

## SOCIETY CONFERENCE 26 MARCH 1994

THE RIGHT HONOURABLE THE LORD MACKAY OF CLASHFERN  
THE LORD CHANCELLOR AND ECCLESIASTICAL MATTERS

Most people know that the ancient office of Lord Chancellor carries wide-ranging responsibilities in the affairs of the state, but the extent of the Lord Chancellor's duties and interest in ecclesiastical affairs is less well known. I am grateful to have been invited to address you on a subject of my own choosing. I see from the editorial of your distinguished journal in the issue for January 1994 that at one of your early conferences a parish priest on hearing a reference to a chancellor said that he thought Lord Mackay was the Chancellor. I thought it might be of interest if I spoke about my responsibilities as Lord High Chancellor of Great Britain. So I am glad to be able to speak to you about some of those interesting duties which have become familiar to me as part of my own daily practice. It has been fascinating for me to draw together the varied strands which go to make up that practice. It made me think of the vicar who decided to rehearse his sermon privately in front of a full-length mirror, complete with gestures, voice inflections, and dramatic pauses. One day the churchwardens caught a glimpse of the rehearsal and to avoid embarrassment they retreated silently. As soon as they were out of earshot one said: 'Thank goodness we've seen that, for in future we shall be able to answer the critics and say that he really does practise what he preaches.'

### THE EARLY LORD CHANCELLORS

The office of Lord Chancellor, or King's Chancellor is one of the most ancient offices of state. In the early years, the Chancellors were almost invariably ecclesiastics. Perhaps the first was Augmentus, a 'benevolent ecclesiastic' who accompanied Augustine from Rome on his holy mission, to become *Referendarius* to the first Christian Saxon King, Ethelbert, and is said to have drawn up a code of laws which was published. Ethelred the Unready apparently divided the office between three abbots, each of them to serve four months in every year.

One of my more celebrated clerical predecessors is traditionally believed to have influenced the physical heavens in a particularly dramatic fashion, although after his death. The King's Chancellor Swithin served under two kings and had a great reputation for learning and ability, being responsible for the education of Alfred the Great and the establishment in England of the payment known as 'Peter's Pence'. Perhaps though, he is best remembered for the pluvius result of his dying injunction that his body should be buried, not in the cathedral, but in the churchyard among the poor. In disobedience to that injunction, it was proposed that he should be deposited with great ceremony, under the high altar of the cathedral on 15 July, but he is said to have enforced his injunction by sending a tremendous rain which lasted for forty days until the project had to be abandoned.

Edward the Confessor brought from Normandy the custom of having a great seal to testify the royal will in the administration of justice and matters of government, and the great seal of the kingdom was entrusted to his Chancellor.

The original duties of Chancellors could be described as secretarial, in the production of royal letters and writs. By the late middle ages the Chancellor had control of the chancery and had become the principal councillor of the King. It is at this time that the seeds of the present office, with its multifarious duties and functions first become visible. The Chancellor had an important role in government before there was a Parliament. Thereafter, he played an important part in parliamentary affairs, and has since the introduction of the Cabinet always been a prominent member of it. He exercised a range of government and ecclesiastical patronage, and became a major judicial officer, also appointing judges and justices of the peace. Having control of the great seal, he played a role of special importance at times of constitutional crisis. Long before the office of Prime Minister was created, the early Chancellors acted as the King's first minister. His role was perhaps greater than Prime Minister, and could have been described as the Secretary of State for all Departments.

The qualifications and quality of Chancellors has varied tremendously, with some honoured for their piety, others acknowledged for great intellect and ability, while a few gained notoriety, like Lord Chancellor Jeffreys. Even his reputation for harshness when he was Lord Chief Justice may be tempered by his sentence of a mere fine on two brothers who had stolen lead from Stepney Church roof. He said that their zeal for religion had carried them to the top of the Church, but if they had stolen more than five shillings' worth they would have been hanged.

#### KEEPER OF THE KING'S CONSCIENCE

The Lord Chancellor is sometimes said to be the Keeper of the King's Conscience. Lord Chancellor Hatton in 1587 said that it was 'the holy conscience of the Queen, for matter of equity, that is in some sort committed to the Chancellor'. Campbell, the Victorian historian of Lord Chancellors said, in 1836, that the custody of the royal conscience might possibly be considered one of the *obsolete* functions of the Chancellor, for he was no longer a casuist for the sovereign as when priest, chaplain and confessor. Lord Chancellor Hailsham of St Marylebone, included that function among the 'all sorts of other odds and ends of jobs which the Lord Chancellor has', but he admitted that he never discovered what responsibilities exactly were entailed in that department of the office. It may well be that in older times when the Chancellor was a chaplain and confessor, his responsibility did relate to the King's person, but the resounding phrase might later have been found just as fitting to describe the King's dispensation, through his Chancellor, of justice for all his subjects.

#### THE LORD CHANCELLOR NOW

The Lord Chancellor now has divers responsibilities which range over all three branches of government, the Executive, the Legislature and the Judiciary. He is a member of the Cabinet, and is head of the Judiciary. He heads a department which has a general responsibility for law reform in England and Wales, as well as responsibility for running the court system. He is entitled to preside over the House of Lords in its legislative capacity as its Speaker, and also in its judicial function as the final court of appeal from the courts of the United Kingdom. He may also sit on the Judicial Committee of the Privy Council, which now has a reduced but still significant appellate jurisdiction. He has extensive judicial patronage.

His ecclesiastical responsibilities are as varied, and in some respects show a parallel to his non-ecclesiastical duties, but are less well defined. He exercises ecclesiastical patronage. Along with the two archbishops, all the diocesan bishops, the Speaker of the House of Commons, the Prime Minister and many other holders of important offices he is an *ex officio* church commissioner though he does not have any day to day responsibility for the commissioners' affairs. As a member of the House of Lords in its legislative capacity, he takes part in the passing of ecclesiastical measures, and as Lord Chancellor has special duties connected with that legislation. He is also called upon to contribute to the process of appointing the ecclesiastical judiciary, and may in some circumstances sit in an appellate jurisdiction in ecclesiastical matters. He also exercises visitatorial jurisdiction, on behalf of the Queen.

#### ECCLESIASTICAL PATRONAGE AND LAW: ECCLESIASTICAL PATRONAGE

As most of you will know, the Lord Chancellor is a patron of nearly 500 livings in England. This makes the Lord Chancellor one of the largest patrons today in the Church of England. His patronage covers the whole country, but the livings are not evenly spread. The heaviest concentration is in the eastern part of England. Some dioceses like Chelmsford, Lincoln, Norwich and St Edmundsbury and Ipswich contain substantial numbers, while others like Carlisle, Chester, Liverpool and Wakefield have none, with Ripon and Bradford having only one each.

The livings encompass every tradition – and fashion – within the Church of England. (About 20% are catholic, 20% evangelical and the remaining 60% broadly central). The great preponderance of parishes is rural and semi-rural.

The Lord Chancellor's ecclesiastical patronage is not a new or even modern phenomenon. It began in the fourteenth century when King Edward the Third gave to his Lord Chancellor all Crown Livings worth less than twenty shillings a year, keeping for himself those worth more than that. More livings came into the gift of the Lord Chancellor with the dissolution of the monasteries. The Ecclesiastical Office has a copy of the *Liber Regis* compiled in the sixteenth century, which can be referred to in case of doubt. But the picture is not fixed for all time. Sometimes there is an increase when, occasionally, livings are bequeathed to the Lord Chancellor by private patrons; there can be a decrease too, as the result of pastoral reorganisation. In about half of the 500 Lord Chancellor livings, patronage is shared with one or more patrons.

Some of the multiple rural parishes have fascinating names, for example: 'Upton Snodsbury and Broughton Hackett with the Flyfords and North Piddle': another is 'Charsfield with Debach and Monewden with Hoo, Dallinghoo and Letheringham; finally 'Winfarthing with Shelfanger with Burstow with Gissing with Tivetshall'.

The role of the patron in the church today is limited. He does three things. First, he appoints the incumbent when there is a vacancy. Second, he has to give his agreement to pastoral reorganisation affecting parishes within the patronage. Third, he has to be consulted about major changes to the benefice house such as purchase of a new house or sale of an existing one. Most of this work is reactive to situations as they develop in the Church. But as Patron, the Lord Chancellor exercises an element of Royal Prerogative and he can use this to bring some extra pressure to bear for the good of the parish, or the incumbent or to assist the parish.

In a more pastoral role we keep a general eye on our parishes through a system of parish visits by the two Ecclesiastical Secretaries. Each of the 500 benefices is visited about every six or seven years. These visits are particularly important with country parishes which feel remote from the centre.

Some people view patronage as an anachronism with a questionable place in the modern Church. My experience is that it is a positive role which has its place in the Established Church. It can act as a check and balance for the benefit of bishops, clergy and laity alike. Most importantly it provides a means for movement between dioceses and thus encourages comprehensiveness in the parish system within the Church of England.

## ECCLESIASTICAL LAW

Ecclesiastical law is part of the law of England. Although the term is sometimes used to describe all laws relating to churches, it is normally used to refer to the separate body of law governing the constitution and property of the Church of England, the provincial, diocesan and parochial system, the clergy, services, doctrine, ritual and practice. Those laws, like the other laws of England, are to be found partly in statute and partly in the precedents of case-law. There are still parts of the general law which have a peculiarly ecclesiastical flavour, such as the branch of property law dealing with the transmission of advowsons.

Since the reign of William I, the ecclesiastical courts have been wholly separate from the temporal courts. As well as their civil jurisdiction in matrimonial and testamentary causes, the ecclesiastical courts established a large field of jurisdiction in criminal matters. Jurisdiction extended not only to offences committed by the clergy, but also to a number of crimes or offences of the laity, which by the laws of the realm were of ecclesiastical cognisance, such as heresy, brawling in church or churchyard, and defamation. In the late 1820's there were 372 ecclesiastical courts, about half of whose business was testamentary. By the middle of the century it was recognised to be unsatisfactory that the ecclesiastical, chancery and other courts having jurisdiction were operating on distinct and sometimes antagonistic principles, and reform was undertaken. Defamation was taken away from the ecclesiastical courts in 1855, matrimonial and testamentary causes were transferred in 1857 to the newly created Courts of Divorce and Matrimonial Causes, and Probate.

Of course the Church still has its own system of first instance and appellate courts, which run parallel to the temporal courts, so that proceedings begun in one system must be disposed of there (subject only to the possibility that proceedings before the ecclesiastical courts can be subject to some forms of judicial review). Like the temporal courts, the ecclesiastical courts are the Queen's courts. As the temporal courts have separate criminal and civil jurisdiction and procedures, so the ecclesiastical jurisdiction and procedure under the faculty jurisdiction is quite distinct from the way in which they deal with charges of ecclesiastical offences. All the structures are now governed by the provisions of the Ecclesiastical Jurisdiction Measure 1963.

Despite the differences between the two systems, there will inevitably be much in common, not only in terms of procedure, but in many attendant matters. Thus although the sanctions available are very different, and preliminary

enquiries as to whether an accused person has a case to answer takes a different form, the procedure for trying offences in the Consistory Court will closely follow the procedure of the Crown Court. For example, in *Bland v Archdeacon of Cheltenham* [1972] Fam 157, the Arches Court of Canterbury recommended that when one of the four assessors sitting as a member of the 'jury' in the Consistory Court wanted to put a question to a defendant, it should be done through the judge, that is the chancellor, following the usual practice in the criminal courts. The chancellor, like the circuit judge, may be called on to sit with others in a criminal matter one day, and alone in a non-criminal matter on the next. The system of ecclesiastical legal aid is undoubtedly subject to constraints similar to those affecting the legal aid scheme for which the Lord Chancellor bears overall responsibility.

But although they run in parallel, the ecclesiastic and secular systems are by no means insulated from each other. Contempt of court may not be sanctioned, and thus the Consistory Court, which has no contempt jurisdiction of its own, is protected by the High Court. On occasion it is necessary for the ecclesiastical courts to decide points of temporal law. As Uthwatt J. said in *A-G v Dean and Chapter of Ripon Cathedral* [1945] Ch.239, 245:

'When a matter of general law arises incidentally for consideration in a case before an ecclesiastical court, that court is bound to ascertain the general law and order itself accordingly: and where a matter depending on ecclesiastical law finds a place in a cause properly before the temporal courts those courts similarly will ascertain for themselves the ecclesiastical law and apply it as part of the law they administer.'

This is most obvious in the context of ecclesiastical and other property, where exercise of the unique faculty jurisdiction often depends on principles of general property law as well as the special considerations to be taken into account in deciding whether or not faculties should be granted. Thus, in *re Escot Church* [1979] Fam 125, the petitioning family asked for the return of a painting they claimed to have lent to a church. The Exeter Consistory Court (Calcutt Ch) found that the family had given the painting to the church, so that there was no question of granting a faculty for its removal by them. In *re St Mary's Barton-upon-Humber* [1987] Fam 41, where church ornaments had improperly been sold without faculties, the Lincoln Consistory Court (Judge Goodman Ch) refused to grant confirmatory faculties without which the chains of purchasers lacked any title to the ornaments. In *re St Martin le Grand, York* [1990] Fam 63, York Consistory Court (Coningsby QC Ch) had to decide whether the petitioners were already entitled to a right of way over a churchyard before he could decide whether and what faculty would be required to give them the rights they wanted. The petitioners' case depended on a presumption of lost modern grant – necessarily paired with a presumption that the lost grant had been authorised by the grant of a faculty, also lost. But there are obvious limitations on the use in one context of principles developed in another. Thus, for instance in *Bland v Archdeacon of Cheltenham* [1972] Fam 157, the Arches Court of Canterbury disapproved an attempt to apply the common law principles of negligence into the ecclesiastical offence of neglect of duty.

## LEGISLATURE

Like all primary legislation, Ecclesiastical Measures pass through Parliament in order to become law, but the procedure applicable to them is quite different. The General Synod has its own legislative procedures, to legislate by canon and to pass Measures. When the General Synod refers to its Legislative Committee a Measure which it desires shall pass into law, the Legislative Committee must submit the Measure to the Ecclesiastical Committee of Parliament, together with such comments and explanations as the Legislative Committee deems expedient or is directed by the General Synod to add. The Ecclesiastical Committee of Parliament is a committee of thirty members of both Houses. The Lord Chancellor does not sit, but is responsible for the nomination of the fifteen Members of the House of Lords to sit for the duration of the Parliament. That Committee is responsible for considering the Measure and reporting to Parliament on its nature and legal effect, and the Committee's views on its expediency, especially in relation to the constitutional rights of all Her Majesty's subjects. The Measure may be withdrawn but the Ecclesiastical Committee cannot vary the Measure.

## JUDICIARY

The administration of the Supreme Court (comprising the Court of Appeal, the High Court and the Crown Courts), and the county courts, and since 1992 the overall administration of the magistrates' courts, are the responsibility of the Lord Chancellor, who also has responsibility for a large number of judicial appointments. By long established usage, the Crown appointments of High Court Judges are made on the recommendation of the Lord Chancellor, who is also invariably consulted on the appointment of the more senior judges. Appointments of circuit judges and recorders are also made on the recommendations of the Lord Chancellor, and the appointment of justices of the peace has been his responsibility since the reign of Edward III.

He does not have responsibility for the administration of the ecclesiastical courts, but the expertise built up in relation to "lay" judicial appointments has recognised value of which use is made in the context of appointments to be made in the ecclesiastical courts. Section 3 of the Ecclesiastical Jurisdiction Measure 1963 provides that two of the five judges of the Arches Court of Canterbury and the Chancery Court of York shall be laymen appointed by the Chairman of the House of Laity after consultation with the Lord Chancellor and possessing such judicial experience as the Lord Chancellor shall think appropriate.

The Court of Ecclesiastical Causes Reserved consists of five judges, two of whom must hold or have held high judicial office. They are appointed by Her Majesty on the recommendation of the Prime Minister, who will consult the Lord Chancellor. He is also consulted by the bishops on the appointment of diocesan chancellors, who preside over the consistory courts.

The Lord Chancellor rarely sits in ecclesiastical causes, but may do so, for instance as a member of the Judicial Committee of the Privy Council hearing appeals under the Pastoral Measure 1983, or final appeals from the Provincial Court under the faculty jurisdiction on points not involving matters of doctrine, ritual or ceremonial.



## VISITATION

Visitation is a form of supervision over the domestic affairs of institutions, usually corporations, which may be either ecclesiastical or lay. It is doubtful whether, among the lay corporations, civil corporations would still in practice be subject to visitation, but the Visitor continues to play an important part in the affairs of eleemosynary corporations. These are charitable institutions constituted for the perpetual distribution of the founder's free alms or bounty, and include in particular, universities and other educational establishments. The Lord Chancellor acts as Visitor to a number of bodies, both ecclesiastical and eleemosynary. The nature of the role in both settings has undoubtedly altered over the centuries, but what is left is unique and of great value.

## ECCLESIASTICAL VISITATION

The bishop of a diocese, under the supremacy of the Crown and the supervision of the archbishop, is chief in superintendency in matters ecclesiastical within the diocese. He is also called the Ordinary as having ordinary jurisdiction in causes ecclesiastical 'immediate to the King'. The constitution and statutes of each cathedral church must provide that the bishop shall be the visitor of the cathedral church and must provide for the exercise by him of the functions of visitor. Ecclesiastical visitation generally denotes the act of the Bishop or of some other ordinary going his circuit through his diocese or district with a full power of inquiring into such matters as relate to the government and discipline of the church. The principal object of visitation is that the bishop, archdeacon, or other person assigned to visit may get some good knowledge of the state, sufficiency and ability of the clergy and other persons whom he is to visit. Traditionally, visitation would be summoned regularly, and presentments or complaints would be made to the Ordinary.

It was said that the bishop brought with him not only the means of visiting the churches and directing ecclesiastical affairs but the power of acting judicially by his official principal, i.e. the chancellor of the diocese. His authority included a summary power of correction. Now, of course, any proceedings for offences against the law ecclesiastical must take the due legal form directed by the Ecclesiastical Measure 1963 or by the general ecclesiastical law for the time being in force. The Report of the Archbishops' Commission on Ecclesiastical Courts in 1954 summarised the changes as follows

'A bishop's relationship with both his clergy and his laity today is predominantly a pastoral one. It should be recognised that a great change in the general conception of this relationship has taken place not only since the middle ages but even during the past century. The bishop is today first and foremost a pastor rather than a judge.'

However, not all places are within the episcopal or even archiepiscopal jurisdiction. The Sovereign is the supreme Ordinary and Visitor. In England, a few peculiars survive, from over 300 at the beginning of last century. These are not subject to visitation by the ordinary but are thought to be subject to the visitatorial jurisdiction of the Archbishop of Canterbury. The chapels of Gray's and Lincoln's Inns are not peculiars, although they are extra-parochial. The Temple Church is a peculiar on royal land, with the Benchers of the two Inns as the Ordinary. The Royal Peculiars are both extra-diocesan *and* extra-provincial, and are not subject to the ordinary ecclesiastical jurisdiction. As well as the Royal

Chapels, the Royal Peculiars include Westminster Abbey and the Queen's Free Chapel of St George within her castle of Windsor. The constitution of both otherwise resembles cathedrals, as they are governed by a dean and chapter. The Crown appoints the dean, who is the ordinary. The Abbey comes directly under the personal jurisdiction of the Queen, who is the Visitor and as such exercises the same sort of jurisdiction as the bishop exercises over his cathedral. The Lord Chancellor may receive the Sovereign's instructions to advise or represent Her. The Lord Chancellor is *ex officio* the Visitor of St George's Chapel and College, Windsor. One of the particularly pleasant visits to be made by the Lord Chancellor is to the ceremony and service held there on the occasion of the September Obit.

The Lord Chancellor's visitorships are of very ancient origin. I recently discovered for instance that the Lord Chancellor was named as the visitor to a chapel which was situated in the precincts of what is now the Palace of Westminster, in the fourteenth century. That was the chapel of St Stephen, which no longer exists, and neither does the Lord Chancellor's visitorship. But its interesting and chequered history is bound up with the history of the crypt chapel of St Mary Sub Volta, which is still standing and in use as a chapel. Indeed it is the chapel which holds a very special place in the regard of Members of both Houses of Parliament.

St Mary Sub Volta lay immediately beneath the chapel of St Stephen, of which it was in fact structurally the crypt. The existing chapel appears to have a continuing identity with the medieval building, though there has no doubt been considerable restoration and alteration. In about 1219 Edward I began a reconstruction of the chapel of St Stephen, but the work was largely destroyed by fire towards the end of his reign. Edward III began a complete rebuilding in the year 1330, and founded a college there. The chapel thus founded was one of the King's free chapels, and as such was exempt from all jurisdiction of the Ordinary. The Lord Chancellor was declared to be the visitor. Unfortunately, in 1376, when his services were needed in consequence of certain disorders, the Lord Chancellor was too busy to attend, and others had to perform his visitatorial function. Even in those days, the pressures on his time could be overwhelming. The King issued a commission to the Archbishop of Dublin and others to make a visitation of the chapel instead.

Shortly after the Dissolution, the chapel of St Stephen was assigned by the King as the place for the meeting of the House of Commons. At the beginning of the nineteenth century the crypt chapel was described as a former chapel, but part of it had been enclosed to contain a stove for warming the House of Commons above; part of it was used for other immaterial purposes, while the greater part of it constituted the Speaker's state dining room. At one stage it appears to have served as Sir Robert Walpole's office. During the rebuilding of the Houses of Parliament after their destruction by fire in 1834, the chapel was restored and embellished and made available for divine service. So far as we know, it continued to be so used until the 1920's when its status was queried. Conflicting claims were made, and it appeared doubtful whether the chapel was indeed a religious building at all. The matter was regarded as so serious that it was referred to the two Law Officers for advice. Both of them later served as Lord Chancellor (Sir Thomas Inskip, Lord Caldecote 1939-1940; Sir Douglas Hogg,



Viscount Hailsham, 1928-1929, 1935-1938). Their conclusion, after meticulous research into the history of the chapel itself and legislation affecting it, was that the so-styled chapel was a secular building.

As you may imagine, the conclusion caused enormous consternation. The Archbishop of Canterbury expressed concern that the chapel had been declared not to be a place of worship but 'practically a hall which might be used for any purpose whatever if the Lord Great Chamberlain should so desire'. He remarked that 'it might be used as a storehouse or lavatory or anything else'.

The dilemma was promptly overcome by the intervention of the King, who announced in February 1927 that the Crypt Chapel was a Chapel in a Royal Palace, and was to be used solely for Christian religious purposes. The Times' parliamentary correspondent welcomed the announcement, grateful that where not even an Act of Parliament could have solved the theological difficulty, the prerogative of the Crown could still, happily, be invoked.

#### ELEEMOSYNARY VISITATION

The Lord Chancellor is more frequently called upon to exercise visitatorial jurisdiction over eleemosynary corporations, principally universities and colleges. He is the visitor according to the charter and statutes of the University of Newcastle-on-Tyne, and at least three colleges of the University of Oxford. Other visitorships to Universities and Oxford and Cambridge Colleges are held by members of the Royal Family, archbishops, bishops, lawyers, and by other eminent people. The Lord Chancellor also acts as Visitor to universities in many cases where he is not actually named as the visitor in the charter. In many charters the right of visitation has been reserved to the Queen, or a right has been reserved to the Crown to appoint a visitor and no appointment has been made. In such circumstances The Queen herself is the Visitor. It is often the case that when there is a call on her visitatorial jurisdiction, she will direct that the jurisdiction should be exercised on her behalf by the Lord Chancellor. Her Majesty has personally directed me to do so in connection with many petitions which have been addressed to her as Visitor.

The Visitor may participate in ceremonial occasions and perform a number of formal duties, as well as giving advice when the institution expresses any doubt as to its powers under its charter and statutes. His exact powers and duties may be set out in detail in the statutes and may be limited, but in most cases the Visitor has inherent general powers to visit and to adjudicate on all disputes arising under the domestic laws of the institution. The formal visitations and inspection which would once have been regularly undertaken, are now less common. There is, however, one particular function of the Visitor which has come to be called upon more frequently, I think, over about the last twenty years. That is his responsibility to settle domestic disputes which may arise between the institution and one or more of its members. He is not concerned with criminal matters, but it is now firmly established that disputes relating to the correct interpretation and fair administration of the domestic laws of universities, their statutes and ordinances do fall within the jurisdiction of the Visitor. and that is an exclusive jurisdiction. That means that if the dispute is to be resolved it must be presented to the Visitor. The nature of the dispute may be such that if it had arisen outside the university context it would have led to litigation in the courts, but if the case is within the Visitor's jurisdiction, the courts have no jurisdiction in the matter at all. Naturally some of the petitions which come to the Visitor concern matters

which could never form the subject matter of litigation in the normal sense. These are not great affairs of state, but they can be of vital importance to those who are affected by them, whether it is the degree candidate who is convinced that his best examination scripts have been credited to a competitor, the competitor who has no doubt that his own brilliant performance has not been properly recognised because his teachers disapproved of his unconventional behaviour, or the university authorities who have done everything possible to help one of their students and cannot understand his complaint that he has been victimised.

I believe that this last recourse to a person outside, but having a special relationship with, the university is one which is valuable and greatly appreciated by those who are or might become involved in such grievances. It provides a quick, inexpensive and often informal way of getting to the bottom of things and putting right anything which has gone wrong, and I have found that it can be very satisfying if the Visitor is able sometimes to help to prevent difficult situations from developing into irreparable hostilities.

I hope that none of you has friends waiting outside, like the unfortunate young man who had been waiting for his friend outside the church for half an hour on a bitterly cold Sunday. The sermon must have been unusually long. When she eventually appeared, he was surprised that she was on her own, evidently having slipped out before the rest of the congregation. 'Hasn't he finished yet?' he asked her. 'Oh yes,' came the reply, 'he finished twenty minutes ago, but he won't stop'.

Perhaps he should have been told Lord Runcie's story about the vicar who appeared with a serious cut on his face in the pulpit one Sunday. He thought this unusual appearance called for some explanation. So he said that, when he was shaving, he was concentrating on his sermon and cut his face. A less than fully respectful parishioner is alleged to have responded in a very audible whisper: 'Next time concentrate on your face and cut your sermon!'.

Ladies and gentlemen, I have reached the end of my account of the Lord Chancellor and ecclesiastical matters.

#### REFERENCES:

- M. Bond and D. Beamish, *The Lord Chancellor*, 1977.  
 Lord Campbell, *Lives of the Lord Chancellors and Keepers of the Great Seal*, 4th Edition 1857.  
 Lord Hailsham of St Marylebone, *The Problems of a Lord Chancellor*, 1972  
 Lord Hailsham of St Marylebone, *The Office of Law Officer of the Crown, and the Office of Lord Chancellor*, 1978  
 Viscount Hailsham, *The Duties of a Lord Chancellor*, 1936.  
 Lord Gardiner, *The Trials of a Lord Chancellor*, 1968.  
*Halsbury's Statutes of England*, 4th Edition Vol. 14.  
*Halsbury's Laws of England*, 4th Edition Vol. 14.  
 R. F. V. Heuston, *Lives of the Lord Chancellors 1940-1970*, 1987.  
 F. W. Maitland, *The Constitutional History of England*, 1968.  
 A. H. Manchester, *Modern Legal History*, 1980.  
*Moore's Introduction to English Canon Law*, 3rd Edition 1992.  
 G. H. Newsom and G. L. Newsom, *Faculty Jurisdiction of the Church of England*, 2nd Edition 1993.  
 Lord Schuster, *The Office of the Lord Chancellor*, 1949.  
*Tudor on Charities*, 7th Edition, 1984.  
 N. Underhill, *The Lord Chancellor*, 1978.  
 E. C. S. Wade and A. W. Bradley, *Constitutional and Administrative Law*, 10th Edition 1985.