

*Judgment of the Lords of the Judicial Committee
of the Privy Council on the Appeal of
Keet v. Smith and others from the Arches
Court of Canterbury; delivered 21st January
1876.*

Present :

THE LORD CHANCELLOR.

LORD HATHERLEY.

LORD PENZANCE.

THE LORD CHIEF BARON.

LORD JUSTICE JAMES.

SIR BARNES PEACOCK.

SIR JAMES HANNEN.

IN this case the Appellant is a Wesleyan minister, residing at Owston Ferry, in the county of Lincoln; and being a parishioner in that parish, and having had the misfortune to lose an infant daughter in the year 1874, who was buried in Owston Ferry churchyard, he was desirous of erecting over her tomb a tombstone in a form a facsimile of which is given in page 6 of the appendix in the case. The Rev. Geo. Edward Smith is the vicar and incumbent of Owston Ferry. How far Mr. Smith might have objected to any tombstone being erected, or how far he might have objected to the tombstone in question being erected, upon the ground that in size or composition it was unsuitable for the place where it was proposed to be erected, it is unnecessary for their Lordships to consider, because no objection upon any of those grounds has been made by the vicar. In fact, in point of form no objection has been made by the vicar at all, because he has not communicated any objection in writing to the Appellant, nor has he appeared

at any of the stages of the case in the Court below, nor has he appeared before their Lordships upon the present occasion. The only notification we have of his mind or feeling on the subject is derived in this way. It is stated in the petition that the Appellant was informed by a stonemason that the vicar objected to the erection of the tombstone, and thereupon the Appellant wrote to the vicar a letter, dated the 2nd June 1874 in these words:—"Sir, The enclosed is a copy of the inscription we gave to Mr. Barningham"—he being the stonemason—"to be placed on the stone denoting where the remains of my dear child lie. I have been informed by him that you have an objection to it. Will you therefore please write me on the subject at your earliest convenience." To that letter the vicar sent no reply, and on the 8th of June the Appellant addressed to him another letter in these words:—"Sir, Having heard from Mr. Barningham that you object to the words 'Rev.' and 'Wesleyan minister' being inserted, and as I find similar expressions on tombstones in Epworth churchyard, will you kindly give me the reasons of your objection. It will be a great disappointment not to be able to have a stone. May I beg the courtesy of a reply per bearer." It is stated and not controverted that to this letter the Appellant received only a verbal reply through a servant to the following effect:—"Tell Mr. Keet that I saw Mr. Barningham last week, and that I have no more to say." Under these circumstances, their Lordships are obliged to assume that the vicar has no objection in the abstract to the erection of a tombstone; that he has no objection to the particular tombstone, as to its size or composition; and that his only objection is that which appears to have been stated

in conversation to Barningham, that the inscription contains the words "Rev^d," with "Wesleyan minister." The inscription is in this form:—"In Loving Memory of Annie " Augusta Keet, the younger daughter of The " Rev^d H. Keet, Wesleyan Minister, who " died at Ouston Ferry, May 11th, 1874, " aged 7 years and 9 months." And then there is added, "Safe sheltered from the storms of life." Their Lordships, therefore, have to consider, in their opinion, this, and this only, whether the presence of the words "The Rev^d" before "H. Keet, Wesleyan Minister," is a sufficient justification for refusing to allow this tombstone to be erected; and whether, therefore, a faculty should not issue authorising the erection of the tombstone. This appears to have been, in the minds of both the learned judges who have dealt with this case before, the question and the only question which they had to decide.

Now, it appears to their Lordships to have been considered in the Court below that the words "The Reverend" or the word "Reverend" prefixed to a proper name was to be treated in some manner as a title,—a title of honour or of dignity; and that titles being, as we all know, matters of right, and, as it were, of property, no person who could not show a particular legal right to use this word "Reverend" as a title of honour or of dignity could be permitted on any public occasion to make use of it; and further, it appears to have been the opinion of the learned Judges that the clergy of the Established Church in this country possessing episcopal ordination had, as holding orders, a right and an exclusive right,—exclusive, if not shared by the clergy of the Church of Rome, but in other senses exclusive,—to use that title "Reverend." In the opinion of their Lordships, the word "Reverend" is not a title of honour

or of dignity. It is an epithet, an adjective used as a laudatory or complimentary epithet, a mark of respect and of reverence, as the name imports, but nothing more. It has been used for a considerable length of time, not by any means for a very great length of time, by the clergy of the Church of England; for the time has been when that title was not commonly borne by them. It has been used in ancient times by persons who were not clergymen at all. It has been used for a considerable time, and it is used at the present day, in common parlance and in social intercourse, by ministers of denominations separate from the Church of England, by ministers of the Wesleyan Church, by ministers of bodies holding a congregational form of government, and by Presbyterian ministers. It is a title which in ordinary life is conceded to them, and which, as among each other, they use. Under those circumstances, it appears to their Lordships impossible to treat this word as a title of honour exclusively possessed by the clergy of the Church of England, so that a minister of another denomination claiming to place it upon a public inscription should be refused permission so to do. To this it may be added, that if ever there were a case in which no possible misapprehension could arise even in the minds of those, if those there be, who think that the Church of England alone should possess the title, it is this case; because upon the face of this inscription there is not merely the use of the word "Reverend," but there is appended to the name "The Reverend H. Keet" the words "Wesleyan Minister." Therefore, the inscription in substance states that although the person placing it there uses as a prefix the term "Reverend," he does not thereby claim to be a person in holy orders, but

claims to be, and to be nothing more than, what in fact he is, a minister of the Wesleyan body. Their Lordships, therefore, dealing with this, which is the only objection made to the erection of this tombstone, are compelled to say, and they say without any hesitation, that in their judgment it does not afford a sufficient reason for refusing to allow the erection of the tombstone. They are therefore of opinion that a faculty should issue for this purpose; and they will humbly report to Her Majesty that the suit be remitted to the Arches Court in order to give effect to this recommendation.

