terms that the appellant gave written undertakings to the respondent as to his future conduct to include:

i. Refraining from any involvement in (a) ordination services within the area of the Diocese of Southwark, or (b) the ordination of persons (of whatever Christian Church) to serve within the area of that diocese; and
ii. Strictly to abide by all general or specific directions given by the Bishop of Southwark concerning church planting or mission initiatives.

The Bishop of Winchester further recommended that the trustees of the Dundonald Church devise a method of forming a closer relationship with the Diocese of Southwark.

His Grace the Archbishop of Canterbury considered the recommendations of the Bishop of Winchester with regard to draft undertakings to be made by the appellant, noting that the behaviour of the appellant merited censure. As the appellant had written of his earnest desire to rebuild his relationship with the Bishop of Southwark, his acceptance of the Oath of Canonical Obedience and his acceptance of the legal obligations which canon law imposed upon any licensed minister, the Archbishop concluded that his reaffirmation of those matters made a separate promise in the terms set out by the Bishop of Winchester unnecessary. The Archbishop cancelled the revocation of the appellant's licence, reminding him that being a minister in the Church of England carried the responsibility of submitting to the respondent's episcopal authority and being accountable for his actions to the wider church. [JG]

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Re St Mark, Worsley
Manchester Consistory Court: Tattersall Ch, July 2006
Exhumation – deceased's lifestyle – exceptionality

The petitioner was the widow of the deceased, who had died suddenly after a marriage lasting 19 years. Following his interment in the family grave that contained the remains of the petitioner's grandparents and parents, the petitioner discovered that the deceased had been conducting an extra-marital affair for 18 years of the marriage and had diverted substantial funds inherited by the petitioner into his business without her knowledge. She petitioned to have his remains exhumed and reburied elsewhere. The adult children of the deceased were given notice of the petition. Each consented to the petition. The incumbent objected to the petition solely on his understanding of his theological position as

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custodian of the churchyard. The petitioner described the great offence it caused her and her family to visit the grave and their refusal to countenance the idea of interment alongside the deceased. The incumbent identified the finality of Christian burial, noting that many secrets go to the grave known only to God. Moreover, the submission by the family that the grave was 'defiled' was incorrect – the memories and relationships were defiled, not the contact of his mortal remains with the earth. He concluded that, acknowledging the pastoral sensitivities, the decision was the chancellor's alone. The petitioner relied on 'mistake' and secondly the dilemmas that she faced – she wished to visit the family grave but could not and she wished to be buried in the same family grave but that, too, was intolerable. The chancellor reviewed the law as set out in *Re Matheson* [1958] 1 All ER 202, [1958] 1 WLR 246, Liverpool Cons Ct; *Re Christ Church, Alsager* [1999] Fam 142, [1999] 1 All ER 117, Ch Ct of York; *Re Blagdon Cemetery* [2002] Fam 299, [2002] 4 All ER 482, Ct of Arches; *Re St Nicholas, Sevenoaks* [2005] 1 WLR 1011, Ct of Arches; and *Re X* (2001) 20 CCCC 29, (2002) 6 Ecc LJ 413, Liverpool Cons Ct. The chancellor identified this as an exceptional case, to be decided on the extremely unusual facts of the case, and granted the faculty, not on the basis of mistake but on general principles. He did not grant this as some retrospective punishment of the deceased, leaving his eternal fate to God. [JG]

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