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THE PROPOSED PEAL OF BELLS FOR ST. PETER'S BROCKLEY.

CONSISTORY COURT OF ROCHESTER.

(BEFORE THE CHANCELLOR OF THE DIOCESE OF ROCHESTER). ST. PETER, DEPTFORD.

On Saturday, Mr. Chancellor Dibdin, presided over a Consistory Court for the Diocese of Rochester, in the St. Mary's Chapel of St. Saviour's, Southwark. The principal case before the court was an application on the part of the vicar and wardens of St. Peter's, Brockley, for a faculty to enable them to erect a tower and to furnish it with a peal of bells and a chiming clock; the application being opposed by several residents in the district.

Mr. H, C, Richards, instructed by Messrs. Brooks, Jenkins, and Co., appeared for the applicants, the Rev. C. H. Grundy, vicar of St. Peter's, Brockley, and his churchwardens, Mr. Edward Lloyd Edwards and Colonel Blair Abbots.

Mr. F. H. Jeune, W. C. and Mr. Errington, instructed by Mr. M. Foy, appeared for the opponents Messrs. John Crow, G. T. Curtis, R. Trickett, Daniel Finch Brown, Thomas Henry Worringham, and William Alexander Adam, representing the parishioners, who alleged (1) that the provision of a peal of bells was not in accordance with the wishes of the majority of the parishioners; (2) that the vestry meeting at which it was decided to erect the tower and place a peal of bells in it was not properly convened; (3) that the bells would be a nuisance and disturb the parishioners; and (4) that if the bells were put up they would depreciate that value of property in the parish.

Mr. Richards, in opening the case on behalf of the incumbent and churchwardens, said he had to ask the Chancellor to grant a faculty for the erection of a tower, to include a space for bells, also for the bells and for a chiming clock. Mr. Richards stated that the parish of St. Peter, Deptford, was created in 1867, and the church was built in the same year. The Easter Vestry was held on April 8th last. Prior to that the vicar, Mr. Grundy, had received an offer from a parishioner to give £500 towards to cost of erecting the tower with bells. At the Easter Vestry the subject of the bells was discussed and the completion of the church was decided on. A committee of 57 was formed. Subsequently, a second offer of £500 for the bells and another of £300 for the clock were received. On the 22nd of May a special vestry meeting was held. The vicar had stated at the discussion which took place on the question then that it was his intention that the bells should be rung twice on Sunday half an hour before service, and for weddings when required, and once a week for practice, which would be held on Saturday afternoon so far as he could arrange. If there were parishioners who were ill,

he (the vicar) would be only too pleased if called upon to stop the bells if they were in any way a nuisance. Medical men would tell them that bells, so far from being a nuisance, if properly rung were one of the most softening things to an invalid that could be imagined, and far less likely to grate on the feelings than the miserable jangling which one was compelled to listened to in modern churches. A resolution in favour of the bells was carried at the vestry meeting by 84 to 22 votes. What he thought was the most important portion of that question was that at the meeting, and after the resolution was carried, the vicar offered a poll of the parish, which was not demanded. Accordingly, in June the present petition was presented for a faculty for the erection of the tower, including the bells and chiming clock. It was stated that the proposed peal of bells would weigh 77 cwt., to make them soft in tone, and that they would be hung at a height of 70ft. from the ground. There would be eight bells in the proposed peal, and their tone would be E natural. Within a few hundred yards of St. Peter's there was a fine peal of bells at St. John's, and close by was a Nonconformist place of worship where the bell was tolled before the hours of service. It seemed rather late in the day to come there and oppose that faculty being granted, and he was surprised that people should be found in the present day who would oppose a church being completed and furnished with the necessary requirements of a modern church; if not a necessity, certainly with what added to the value of a church and contributed to the beauty of the sanctuaries, which are the pride and ornament of our land. He was informed that the vicar of Lewisham was present, who had a fine peal of bells in his church, and had never heard of a single complaint being made concerning them.

The Chancellor said that so far as he could see there was no opposition to the tower, so that the only question at issue was the erection of the bells.

The learned counsel agreed that that was so.

Canon the Hon. A. Legge, vicar of Lewisham, said he had been vicar of St. Mary's, which had a beautiful peal of bells, for eleven years.

Mr. Richards asked Canon Legge if he had ever heard any complaints of the bells during that time, but Mr. Jeune objected to the question, and the Chancellor ruled that the evidence was not admissible.

The Rev. C. H. Grundy was then called, and stated that he had been vicar of St. Peter's, Brockley, since 15th May, 1887, when he succeeded Bishop Titcombe. The parish was created about 1867, and the church was built in that year. He produced the original plan for the church; also the last full Vestry book, which ran from 1881. The last Easter Vestry was on Tuesday, 8th April. It was convened in the usual way; that was to say, a general notice was signed and appended to the west entrance of the church, and he also announced the Vestry meeting twice on Sunday during divine service. He had mentioned the bells in church so far back as 11th February; and he received and offer

from a parishioner of £500 towards the tower and bells. At the Easter Vestry the subject of the bells was discussed and the phrase "completion of the church" was decided upon. Mr. Kemp, the Vestry Clerk, wrote the minutes produced. Of the 57 gentlemen appointed on the committee all were residents in the parish, except 13 who were seatholders. The committee held three meetings. After the Easter Vestry meeting he received another offer of £500 towards the tower and bells, and £300 from Dr. Mitchell towards the clock. After consulting with the churchwardens he convened a special Vestry meeting on the 17th May. The meeting was duly announced, and during Divine Service he mentioned the necessity of publicly thanking the donors of the bells. He did that from the reading desk before the hymn before the sermon. He said that he was sure that the people in the church would join with him in thankfully acknowledging the offer of a second £500 for the bells. He specially mentioned the bells, and read the different letters in each case from the two donors. On the 22nd of May a second Vestry meeting was held in the St. Peter's Hall, and he took the chair. He stated the object of the meeting, and said that in addition to the £500 promised at the Easter Vestry another £500 had been promised, and also £300 towards the clock. About 110 people were present at the meeting (the minutes of which were then read).He mentioned a poll in his opening speech, and at the end he again offered them a poll, but it was not demanded. This was not mentioned in the minutes, which were always given in the barest possible form. He did not feel inclined to renew his offer as to the times at which only the bells should be rung after the manner in which had been treated. He would be as conciliatory as he could if he got the bells. He would take the decision of the chancellor on the point as to how frequently the bells should be rung. He had now got promised a sufficient sum of money within £800 to do what they wanted to do. In the early part of June he presented a petition for the granting of a faculty. He did not think the bells would depreciate the value of the property in the neighbourhood in any way. He had lately purchased a house close to the church. The bells would be hung 70 feet from the ground. Mr Crow's house was ten feet lower down the hill. Mr. Tarleton was the ground landlord of most of the preoperty in the parish. There would be eight bells in the peal. His church was six minutes' walk from St. John's Church. He had never heard any complaint made by his parishioners of the bells at St. John's until that agitation. Mr. Crow was a seatholder and a parishioner. The height of the bells would in no way interfere with Mr. Crow's hearing. Mr. Curtis's house, like Mr. Crow's, was build after the church, but before the tower was proposed. Mr. Trickett was also a parishioner, but not a seatholder. Mr. D. F. Brown was a parishioner, but not a seat-holder. Mr Worringham was a parishioner and a Noncomformist (sic). Of the six appoinents one was a non-communicant, one was a seat-holder, but seldom attended, and the others were Noncomformists (sic).

Cross-examined by Mr. Jeune, Q.C.-The bells were not yet ordered. They were to be 77cwt. to make them of a soft tone. He did not know the weight of St. John's bells. At the

Vestry meeting in May 22nd the recommendations of the bell committee were to be confirmed. The recommendations were in writing in the committee minute book. Seatholders were present at the meeting. He could not sear that no lodgers were present, but he was pretty sure. He did say at the meeting that those who were entitled to vote were seatholders or those "who poked their own fires." He meant by that that lodgers had a right to vote. There was no challenge to that statement. A discussion arose as to the bells. He said that it wuld take 18 months before the bells could be rung, and that would give time for any to leave the parish if they wished to "skiddaddle." If people left the parish on account f the bells he should not regard their going with equanimity. He had not canvassed the district except by letter asking the people's opinion, and that was not until long after the agitation by a gentleman with a black bag who called at the houses. Mr. Lloyd Edwards was his churchwarden. The opinion of the people in the district was obtained by means of Mr. Lloyd Edward's letter (which was then read). He (the vicar) moved to his present house because the lease was up at his former residence. He was now about 100 yards from the church.

Re-examined by Mr. Richards - Sir Arthur Blomfield's plan showed the altitude of the bells and tower, and was put before the Vestry and committee. His remark about "skiddaddling" was made jocularly, and they were all in a good temper. It was not a stormy meeting. He did not cancas the parish until he found a gentleman was going round against the proposal, and he wished to counteract the house to house canvas.

By the Chancellor - If the bells were refused Mr. Fry's offer would still hold good, but he was not sure if they would lose the other offer or not.

The Chancellor - Do you adhere to what you said about ringing the bells at the Vestry meeting? You made a voluntary statement then. Do you regard it now as binding on you as at the Vestry meeting? - Quite. My desire is to conciliate.

Mr. A. Lloyd Edwards, of 95, Breakspears-road, Brockley, said he was a surveyor holding a professional appointment under the Crown. He was vicar's warden of the parish and one of the petitioners for the faculty. He had resided in the district about 12 years, and had been a regular attendant at St. Peter's Church. It had always been the custom for the Easter Vestries to be attended, not only by the residents, but by those attending the church. He had some conversation with the vicar about the offer for the erection of the bells, and the matter was brought before the Vestry, and detailed in the minutes. He saw the notice placed on the west door of the church, and heard it announced during the services on Sunday. He was present at the Vestry meeting, and proposed a resolution which Mr. Marchant seconded. Mr. Marchant was a resident in the parish, but did not attend the church. The resolution, which was to thank the donors, was carried without opposition. A committee was appointed to consider what steps should be taken. He attended all those committee meetings, and at one of them a discussion arose about the bells. He was present at the second Vestry meeting on 22nd May, and saw a show of

hands taken and heard an offer of a poll, but it was not accepted. He had taken pains, by letter and by personal canvas, to ascertain the opinion of the residents for three-eighths of a mile between the two churches. St. Peter's church stood on the highest point of land in the parish. The belfry, as proposed, would be considerably above the level of all the houses. The bells should have a tone of E natural. He did not think the value of the property in the parish would be depreciated by the bells. The bells in St. John's church had been there ten or twelve years. The property in that parish had not depreciated during that time. He considered that the completion of St Peter's Church as proposed would be an architectural addition to the neighbourhood.

Cross-examined by Mr. Jeune: He had a letter approving of the bells from everyone of the people named in the list produced. Each of them occupied a house in the parish. He had never heard a professional man express the opinion that bells depreciated the value of property. He had not known of property depreciated in that way.

Colonel Blair Abbott, of 92 Breakspears-road, Brockley, said he was the people's warden for St. Peter's, and was elected in 1888-90. He had resided for four and a half years in his house, which was about 240 yards from the church. He confirmed the evidence of the vicar and churchwarden as to what took place at the Vestry meetings. He took great interest in the bells, which would not be an annoyance to him or to his co-parishioners.

Mr. Alfred Silver Lawson, bellfounder, of 267, Whitechapel-road, said he had a letter about the bells from a gentleman in May last, then a communication from Sir Arthur Blomfield, and a letter from Mr. L. Edwards, asking certain questions, which he answered. The proposed bells would be 77cwt., in the pitch of E natural. The larger the bells are the softer is the sound. The largest bell in that church (St. Saviour's) was 52cwt., and was about three times the weight of the proposed tenor bell at St. Peter's, which would be about 18cwt., and the others would ary down to 5 or 6 cwt.

By the Chancellor - The only object of a heavier weight was to get a pleasanter tone, the larger bells being more pleasant to hear than the shrill ones. The bell at Lincoln Cathedral could be heard for 14 miles. The larger the bell the farther it could be heard. The weights of the proposed peal would be 18, 13¼, 10½, 9½, 7¾, 6¾, 6 and 5½ cwt. His firm had put up bells in Lee, Lewisham, Greenwich, Woolwich, and Deptford.

Mr William Kemp, of 45, Breakspears-road, Brockley, testified to having made the minutes produced. He heard the vicar make an offer of a poll at the Vestry meeting, but it was not accepted.

Mr. Thomas Henry Fry, of 57, Wickham-road, Brockley. said he was a ratepayer and parishioner of St. Peter's, and owned property in the parish. He occupied a detached house about 100 yards from the church. He had no objection to the bells, and had made an offer of £500 towards the fund.

Cross-examined by Mr Jeune - He was a changeringer himself. Bell ringing was a capital exercise, but it required a good deal of practice to do it well. They learnt to rings (sic) the bells with the clappers tied, so that there would be no noise.

Mr. Jeune, Q.C., addressed the court on behalf of the opponents of the petition. He said that what they had to consider substantially was what were the feelings of the persons most interested. When a thing of that sort was introduced for the first time they should have a really substantial feeling in its favour. He did not mean that a dozen or 20 people should have weight against a substantial majority, but if there were about half and half, then he considered that the half who objected ought to have weight over those in favour the proposal, as it was a matter of luxury. He ventured to this that the Vestry had very little to do with that matter indeed. People had mistaken ideas as to the functions and power of a Vestry in matters connected with the Church. In some matters their opinion was, he might say, almost supreme - as to the internal arrangement and seating of the church, and to some extent even with regard to the conduct of the worship. If not supreme, their opinion ought to have great weight. But that was not a question of that kind at all. It was a question of the effect produced by the bells on the persons living in the parish, especially those living near the church. The Vestry under question was convened by a notice, which was in a sense almost misleading. It referred to the recommendations of the committee for completing the church, and it was very far from giving a specific notice as to the bells or a clock. So it took away from the weight of the opinion expressed by the Vestry. If they had wished to make it a test question it should have been specifically so stated on the notice of the meeting. He would be able to show the court that within a radius of 220 yards round the church there were 267 houses, 19 of which were uninhabited, leaving 248. Of that number he could show that 131 were opposed to the bells. He thought it could be said, in fact, that only 27 within that area were in favour of them. Of the 90 remaining 37 were neutral and 53 were unable to be got at. He therefore gave them 131 out of 248 against the proposal. Of the owners, 141 people who were long leaseholders, were against the proposal. He gave them as a total 821 houses; 234 people who were occupiers were against the proposal; 226 were neutral; 170 were in favour of this scheme; 150 people's opinion could not be ascertained, making up 780, and 41 houses were empty. Of the owners of the 831houses, 232 were against, 86 were neutral, and 583 were unknown. He thought the Chancellor ought to be additionally cautious in granting the faculty, as when once granted the people would be unable to get the relief that they could get if it were a dissenting chapel. This was not a matter of necessity or of spiritual welfare. Mr. Jeune quoted the cases of "Soltan v De Held" (1 and 2 Simons), "The Vicar and Churchwardens of Tottenham v Venn" (4 Admiralty and Ecclesiastical Reports), and other cases in the course of this argument, and submitted that there was a majority of owners and occupiers in the parish against the bells, and that consequently the bells ought not to be allowed.

Mr. G. T. Curtis, of 61, Breakspears-road, Brockley, owner and occupier of the house, said that he objected to the peal of bells, and thought they would injure the value of his house. He would not have built his house there if the bells had been put up first. He thought he would have increased difficulty in letting his house if the bells were erected. They would be a great annoyance to his wife, who was nervous in consequence of an accident some time ago. He proved the signatures of nine occupiers who signed the protest.

By Mr. Richards - He was not sure who was responsible for the wording of the memorial which was handed to him by Mr. Crow. A good many people in the neighbourhood had told him of St. John's bells being a nuisance. He had not asked people to sign as a personal favour to himself, or suggest that the bells might be rung at other times than for service. he had been a seat-holder at St. Peter's for many years, but was not attending the church.

Mr. John Crow, of 54, Wickham-road, Brockley, said that his house was at present worth £100 per annum. He thought that the putting up of a peal of bells in St. Peter's would be objectionable, and lessen the value of the property. It was his object in going to his house to have as quiet a place as he could, and he built the house himself when it was surrounded by fields. He had witnessed thrity-four of the signatures on the protest.

By Mr. Richards - The church was already built when he came there. The London, Chatham, and Dover Railway ran within a stone's throw of his garden. He could stand noise for the convenience of the public, but not for a fad of a few people around him. He considered that if a person took his house from him he would be as much frightened by the bells as by the railway. He did not think that people would be more frightened by the shrieking of the whistle and noise of the engine than by the peal of bells. He did not mind a quiet peal of bells for Divine Service.

Mr. Richards - You would not object to a peal of bells if they were only used on Sundays and on the great festivals? - I did not say that.

Well, you would include Christmas Day and Ascension Day, would you not? - How often does Ascension Day come? (laughter)

I see you are a seat-holder in the church, Mr. Crow, but I am sorrt that your knowledge in church matters is limited.

Mr. W.A. Adam, of 37, Wickham-road, said that his house was 40 yards from the church. He thought that a peal of bells would be a very great annoyance to himself and family, and he had a great objection to them.

By Mr. Richards - He had lived there 16 years. He objected to peals altogether. He was very musical, and had never heard eight bells in tune in his life.

Mr. Sumner, of 34, Lucas-street, Deptford, said that he was instructed by Mr. Foy to canvas the district, and to get the opinion of the ratepayers. He produced the book containing a large number of signatures. They were chiefly outside the 220 yards radius.

By Mr. Richards - He had had no experience before of petitions against faculties. He did not tell the people that if Mr. Gruny left there would probably be a Ritualist, and the bells would be ringing all day. He mentioned the fact that if Mr. Grundy left there would be no security at all. He told this to a few but could not say how many. He did not remember saying a word about Ritualist. He did not tell them that the patronage of the church was with the Bishop of the Diocese. He did not take it on himself to say that Ritualist might come after Mr. Grundy. He was instructed by Mr. Foy to put the matter fairly to the parishioners. His duty was to state that Mr. Grundy might go away, and a Ritualist minister or someone else might come, who might ring the bells whenever his chose.

Mr. Richards - Did Mr Foy tell you to say that - Mr. Foy. wished me to state that it was possible that a Ritualist or any other minister might come.

Mr. Jeune then addressed the Court, and contended that no modified terms could be imposed as to ringing the bells if they were once put up.

Mr. Richard followed. He said that if there had been sufficient money when the church was built to put in the tower and bells their opponents would have had no locus stani whatever. That was the first time in an Ecclesiastical Court that people had objected to a peal of bells, although there had been outbreaks from time to time in the public Press against single bells. His learned friend had asked them to take the opinion of the people within a radius of 220 yards from the church, and to select one particular area round the church, and to say that the 131 occupiers of 218 houses were to be considered far and above the 821 houses which formed the parish. He contended that they were not entitled to any more or less consideration than those parishioners who were either neutral or could not be got at. They could see that Mr. Summer was a professional canvasser. He (Mr. Sumner) had fenced for a long time with the question as to whther he had be instructed to bring in the ritualistic argument to frighten the householders. Mr. Sumner would have got at everyone he could have got at; therefore those he did get at might be regarded as all the persons not supporting the scheme. He (Mr. Richards) ventured to say that the opinions of the owners was not entitled to be considered in that court. The owners had no right there at all. If the faculty were asked for the provision of a mortuary, the owners might have a locus standi. He submitted that in an Ecclesiastical Court the owner had no right. His learned friend had suggested that the owners had a right to be there because they considered that a peal of bells would depreciate their property. A peal of bells was a recognised legal appendage to the parish church, and therefore was no more a nuisance than the erection of a church with a tower or external decoration of which the house owners might disapprove. The bells were distinctly part and parcel of the appendage to a church. They had a practically united congregation,

and although they had not as much right to be considered as the bult of the parishioners, yet the names he had put in were those of boa fide residents in St. Peter's parish; so that all those who had not signed the protest might be considered in favour of the faculty. His learned friend had produced 234, all told, against the application. On his (Mr. Richard's side) they had 84 in favour at the Vestry, and 170 without canvassing. The learned Chancellor was asked to make law. His learned friend had been unable to show a single case of opposition to the bells. He (Mr. Richards) hoped that an Ecclesiastical Court would not make a precedent against what had been hitherto considered as an adjunct to a church for calling people together for divine service.

Mr. Chancellor Dibdin said he would consider the matter.