

**Zeitschrift:** The Swiss observer : the journal of the Federation of Swiss Societies in the UK

**Herausgeber:** Federation of Swiss Societies in the United Kingdom

**Band:** - (1923)

**Heft:** 100

**Rubrik:** Nouvelle Contribution à l'histoire des origines de l'eglise suisse de londres

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# The Swiss Observer

Telephone : CITY 4603.

Published every Friday at 21, GARLICK HILL, LONDON, E.C.4.

Telegrams : FREPRINCO, LONDON.

No. 100

LONDON, MAY 5, 1923.

PRICE 3d.

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## HOME NEWS

Naturalisations in Switzerland during the past year show an appreciable decrease, the number being 1,918, against 3,173 in 1921. Of these new citizens, 1,079 originated from Germany.

The Federal Council intends to acquire, at a cost of Frs. 155,000, an aviation camp at Bellinzona (Prato-Lorenzo).

A novel point was decided last week by the Federal Tribunal. A family whose character and behaviour had become objectionable in a certain community, being on this account unable to secure housing accommodation, was lodged at the expense of the local authorities, which latter were anxious to expel the undesirables and send them back to their canton of origin. The Tribunal held that the reasons were not sufficiently strong to justify an expulsion.

The cantonal accounts of Lucerne for the year 1922 show a deficit of Frs. 328,034 only, over two million francs having been anticipated in the budget.

After a heated election campaign, the bourgeois parties reconquered, last Saturday and Sunday, the majority in the Grosse Rat of Basle-City. Though small, the majority is about the same as the Socialists commanded during the previous three years. In the elections for the Regierungsrat, the leader of the extreme Left, the Communist Schneider, lost his seat, he being at the bottom of the poll.

The Socialist party of Solothurn proposes a revision of the cantonal constitution, for the purpose of introducing the principle of proportional representation in future elections.

The bi-centenary of the execution of Major Davel was celebrated on Tuesday, the 24th April, by impressive ceremonies all over the canton Vaud.

Part of the military barracks in the Schachen (Aarau), temporarily used for the storage of tobacco and other goods, were destroyed by fire on April 25th, the damage being in the neighbourhood of a quarter of a million francs.

A serious motor accident, followed by abominable behaviour on the part of the driver, occurred last Saturday evening in Meilen (Zurich). Having taken possession of an automobile belonging to his commanding officer, a soldier set out for a drive on his own at a furious speed and ran down a pedestrian; the latter got jammed in between the radiator and one of the mudguards, and in this position was carried for another mile through the village of Meilen. Outside the latter place the soldier stopped for a minute, disentangled the body, threw it into an adjoining ditch and continued his joy ride.

Owing to the glaring lights of an approaching car dazzling the sight of the driver of another car, the latter collided with a signal post and was precipitated over the bank of the road near Feldbrunnen (Solothurn). Of the four occupants, one, Gottlieb Ledermann, has already succumbed to his injuries, whilst another, a master baker named Howald, of Derendingen, is not expected to recover.

The "Fête des Narcisses" at Montreux has been fixed for June 2nd and 3rd; a Russian ballet will take part in the festivities.

## FINANCIAL AND COMMERCIAL NEWS FROM SWITZERLAND.

The subscriptions to the new Federal Railways loan are reported to have been satisfactory and to have contained a large proportion of applications for small or moderate amounts from private investors, rather than large subscriptions emanating from the financial houses.

The Industriegesellschaft für Schappe in Basle shows a net profit of Frs. 3,917,711 for the year 1922. After addition of the carry forward from

the preceding year, the total sum available was Frs. 4,058,781, which is a very satisfactory improvement as compared with the total of Frs. 2,451,904 available at the close of 1921. A dividend of 15% is to be paid on the capital of Frs. 18,000,000 (8% was paid last year).

The Swiss Coal Mining Company, which was founded towards the end of the war to work the coal deposits in the Northern Jura, is now to be liquidated.

The "Berna" motor works in Olten, well known for their cars and lorries, closed the year 1922 with a loss of Frs. 95,438. This compares with a deficit of Frs. 124,439 on the working of the year 1921.

The Motor A.G. shows a net profit of Frs. 61,320 for the year 1922. This is to be carried forward. Last year there was a profit of Frs. 247,667, of which Frs. 200,000 was set aside to write down the losses arising out of depreciation of foreign exchanges, and the balance carried forward. For the second year running, therefore, the shareholders have to go without dividend.

The chemical industry has been experiencing a somewhat better year, as shown by the results of the Chemische Fabrik vormals Sandoz in Basle, which closed the year 1922 with a net profit of Frs. 3,926,950, as compared with somewhat less than one million francs in 1921. The dividend is to be 20% on the share capital of Frs. 7½ million, which is double the distribution made last year.

The concern forms one of the Basle group of chemical works and has interests both in England and in the United States. The report shows that business has gradually been improving and that the large stocks, which were on hand at the beginning of the year, have now been somewhat reduced. The works were, however, by no means fully occupied in 1922, though no further reductions of staff had to be made.

## STOCK EXCHANGE PRICES.

|                                    | BONDS.  |     | Apr. 24 |         | Apr. 30 |         |
|------------------------------------|---------|-----|---------|---------|---------|---------|
|                                    |         |     |         |         |         |         |
| Swiss Confederation 3% 1903        | ...     | ... | 79.50%  | 79.50%  | 79.50%  | 79.50%  |
| Swiss Confed. 9th Mob. Loan 5%     | ...     | ... | 102.95% | 102.95% | 102.95% | 102.95% |
| Federal Railways A-K 3½%           | ...     | ... | 84.00%  | 84.00%  | 84.00%  | 84.00%  |
| Canton Basle-Stadt 5½% 1921        | ...     | ... | 104.85% | 105.00% | 105.00% | 105.00% |
| Canton Fribourg 3% 1892...         | ...     | ... | 74.75%  | 75.65%  | 75.65%  | 75.65%  |
| Zurich (Stadt) 4% 1909             | ...     | ... | 100.50% | 100.50% | 100.50% | 100.50% |
|                                    | SHARES. |     | Nom.    |         | Apr. 24 |         |
|                                    |         |     |         |         |         |         |
| Swiss Bank Corporation             | ...     | ... | 500     | 639     | 644     | 644     |
| Crédit Suisse                      | ...     | ... | 500     | 675     | 681     | 681     |
| Union de Banques Suisses           | ...     | ... | 500     | 540     | 540     | 540     |
| Fabrique Chimique ci-dev. Sandoz   | ...     | ... | 1000    | 2085    | 3005    | 3005    |
| Société pour l'Industrie Chimique  | ...     | ... | 1000    | 1913    | 2032    | 2032    |
| C. F. Bally S.A.                   | ...     | ... | 1000    | 1040    | 1040    | 1040    |
| Fabrique de Machines Oerlikon      | ...     | ... | 500     | 667     | 675     | 675     |
| Entreprises Sulzer                 | ...     | ... | 1000    | 632     | 702     | 702     |
| S.A. Brown Boveri (new)            | ...     | ... | 500     | 338     | 360     | 360     |
| Nestlé & Anglo-Swiss Cond. Mk. Co. | ...     | ... | 200     | 180     | 181     | 181     |
| Choc. Suisses Peter-Cailler-Kohler | ...     | ... | 100     | 113     | 110     | 110     |
| Comp. de Navig'n sur le Lac Léman  | ...     | ... | 500     | 460     | 460     | 460     |

## NOUVELLE CONTRIBUTION A L'HISTOIRE DES ORIGINES DE L'EGLISE SUISSE DE LONDRES.

par M. le pasteur René Hoffmann-de Vismes.

(Continued.)

La Reine Anne avait organisé un fond de secours pour les Réfugiés et quiconque pouvait prouver qu'il appartenait au Refuge avait droit d'y participer. Hélas, l'envie et la jalousie s'y mirent bien vite. Le fond était limité, la concurrence dangereuse. C'était donc à qui pourrait noircir son voisin et se faire reconnaître comme un ayant droit, afin de toucher sa part de la "Royal Bounty."

Passons maintenant au premier de ces documents, déposé aux archives de Fulham Palace. On me l'a transmis comme suit, intitulé: "A Petition of the Swiss Refugees addressed to the Bishop of London":

My Lord,

Amongst the many blessings which the British nation enjoyeth under happy and wise administration of His Sacred Majesty King George, one of the most valuable is the liberty of conscience to all those who profess themselves to be true Protestants.

The Protestant Swiss, as they profess the same precious faith and fully approve of the 39 Articles of the Church of England... as they always looked upon this Church as ye strongest support of ye Protestant Religion. And those that are in London, considering that their number increases, a great number of their countrymen for want of military employments, taking the resolution to apply themselves to mechanical arts and trade... and therefore coming into England, have petitioned



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his... Majesty to grant them Letters Patents for erecting and establishing a national Church under the direction of... the Archbishop of Canterbury and the Lord Bishop of London, and my Lord Carteret as Secretary of State appointed by His Sacred Majesty to be perpetual directors of this Church; wherein Divine Service may be performed in their own languages German and French, making use of ye Liturgy of Neuchâtel which cometh nearest to that excellent Liturgy of the Church of England.

Such a national Church is the more necessary for them, as they have no share in His Majesty's Bounty to the French Refugees, nor find any support or relief for their poor in the French Churches, the charity money collected there being distributed amongst those of their own nation; besides a great many of them understanding only German cannot frequent any other French or English Church...

His Grace my Lord Duke of Montague... himself presented our Petition to His Sacred Majesty... and the Archbishop of Canterbury gave his consent...

The Swiss, assured by the promises of ye Secretary of State, formed a congregation and took ad interim a room in Newport Market, where Divine Service is performed every Sunday, twice in ye German and 3 times in ye French tongue.

But some French Refugees, jealous of this establishment, used their utmost endeavour to put a stop to it, and therefore prohibited not only all their Ministers that are in London, but also all those that from time to time come over to England, to preach or to officiate in this Church, nay, they are gone so far as to take a resolution, that whosoever shall preach in this Church shall be ipso facto excluded and unable to preach in any of their Churches, so that for this very reason the Divine Service could not be performed in the said Church in Newport Market in ye German tongue during ye course of a whole month, not to make mention of any menaces, discouragements, and especially ye rumour spread amongst them, that those of ye Refugees who should frequent this Church are Shismatics, Rebels &c. and for this reason will be deprived of all assistance in the French Churches, but also of their share in the distribution of the Royal Bounty...

My Lord, this is a sort of persecution inconsistent with ye principles of true religion, &c...

We cannot penetrate into the reason of such proceedings. Is it because they think there is no necessity for a national Church for ye Swiss?... Why should those that are strangers in this Kingdom as well as they... not be likewise protected? Is it because Mr. Hollard is one of ye Ministers of ye Swiss Church? He is always ready to have his case examined by any judge appointed by your Lordship... Is it because other Ministers of ye said Church did not submit themselves to the examination of ye French Savoy Church nor produce their Certificates? The Swiss nation was always independent from the French, and we cannot think that ye French vestry in ye Savoy is authorised to require that all strangers, let them be what countrymen they will, shall submit themselves to their

examination . . . we acknowledge your Lordship to be our Diocesan, to whom we are always willing to give an account of our doctrine and conversation . . . &c.

My Lord,  
May it please  
Your Lordship,  
Yr. most humble & Obedient & dutifull servants,  
Joh. Petrus Stehelinus, V.D.M.  
Ecclesie Gallicie in Bell Lane.  
John Ralph Holland, V.D.M.  
Gaspar F. Cellier.  
J. Daubane, Ancien et Sec.  
Essaye Jeremie, Samuel Bouillard, Ancien  
Louis Sislol, Ancien.  
Daniel Robert, Ancien.  
David Closet, Ancien.

Désireux de tirer l'affaire au clair, l'évêque de Londres aura probablement communiqué cette lettre des Suisses à la plus importante des Eglises huguenotes d'alors. Et voici la réponse qu'il en a reçue, rédigée semble-t-il par les autorités de la communauté française de Threadneedle Street, qui subsiste encore aujourd'hui, mais transférée à Soho Square. La réponse se trouve jointe au premier document dans les archives du palais.

Of what do the Swiss complain? They say they have petitioned the King for a national Church &c. Do the French oppose this? It is very surprising that the Swiss gentlemen should so complain or should assert that the French prohibited their Ministers to preach in the National Swiss Church; or prohibited for a month a preacher to preach in the German tongue—what have they to do with the German tongue? It is absolutely untrue that menaces have been made to deprive the French Refugees of the Royal Bounty if they go to the Swiss Church . . . But it is very readily to be believed that many of the French did not wish to frequent Mr. Holland's Church; but as it is a national Swiss Church they have not to do with it, except that men of good character would not care to associate with him.

Mr. Holland was called to the office of the Ministry in Switzerland, where he exercised it for some years—he came over to England about nine years ago. The French Refugees do and never did love the Swiss Protestants, and being ignorant of what had been done there to Mr. Holland received him with honour, and he preached several times in the principal Churches in London. Not long after the French Church in Spitalfields chose him as their Minister. He had discharged the duties of that place some time, when he was accused of very irregular conduct and that entirely unbecoming a Minister of the Gospel. The conductors of that Church who had chosen him for their Minister resolved to enquire into his conduct, and would have made him submit to their discipline, but he left them and erected a new Church in the same part of the town. There soon arose great differences between these two Churches, and to adjust them, they desired an assembly of Deputies from every French Church of London. This was granted with difficulty, but at length it was resolved upon with the consent of the late Lord Bishop of London.

This Assembly of the Deputies of the French Churches met 18th November, 1719, and during two months applied themselves to the examination of this affair, of which the chief point related to the conduct and morals of Mr. Holland. . . . A great number of proofs and witnesses were procured . . . whereupon it was generally agreed that Mr. Holland could no longer officiate until he had made atonement by a pure and regular life lived for 6 months.

(To be continued.)

#### EUGEN HUBER †, 1849–1923.

Switzerland has produced many prominent lawyers, men of great creative faculties for legislation and scholars of international fame. One name, however, will for ever shine in Swiss legislative history, and will be remembered in connection with our greatest achievement in legislation. It is that of Eugen Huber, who died in Berne on Monday, April 23rd. Eugen Huber may be called, without any exaggeration, the creator of our unified Civil Law; he drafted it; he laid the foundation which made it possible; he also, in his academic activity, educated a whole generation of young lawyers and enabled them to practise under the new law. Reviewing the various gifts of his rich personality, we may say that Providence bestowed him on our country at the very moment when a man of his exceptional abilities was needed.

In sketching Eugen Huber's biography, the predominance of his life work—the Civil Code—must always be kept in mind. He entered the academic world very early as a lecturer in Berne and was called, subsequently, to the Universities of Basle and Halle. When he returned to Switzerland in 1892 to take the chair of Swiss Civil Law at Berne University, he already enjoyed a high reputation

as a scholar in his special domain. At that moment the conditions of Swiss Civil Law were almost chaotic. 25 Cantons legislated on this matter independently and in different ways; large parts of the law were settled by custom and were not yet codified, particularly in country cantons; institutions and principles which held sway in one canton might be entirely opposed to those predominating in a neighbouring canton. It is unnecessary to enumerate the many hindrances which thus hampered commerce and international intercourse in a country which aimed at being a national and economic unity. Unification became necessary, though for a long time it was opposed by federalist reasons. A systematic review of these chaotic conditions was wanting, so were indications as to how unification could be arrived at. These difficulties were at last removed when Eugen Huber published his "System und Geschichte des Schweizerischen Privatrechts" and showed the lines whereon centralisation should be possible. On this first success the Federal Council charged him with the preparation of a draft for a Civil Code. He discharged his duty within a short time, and his draft met everywhere with a very favourable reception. Throughout the numerous ensuing stages of legislation, E. Huber defended it with the utmost vigour and lucidity. Supported by the confidence of the Bernese citizens, he entered the National Council when his draft was introduced in the Federal Assembly. His speeches there are not yet forgotten; they assured his final success. The Bill was accepted unanimously, and no demand for a referendum arose in the country.

Our Swiss Civil Law reveals many features which distinguish it from other codifications. Its chief value lies in harmoniously combining ancient Swiss institutions with modern ideas. E. Huber endeavoured to preserve these genuine institutions which had grown up throughout the various parts of our country, but he adapted them to modern needs and laid stress on those which seemed to be the most practical. We may mention the different forms of entering upon a matrimonial contract, of disposing by will, of charging landed property with mortgages or servitudes which survive side by side in the new law. By this conservative attitude, Huber was desirous of avoiding a rupture with tradition. Our Code is notwithstanding permeated with modern, liberal ideas. It gives the largest possible freedom to the individual (emancipation of the married woman, divorce law) and pays particular attention to safeguarding the integrity of the conjugal and family community. Eugen Huber's philosophical outlook restrained him from considering laws as mere rules of order; he rather looked at them as avenues towards social justice. He knew that any law has its limits, and instead of compelling a judge to give his judgment by using sophistical inferences, he preserved a wide field whereon he could decide according to equity.

E. Huber was kept busy in assuring the smooth transference of his Code into practice by acting in numerous cases as expert. He also continued his legislative activity by preparing, by commission of the Federal Council, a draft for a revised Commercial Code, which is at this time discussed among Swiss lawyers. In his last years his activity was mainly directed towards philosophical problems on which he published different books, which reveal his high idealism. "He was bringing in his last sheaves," as he himself defined his philosophical research work. Actual politics were far from Huber's mind; once the Civil Code was adopted, he declined to keep his mandate in the National Council; but we may remember that he represented Switzerland in the (old) International Arbitration Court which was constituted by the second Hague Conference.

To those who had the good fortune to attend E. Huber's lectures were revealed his full personality and his high faculties, for these were only clearly evident when he was in his chair, speaking to his students. Here we learned to appreciate his profound wisdom, his immense knowledge of dogma and history, his acquaintance with the variety of practical life, his lucidity, his mastery in expressing difficult things in very clear and simple words. E. Huber was an artist in the use of his own native language, and everybody who turns over the pages of the German edition of the Civil Code can still appreciate his skill. His lectures were lively and rich in suggestions up to the last; he never aimed at any brilliancy, but his own enthusiasm for law, and particularly for our genuine Swiss institutions, was transmitted to his students' minds. He was ever a friendly adviser to everyone who asked for assistance in research work.

He occupied his chair at Berne for thirty years; he has taught tens of thousands of young lawyers; he taught them more than science, he taught them to be devoted citizens. I think his exceptional success was due not only to his scientific qualifications, but even more so to his human attributes, his amiability, his modesty, his sense of duty, his noble and conciliatory mind, his devotion as a patriot.

We knew that Eugen Huber would leave us one day, but his great personality will not cease to inspire our generation, and his work, a great work of social peace, will live for many future generations.

ARMIN DAENIKER.

#### UNIVERSITY OF GENEVA.

The University of Geneva Summer School was resumed in 1922. The programme of studies was enlarged and secured complete success. The usual studies in the French language and literature were supplemented by a series of most interesting lectures on current international problems, given by members of the Secretariat of the League of Nations and of the International Labour Office, as well as by distinguished outside specialists.

This programme attracted a large number of students, one-third of whom came from Switzerland, one-third from the United States, and the rest from Great Britain, Holland, the three Scandinavian countries, Italy, and other countries. The genuine satisfaction felt by these students was expressed in an address: "All our hopes," said the address, "have been exceeded by the quality of the instruction which we have received here. The summer of 1922 will always remain with us as a most pleasant memory."

The Summer School will be held again this summer at the University of Geneva, and the broad outlines of its programme of studies are as follows:

1. French language and literature: courses and lessons, in which practical and individual instruction will be given.

2. Lectures on current international problems, including the study of: (a) the present political economic and social situation of Europe, the East, South America and the United States of America; (b) international co-operation, including lectures by members of the Secretariat of the League of Nations and members of the International Labour Office.

3. Practical courses in botany and geology, including excursions and work in the botanic laboratory "La Linnea" at Bourg St. Pierre. The excursions will include visits to Mt. Blanc, the Jungfrau and the Matterhorn.

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