

Neutral Citation Number: [2021] ECC Swk 10

IN THE CONSISTORY COURT OF THE DIOCESE OF SOUTHWARK

IN THE MATTER OF ST MARY'S CHURCH, BARNES

AND IN THE MATTER OF A PETITION BY THE REVD JAMES HUTCHINGS, MR PHILIP BLADEN AND MR PETER BOYLING

JUDGMENT

Introduction

1. This is a petition dated 12 January 2021 by the Revd James Hutchings, Mr Philip Bladen and Mr Peter Boyling, respectively Team Rector and Vicar, Vice-Chair of the PCC and Churchwarden of St Mary's, Barnes. By it they seek a faculty to install an oval shaped wall mounted monument commemorating the Hoare Family of Barn Elms to be affixed on the north wall of the Langton Chapel in the church. The monument is to be made of Hopton Wood stone, with coloured lettering and gilded bordering/decoration. The monument would be of high quality and would enhance the interior of the church, which is listed as Grade II*.
2. By a decision taken by correspondence¹, the PCC resolved unanimously to seek a faculty for the work.
3. By advice dated 16 September 2020, the DAC recommended the work for approval by the Court. It certified that in its opinion it did not consider that the work was likely to affect the character of the church as a building of special architectural or historic interest. It seems to me that in cases like the present it is at least moot whether the work affects the character of the church in this way; the monument would be in quite a prominent position. If it would affect the character of the church as a listed building, then Historic England and the local planning authority are required to be consulted². It seemed to me that whatever the legal requirement, it would be helpful to have the views of Historic England and the local planning authority, if they wished to express any views. Accordingly, following a direction of 11 March 2021, the Petitioners undertook this consultation. Historic England did not respond. The local planning authority, the London Borough of Richmond on Thames, responded as follows:

We would be very happy to support the addition of this proposed monument, acknowledging the family's presence in the area and their contribution to expanding the church in the 18th century. Interesting to know that they lived at Barn Elms. As these works are to the interior of an ecclesiastical building they would not require consent from the Borough.

4. As will be seen below, Sir Richard Hoare had indirect links to the slave trade. In this context, the Petitioners say:

... in the information about the memorial which we will have available in church and on our website, we will provide this history and fully acknowledge the indirect links to the slave trade. We will explain our commitment as a parish to equality and to responding pro-actively to the issues raised by Black Lives Matter following the death of George Floyd. We have established a sub-group of the PCC to take forward our response, which includes ensuring equal access to all our services

¹ See rule M 29 of the Church Representation Rules. The relevant correspondence was by e mail.

² See rule 4.4 of and Schedule 2 to the Faculty Jurisdiction Rules 2015.

and activities, advice from the diocesan Minority Ethnic Anglican Concerns Committee, and regularly inviting BAME clergy and preachers to preach.

The facts

5. Barnes lies on the Thames, inside the curve which the river makes, first north and then south opposite Hammersmith and is bounded by it on three sides. St Mary's is the historic parish church, having its origins in the early twelfth century. Until 1777 it was a small church, consisting of a single aisle. In that year, a chapel was added on the north side. In 1838 that chapel was taken down and a north aisle added, doubling the size of the church. In 1904 – 7, it was extended northwards again, so that it became a church of three aisles. The extension of course reflected a growth in the population of Barnes, which became at this time a suburb of London. The church was very badly damaged by fire in 1978. The church was skilfully rebuilt to designs of Edward Cullinan and re-hallowed in 1984. The main body of the church has been re-orientated to the north, although the south aisle retains its orientation, and is now called the Langton Chapel³. The Grade II* listing of the church reflects its continuing architectural and historic interest.
6. The manor house of the manor of Barnes was of considerable interest. Given by Elizabeth I to Sir Francis Walsingham, it was acquired by Sir Richard Hoare in 1750 and remained in the Hoare family until 1827, during which time it was substantially rebuilt and extended. In due course it became the home of the Ranelagh Club, a celebrated polo club. The club closed before the Second World War and the house burned down in 1954; the area where it stood is now open space.
7. The chapel dating from 1777 was paid for by the Hoare family and sat above the Hoare vault. Archaeological research carried out after the fire identified the remains of at least 14 burials, many of them infants and children. I think that there was a memorial to those buried in the vault situated in the chapel until the chapel was replaced⁴, when it was moved to the new north aisle. From there it was moved to the south aisle in 1905. A picture of it shows that it took the form of a framed oval surmounted by a putto or putti alongside an urn: a typical eighteenth century monument which, in this case, was not of artistic distinction. The monument was destroyed in the fire save as to two fragments which were remounted elsewhere on the wall. It was not possible to replace the monument with a replica in situ because, rather remarkably, on the wall behind the monument was discovered the remains of a mediaeval wall painting which survived the fire. For whatever reason, immediately after the fire the Hoare family did not pursue a proposal for the replacement of the monument; however they have been seeking to do so since 2013. I think that the matter has progressed slowly since that time as being not intrinsically urgent and to enable different design approaches to be considered.
8. The proposed plaque is of a traditional design and would have the following wording:

IN A FAMILY VAULT NEAR THIS PLACE ARE BURIED 16 MEMBERS OF
The
HOARE FAMILY
of
BARN ELMS
Sir Richard Hoare Bt Died 1787 - aged 52
And his wife Frances Anne died 1800 - aged 64
Also their daughter Henrietta Anne died 1841 - aged 68
And her husband
The Honourable Matthew Fortescue died 1842 - aged 88
Also Maria Died 1845 Aged 81

³ Archbishop Langton is said to have consecrated the church in 1215 on his return from the execution of Magna Carta.

⁴ The Hoare family also paid for the replacement north aisle.

Widow of his son Sir Henry Hugh Hoare Bt
And nine of their children eight of whom died young
Also an unnamed daughter
Also his nephew Henry James died 1778 - aged 10
Son of Henry and Mary Hoare
“FATHER OF THE WRETCHED AND PATRON
OF EVERY UNDERTAKING IN THE PARISH
CALCULATED TO RELIEVE DISTRESS
AND PROMOTE MORALITY”
Gentleman’s Magazine 1788

9. Sir Richard Hoare was a wealthy man who lived in the eighteenth century. Accordingly the question arises as to possible links which he might have had to the slave trade. The position is as follows⁵.
10. Hoare’s Bank was established at the end of the seventeenth century by Richard Hoare (I), who was Lord Mayor of London in 1712⁶. In the same year he became one of the original directors of the South Sea Company, continuing in that role until 1712. He retired in 1715 and died in 1718. As originally conceived, the South Sea Company traded in slaves but this trade ceased in 1718. The Company became a vehicle for a project for taking over the National Debt leading to the famous South Sea Bubble – which famously burst in 1720. Hoare’s Bank bought South Sea stock on its own behalf and on behalf of customers from 1712 but it seems it sold out in time, earning £19,355 from trade in South Sea stock during the period between February to mid-September 1720. This was profit from speculation, not from the slave trade. The relevant partners of the bank at the time were Henry (I) and Benjamin, the sons of Richard (I). In the next generation, the leading partners were Henry (II) and Richard (II), the sons of Henry (I). It was Henry (II) who created Stourhead, which was given to the National Trust by a descendant in 1949. In 1746 Richard (II) became the youngest ever Lord Mayor (aged 36). Richard (II) had two sons, Richard (III) and Henry (III). Richard (III) was born in 1735 and died in 1787, having been made a baronet 1786. It is he who was commemorated in St Mary’s.
11. The Hoares were philanthropists and supporters of the Church of England. In 1725 Henry (I) left £2,000 in his will for distributing Bibles and Prayer Books, a charity which continues to this day. The family has links in fact to Wilberforce: one of Richard’s descendants and a partner in the Bank lived in Clapham in a house which had been William Wilberforce’s and his son (who became a prominent layman in the Church of England) went to school with Samuel Wilberforce. One guesses that he knew and was a supporter of William Wilberforce.
12. It will be seen that there is no known direct link between Richard (III) and the slave trade. The indirect link is that he was the great grandson of Richard (I) who did have strong connections with the slave trade and the grandson of Henry (I) who had made money by the purchase and sale of South Sea stock.

Process

13. The DAC raised with the Petitioners the matter of the link with slavery. Mr Hutchings responded as follows:

⁵ I am grateful to a statement of the position prepared by the Petitioners which I have supplemented by reading *Hoare’s Bank: A Record* (Revised Edition, 1955) by HPR Hoare and *Messrs Hoare, Bankers: A History of the Hoare Banking Dynasty* (2005) by Victoria Hutchings.

⁶ Edward Colston was a customer.

My sense is that this provides an opportunity for public conversation, rather than pretending the connections didn't exist. Those named have their remains in the church, and this memorial in a sense completes the work of restoration after the church was rebuilt in the early 1980s. I think there is a distinction to be had between memorialising those who played a prominent role in slavery, and those as here who did not play an active role but were from families with slaver connections, which all wealthy families of that time had.

14. On this basis and in the light of the Petitioners' proposals set out above to provide context to the memorial the DAC recommended the works to me.
15. I asked for the views of the Diocesan Minority Ethnic Anglican Concerns Committee and also whether that body might identify any other persons or bodies whom they considered might want to express a view on the matter. This request was taken forward by the Venerable Rosemarie Mallett, as she explained:

As the Archdeacon leading on issues of diversity and inclusion in the diocese, I was asked by the DAC to take forward your recommended consultation with the Diocesan MEACC and to consult other specialists who might have input into the issues raised by the above Faculty request.

I consulted by email with the chairs of the three Area MEACs, asking them to raise any issues or points they might have. I also consulted with a historian specialising in black British history. None of the four people contacted raised any substantive issues, although one MEAC chair did indicate that she felt challenged by being asked to comment on the re-erection of a plaque for someone tainted with slavery history.

Additional to my consultations, the national church has issued its Contested Heritage guidance, which has proved extremely helpful.

I have suggested that your approval of the faculty be granted subject to the condition that St Mary's take suitable steps, guided by the Contested Heritage document and the options matrix contained in the document. The document recommends, as does the Southwark Diocese Anti-Racism Charter, that the church includes in its information about the contested heritage of the plaque in its missional, pastoral, and liturgical activities which will provide a balanced view and widen community and church understanding. This would also include re-writing any church promotional material and adding a section to their website and putting up a board with the relevant information about the contested history of the plaque.

16. I am grateful for the Archdeacon for undertaking this consultation.
17. It will be seen that no-one has objected to the proposals. However, despite this, my sense is that it is likely that there may be those who, if they were aware of the proposals, might object; or at least, might feel that they were not appropriate. There is certainly very great public interest in contested heritage issues at the moment; further, they are matters of great sensitivity. In these circumstances I have carefully considered whether it was appropriate that I should hold a hearing. On balance I have decided not to do so. Although if (as I would hope would be possible) *pro bono* assistance might be available, the costs might not be great, I do not feel that ultimately I am likely to be greatly assisted. I think that in this judgment I shall be able to articulate clearly and fully the arguments against permitting the monument and those who read the judgment will appreciate the reasons that have led me to my conclusions in respect of those arguments. They may not agree with my judgment, of course, but I hope that they will not feel that I have dealt inadequately with the issues.

Consideration

18. I think that a consideration of this issue should begin from the proposition that slavery is, and has always been, abhorrent. However it was embedded in the British economy in the eighteenth century. Given this, it is not surprising to find connections between prominent figures in English society and slavery. Thus, for example, although investigation of John Julius Angerstein has failed to identify any direct links with slavery, his second wife inherited a life interest in property in St Kitts and, as someone who made a fortune in marine insurance, he presumably insured slave ships⁷. The Government acquired from his estate his collection of paintings, which then formed the nucleus of the National Gallery. This background is something of which the Trustees of the Gallery may consider that visitors are appropriately to be reminded⁸.
19. Just as secular bodies have been investigating links with slavery, the Church of England is doing so. The context for this is now provided by guidance issued by the Church Buildings Council and the Cathedrals Fabric Commission for England. It seems to me that if the memorial to Sir Richard Hoare had survived the fire, the Rector, churchwardens and PCC might have considered it appropriate for interpretative material to be provided within the church explaining his links to the slave trade. It would have been important to note that there is no evidence to suggest that Sir Richard approved of the slave trade and it is entirely possible that he was an opponent of it; by the time of his death many people were. It seems to me that, had the memorial survived, no-one would have suggested that it was appropriate that it should be removed.
20. This might suggest that a petition to erect a new memorial to Sir Richard within the church should be treated in a similar way – namely, that it was appropriate that it should be installed but that interpretative material should be made available about it.
21. I do not think that it is quite that simple. A memorial erected in or about 1785 reflects the views and attitudes of the eighteenth century; a memorial erected in 2021, those of the twenty-first century. It seems to me that it may be argued by some that erecting a memorial in 2021 to an eighteenth century figure who had links to slavery inadequately reflects the abhorrence that we feel about slavery.
22. Further, contested heritage is about concern for the potentially negative impact upon the feelings of people who see and consider a particular monument; and the negative impact that has on the ability of the Church to proclaim the gospel.
23. The simple way of avoiding all misunderstanding and causing any negative impact is not to permit the erection of the memorial. It was apparent to me at the outset of my consideration of this matter – before, of course, I had reached a concluded view - that it might be appropriate for the faculty to be refused on this basis. Since there were no objections to the grant of a faculty and, in particular, no-one had taken this point, I considered it important that it should be raised with the Petitioners and the Hoare family.
24. The response of the Petitioners was as follows:

... we at St Mary's have no evidence that this memorial is contested heritage locally, in the light of our consultations.

For avoidance of doubt we would add that our desire to have educational activity and signage about anti-racism and the general issues of slavery is not a sign of defensiveness but a positive opportunity to be welcoming and inclusive as a church.

⁷ See the entry for John Julius Angerstein in the *Dictionary of National Biography*.

⁸ See *The Times* 9 November 2021.

25. On behalf of the family, in a letter dated 13 October 2021 Alexander S Hoare has reminded me that family members living in Barnes were active in benefactors of St Mary's and the local community and that the wider Hoare family have provided sustained support for the Church of England in the form of ministry, money and their time over more than three centuries.

26. Mr Hoare's letter continues:

One of the roles of churches and graveyards is to provide a place for families to keep alive the memories of their forbears. As a result, it is often only in the parish church that a continuous history of the locality can be found.

The key point is that families can reasonably expect to find traces of their ancestors in the churches in which they are buried and visitors and parishioners can reasonably expect to find within a church information about its history.

If an application to replace a lost monument is refused, the Chancellor would be obliterating both a family memorial and a facet of local history and thus denying the family, parishioners and others who are entitled to know about it the chance to do so.

... if the Church of England's policy is to refuse applications such as this, it would be logical for it also to demand the destruction of all gravestones and monuments throughout Britain of persons possessing at least one ancestor having a connection, however tenuous, with slavery. This in turn would require the Church to set up procedures to evaluate such connections and to establish accurate genealogical tables of all who are buried within its precincts.

Such a project is totally unrealistic and were it realistic, would grant the Church of England powers of inquisition that are in no way justified.

27. As regards the parish's response, it seems to me unrealistic to take the view that the re-erection of the monument does not raise a contested history issue. There clearly is a link between Sir Richard Hoare and slavery and it is necessary to consider it.

28. It seems to me that, in his letter, Mr Hoare well articulates arguments in favour of permitting the memorial. If it were not for the contested history issue, it seems to me that it would clearly be appropriate to permit the erection of the memorial as adding to the historical interest of the church. What Mr Hoare emphasises is the importance of the matter to his family who naturally wish their forbears to be commemorated.

29. However it does seem to me that his letter inadequately recognises the difference between erecting a new memorial and removing an existing one. It may be urged that logic might demand the removal of all existing monuments with a connection, however tenuous, with slavery but I consider that a distinction between existing monuments and ones not yet erected is a clear one; and clearly factors obtain in relation to the removal of existing monuments that do not in relation to ones not erected. Apart from anything else, had the monument to Sir Richard Hoare not been destroyed in the fire of 1978, it would have continued to form an historic part of Grade II* listed building and it would have been necessary to consider any proposal to remove it in that context.

30. I turn then to consider the balance between the factors sounding in favour of granting a faculty and those sounding against so doing in the context that I am considering a proposal to erect a new memorial.

31. I think that the argument that the erection of the memorial will add historical interest to the church does have weight. I think however greater weight attaches to the fact that it is a memorial to people whose

remains are buried in the church and who until 1978 were commemorated within the church; and whose family wishes still to commemorate them⁹.

32. Against this is the possibility of a negative impact flowing from permission. I do not think that anyone could think that by such a permission the Church was in any way endorsing slavery. However in the context of the current discussions about contested history I can see that it may be argued that in order to mark its abhorrence of slavery, the Church should not permit the erection of a monument to person who had indirect links to it; and that, on this basis, the Church may be criticised if it does not do so. Moreover there may be those who misinterpret the grant of permission. As I have noted, the possibility of any criticism or misunderstanding along the lines that I have articulated will not arise if the erection of the monument is not permitted.
33. The absence of objection does indicate that the risk of misinterpretation and misunderstanding is limited but in these somewhat febrile times it is difficult to know in advance what the reaction to permission will be.
34. In the end what has weighed with me is the fact that I think that it is reasonable for the Hoare family to want to mark the fact that the remains of 16 members of their family are buried in the church and that it would be harsh to deny them this memorial by reference to the objections which I have identified. I think most people would recognise the reasonableness of what the Hoare family wish to do. It is appropriate to emphasise in this context that any connection between Sir Richard Hoare and slavery is indirect. Some may perhaps consider that the wish of the family should not be fulfilled but I would hope that most people, having read this judgment and considered the arguments would agree with it. On this basis the scope for misinterpretation and misunderstanding will be limited; and I agree with the Petitioners that an opportunity will arise for positive engagement with the issues arising in respect of contested history.

Outcome

35. Accordingly, I direct that a faculty should issue. The Petitioners should make appropriate interpretative material available. I shall not seek to dictate what form this should take but it does occur that the provision of an app within the church might assist. If a copy of this judgment could be made available as part of any electronic “offer” I think that this, too, would be helpful. The work is to be completed to the reasonable satisfaction of the Church’s Inspecting Surveyor.

PHILIP PETCHEY

Chancellor

22 November 2021

⁹ I think that Article 8 of the European Convention on Human Rights is engaged. Of course the right is not an absolute one and might have to yield to other material considerations.