

THE ECCLESIASTICAL COLLECTION IN MIDDLE TEMPLE LIBRARY

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It was in 1991 that Judge John Newey, the Commissary General and a Bencher of Middle Temple, suggested to me that the collection of ecclesiastical judgments dating from 1891 which I held as Secretary of the Ecclesiastical Judges Association, should be deposited in Middle Temple Library to be indexed and bound and thereafter made available to those who needed to read them in connection with their professional work in the field of Ecclesiastical Law. He also indicated that if the Inn was supplied with judgments in the future, it would be happy to treat them in the same manner.

Despite John Newey's very welcome enthusiasm and support, nothing would have been achieved had it not been for the dedication and devotion of Middle Temple's then Keeper of the Library, Janet Edgell, a Quaker who nevertheless became entranced by the Church of England's Consistory Courts and the judgments given by diocesan chancellors and, on occasion, by the Dean of the Arches and Auditor when hearing appeals from them. In her article in this journal (5 Ecc LJ 455) written shortly before her untimely death three years ago, Janet traced the way in which she faced the challenge placed before her when I unceremoniously dumped a large leather suitcase containing a century's ecclesiastical judgments on the desk in her office. She soon commenced the immense task of assembling and preparing transcripts—some faint or altered in longhand—for the binder and also preparing lists of contents, tables of cases and statutory material and subject indexes for each volume. This task became a hobby if not an obsession as I brought in the next year's judgments just as she thought she was beginning to make headway with what she had already. She was of course only able to attend to these ecclesiastical judgments when she was not engaged in her day-to-day duties as Librarian of an important and illustrious law library. I was able to give her some help in checking references and proof-reading the tables and indexes but progress was, understandably, rather slow. Nevertheless by 2000 she was able to record the presence of the first 10 volumes of judgments in Bays 141–143 in the Gallery in their distinctive episcopal purple binding. The first volume covered all those judgments which I had inherited in respect of the period 1891–1970. That was followed by two volumes each covering five years, then a few covering two years at a time and finally a volume for each year. This was due to the fact that we had by now made it known to chancellors and registrars that Middle Temple needed to have all the judgments that were given if the Collection was to be an authoritative and reliable point of reference for those who wished and needed to be aware of the many judgments that remained unreported but of interest in this very specialised field of law.

And then Janet sadly died. At that stage volumes 1-11 covering the period up to 1992 were on the shelves and those for 1993 and 1994 were in the course of preparation. At first it was difficult to see how the work could be carried forward as the staff at Middle Temple had their important, demanding and time-consuming work relating to secular law to perform and I was of course sitting as a judge outside London. It was then that I wrote to members of the Society with a plea for help in performing the task previously undertaken by Janet, the Inn of course being willing to arrange for the actual binding. I received and accepted a number of offers of assistance and I should particularly like to express my gratitude to Peter Moore, Ted Wills and Ruth Arlow for the skill and patient attention to detail which they have brought to bear in helping to assemble and index each year's volume as we have surprisingly quickly managed to get up to date. I am also greatly indebted to Hilary Woodward, a librarian at Middle Temple and now a member of the Society, who has taken on the task of marshalling and photocopying a year's judgments when delivered to her by me and sending them off to Peter Moore, Ted Wills and Ruth Arlow. Thanks are also due to Janet Edgell's successor Vanessa Hayward who has shown a general interest in the work and liaised with the Library Committee and its Chairman Sir Louis Blom-Cooper with regard to the Inn's rôle in the publication and dissemination of these judgments. Sir Louis's Preface to the first Consolidated Index reflects his interest and support.

As Janet remarked in her article, in more recent years judgments have mostly been produced on word processors and, with the help of email, the team has been able to keep in touch, submit drafts for checking and correction and generally take advantage of electronic methods of storing, copying and transmitting material simply and speedily. Citation of these reports is becoming increasingly common-place with the acronym CCCC regularly appearing in the footnotes of this and other periodicals.

The current practice is that we allow twelve months to elapse after the final judgment has been given in any year before I deliver those judgments which have been sent to me to Middle Temple. This is to ensure that no judgment that ought to be included will be omitted. Thus work on the 2001 judgments began on 1 January 2003 and, as I have said, the bound volume has now joined its predecessors on the shelves. Judgments given in 2002 will be delivered to Middle Temple on 1 January 2004 and so on. Of course an earlier indication that a judgment on a particular topic has been given is to be found in the brief though invaluable case summaries included in each issue of the Journal.

In addition we have been able to put together a Consolidated Index covering volumes 1-10 which can be ordered from Middle Temple. Peter Moore has been a tower of strength in relation to this work, bringing to bear on it the skills he acquired during his many years with Butterworths.

The position therefore is that bound volumes up to 2001 (vol 20) are now on the shelves, each volume being slightly larger than the previous one as

more judgments have been written in an age where decisions must be fully explained and justified and when matters considered in the Consistory Courts have become more complicated, issues sometimes arising under the Human Rights Act 1998. By the autumn of 2003 there should be a Consolidated Index covering volumes 1–20. Arrangements are also being made for copies of judgments, given since the last bound volume appeared, to be placed in Bay 141 with a running index. Judgments contained in the bound volumes are cited as Consistory and Commissary Court Cases, e.g. *All Hallows, Harthill* (2001) 20 CCCC No. 1.

In estimating the value of The Ecclesiastical Collection, it is worth repeating the Preface which Judge Newey wrote to volume 1 of this series of judgments:

The Ecclesiastical Courts date from 1076, but it is certain that at no time in their long history have they been as busy as they are today. Most of their work arises out of applications for faculties to make alterations in churches, their contents or churchyards. The majority of cases are dealt with without a hearing and in Chambers, but an increasing number have to be decided after a full hearing in Open Court. Most Ecclesiastical Court judgments are not reported; yet many of them are of considerable interest and together they create a body of Ecclesiastical Law.

Thus facilities can now be made available to enable those concerned with Ecclesiastical Law to ascertain whether there has been any unreported judgment on a particular point and then order a copy of it.

In addition to the bound volumes of judgments, Bays 141–143 in the Gallery of the Library contain many text books on Ecclesiastical Law, several of them of great antiquity and interest. There are also a number of books containing the reports of important and interesting decisions in the ecclesiastical courts. Elsewhere in the Library are to be found the nominate law reports, Church Assembly and General Synod Measures, Public General Statutes and other material of interest to the ecclesiastical lawyer or researcher. Bays 141–143 also house the individual issues of the Ecclesiastical Law Journal and the first five volumes of bound copies.

As already indicated copies of the Consolidated Index of judgments can be obtained from Middle Temple Library as can copies of individual judgments by email or post. Appropriate charges will be made for the services provided by Middle Temple. All requests for information should be made to the Keeper of the Library at Middle Temple Library, Middle Temple Lane, London EC4Y 9BT; telephone 020 7427 4830; fax 020 7427 4831; email library@middletemple.org.uk. In addition members of Middle Temple and barrister members of the other Inns may inspect the material held at the Library at any time. Access may also be provided to outside researchers and members of the Ecclesiastical Law Society upon written application to the Keeper of the Library.