

**In The Consistory Court of the Diocese of Newcastle**

**In the Matter of St Aidan's Thockrington Churchyard**

**JUDGEMENT**

1. This is an application by the Reverend Michael J Slade, vicar of St Aidan's Church, Thockrington for a Restoration Order in respect of the churchyard at St Aidan's Church. The respondent cited on the application is Dr Montserrat Verdaguer Clavera (hereinafter Dr Verdaguer), whose actions have necessitated this application.
2. An unusual series of events lies behind the application. Tom Sharpe was a well known writer of humorous fiction. He died on 6 June 2013 in Llafranc in North East Spain. A funeral service was held for him in Spain on 9 June 2013 at which Dr Verdaguer spoke, as did Mr Sharpe's wife, Nancy Sharpe. The domestic arrangements of Mr Sharpe are not clear but it seems that he was living apart from his wife prior to his death and in some sort of a relationship with Dr Verdaguer. He was apparently cremated and, according to what Dr Verdaguer has later claimed, the majority of his ashes were taken by his widow, but some were left with Dr Verdaguer.
3. On 7 June 2013 an article had appeared in the Newcastle Journal suggesting that some of Tom Sharpe's ashes would be scattered at St Aidan's Church, Thockrington. That was noted by the applicant and the PCC members, but there was no contact with the Revd. Slade or the PCC in relation to that.
4. So far as anyone connected with St Aidan's is concerned the next development was on 5 June 2014. On that date a further article appeared in the Newcastle Journal reporting that Tom Sharpe's ashes had been buried, in Thockrington churchyard, along with a bottle of whisky, a cigar and his favourite pen, by Dr Verdaguer who had been accompanied by a local man - named as Charlie Harrison - and a Spanish film crew. The article described what was said to have happened and a photograph of some flowers and a plaque that had been placed in the churchyard appeared. There were further photographs, including one of an urn with a certificate on the outside, on the newspaper's website.
5. Following those events Revd Slade immediately attempted to contact Dr Verdageur and Mrs Sharpe, which he eventually managed to do - via email - to ascertain precisely what had happened. Mrs Sharpe expressed her

surprise and distress at what had occurred, although acknowledging that she knew that Sharpe would have wished to have been buried at Thockrington. She had, through a solicitor, contacted Newcastle Diocese in 1999 enquiring as to the possibility of his being buried there, but been informed that Sharpe would have had at least to have been a regular churchgoer at St Aidan's for that to be possible. That had been accepted by Sharpe and the matter taken no further. Dr Verdaguer, in emails and a letter, expressed the hope that she had not disturbed any grave, lamented the fact that Sharpe had been cremated and said that she had been left a few of his ashes. She also said "It's very sad that after one year of his death he is still unburied". That prompted Revd Slade to enquire of her if the casket that had been buried contained Sharpe's ashes or was empty. She responded that the casket was empty and that the whole exercise had been "just a TV documentary" and that she had been aware that permission would have been needed to enter the cemetery and carry out the filming. She said that that had not been done as everything was done in a hurry "when Charlie Harrison offered to drive us to the Church".

6. Mrs Sharpe, when informed of what Dr Verdaguer had said, expressed shock and questioned why an empty urn would be buried, other than as a publicity stunt. She informed Revd Slade that she had, in fact, visited Northumberland in July 2014 and scattered some of Sharpe's ashes on the fellside outside of the churchyard.
7. On 30 October 2014 Dr Verdaguer wrote to Revd Slade, enclosing photographs and cuttings from a local Spanish newspaper, asserting that "Tom Sharpe has finally been laid to rest in Spain.....his ashes left by Mrs Sharpe and her daughters.....were buried in a grave in Mieres cemetery with a catholic priest. It's very sad his last wish could not be fulfilled.....I am sure his spirit will remain in Northumberland"
8. In the light of the above series of events and the uncertainty as to what had been buried in Thockrington churchyard, on 2 July 2015, Revd Slade applied for a Restoration Order against Dr Verdaguer in the terms that Mr D R B Burn, on behalf of the PCC, be required to unearth whatever had been buried by Dr Verdaguer and restore the site to its previous condition. The application, together with a witness statement from Revd Slade dated 30 May 2015 attesting to the facts as set out above, was duly served on Dr Verdaguer at her address in Spain, as well as upon Mr Burn and the Archdeacon of Lindisfarne, the Venerable Peter Robinson. In order to give what I considered to be a properly lengthy period for Dr Verdaguer to respond and make arrangements to attend, should she wish to do so, I fixed

a date for the hearing of the application on 2 November 2015 at St Giles Church, Chollerton.

9. Prior to the hearing on 2 November 2015 there was no response whatsoever from Dr Verdaguer. On the morning of 2 November 2015, before the hearing, I visited the churchyard at Thockrington, accompanied by the Registrar and was shown the site by two members of the PCC, Mr & Mrs Ramsden, and the position of the infringement, marked with a stake. I then conducted the hearing of the application at which Revd Slade confirmed all of the events set out in his witness statement and rehearsed above. There was no appearance by Dr Verdaguer and she was not represented.
10. On 3 November 2015 I issued Interim Directions that Mr D R B Burn, on behalf of the PCC, was to unearth any items that may have been illegally buried by Dr Verdaguer and deliver the same to Revd Slade who was to retain them and report to myself as to the nature of any such items. Mr Burn was also to restore the ground, insofar as was possible, to its condition prior to the activity of Dr Verdaguer.
11. On 13 November 2015 Revd Slade reported to me that he had, that morning, with Mr Peter Ramsden accompanied Mr Burn to the churchyard where Mr Burn had carefully unearthed some loose mortal remains (ashes) from a small plastic bag, a medium sized bottle of Famous Grouse whisky, a fountain pen, two small tea-light candles and two red plastic numerals (broken) from the site. Photographs were taken of the operation at various stages and of the items recovered. The surface was then made good. All items unearthed were retained by Revd Slade and have been kept safe by him.
12. On 24 November 2015 a document in Spanish and English, the English title of which is "Response to the Restoration Order", together with another document in Spanish headed "Declaracion de Montserrat Verdaguer Clavera" and dated "11-Setiembre-2015" together with a translation of the contents and a number of other documents were received by the Registrar and forwarded on to myself. Despite the fact that they have arrived long after the hearing date I have considered it proper to take them into account. In summary Dr Verdaguer claims in the statement that what was buried by her was an empty ecological urn, a pen that had belonged to Tom Sharpe, a small bottle of whisky, a cigar, a small plaque and some roses.
13. She also claimed that she had contacted Mr Charlie Harrison on 2 June 2014 from Slaley Hall and had asked him to accompany her and two

reporters from Spain to St Aidan's Church the next day, which he had done. She says that they arrived at the Church to find two strangers with cameras there, one of whom told Mr Harrison that he was a journalist. She describes being "in a completely isolated church in the middle of the country with what gave the impression of an abandoned garden surrounding it, who (sic) nobody had visited in a long time given the turf's length, scrapping (sic) our knees, lacking in any kind of illumination or signs with some crosses and monument which indicated that years ago it had been a cemetery". The Response document argues that no illegal burial of ashes took place and seeks "the exclusion of Ms Verdaguer in this matter and the dropping of the charges regarding her".

14. Revd Slade has, subsequent to receipt of the material sent on behalf of Dr Verdaguer, confirmed in response to an inquiry from the Registrar, that he is as certain as he can be that the remains that were found were human and that normally human ashes are put into a biodegradable casket in a tied up plastic bag, unless it is known that they are to be scattered, in which case they are put in loose so that they can be poured out easily. The items recovered were in and around a split plastic bag, with no trace of a casket, which would accord with the normal practice and the casket having degraded.
  
15. I am wholly unable to accept Dr Verdaguer's account of what happened and, in particular, that no human remains were buried by her. Her accounts have been contradictory and do not accord with the evidence of what has been recovered from the site. However, it is essentially irrelevant as to whether or not she is telling the truth about having buried an empty biodegradable casket. She has admitted at every stage that she entered the churchyard and buried items therein. She expressed to Revd Slade the hope that she had not disturbed any grave. At no stage did she have any permission to enter the churchyard and bury any items therein. She had made no approach to Revd Slade or the PCC or any other relevant body for such permission. St Aidan's Church, whilst undoubtedly in an isolated situation, is regularly used for worship on the 2<sup>nd</sup> and 4<sup>th</sup> Sundays of each month, as the most cursory enquiry would have revealed. Furthermore I am wholly satisfied from my visit to the churchyard that it is perfectly obvious that the churchyard is precisely that, a churchyard enclosed by a dry stone wall surrounding the church, in which there are headstones from burials that have taken place in recent years, as well as others of considerably greater age.

16. I have no idea of the true motives of Dr Verdaguer in doing what she did. In her statement she says that she was asked by Sharpe to write his biography and the trip was in connection with that. That may be the case and, as Mrs Sharpe suggested, it is possible that her actions were a publicity stunt, perhaps in relation to that. Her motives are irrelevant. What she did was wholly unauthorised, a clear trespass and entirely disrespectful of those properly and lawfully interred within the churchyard. By happy chance she did not actually disturb any grave. Nonetheless her actions prompted this application, entirely properly brought by Revd Slade, to ascertain as precisely as possible what had happened and to have the churchyard restored to its position prior to her actions.

17. My interim directions having been complied with and the Churchyard having now been restored to its condition prior to Dr Verdaguer's actions I make the following further order and directions:-

- a. The Respondent (Dr Verdaguer) is to pay the costs of this application in the sum of £1100 plus VAT (i.e. £1320) within 28 days of the date of this Judgement and Order.
- b. Upon payment of the costs, but in any event within 28 days of the date of this Judgement and Order, the Respondent may inform the Registrar in writing of any proposals she has as to the collection by her or her agent of the items that were unearthed and which are currently retained by the Applicant. Any such collection is to take place within 56 days hereof.
- c. In the absence of the payment of the costs of this application and/or any communication from the Respondent in compliance with b) above or in the absence of collection of all items within 56 days hereof, I will give further Directions for the disposal of all of the unearthed items, including what I find are human remains in the form of ashes.

Euan Duff  
Chancellor  
5 January 2016.