

**In the Consistory Court in the diocese of Lincoln**

**In the matter of the Church of the Holy Cross, Scopwick**

**Judgement**

1. By a Petition dated 24 January 2014 the Petitioners applied to remove and dispose of a bell stored at the rear of the nave of the Church. The proposed disposal was by way of a sale through the Keltek Trust. Having considered the DAC advice recommending the disposal and there being no objection I granted the Faculty on 24 February 2014 (the Faculty was issued on 23<sup>rd</sup> May 2014).

2. Following this decision, the CBC asked for a consultation and I granted 28 days for the CBC to submit its advice. This advice was received and is dated 29 August 2014. The Registrar resubmitted the papers to me on 8 September and I asked for further advice from the DAC which I have received. There has been a further email from the DAC secretary in March 2015 in response to a question I raised. I acknowledge that there has been some delay in this matter and insofar as this falls to me, I am sorry for any inconvenience that this may have caused.

3. A factor in this delay has been the conundrum that this application poses. I have now fully reconsidered matters and it will be helpful to set out the history of this bell.

4. Holy Cross Church is a grade II\* listed building that was restored in 1852 and 1884. The bell in question was cast by Humphrey Wilkinson, a Lincolnshire founder, in 1700. It is one of 25 bells cast by him that were still in use in the diocese in 2013. I shall refer to this as the ‘Wilkinson bell’. In 1974 a Faculty was granted in respect of the three bells, including the Wilkinson bell, which ordered the rehanging of one the bells which was a listed bell (which I assume remains in the tower and is rung) and permitted the disposal of the 2 remaining bells as scrap. As far as I am aware the order made pursuant to that Faculty remains in force.

5. Following representations from Ran Clouston, a well known bell antiquary, after the Faculty was granted, but before the Wilkinson bell was scrapped, the bell was retained by the

church minus its clapper. It was left in the position on the nave floor where it has remained for the last 41 years. The DAC state that it weighs 5 ½ cwts and cannot be easily moved, although it is at risk of theft from metal thieves.

6. The Statement explains that the bell impedes movement around the back of the pews and there have been difficulties in the running of Christmas bazaars with this limitation on available space. It is an obstacle to plans to develop the space at the back of the church. The Petitioners proposal was for it to be offered for sale through the Keltek Trust.

7. The DAC bells adviser examined the bell in September 2013 and January 2014. Following the first visit he could find no evidence from an external inspection that it was cracked although one canon was broken off. He suggested to the parish that it be lifted from the ground so that its sound could be assessed. He recommended that if the tone was good then it could be offered to the Keltek Trust. Following the second visit during which I assume the tonal quality was assessed, the bells adviser recommended disposal, stating:

- (i) the tonal quality is poor and it is unlikely to be of any use to fit into a peal of bells.  
It is only suitable as a single service bell.
- (ii) notwithstanding its poor tonal quality, a missing clapper and one canon missing the Keltek Trust would take it.
- (iii) this is a poor example of a Wilkinson bell; 24 other such bells are in use in the diocese.

8. Following the issue of the Faculty and the intervention of CBC, their advice recommends that the bell be rehung in the tower for use; if it cannot be used then it should be stored in the tower until funds have been raised for it to be rehung. The CBC assessment of the bell was:

- (i) it is one of only a few bells cast by Humphrey II Wilkinson on his own as a bell founder.
- (ii) it is an early example of his work: this bell was cast in 1700 and only 2 before that date survive.
- (iii) the casting appears to be of good quality with clear lettering and 4 of the 6 canons survive. As such it is ‘of particular historic interest’ and it would merit grant aid from CBC and the Heritage Lottery Fund.

9. Following this advice I asked the DAC Secretary for further advice from the DAC. He stated:

- (i) the Keltek Trust have had no interest expressed in it. It has a poor tone and cannot be used in a peal. It could be used as a single service bell but the demand for these is small and better bells are available
- (ii) there are about 20 Wilkinson bells in use in the diocese of which 19 are in regular use including 3 in use in change ringing. None of these bells are at risk.
- (ii) if it is to be preserved it should not be placed in a tower where it will not be seen but placed in a museum
- (iv) a decision about the fate of the bell was deferred for a generation in 1974. The Secretary does not encourage a further deferment.

10. Following my further enquiry on 29 March 2015 The Secretary told me that he had contacted the museum at Lincoln to investigate whether this could be a home for the bell but had not received any reply to this enquiry. He recommended that the bell go into store where it will be safe and recorded.

11. In making any decision about disposal I am of course now only considering disposal by loan to the diocesan store. It would seem that the Keltek Trust have been unable to find a buyer and I therefore do not need to consider the merits of a disposal by way of limited or outright sale.

12. I have considered the authorities in the Court of Arches concerning the sale of church ‘treasures’ particularly St Peter’s Church, Draycott 2009 and Re St. Lawrence Oakley with Wootton St. Lawrence 2014. I approach this case on the basis that this bell is a church treasure, although I have not found a case in which a bell has been treated in this way.

13. In the St Lawrence Oakley case I note the Court’s approval for the loan of items to a diocesan treasury (the same principles would apply to a diocesan store in my judgement) where ‘there are compelling reasons why the treasure can no longer be retained in the church’ in which circumstances ‘such a loan will normally be the sensible solution, greatly preferable to long term deposit in a bank vault, unlikely to excite objection, and likely to be sanctioned

by faculty'. At paragraph 51 of the judgement the Court provided the proper approach to an application to sell a church treasure as follows:

“...chancellors need merely decide whether the grounds for sale are sufficiently compelling to outweigh the strong presumption against sale’.

14. This is not a case where it is now suggested that the bell will be sold. Nor is it suggested that there is a pressing financial ‘necessity’ for the sale of the bell. The Petitioners are however, submitting (in effect) that the bell is ‘redundant’ for their purposes in that if it is only of use as a service bell, the parish had a listed bell rehung for that purpose in 1974 and has no need for another bell. Their submission is that there is now no need for the Wilkinson bell in this church. The most eloquent argument in support of redundancy is that the bell has rested undisturbed on the floor at the west end of the church for 41 years.

15. The CBC suggest that it should be taken back into the tower and rehung and therefore the bell is not redundant. They have indicated that funds may be available to support the parish in this task.

16. In making the judgement whether the grounds for disposal are sufficiently compelling, I have the benefit of different opinions about the qualities of the bell. However, the CBC opinion does not express an opinion about its tonal qualities but its casting and its physical attributes and the historical interest attached to a Wilkinson bell cast in 1700. The DAC bells adviser has expressed an opinion about its tonal quality: he states it is ‘poor’.

17. The parish church has no need for another service bell that cannot be used in a peal. The bell’s tonal quality must be taken into account in deciding whether the bell merits being replaced in the tower and rehung after 41 years on the floor at the west end. For this reason I am satisfied that it should not be rehung in the tower. If the bell is not to be rehung in the tower, it plainly cannot remain where it is which is inhibiting the development of space in the church, and poses a risk of theft. I note that this is a disposal by way of loan to the diocesan store (and not a disposal by way of partial or outright sale, or a disposal for scrap).

18. Taking all these matters into account I am quite satisfied that the grounds for disposal are sufficiently compelling to outweigh the strong presumption against not disposing of the bell, and therefore the Faculty will be granted permitting its removal to the diocesan store.

19. I will add the express condition to the grant of the Faculty that the bell is to be removed to the diocesan store, where it will be recorded, preserved and kept safe. The Faculty does not extend to any other proposal for disposal of the bell. Should a proposal for further disposal be advanced in the future a further Faculty must be applied for with notice to the CBC.

20. I am grateful for the assistance of the DAC and the CBC in reaching this decision.

**Mark Bishop**

**Chancellor**

**28 April 2015.**