circumstance sufficient to outweigh the presumption of permanence of burial. A credible explanation was required for any lapse of time but that was not a determining factor. [Alexander McGregor]

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Re St Mary Magdalene, Ashton on Mersey
Chester Consistory Court: Turner Ch, 30 August 2016
[2016] ECC Chr 1
Re-ordering – pews – chairs

As part of a wider faculty petition for the re-ordering of this Grade II listed church so as to enable wider community use, the petitioners sought to introduce carpet and remove the unexceptional pews and replace them with upholstered chairs. Objections to the chairs and carpeting were raised by the Victorian Society and Historic England and the former become a party opponent. Following *Re St Alkmund Duffield* (2013) Fam 158 and *Re St John the Baptist Penshurst* [2015] WLR (D) 115, the chancellor considered that the removal of the pews would cause only modest harm to the architectural and historic significance of the church, which was outweighed by the benefit to be afforded by the proposals for community and conference use. The particular design of the chairs – with a wooden frame and not overly upholstered – would not have too much of an impact on the interior aspect of the church. The proportions of the Victorian nave would not be rendered overly domestic by the laying of carpet, which was, in any event, reversible. The faculty was granted. [Catherine Shelley]

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Re Edlington Cemetery
Sheffield Consistory Court: Singleton Ch, 4 September and 29 October 2016
[2016] ECC She 3; [2016] ECC She 4
Exhumation – Alsager *test – good and proper reason*

The petitioner sought a faculty permitting the exhumation of the remains of her father for their cremation and burial with the cremated remains of her mother in Scotland alongside other family graves. The father's remains had been buried 40 years previously, at a time when financial need had required the family to live in England, but both parents were Scottish and had expressed a desire to return to Scotland in life and in death. The father's death had been sudden and unexpected and the mother, who had been left a young widow with dependent

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children, had struggled to cope financially and with other practical matters. She had been unable to arrange a burial in Scotland. The petitioner argued that the burial had taken place in the Anglican consecrated part of the town cemetery by mistake, as the father had been a Baptist and the family worshipped at a Methodist church at the time of his death.

The chancellor referred to the decision of *Re St Chad, Bensham* [2016] ECC Dur 2. She exercised her discretion in the case by applying the test in the Chancery Court decision of *Re Christ Church, Alsager* [1999] Fam 142: 'Is there a good and proper reason which would be likely to be regarded as acceptable by right thinking members of the Church at large?' The chancellor was also guided by the exceptionality test in the Court of Arches decision of *Re Blagdon Cemetery* [2002] Fam 299. She granted the faculty, observing that the father's wishes were reflective of his culture and nationality and had only been thwarted by impecuniosity and the inexperience and inability of his widow at the time of his early death. The remains would be placed in a family grave. [RA]

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Re St Oswald, Dean
Carlisle Consistory Court: Tattersall Ch, 8 September 2016
[2016] ECC Car 5
Memorial – masonic symbol

A memorial had been erected by the petitioner over the grave of her deceased husband pursuant to permission given by the incumbent. The incumbent refused permission for the engraving of a set square and compass – a symbol of freemasonry with which the deceased had a lifelong association. The petitioner sought a faculty from the chancellor permitting the engraving. The Parochial Church Council supported the petition but the Diocesan Advisory Committee did not recommend the proposal.

The chancellor considered the report endorsed by General Synod in 1987, *Freemasonry and Christianity: are they compatible?* He observed that the Roman Catholic church prohibits its members from becoming freemasons and that the Methodist Church, the Free Church of Scotland and the Baptist Union discourage their members from becoming freemasons. The chancellor found that he did not need to decide whether freemasonry and Christianity are compatible, but noted that there is clearly some debate and doubt as to whether the two are compatible and that the addition of a masonic symbol on a memorial in a Church of England churchyard is likely to be controversial. He noted that there was already an inappropriate multiplicity of engravings on the memorial. The masonic symbol was considered by some Christians to be un-Christian

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