can be satisfied for the price far less than for a flashy watch or car. People who never had nor needed a coat of arms can, apparently, in most reasonable circumstances, obtain one if they want it. It is a free country.
23. All I am first concerned with is that this hatchment shows a legally obtained coat of arms, and is not just a made up one, such as one sees in tourist shops.

OBJECTIONS

24. By reason of the rather unusual nature of the petition I required a Site View, as a formal Consistory Court was not being requested by any Party, but I considered that the matter could not be fairly or properly dealt with just on such papers as were before me.
25. I directed that the PCC, the (at that stage) only objector and anyone else who wanted to be heard from the parish should be given notice of such a Site View where their views and objections could be taken in to consideration. Holiday periods for all those involved delayed matters. In the mean time a fuller version of the grant of arms was also provided for me.
26. The only formal objector initially was Mrs Victoria Huxley. She lives in the village and had written a book "*Jane Austen and Adlestrop*". She is clearly deeply involved in her subject, and has shown many groups from Britain and abroad, interested in Jane Austen's world round the Church and the village. Her initial objection was not, it would seem, to a hatchment as an object in itself. That would have been rather difficult to maintain, given the three existing hatchments in the Church. Rather it was to the installation of a new hatchment in to the Church commemorating a member of a family who were not Leighs. Her initial letter of objection set this out:-

"I was very surprised that someone with a relatively short link to the village (compared to the age of the church) should seek to place their coat of arms in the church, and I do not think that most people in the village have been alerted to this request. I was under the impression that Church hatchments were to mark the death of a 'Lord of the Manor' which is, of course, the case of the existing eighteenth century Leigh hatchments as the family have owned the village since 1553. I feel that only a family which has strong ties over several generations should have such a display."

She goes on to suggest a simple wooden or marble plaque to the late Mrs Collins, and, as well, if thought appropriate, a plaque to mark the financial contribution to the rehanging and recasting of the bells of Mr Collins “*with other contributors and villagers who effected this*”.

27. The objection raised was that the Collins were not, and are not, the ancestral Lords of the Manor who still live in the village. I should say that Leighs, still living and farming in the village, made no objection at all to this petition, and I was faced with the somewhat unusual position of parishioner objectors appearing to run arguments when those who might have been somewhat better placed to run them were not doing so, and were taking no part in the proceedings. In the event, the Petitioners were asked to reply to this objection. They considered (rightly I find) that the erection of a hatchment was not just for a Lord of the Manor, but for “families who had armorial authorisation”. The petition had been properly advertised. The generosity of Mr Collins (and others) had happened to coincide with the death of his wife. Mr Collins had indicated to them that he was perfectly open to what this Court might consider to be a less prominent position within the Church.

LORD OF THE MANOR?

28. John Martin Robinson, Maltravers Herald Extraordinary, and, *inter alia* co-author of *The Oxford Guide to Heraldry*, and well known architectural historian, gave his opinion that: **"Lordship of this or that manor is no more a title than Landlord of The Dog and Duck"**. What is a “Lord of the Manor”? In reality it has become a semi-extinct form of landed property. The Lordship of a Manor can be bought and sold, separate from the land itself. Indeed, there grew up in the 1980s a market for selling these “titles” to the historically interested, aspiring, socially ambitious or downright gullible. However, many landowners came to realise that people would pay for what was a label. Then some purchasers realised that they too might cash in by holding home owners to ransom over alleged rights of way or mineral rights etc. which can in law be separate from the actual manor land itself.

29. I consider it unnecessary here to consider the exact status of who is or is not “Lord of the Manor” of Adlestrop, or whether the Lordship has been sold off and, if so to whom.

30. Now although one’s passport can on request be marked as showing the holder is “Lord of the Manor of X”, being a Lord of the Manor, it is not a title of Honour but a property right which, as I have said, can be bought and sold. This merely scratches at the surface of the law surrounding manorial rights, and I mention it only in passing to show that the phrase has little or no weight in the way Mrs. Huxley appears to regard it. As I understood her argument,

she did not rely so much on what may or may not be the Leighs' status as a Lord of the Manor of Adlestrop. To her they were the Leighs of Jane Austen, in place since the mid 16th century, and should not have any competition.

31. However, social and economic factors change. Evesham Abbey had for some 800 years before the Leighs been the notional Lords of the Manor, but their interest has disappeared. *Omnia mutantur, nihil interit* (everything changes, nothing perishes).

OTHER OBJECTIONS

32. Although unable to be present at the Site View, a written objection was received from Mr. John Gilliett, an Adlestrop resident. He has been a loyal supporter of this church having served on the PCC for many years, acted as unpaid organist for over 30 years, and served as reader, and on both the Diocesan and Deanery Synod. His complaints appear to be that hatchments were historical, their erection having died out in the 20th century. He complained: "*sanctioning this [one] would create a precedent so that anyone in future who buys a coat of arms, could argue that he too could justifiably apply to install his own hatchment*".
33. As I have set out above, subject to certain qualifications, many people could, if they so wanted, apply to the College of Arms for a grant. The majority of people do not do so. Even with a grant of arms, the holder cannot force a PCC to agree to the erection of a hatchment depicting their arms in a Church. Something, either fame, personality, parochial or national service, must justify it. This list is not intended to be finite. Many must be the times when the grieving relatives are not disposed to spend their estate in that way, or just are not interested in such a method of displaying their grief. Equally, many churches are either overfull with wall monuments or are of such an architectural style that a hatchment would look just silly, or out of place, so that there would be objections. I am unimpressed with the "everyone would do it" argument. From the tone of his letter, I had the distinct impression that the PCC's failure to recognise the work, financial or otherwise, of others in the village who had helped the Church rankled, but, as he was not present, I make no specific finding on this.
34. Mrs. Huxley urged me to consider that the last hatchment installed in a church was in 1942 in the North of England. Alas, a Google search is not always accurate or complete. Although on very rare occasions hatchment were hung on the doors of houses in the 1890s, and, on an occasion in 1925 in Eaton Square. In 1944 on the death of its Rector, a hatchment was hung over the front gate of Exeter College in Oxford.

35. But there have been more recent examples of hatchments being erected in churches. In June 2000 Chancellor Grenfell (unreported) granted a faculty for **St Michael and All Angels Spennithorne (North Yorkshire)** to install a hatchment to Colonel van Straubenzee. The Petition was opposed, but proceeded very much like this one. After written representations from two objectors, to save the parish costs, there was a site meeting at the church. The objector there objected that: *“in this day and age the Church should avoid a feudal approach of placing memorials in churches”*. The Chancellor said: *“It is now well recognised that the true test for the introduction of a memorial to a particular person is the nature of that person’s special contribution to the work of the church”*. In that Church there were some hatchments already, albeit in the vestry. He considered that the unnamed memorial with no inscription was akin to an historic artifact and could be introduced.
36. In 2011 Chancellor Hudson (unreported) granted a Faculty to install a hatchment in **St Aidan’s Church, Banburgh**. This was to commemorate the late Captain Baker-Cresswell DSO of the Royal Navy, who had died in 1997. He had been in command of HMS Bulldog in 1941 whose crew had boarded and captured the German U-boat 110, from which they had seized an intact Enigma machine and code book, a vital event in the Second World War. Although he retired to his estate near Banburgh, and served as High Sheriff in the year 1962, it was for the Enigma incident that the Church installed his hatchment.
37. Mrs. Huxley also complained that the village neither had nor been given sufficient notice of the proposal. I reject this. The Petition was properly advertised. There had been an annual meeting at which, as I understand it, there were no complaints or questions about this matter. Mrs. Huxley was unsure or not whether she was on the Church roll, but agreed, at the site view, to be signed up forthwith. Only Mrs. Huxley appeared in person to object, with Mr. Gillett’s letter. She told me that a Ms. Carol Johnson also objected, but was unable, I think for health reasons, to be present. *Three people from a village of 80 does not, to me indicate a groundswell of opposition.* As I have already said, there had been time before this meeting so that objectors could have been mobilised. In the course of the discussion between Mrs. Huxley and the members of the PCC who were present, and a relative of Mr. Collins, it appeared that there was a subplot involving some local objections or dislike of changes at Adlestrop Park following Mrs. Collins’s death in 2013. At least on behalf of the objectors, the treatment of staff was raised. As I say these arguments did not help me, and as they appeared to be being carried on not by the persons involved but ostensibly on their behalf and *smacked of village tittle tattle which did not go to the matter in hand.*

CONCLUSIONS

38. Having seen the Church, and heard the objections against and the reasons in favour of the erecting of this hatchment, I make the following findings:-

1. Mr. Collins and his late wife continued the tradition of supporting Adlestrop church in the way the Leighs, as previous owners of the big house had done.
2. They were the new owners and had made very generous financial contributions to a small village church (25 on the church roll; 80 in the village).
3. The Leighs do not have a private chapel in the Church, and make no objection to the erection of a Collins' hatchment.
4. The place (nave or north transept) for it to be installed, I leave for the PCC to decide as either would be suitable.
5. The Jane Austen connection does not preserve in aspic this Church. As the Leighs succeeded Evesham Abbey, so the Collins family is now in residence. Another layer has been added to the life and continuity of this village.
6. Hatchments, if displaying legally authorised Coats of Arms, can with sufficient reason be introduced by Faculty. The fact that they are now rare does not in itself preclude them being introduced.
7. There are here amply sufficient reasons to permit this hatchment to be introduced.

Accordingly, I grant this Faculty subject to the following conditions:-

- i. That the design on the hatchment is formally approved by a Herald from the College of Arms: i.e. is it suitable to reflect that it is for a deceased wife, or should it be altered to reflect that her husband is still alive (so that on his death it can subsequently altered as appropriate)
- ii. If such approval is forthcoming, the hatchment to be erected within one year.

23rd. October 2017

June Rodgers
Chancellor