

Judgment

1. This is a petition that is described in the public notices in the following terms:

*Conversion of the altar table in the Lady Chapel to serve also as a chest of drawers suitable for storage of vestments. Four oak faced panels applied from behind the existing table frames and stretchers will cover the front and ends of the table to ensure that the drawers will not be visible on the infrequent occasions when the altar is 'stripped'. These panels will have oak sections applied simulating panelled oak furniture.*

2. The Faculty is sought so that certain vestments might be stored which have, hitherto been stored in a cope chest in the Southern Ambulatory. These vestments are not in regular use, being heritage items used only rarely.
3. These heritage items were apparently being damaged by the excessive number of vestments being stored together which made them rub against each other. Those vestments that could not fit in the cope chest without being damaged were, accordingly, moved to an area called 'Canynges kitchen' in the crypt to be stored. This area turned out to be unsuitable for storage of vestments as the moisture levels were too high.
4. I am told that the Church is in the process of planning new facilities to 'encourage a better encounter for visitors'. The opening date for such a project is August 2024. It is intended that there will be suitable storage for these vestments as part of that scheme. This petition is therefore described as a 'temporary' and 'reversible' measure.
5. The suggestion is that the altar in the Lady Chapel should be converted to have a set of drawers installed for the storage of these heritage vestments. The altar currently is a simple modern wooden table with stretchers joining all four legs a few inches from the ground, and stretchers at the front of the altar and on the two shorter sides a few inches from the underside of the surface of the altar. The stretcher at the front of the altar has 6 vertical lengths of wood joining it to the underside surface of the altar top. These form a simple decoration of eight regular spaces. The petition is to fill these spaces and the lower space between the two stretchers with panels. The space behind these panels will then be filled with 8 drawers. The petitioners state that this panelling will be covered by altar frontals of the appropriate colours and will only be visible when the altar frontal is stripped from it during the triduum.

6. The DAC did not recommend this petition as it 'feels that this proposal does not appear to treat the altar with appropriate respect'. The DAC referred to Canon F 2 which states:

### **F 2 Of the holy table**

1. In every church and chapel a convenient and decent table, of wood, stone, or other suitable material, shall be provided for the celebration of the Holy Communion, and shall stand in the main body of the church or in the chancel where Morning and Evening Prayer are appointed to be said. Any dispute as to the position where the table shall stand shall be determined by the Ordinary.

2. The table, as becomes the table of the Lord, shall be kept in a sufficient and seemly manner, and from time to time repaired, and shall be covered in the time of divine service with a covering of silk or other decent stuff, and with a fair white linen cloth at the time of the celebration of the Holy Communion.

7. The petitioners point out that an altar in Wells Cathedral currently has an adaptation to house altar frontals. They helpfully sent me a photograph of that scheme.
8. Having relied on the altar in Wells Cathedral as a possible precedent for this petition, they insist that any decision I make with regard to their petition will not set a precedent as this is an application to deal with "a significant set of vestments at significant risk". They state that despite its size St Mary, Redcliffe has no suitable enclosed spaces to store another vestment chest. They further state that these delicate items need to be stored 'in the right conditions and humidity-conditions which exist in that area of the lady chapel but not in other areas of the church, which lack both adequate heating and a damp course'.
9. I do not regard the altar in Wells Cathedral as a precedent. The Cathedral is not covered by the jurisdiction of the Consistory Court. I have seen no order from the Cathedrals Fabric Commission justifying the alteration.
10. I invited the Petitioners to consider two authorities, St Stephens, Walbrook [1987] Fam 146 and, St Michael and All Angels, Uffington (2014), Lincoln, Bishop Ch., and to make submissions to me in the light of those two authorities (the former authority binding on me, the latter not). St Stephens, Walbrook was an appeal to the Court of Ecclesiastical Causes Reserved as it concerned a matter of doctrine, ritual or ceremonial. In that case the petitioners wished to introduce a stone altar created by Henry Moore O.M. The petition in St Michael and All Angels, Uffington concerned the introduction of an object into the 'Casewick Chapel' which would be an altar during services and a table for serving refreshments at other times.
11. The petitioners, in a thoughtful submission by their Fabric Officer, Alan Roberts, submit that the decision of St Michael, Uffington and St Stephen's, Walbrook 'definitely imply that it is the 'eucharistic surface' which is sacrosanct and not the space beneath, as long as that does not detract from the table being "kept in a sufficient and seemly manner"'. They rely on the final paragraph of the decision in St Michael's,

Uffington for that conclusion. There the Chancellor states that a shelf beneath the altar would be an acceptable space to store toys.

12. I reject the petitioners submissions. I am satisfied that the decisions that had to be made in Walbrook were 'first...the question of what constitutes a Holy Table and involves consideration of whether the Eucharist or the Lord's Supper is in any sense a sacrifice'. The second concerned the suitability of the Henry Moore 'artefact' (to quote the Bishop of Chichester) to be placed in the Church (at [1987] Fam 167 F). The question in Uffington was whether it would be seemly to allow an altar to have a dual use.
13. It was never contemplated that the altar or Holy Table in Walbrook would ever have any purpose or use other than as an altar or Holy Table. It was to be used solely for Church services, in particular the Eucharist. I draw that conclusion from the Judgments of the Bishop of Chichester, Sir Ralph Gibson, Sir Anthony Lloyd all of which were approved by the Bishop of Rochester and the Revd Woollcombe where the opinion of Professor Kerry Downes was quoted with approval:

"The petition is for the introduction of a *very special liturgical fitting* into a very special church." (emphasis added) (at 172 G, 179 C, 195 H

The emphasis is important because, whilst the altar that was being introduced was also a significant piece of art (the Royal Fine Art Commission's conclusion that it was 'a particularly fine piece of sculpture' was quoted with approval at 187 E-F), the aesthetic judgment of the Court was subordinate to its primary judgment in terms of the artefact's use as an altar or Holy Table.

14. In relation to St Michael's Uffington, the Chancellor refused the petition for the introduction of a dual purpose altar. I respectfully disagree however with Chancellor Bishop's conclusion that 'the storage of toys on a low shelf beneath the altar hidden by a suitable cloth, as seems to be proposed, would be acceptable'<sup>1</sup> as it seems at odds with the next line of his judgment with which I profoundly agree 'an interchangeable use for the altar as contemplated is most certainly not'. I am afraid I cannot reconcile his decision that the altar should not occasionally be used as a table with his decision that it can be used as a permanent storage unit.
15. It is my view that what is contemplated for the altar in this petition is 'interchangeable use'. Indeed, the petition says just that. In those circumstances I agree with the DAC that the conversion of this altar into a chest of drawers would be in breach of Canon F2 as keeping 'The table, as becomes the table of the Lord...in a sufficient and seemly manner'.
16. If I am wrong and the temporary conversion of the altar into a chest of drawers is not a breach of Canon F2, I reject the petitioners' submission that the altar is the only place that these vestments can be kept in the Church. I can find no 'necessity' for the proposed alteration.

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<sup>1</sup> I agree with the authors of the 'Law and Religion' blog who describe this aspect of the decision as 'surprising' <http://www.lawandreligionuk.com/2014/08/27/recent-consistory-court-judgments-registry-appointments-and-retirements/>

17. St Mary's is one of the largest and grandest parish churches in the country. By a letter dated 2.12.16 I was told that the Church was 'tight for "floor space" ...and we have no other suitable locations for another vestment chest'. On 28<sup>th</sup> January 2017 I made an unannounced site visit accompanied by the Registrar. The church is a magnificent grade I building built between the twelfth and fifteenth century preserved with love, care and substantial financial assistance. It was famously described by Queen Elizabeth I as "the fairest, goodliest, and most famous parish church in England." It is well heated and ventilated. In any other City this church would be the Cathedral. The Lady Chapel alone is of a comparable size to some parish churches.
18. Having made that site visit I confess I find it impossible to accept that there are no other suitable locations for another vestment chest, indeed even a short visit identified many areas of clear open space which would not be remotely inappropriate. I have seen no evidence, expert or otherwise, to suggest that vestments stored in a vestment chest introduced into the body of the church in an area, for example where there are several others already, will be in any sense in a less favourable position than if they were in the Lady Chapel. To put it another way, there are, I am satisfied, many other places within the church that share the same conditions and humidity as the Lady Chapel.
19. The petitioners state that a new vestment chest would be more expensive than the conversion of the altar. I accept that but am satisfied that the petitioners are not suffering such a financial crisis that the purchase of a new chest will be impossible for them.
20. I refuse the petition.

31 January 2017

Justin Gau,  
Chancellor