

## PARENT AND CHILD—THE CHANCERY IN OLDEN TIMES IN ENGLAND.

Cowen, in *People v. Mercein, supra*, that a father holds his children under a personal trust which he cannot alienate. And the supreme court of Illinois has recently held that the right of a father to the care, custody and nurture of his child cannot be *infringed by the State*, except for gross unfitness for the charge, or for the commission of crime by the child, exposing him to imprisonment; and hence, that a statute authorizing children to be committed to a reform school, without any charge of, or trial for crime, but merely because they appear to officers of the law to be destitute of proper parental care, and growing up in idleness, vice, etc., is unconstitutional, as involving imprisonment without due process of law; and that a child thus committed may be discharged on *habeas corpus*, on the father's petition: *People v. Turner*, 55 Ill. 280.—*Central Law Journal*.

## THE CHANCERY IN OLDEN TIMES IN ENGLAND.

Under Edward I. the officers of the Chancery (Court) lived and lodged together at an inn, or hospitium, which, when the King resided at Westminster, was near the palace, or, perhaps, part of it, until it was removed to the Domus Conversorum, under Edward III. The writs were sealed on a marble table, which stood at the upper end of the hall, and there they seemed to have been delivered out to the suitors. It is supposed that this table still exists beneath the stone stairs. When the King traveled he was followed by the whole establishment of the Chancery (Chancellor, clerks, and all), on which occasion it was usual to require a strong horse, able to carry the rolls, from some religious house bound to furnish the animal; and at the towns where the King rested during his progress, a hospitium was assigned to the Chancery.

Even as far back as the reign of James I. the Chancellor's duties were very weighty; when Lord-Keeper Williams first held the Great Seal, the press of business was so great that he was compelled to sit in his court for two hours before daylight, and to remain there until between eight and nine, and then repair to the House of Lords, where he stayed till twelve or one; after taking some re-

freshment at home, he would return to his court, and hear such causes as he was able to hear in the morning; or, if he attended at council, he would resume his seat in Chancery towards evening, and sit there until eight o'clock, and even later; on reaching home after all this fatigue, he read all the papers his secretaries laid before him; and then, although the night was far gone, would prepare himself for the House of Lords the next day. Whitelock mentions himself and his brother commissioners sitting in Chancery from five o'clock in the morning to five o'clock in the afternoon.

Sir Lancelot Shadwell, the late Vice-Chancellor of England, in his evidence before the Chancellor Commission, declared the business in the Court was then so heavy, "that *three angels* could not get through it." Sir Thomas More, when he took his seat for the first time in the Court of Chancery, addressing the bar and audience said, "I ascend this seat as a place full of labour and danger, voyd of all solide and true honour; the which by how much higher it is, by so much greater fall I am to feare." Laborious indeed it was then, and still more laborious is it now—but void of honour it never was, and never will be; and all such professions of indifference to its dignity, because of the duties annexed to that dignity, as much deserve contempt as they meet with neglect. "When I was Chancellor," says Bacon, "I told Gondomar, the Spanish Ambassador, that I would willingly forbear the honour to get rid of the burden; that I had always a desire to lead a private life." Gondomar answered that he would tell me a tale:—"My lord, once there was an old rat that would needs leave the world; he acquainted the young rats that he would retire into his hole, and spend his days in solitude, and commanded them to respect his philosophical seclusion. They forbore two or three days; at last, one harder than his fellows, ventured in to see how he did; he entered and found him sitting in the midst of a rich parmesan cheese."—*Am. Land and Law Adviser*.