

Re William Philip Allen, Michael Larkin and Michael O'Brien, all deceased
 Manchester Consistory Court: Tattersall Ch, August 2007
Exhumation – identification

The petitioner was an historian from County Cork, who sought the exhumation of the cremated remains of three of the 'Manchester Martyrs', who had been executed after being convicted of the murder of a police officer in 1867 during a successful attempt to free two prominent Fenians who were being transported to the County Jail in West Gorton. The three had been interred in the prison precincts and their remains were re-interred at Strangeways Prison and then re-interred in Blackley Cemetery when Strangeways Prison was rebuilt. The petitioner contended that it had been the wish of each of the deceased to be buried in Ireland. The petitioner was unrelated to any of the deceased, but the deceased's surviving relations supported the petition, as did the Vicar General of the Diocese of Cork. The remains had been cremated during the period when they had been exhumed from Strangeways Prison. Of the 60 bodies, 45 had been identified, with the remaining 15 each being described simply as 'an un-named Fenian'. The three were part of the group of 15. No record was made of the order in which the caskets were interred and so it was not possible to identify which caskets contained the cremated remains of the three deceased. The issues for the chancellor were: whether the 60 caskets of the cremated remains were individually marked, and whether the cremated remains of the three deceased were identifiable by cremation references given by the petitioner. The chancellor was satisfied on the evidence that there was a reasonable prospect that the caskets were individually marked. The chancellor was not satisfied that there was any evidence that the three deceased's remains were marked with the cremation reference numbers given by the petitioner. The chancellor was not prepared to allow the petitioner to amend his application to authorise the exhumation of all 15 'un-named Fenians' on the basis that he did not know the identities of the deceased, nor whether they wished to be buried in Ireland or not, nor whether the person's nearest relatives could be contacted. If the petitioner could find out the identities of the nearest relatives he could make a further application. The petition was refused. [JG]

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Re Holy Cross, Newcastle

Newcastle Consistory Court: McClean Ch, September 2007
Restoration order – injunction

The chancellor had granted a faculty for the installation of a set of Stations of the Cross in September 2006. There had been one objector, who pursued his