

Re Caister Parish Cemetery

Judgment

1. The Caister Joint Burial Committee have petitioned for a faculty for the removal and relocation of headstones from an identified area in Caister Parish Cemetery. The whole of the cemetery is consecrated and therefore falls under the jurisdiction of this Court. The reason for relocating headstones from the relevant area is that the cemetery is very nearly full and the petitioners wish to reuse that area.
2. When the papers in this matter first came before me there was no information provided to show which area of the cemetery was to be cleared of headstones nor which graves would be affected. No efforts had been made to give notice of the proposed changes to the owners of the affected memorials (the heirs-at-law of those commemorated) and no public notices had been displayed at the cemetery under rule 5.3 of the Faculty Jurisdiction Rules 2013. The advice of the Diocesan Advisory Committee had not been sought as required by rule 6.2 of the FJR 2013. I gave directions requiring steps to be taken to remedy these defects and the papers were returned to me in January.
3. From the information now available it is clear that the affected graves are all (apart from one dated 1932) well over one hundred years old. It has not been possible to trace any relatives or heirs-at-law in relation to the affected graves save as set out below.
4. The public notices displayed at the cemetery have elicited two letters of objection; one from Mrs Maureen Wright (nee Blyth) of Great Yarmouth and one from Mrs Patricia Ann Brimeyer of Dubuque, Iowa, USA on behalf of the Sneller-Chubbock Genealogy Study Group. Both letters raised concerns about the memorial erected over the grave of Captain John Thomas Sneller and his wife Frances Sarah Sneller. Mrs Wright also raised concerns about the memorial to the eleven-year-old grandson of John and Frances Sneller, William Blyth who is buried directly behind his grandparents' grave. Both graves date from 1894, clearly a year of great loss for the Sneller/Blyth family.
5. Both Mrs Wright and Mrs Brimeyer have been given the opportunity to become Parties Opponent in this matter but have elected, instead, to

leave the Chancellor to take their written representations into account. I do so.

6. Mrs Brimeyer is the great great granddaughter of John and Frances Sneller and writes on behalf of a family genealogy group. She has visited Caister cemetery on a number of occasions to research and visit the graves of relatives. She has provided a fascinating account of the life of John Sneller and his career as a master mariner. Mrs Brimeyer states “we accept that the graves need to be altered, but we plead that the moving and placement of the stones be done with the utmost care and preservation of them be given the concern they deserve”, a position which she summarizes in a later email with the words: “just a gentle nudge to say, “Hey, watch out for those stones.””
7. Mrs Wright is also the great great granddaughter of John and Frances Sneller. She explains how she visited these (and other) family graves as a child in the 1950s and how she continues to show those memorials to her children and grandchildren. She, too, talks of John Sneller’s illustrious career as a master mariner and she refers to the tragedy of William Blyth’s early death. She asks that the two headstones referred to are left undisturbed “for a few more years to come...for family reasons”.
8. The petitioners were given the opportunity to respond to the representations of Mrs Wright and Mrs Brimeyer. They acknowledge the strong feelings that exist in relation to the relocation of the Sneller and Blyth memorials and express regret at the upset caused. They have nevertheless concluded that to retain those memorials in situ would interfere significantly with the need to expand the much needed burial provision in the cemetery. They nevertheless undertake to ensure that the Sneller and Blyth headstones will be set carefully in a prominent position along the cemetery boundary to ensure that future visits from family and friends can continue to take place. This would ensure that the information engraved on the stones would remain available for current and future generations.
9. Support for the reuse of burial grounds has been often expressed by Consistory Courts throughout the Church of England. The pressure upon limited burial space is, of course, felt most strongly in urban dioceses such as Southwark, where the Chancellor recently issued guidance on this issue¹. Such guidance is not, of course, binding in this diocese, but is indicative of the approach often taken within the Church of England. That guidance states that:

“...there should be an expectation that grave spaces will in due course be reused, and this is necessary to economise on land-use at a time when grave space is a diminishing resource...Reuse of graves within a period of less than 75 years is likely to cause distress and

¹ Chancellor’s Guidance on Churchyards and Memorials: Reuse of Graves

offence to the living, as well as appearing disrespectful to the dead. But incumbents should promote and publicise policies for the reuse of graves as soon as 75 years have elapsed after the most recent burial therein...

Rather than planning for reuse on a grave-by-grave basis, there is merit in seeking to bring larger areas into reuse as part of a coherent plan. Removal of existing memorials...requires a faculty from the Chancellor, and consultation with any surviving relatives who can be traced will always be appropriate. Memorials remain the private property of those who initially paid for their erection, and therefore any faculty granted will contain provision for safeguarding (by some form of relocation) of the memorials. Where authorization is sought to reuse part of a churchyard, the removal of a number of memorials can properly form the subject of a single petition for faculty."

10. The scheme envisaged by the Southwark guidance is exactly the type of scheme pursued by the petitioners in this case. The Diocese of Norwich is, of course, a much more rural one than Southwark. Nevertheless, Caister cemetery is in an urban (or at least suburban) setting and is bounded by roads and buildings on all sides such that there is no scope for its expansion. As such reuse must be considered.
11. As those proposing the changes to the cemetery, the petitioners must bear the burden of proving that a faculty should be granted. They rely upon the manifest and increasingly pressing need for more burial provision in Caister-on-Sea. The cemetery is very nearly full and there is no alternative provision within the parish, hence the need to clear the proposed area for reuse. The petitioners argue that the retention of the Sneller and Blyth memorials will interfere significantly with the need to expand the much needed burial provision in the cemetery. They maintain that the memorials with which I am concerned will be carefully relocated along the boundary of the cemetery and as such will still remain available for family of the deceased to visit. The information on the memorials will be preserved at least whilst the inscriptions on the headstones survive their natural weathering process.
12. The assurances of careful relocation by the petitioners appear to me to meet absolutely the concerns raised by Mrs Brimeyer. Mrs Wright's request is that the two headstones should remain over the place of interment "for a few more years to come". Whereas I understand and sympathize with Mrs Wright's desire that the headstones should remain undisturbed given her memories of visiting the graves all the way back to her childhood, I have come to the conclusion that the petitioners' need to clear an area for reuse must outweigh her wishes. The retention of those two headstones in the cleared area will interfere with the orderly reuse of that part of the cemetery and will, in addition, make those headstones stand out in a way which would be aesthetically obtrusive in this pleasant cemetery. In deciding this I take particular account of the fact that the headstones will be preserved in good order and carefully displayed and available very

close to the burial sites. Mrs Wright will be able to continue to bring her family to visit the memorials, as can they, in their turn, should they so wish.

13.As such, I order that a faculty shall pass the seal. It shall be a condition of the faculty that the petitioners shall use their best endeavours to ensure that the headstones moved are treated with all due care and are securely fixed along the boundary of the cemetery in the location indicated on the petitioners' plan filed at the Registry. The works shall be undertaken under the direction of the petitioners and shall be completed within twelve months or such extended time as may be allowed.

14.I know that this decision will be disappointing to Mrs Wright. I hope that it will be of some comfort to her to know that in burying her relatives in consecrated ground some 120 years ago, their family were (to use the words of the then Bishop of Stafford²) "commending the person to God, saying farewell to them (for their "journey"), entrusting them in peace for their ultimate destination, with us, the heavenly Jerusalem".

Ruth Arlow
Chancellor of the Diocese of Norwich

4 February 2016

² 'Theology of Burial'. A paper by the Rt Revd Christopher Hill placed before the Court of Arches in the decision of *Re Blagdon Cemetery* [2002] Fam 299