

SIR HAROLD KENT, GCB, QC

An address by Sir John Owen, Dean of the Arches, at a memorial service at St Andrew's, Holborn, on 8 May 1999.

One man in his time plays many parts. This was as true of Harold Kent as it is in generality. Most of us, if we knew him at all, knew him only as Dean of the Arches and Auditor of the Chancery Court of York from 1972 to 1976.

However, if we are to understand, to admire and to be grateful to Harold Kent as we should, we should know of more than his Presidency during those four years.

Although I knew none of the more private roles he played until I read his obituary in *The Times*, that obituary, the transcript of the tribute paid to him in his much loved parish church of Chipping Camden and the words of his son, Michael, give a picture which indicates that Harold was no mere actor.

Michael and his wife are here today. As ecclesiastical judges and friends or admirers of Harold we welcome them. No doubt they will be able to correct errors of fact but they will not be able nor wish to correct or challenge the admiration which is common to all ecclesiastical judges whether he was known personally or from afar.

Harold Kent was born in Tientsin, North China on the 11 November 1903. There, Harold's father had built up a law practice which also flourished in Shanghai. That fact gives an intriguing glimpse of the world into which he was born, a world where gunboat diplomacy was as well known and probably as distrusted as it is today. That background, less unusual then than now but still unusual, no doubt helped to give him a persistent and obvious reminder of the fact that each one of us is unique and each one of us is able with determination to shape his future.

Whilst still in China Harold was diagnosed as having such a weakly fluttering heart as practically to confine him to bed for about a year. Michael Kent has said 'that fluttering heart served him well for ninety-five years and three weeks.' Did those early experiences help to produce the resilience which later seemed an essential part of Harold's make up? The heart may have fluttered and flapped but as a man he did not. He had the confidence but not the arrogance of believing in what he did.

At the age of eight Harold and his elder brother, Leo, came to England. No doubt to the envy of other young boys they made their journey on the Trans-Siberian railway. They did not see their parents for some five years. No doubt these experiences helped to give Harold that sturdy independence which we certainly thought we saw in him.

At prep school both boys won scholarships to Rugby School and from there they won scholarships to Oxford. Harold read Greats but was always disappointed not to have obtained a first. Those of us who read the foreword to Megarry's *Land Law* with affection and understanding would not appreciate the extent of or reason for such disappointment, but accepting that it existed I suspect that Harold believed that had he done some things differently he could and would have obtained that first. It was always apparent to ecclesiastical lawyers that Harold expected and displayed the highest intellectual standards.

Harold was called to the Bar and was in chambers. He married Michael's mother and things being hard at the Bar he turned to writing novels. *The Tenant of Smugglers Rock* was published at the same time as the first *Saint* novel, Harold and Leslie Charteris being described in a review as 'two new promising novelists'. It is an amusing thought that if Harold had continued with his writing Roger Moore might have appeared in a film of *The Black Castle* adapted from Harold's second novel, before becoming the second 007. However, this was not to be and no doubt cautiously but sensibly Harold joined the Civil Service where later he became a Parliamentary draftsman. In 1969, whilst playing this part, Harold wrote an unpublished White

Paper entitled 'The implications of joining the Common Market'. Had it been published would history have been different?

Next, he was appointed Treasury Solicitor and Queen's Proctor. In the former role he dealt with the Bank-Rate Leak Tribunal and the Vassall spy case. I quote from Michael Kent's résumé of his father's life because again it helps to paint the picture of the man whom we ecclesiastical judges knew. 'As Treasury Solicitor...he had a new management role to fulfil, the responsibility of running a large Civil Service department. This he found difficult at times, selecting people for promotion and telling others that they had been passed over.'

This adds considerably to the picture of Harold Kent. He was a considerate man not only to his family—Michael Kent has compendiously described him as a very good father and husband—but also to others who, lower down the scale, could not command, perhaps did not even deserve, consideration but nevertheless received it from Harold.

In his role as Queen's Proctor Harold was performing a task much 'beloved' by the Press. If only they had known one box of papers was marked 'Simpson v. Simpson, Never open'. Whether Harold ever did open the box we do not know—I suspect not—but in any event I am sure that he did not talk about the contents.

In 1963 at the age of sixty he took early retirement from the Civil Service so that he might become draftsman to the General Synod. In this capacity he had responsibility for the Pastoral Measure. At this time, he and his wife Zilla were living at the home which they had built in Calf Lane, Broad Camden.

Then in 1972 he became Dean of the Arches and Auditor of the Chancery Court of York, a post which he continued to fill until 1976. The abstruse niceties of Royal peculiars, of deposition and deprivation and of Faculty Appeals became his concern. He was in post at a time when the work was not expected to be demanding, when all seemed to work reasonably well and the Amenity Societies were rather more modest than they are today and that is not intended as an attack on the Societies. However, Michael Goodman tells me that Harold heard two cases in the Arches Court: one was an appeal from him and in the other Michael was counsel for the appellant. Those who wish to read Harold's careful and admirable judgment may find *Re St Helen, Brant Broughton* [1973] 3 AER 386.

This was the time when I came to admire Harold and realised that quietly without fuss, without pomp and by example he was not only a confident and thorough judge, he was also a teacher of how ecclesiastical judges should behave. Although he received many honours Harold was a modest man. He was a gentleman with a gentle sense of humour. Michael Kent has written 'My father never raised his voice; it was not necessary. We knew what was expected of us. Somehow he conveyed to me what was right and what was wrong. He was always very good with words whether spoken or written and this was a key to his success in his professional life. He was a very kind and gentle person, very persuasive and nearly always right.' We should all say Amen to that.

But what of 1976 to 1998? He wrote an autobiography *In on the Act*. He worked tirelessly for the two churches at Camden. He became a Churchwarden, he studied the New Testament in Greek with a group of similarly interested friends and even, and this must have been a labour of love, he did a stint of three years on the Deanery Synod including one year as Chairman. Zilla, his wife, died ten years ago but despite this great loss he continued to live life apparently to the full so that his Camden friend could say 'We shall miss Harold but remain ever grateful to him, not only for all he did for Camden in material terms but also for the example he has left us of a life reflecting willing service to others and Christian virtue and for his endearing friendship.'

Harold Kent was a fine man. By his example he taught us how we may live as Christians and, more important for today, how we may and should live as Christian

ecclesiastical judges. Those of us who knew him want to say thankyou not only because he was a civilised man who treated us well but also because he gave us a model against which we may, to our benefit, measure ourselves—for us this was his greatest part.