



THE LORD CHANCELLOR.



HE Lord High Chancellor is one of the few great officers of State whose place in the "Table of Precedency" has been fixed by Act of Parliament. By a statute passed in the reign of Henry VIII., it is ordained that he shall "have precedence above all

temporal peers." As a matter of fact, he ranks in State pageants before all spiritual peers as well, except the Archbishop of Canterbury, who follows immediately after the Royal Princes. The position thus assigned to the Lord Chancellor is fairly indicative of the importance of his office in relation to the Sovereign and to the State. He is sometimes spoken of as "Keeper of the Sovereign's Conscience;" and in former times, being generally an ecclesiastic, he actually discharged the mysterious functions which that title implies—he was the "confidential adviser" of the Sovereign in all State affairs.

"The Lord Chancellor," says Blackstone, "is keeper of the King's conscience; visitor, in right of the King, of all hospitals and colleges of the King's foundation; and patron of all the King's livings under the value of twenty marks per annum. He is the general guardian of all infants, idiots and lunatics, and has the general superintendence of all charitable uses in the kingdom." Even this remarkable list of a Lord Chancellor's duties and prerogatives is not exhaustive; he is Keeper of the Great Seal, Speaker or Chairman of the House of Lords, Chief Judicial Officer and recognised head of the Law in England.

The office is conferred by the Sovereign, by formally delivering the Great Seal, and addressing its recipient by the title "Lord High Chancellor of Great Britain." The appointment is confirmed by "letters patent;" and if the new Chancellor is not already a peer he is immediately elevated to the peerage. The practice of conferring a peerage upon the Lord Chancellor is comparatively modern, the first instance of the kind

having occurred in 1603. Henry Brougham held the office of Lord Chancellor, and actually took his seat upon the Woolsack as Speaker of the House of Lords the day before he was created a peer of the realm.

The most important duty belonging to this high office is that which is connected with the custody and use of the Great Seal. The crown, which in popular estimation is the peculiar emblem of sovereignty, may be moved from one place to another without any official record being made of its whereabouts; but the Great Seal has hardly ever been placed by the Sovereign in the hands of the Chancellor, or those of any other person, for a single day, without the fact being duly recorded. The Great Seal is the constitutional emblem of sovereignty; and it is the only instrument by which, on solemn occasions, the will of the Sovereign can be expressed. Every document purporting to be under the Great Seal is received with absolute faith as duly authenticated by Royal authority; and no "Royal grants" or "letters patent" without that are valid or of any force whatever, even if all other formalities have been complied with. A man might plead his Sovereign's oft-expressed intention, and produce royal letters under the signet, or a warrant of privy seal, in support of his claim to a peerage, for example, but all to no purpose if the Great Seal were wanting. Lord Chancellor Yorke had his patent of peerage prepared and passed through all the forms required, but as he died *before* the Great Seal had been affixed, the peerage *intended* for him and his heirs was absolutely lost.

The Lord Chancellor, as Custodian of the Great Seal, is at once the representative of both the Sovereign and the Nation. Since the Revolution of 1688, it has been an acknowledged principle that, in order to prevent the Crown from acting without the consent of its responsible advisers, the Great Seal can only be constitutionally made use of by the proper officer to whom it has been entrusted, viz., the Lord Chancellor. He is held personally responsible, therefore, for every occasion on which the Great Seal is affixed to any

document ; and though, with some few exceptions, the Great Seal cannot be used without the express command of the Sovereign, yet the Chancellor cannot plead the Sovereign's command as sufficient justification apart from his own agreement to the act.

together and melted wax is poured through an opening at the top of the seal. The wax cast is usually attached to a "patent" or other document by a ribbon or a strip of parchment, the ends of which are put into the seal before the wax is poured in, so that when the hard



LORD CHANCELLOR SELBORNE ON THE WOOLSACK.

In ancient times the King occasionally delivered to the Lord Keeper several seals, of different materials but with similar impressions, and to be used for the same purpose ; but for a long period now only one Great Seal has been in existence at a time. The Great Seal of the present reign is a silver mould of two parts, designed by the late Benjamin Wyon, R.A., Chief Engraver of Her Majesty's Mint. When an impression or cast is required, the two parts are placed

impression is taken from the dies, the ribbon is firmly embedded in it. The wax cast when it leaves the mould is six inches in diameter, and three-quarters of an inch in thickness.

The Lord Chancellor claims the Great Seal which goes out of use on the death of the Sovereign as one of his perquisites. Formerly the "Old Seal" was broken into fragments, but the ceremony of "breaking," or "damasking," is now performed by the Sovereign

giving it a gentle blow with a hammer, after which it is regarded as "broken," and cannot be used again. A curious dispute over the ownership of the "Old Seal" arose at the accession of William IV. Lord Lyndhurst was Chancellor when the New Seal was ordered to be prepared, but when it was finished and ordered to be used, Lord Brougham had succeeded to the Woolsack. Each of their lordships having claimed the Old Great Seal, the matter was submitted to the King. His Majesty wisely adjudged that the Seal should be divided between the noble and learned litigants, and graciously ordered that each part should be set in a splendid silver salver with appropriate devices, and presented, the one to the Ex-Chancellor and the other to the presiding Chancellor, as a mark of the King's personal regard.

The Lord Chancellor used to wear the Great Seal on his left side, but now he merely carries the bag or purse in which he receives the Seal from the Sovereign. When he appears in his official capacity in the Queen's presence, or receives messengers of the House of Commons, he bears this purse in his hand. On other occasions it is carried by his "Purse-Bearer," and lies before him, as the emblem of his authority, when he presides in the House of Lords, or in the Court of Chancery. The purse containing (or supposed to contain) the Great Seal is about twelve inches square, made of rich crimson silk-velvet, embroidered with the royal arms on both sides, and fringed with gold bullion. This bag was formerly renewed every year, and the wife of Lord Chancellor Hardwicke is reported to have saved so many of the old purses that she had velvet enough for the hangings of one of the state rooms at Wimpole.

The Lord Chancellor is, by prescription, *ex-officio* Speaker of the House of Lords; and, according to the Standing Orders of that House, it is his paramount duty to be in his place as Speaker during their lordships' sittings. This order was so strictly enforced at one time, that not even the King's command for the Chancellor's presence elsewhere was held to excuse his absence from the Woolsack. The Peers are not so exacting now, however, as the Chancellor's absence

causes no complaint provided he gives notice to a Deputy Speaker to be in attendance at the hour of meeting. His functions as Speaker differ in the following respects from those of the Speaker of the House of Commons: he is not Moderator or Ruler of the Assembly; he is not addressed in the debate; he does not name the peer who is to speak; he is not appealed to as an authority; and, strange to say, he may cheer the sentiments of his colleagues in the Ministry without violating any rules or traditions.

The "Woolsack," as the Lord Chancellor's seat in the House of Lords is called, is actually a large square bag of wool, without either back or arms, covered with plain red cloth. It is said to have been introduced in Queen Elizabeth's time, as a memento of the passing of an Act prohibiting the exportation of wool; but Lord Campbell ("Lives of the Lord Chancellors") finds its origin in "the rude simplicity of early times, when a *sack* of wool was frequently used as a sofa—when the Judges sat on a hard wooden *Bench*, and the advocates stood behind a rough wooden rail, called the *Bar*."

By the 24 Henry VIII., c. 13, the Lord Chancellor is entitled "to weare in his apparell velvet satene and other silkes of any colours, except purple, and any manner of fures except cloke genettes." When addressing the House of Lords he is to be uncovered, but covered when he addresses others, including deputations from the Commons. When he goes before a Committee of the House of Commons he wears his robes, and is attended by his Mace-Bearer and Purse-Bearer. Being seated, he puts on his hat to assert the dignity of the Upper House, and then, having uncovered, gives his evidence.

The Lord Chancellor issues writs for summoning and proroguing Parliament. The right of appointing Magistrates in Counties and Boroughs in England devolves upon him, acting as regards Counties on the recommendation of the Lords Lieutenant. The Lord Chancellor also takes the Royal pleasure as to the appointment of all Judges of first instance in England, and he himself swears in all new Judges in England, by whomsoever appointed.

THE FIRST ROSE OF SUMMER.

SHIELDED from harm in some warm, sheltered place,
 Half fearful of the sun that calls it forth,
 Dreading the bitter winds from east and north,
 The first sweet rose of summer shows its face;
 And, lo! such beauties in its youth we trace,
 That its new-opening bud is dearer far
 Than those more grandly perfect blossoms are
 That later summer dowers with queenly grace.

So fair to see is maidenhood that goes
 With half unconscious steps upon the way
 That marks her laughing childhood's happy close;
 For truth and purity are her array,
 And, full of grace, like summer's first sweet
 flower,
 She reigns a queen long ere she knows her
 power.

G. W.

