

IN THE CONSISTORY COURT OF THE DIOCESE OF BIRMINGHAM

IN THE MATTER OF GEORGE GOODALL DECEASED

1. By Petition dated the 22 June 2017 Mrs D M Goodall and Mrs E McGing seek a faculty for the erection of a memorial stone to, respectively, their late husband and father George Raymond Goodall who died on the 5 January 2016 and was buried in the church yard at Hampton-In-Arden on the 23 February 2016.
2. The matter has been referred to the Consistory Court as a result of the unusual circumstances which give rise to the Petition. In essence the Petition is to remove the grave stone which was placed on the grave sometime in the latter part of 2016 and move it to the opposite end of the grave.
3. The basis for the Petition is that the gravestone is placed by the feet of the late Mr Goodall rather than by his head.
4. From initial correspondence it looked as if the gravestone had merely been placed at the “wrong” end of the grave and that the usual practice of placing a memorial by the head of the deceased should be followed.
5. Initially I asked for enquiries to be made as to whether the position was that the deceased had been buried “the wrong way round” and that perhaps the family were mistaken about the way in which the body was interred. However enquiries were made of the former Vicar of the Parish, the Rev. Duncan Ballard and he sets out the position in an email to the deceased’s daughter dated the 28 November 2016. In that email he acknowledges the disappointment and anger that the deceased’s grave stone is placed facing the pathway into the church (and thus at the feet of the grave) rather than facing out into the village which is the orientation that it would have if it were placed at the head of the grave. In his email, the contents of which does not seem to be challenged, he says *“your father’s grave stone is placed facing the pathway, in the same manner as the other 16 or so graves in that part of the graveyard. The Christian tradition, and the tradition of Hampton-In-Arden Church for at least the last 900 years, is to bury people with their heads to the west and their*

feet to the east – this is how your father was buried, in accordance to this tradition. This, I can assure you, is not an insult, but follows 2000 years of Christian understanding and practice.

Your father's grave stone, and the other stones in that area of the churchyard, was erected facing the pathway as people enter into church, which I and the other 15 or so families who have loved ones buried in that area, judge to be entirely fitting and reasonable. To have one grave facing in one direction, and every other grave in the area facing another, would, in my opinion, be unfitting and unsuitable. Nor would it be fitting if every stone faced the road, leaving just blank stones facing the pathway as people enter church. I am very sorry I didn't point out at the time of the burial that your father's grave would be treated in the same way as every other grave - I apologise for this oversight, and if I have let the family down in assuming that your father would wish to be buried in the same way as every other villager, then please accept my apologies. In my defence I could mention that at the time of the funeral service there were already at least 12 graves in the area of your father's plot all facing the pathway, but in the grief of your father's death and the subsequent emotions it may not have been obvious to the family. In the future I shall be more careful in my assumptions.

In your email (from the deceased's daughter) you mention that a neighbouring grave faces the other way. I have checked and simply can't see this grave. There is a grave, a little way away from your father, that has the stone still facing the pathway but that has the surname of the person in question – Hearne – engraved on the back of the stone facing the road, engraving a surname on the back of the stone is, of course, an option for the family and I am sure your monumental mason will advise you on that.

You may of course Petition the Church to make an exception for your father, but for the reasons outlined above I would not be able to support your position. However, I am only Vicar for the next week or so, and so any request to reposition the grave stone should be made in the first instance to the Church Wardens, who would consult the Archdeacon. They would no doubt also have to consult all the other families who have their stones facing westwards were we to face your father's stone eastwards but that would be a matter for my successor".

6. From that email I am satisfied that all the graves in the area where the deceased is buried have the memorial stones at the feet of the grave rather than at the head.

This no doubt follows a decision by the PCC that the identity of the deceased and any appropriate tribute, should be visible to those visiting the Church rather than to those passing on the public highway. The precedent has clearly been set over a number of years and it is impossible for me to say that the reasons for requiring the gravestones to be at the feet of the grave with the inscription facing into the church yard are inappropriate in any way.

7. I remind myself of the church yard regulations (2006) and further guidelines issued by the Diocesan Advisory Committee for the Care of Churches in so far as they apply to the Diocese of Birmingham. At B3.3 *applicants are reminded that a church yard is consecrated ground and that any memorial or monument will be seen by other visitors... Accordingly, applicants must discuss their proposals with the incumbent before making a formal application.*
8. At B3 (4) *"any application to erect a monument shall be made to the incumbent on the Faculty Petition Form (Church Yard Memorials) but only following the discussions with the incumbent referred to in Regulation B3.3 above."*
9. What is clear therefore is that the grave stone of the deceased was positioned in accordance with the practice approved by the PCC. Although I have no evidence as to the circumstances of the position of the gravestone it must have been that the monumental masons were either aware of the practice or consulted with the then incumbent. I anticipate also that the family of the deceased must have been aware of the orientation of the deceased's burial and would therefore have had the opportunity of seeking an exception to the standard practice prior to the erection of the grave stone.
10. I bear in mind as well an email from Debby Read who I understand to be a Church Warden in Hampton-In-Arden, to the venerable Simon Heathfield who is the Archdeacon of Aston and thus has responsibility for Hampton-In-Arden church yard. She says *"earlier this year a very well-liked and respected Hampton resident, George Goodall, died. Not a regular church goer but he did a great deal for an in the village. His family chose a plot in the church yard where "he" overlooked the High Street and White Lion pub and where family and friends could easily see "him".*
11. *His daughter, Liz, is convinced when the coffin went into the ground his head was facing the church and his feet the High Street even though this would be contrary to how the others are placed. So now the headstone is in place, she feels sure it is at his feet. This apparently has devastated the family who are now asking if the stone*

can be re-sited at his head end. They have emailed Duncan about this but I felt it only fair to take over as he has now done his last service with us.

12. *I met Liz last Saturday and she is much calmer but still adamant that I ask your position to re-site the headstone. I have to admit that it would not make a difference to the look of the area, there is no room for another coffin in front of George. Also there is a small shrub where the stone would go so it would be in the shadow of that". That email was dated the 12 December 2016 and quite properly given the contentious nature of the Petition the matter was referred to me."*
13. In the light of the email from the Rev. Ballard I find that when Ms Read says "*when the coffin went into the ground his head was facing the church and his feet the High Street even though it would be contrary to how the others are placed*" she was unaware of the fact that that is indeed the position for all the graves around where Mr Goodall was laid to rest and that their gravestones too are at the feet of the coffin with the inscription facing into the church yard rather than out into the public through fare
14. For those reasons it seems to me that the Petitioners are right when they say that the gravestone was placed at the feet of the deceased. However that was the accepted practice for all others buried in that area and in those circumstances it does not seem that I am able to make an exception to the rule that was no doubt decided upon and approved by the PCC for each of the other graves adjacent to Mr Goodall's grave. For those reasons it does not seem appropriate to me to grant the Petition because by doing so I would be interfering with a reasonable policy adopted by the PCC and, I am told by the Rev. Ballard, imposed upon the relatives of all the other deceased buried in the area.

Mark Powell QC

Chancellor of the Diocese

19 October 2017