

OBITUARIES

Sir John Owen, 1925–2010

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Sometime Dean of the Arches and Auditor¹

It was a remarkable achievement on the part of John Owen, who died on 9 December 2010 aged 85, that throughout the period from 1986 until his retirement in 2000, whilst he was serving as a High Court Judge in the Queen's Bench Division, he was also the senior ecclesiastical judge in the Church of England. Obituaries elsewhere have recorded his prowess as a High Court Judge, but some background to his role as an appellate judge in the Church of England deserves mention.

As a successful practising barrister in Birmingham with a close interest in the Church of England (he was a member of the General Synod for the diocese of Coventry from 1970 until 1980) it was natural that John should move into the ranks of diocesan chancellors. In 1973 he was appointed Chancellor of the diocese of Derby. This was followed by Coventry in 1976 and Southwell in 1979. Holding in plurality was the norm at that time but in terms of experience John fell well behind the doyens of the day. His appointment as Dean of the Arches and Auditor, which necessitated his relinquishing all three chancellorships, caused a little surprise in some quarters. One of John's favourite stories, which caused him to chuckle gleefully whenever he related it, was how the two leading contenders for the post, George Newsom QC and the Reverend E Garth Moore, each independently approached him in private to say that he would support John's candidature because he did not wish his rival to be appointed!

George Newsom had been Chancellor of the Diocese of St Albans since 1958, and of London and Bath and Wells since 1971, whilst Garth Moore had been a chancellor for even longer, starting with Southwark in 1948, Durham in 1954 and Gloucester in 1957. Both were erudite ecclesiastical lawyers and well matched sparring partners, as those who attended the annual meeting of

¹ This is a revised version of an obituary published in the *Church Times* on 28 January 2011.

diocesan chancellors in the library at the Athenæum vividly recall. However, they had their way and in 1980 John was duly appointed as Dean.

A potential problem arose in 1984 when he was offered appointment as a Circuit Judge at the Old Bailey. Did this mean that he would have to relinquish his position as Dean of the Arches and Auditor? Fortunately not, because the then Lord Chancellor took a different view from his predecessors about his judges holding other appointments. John's account of his conversation with Lord Hailsham was that the Lord Chancellor, perhaps somewhat patronisingly, said that he thought it 'good for his judges to have outside interests'. So John continued as Dean whilst he was at the Old Bailey and then after he became a High Court Judge in 1986.

In due course he instigated a number of reforms which have brought lasting benefit to the judicial structure within the Church of England. Being accustomed to an appeal from a High Court Judge being heard by a Court of Appeal consisting of three judges, he found it uncomfortable and unsatisfactory that the historical system of appeal from a diocesan chancellor to the Dean of the Arches or Auditor, sitting alone, still prevailed. He was instrumental in procuring a change in the law in 1991 so that the Dean or Auditor in future would sit with two diocesan chancellors. Together with Chancellor Goodman, I was privileged to sit with John on the first appeal to a three-judge Court of Arches. In the judgment,² John recorded that he intended to vary the composition of the Court from time to time by selecting his fellow judges 'from the whole range of Chancellors'. This he did, and as his immediate successor as Dean and Auditor, I gladly followed his example. John recognised that different chancellors have different perspectives and that this would be beneficial in the establishment of principles to be followed within the faculty jurisdiction.

Having been a pluralist himself, he began to realise that there were disadvantages in the concentration of several dioceses in the hands of one chancellor. He was largely instrumental in the making of the 1993 regulation which limited to two the number of chancellorships to be held by one person. This resulted in a welcome widening of the body of chancellors and enabled many bishops to have their own chancellor rather than sharing him or her with other dioceses.

John next turned his attention to the desirability of drawing chancellors together for some kind of continuing education. In the 1990s, he and Valerie, who was always so supportive of his projects, invited a group of chancellors to their home in Warwickshire for a weekend meeting to discuss issues commonly arising within their dioceses. It was a huge success and resulted in the establishment of regular and much valued seminars for chancellors, which now take place on a biennial basis.

2 *Re St Luke the Evangelist, Maidstone* [1995] Fam 1.

Another 'hat' worn by John was that of Master of the Faculties, an ancient office which he held *ex officio* as Dean of the Arches. The Master oversees the issuing of Special Marriage Licences through the Faculty Office of the Archbishop of Canterbury. He is also responsible for the regulation of the notarial profession, a residual duty dating from the days when the Pope, and then his successor at the Reformation, the Archbishop of Canterbury, was responsible for various different professions. John realised that regulation of the notaries in the twentieth century needed a proper system of examination and also rules to govern notarial practice. He introduced both of these, thereby adding to the standing of notaries and benefiting the public who consult them.

In the field of education in ecclesiastical law, John was enthusiastic and proactive. He delighted in the establishment of the Ecclesiastical Law Society. He encouraged Professor Norman Doe to set up a pioneering Masters Degree in Canon Law at Cardiff University and, ever proud of his Welsh heritage, led by example in enrolling for the inaugural intake in 1991. He brought a wealth of wisdom and experience into the seminar room, leavened with common sense, a rich seam of anecdotes and much impish laughter. Pressure of work caused him to defer completion of the course for 12 months so he was unable to share in the first graduation ceremony, but he consistently presided with charm and self-effacement at the annual dinners of LL.M graduates which were held at Magdalen College, Oxford every autumn, the last occasion being just a few weeks before his death. President of the Friends of the Centre for Law and Religion at Cardiff Law School, he also pledged support to an initiative for the revival of Doctors Commons in a modernised form for the promotion of better legal advice and representation in the ecclesiastical courts, but this project never quite got off the ground.

The ease with which John juggled his various duties reflected his interest in all of them. Having taken on a job he gave of his best to it, always with the good humour which was his distinguishing characteristic. Despite holding high office for many years he derived particular satisfaction from his role as churchwarden in Idlicote, where he found it salutary to be 'at the coalface' with the perennial task of keeping a small church going and in repair. He was devoted to Valerie, a loving father to Melissa and Alexander and a proud and loving grandfather to Kelly. We give thanks for his leadership and friendship.

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His Honour Quentin Edwards QC, 1925–2010

CHRISTOPHER HILL

Chairman, Ecclesiastical Law Society
Bishop of Guildford

It is always sad to mark the passing of a predecessor in an office which one holds, but it is particularly so in the case of Quentin Edwards, whose chairmanship of the Ecclesiastical Law Society spanned some of its most energetic and productive years. Quentin was a character. Always immaculately dressed, a stickler for propriety and good manners, he was quixotic, urbane and wickedly amusing. His trademark whiskers, flamboyant rings, scarves and monocle made him instantly recognisable, not least at racecourses where he was a frequent and knowledgeable attender, but he was also a distinguished ecclesiastical lawyer, conscientious diocesan chancellor, respected Circuit Judge and dedicated lay reader.

Born in Alexandria, Egypt in 1925, son of a shipbroker, Quentin's exotic childhood was cut short by a move to England to board at Hastings and thereafter Bradfield College. While in the sixth form, he met Sir John Mortimer QC (then a youthful undergraduate) on a trip to Oxford University, who conceived a short-lived infatuation for him, evidenced by rather passionate correspondence, an episode only made public many years later in the pages of Valerie Grove's biography of Mortimer. Following an abrupt departure from his school, Quentin worked on a farm and in a factory before enlisting in the Royal Navy in 1943, seeing service in Scapa Flow. Demobbed in 1946, he was called to the Bar in 1948 and was married the following day. His wife Barbara died some four years ago. They had two sons and a daughter.

Having taken silk in 1975, Quentin was appointed to the Circuit Bench and sat in Westminster, Bloomsbury, Marylebone and latterly the Central London County Court in Regent's Crescent. Occasionally irascible, particularly with ill-prepared or indolent counsel, he ran a disciplined court and became particularly adept in jury trials concerning civil actions against the police. He was Chancellor of the Dioceses of Blackburn and Chichester. Amongst other achievements in his ecclesiastical practice at the Bar, Quentin was junior counsel for the defendant priest in the notorious case of *Bland v Archdeacon of Cheltenham*,¹ led by Geoffrey Howe QC, with Hugh Forbes QC and Sheila Cameron for the promoter. He also contributed to an earlier volume of *Halsbury's Laws of England* on the subject of ecclesiastical law.

1 [1972] Fam 157.

When the Ecclesiastical Law Society was founded in 1987, Chancellor Quentin Edwards QC was elected its founder vice-chairman, supporting the late Graham Routledge. Both John Owen and Sheila Cameron were elected to the committee at that time too. When Chancellor Routledge died some two years later, Quentin was the obvious choice to succeed him and he duly chaired the Society from 1990 to 1996, when he stood down and Frank Robson was elected in his place. A genial though always business-like chairman, he transacted the work of the Society with efficiency and good humour, ably assisted by successive executive officers. He presided with style and presence, and few can forget the fortuitous happenstance of the Ripon residential conference coinciding with race day. With a convenient pause in the programme in the afternoon, combined with Quentin's detailed knowledge of current form, he returned for the conference dinner more than usually cheery.

Although Quentin contributed an early piece for publication in the *Journal*,² his most lasting contribution to the life of the Society was in establishing working parties and coaxing them to completion of their assignments. Within a year of the foundation of the Society, he had established six: on the faculty jurisdiction, discipline, marriage after divorce, custom, the training of archdeacons, and education in ecclesiastical law. He encouraged and coerced their distinguished chairmen to get to work, and the fruit of their labours is to be seen in the pages of this *Journal* and in the work of the General Synod. Quentin also worked with Paul Barber in establishing the London Lectures, now a much valued part of the calendar of the Society's activities, and was regular in his own attendance.

His funeral took place on 4 January 2011 at St Michael's, Highgate which Quentin had attended for half a century and where he had regularly preached as a reader. The church was full, although many others, me included, would have wished to have been present. The Society was represented by the Editor of the *Journal*, whom Quentin was pleased had succeeded him as Chancellor of Chichester. Quentin insisted that there was to be no eulogy: instead a sermon was to be preached upon a text which, typically, he prescribed: 'So likewise ye, when ye shall have done all those things which are commanded you, say, we are unprofitable servants: we have done that which was our duty to do'.³ He will be mourned by family and friends, but remembered with warmth and affection, the flourishing of the Ecclesiastical Law Society, and the early success of its working parties, being his lasting legacy.

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² Q Edwards, 'The canon law of the Church of England: its implications for unity' (1988) 1 *Ecc LJ* 18.
³ Luke 17:10.