

special circumstances, namely the desire to re-inter the cremated remains of all the deceased persons in a family grave. [Alexander McGregor]

doi:10.1017/S0956618X13000690

### **Re St Paul, Peel Little Hulton**

Manchester Consistory Court: Tattersall Ch, 3 April 2013

*Exhumation – unsatisfactory condition – family grave*

The petitioner sought a faculty to exhume the cremated remains of his father and re-inter them elsewhere, in the same plot as the cremated remains of his mother, who had survived his father by 19 years. On visits to his father's grave the petitioner had found the memorial stone leaning over and, having straightened it, was able to see the casket containing his father's remains. When the petitioner's mother died it was decided not to inter her remains in the churchyard where his father's were interred because of the ongoing unsatisfactory situation with his grave. Her remains were therefore interred elsewhere. The petitioner, supported by other family members, now wished his father's remains to be re-interred with those of his mother. Applying the test in *Re Blagdon Cemetery* [2002] 1 Fam 299, the chancellor did not consider that the unsatisfactory nature of the petitioner's father's grave and the failure of the relevant authorities to remedy that situation would justify the grant of a faculty as it was a situation that was capable of correction. However, he accepted that in the light of those circumstances it would not have been reasonable to expect the petitioner's mother's remains to be interred with those of his father. The real and substantial reason for seeking exhumation was to bring together the remains of the petitioner's father and mother in what was akin to a family grave. The chancellor was therefore persuaded that sufficient special circumstances existed to justify an exception from the norm that Christian burial is final. [Alexander McGregor]

doi:10.1017/S0956618X13000707

### **The Falls Church v The Protestant Episcopal Church in the USA**

Virginia Supreme Court: 18 April 2013

*Church property – ownership – secession*

The members of the Falls Church voted to secede from the Episcopal Diocese of Virginia and The Episcopal Church (TEC) in December 2006. Subsequently, the Falls Church and six other seceding congregations of the Diocese of Virginia