

the instrument, the chancellor was of the view that, viewed musically, it would be hard to conclude that the petitioners had rebutted the presumption in favour of pipe organs. No specific shortcomings had been identified with the instrument, which had a 'most pleasant tone' and was of some local interest. The petition was nevertheless granted because the petitioners had made out a case for re-ordering the north chapel so that it could be used more flexibly, for meetings, social gatherings and discussion groups. The presence of the organ in the chapel was an obstacle to such use of the chapel and the instrument would have to be removed in order to facilitate the re-ordering. As there was nowhere in the church to relocate it, it would have to be disposed of and replaced by the proposed electronic organ, which would be installed where three pews currently stood. [Alexander McGregor]

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JGE v English Province of Our Lady of Charity and another

High Court, Queens Bench Division: MacDuff J, November 2011

Sexual abuse – vicarious liability

The claimant alleged that while resident between 1970 and 1972 in a children's home managed by the Sisters of Our Lady of Charity she was raped by the now deceased Father Baldwin. In these interlocutory proceedings the issue was whether or not the second defendants, the Trustees of the Portsmouth Roman Catholic Diocese, were vicariously liable for Baldwin's wrongful acts. The Trustees denied liability on the grounds that Baldwin was not their employee. Following the reasoning in *Maga v Trustees of the Birmingham Archdiocese of the Roman Catholic Church* [2010] EWCA Civ 256, the court concluded that, by 'appointing Father Baldwin as a priest' [*sic*] and thus clothing him with all the powers involved, the defendants created a risk of harm to others. At the time of writing an appeal was pending. [Frank Cranmer]

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Re Coultous, deceased

Bradford Consistory Court: Walford Ch, November 2011

Exhumation

The chancellor granted a faculty for the exhumation of the cremated remains of the deceased, which had been buried as long ago as 1977. Since the burial