

Chapter 32 The Mace

32.1 Origins of the mace

The mace that today forms part of the regalia of parliamentary institutions was originally used as a weapon. It was then carried ceremoniously by the royal bodyguards known as the Serjeants-at-Arms and utilised originally in France by Philip II (1165 – 1223) and in England by Richard I (1157-99):

It was the duty of the Serjeant-at-Arms at the time of Richard I to watch round the King's tent in complete armour with a mace, a bow, arrows, and a sword, and occasionally to arrest traitors and other offenders about the Court, for which the mace was deemed sufficient authority.¹

The fourteenth century saw the mace take on a new importance because the role of the Serjeants-at-Arms changed from one of guarding of the Sovereign's person to the new and wider responsibility of arresting offenders with whom the local courts were unable or unwilling to deal. It was an age when few could read written warrants and so to ensure that there would be no dispute over the serjeants' authority the butt of their maces were stamped with the Royal Coat of Arms. Maces were therefore both functional and symbolic when Royal Serjeants-at-Arms were first assigned to the Commons at the end of the fourteenth century.

It is not known when a mace was first carried before the Speaker in the House of Commons. However, it is thought that the use of the mace in Parliament probably dates back to when the King first appointed a Serjeant-at-Arms to attend upon the Speaker. The Serjeant's mace was the symbol of the authority delegated from the King to the Speaker.²

In the United Kingdom, historically, the House of Commons, without the mace being in place is not properly constituted nor are proceedings able to take place. A number of historical incidents highlight this tradition. For instance, King Charles I attempted to suspend the proceedings of Parliament merely by sending for the mace and sittings have been postponed when the cupboard in which the mace was kept could not be unlocked.³ The indispensable nature of the mace is also demonstrated when Cromwell dismissed the Long Parliament in 1653⁴ as the mace was ordered to be removed following the removal of all members from the House and the ejection of the Speaker from the Chair.⁵

32.2 Ceremonial significance of the mace

The mace is a trifold symbol of authority; that of the Sovereign, the Legislative Assembly and the Speaker.⁶ Historically, it represents the power and authority that the Sovereign has delegated to the House of Commons and as such is not taken into

¹ See Grose's *Military Antiquities Respecting a History of the British Army* as referred to in *The Mace: A Brief History* compiled by the Legislative Assembly Office of the Clerk, first published in 1975.

² See *An Encyclopaedia of Parliament*, revised edition, edited by Norman Wilding and Philip Laundy, 1961, pp. 374-9.

³ This was due to the fact that the official who had the custody of the key to the cupboard in which the mace is kept failed to turn up to work.

⁴ The Long Parliament was the fifth and last Parliament summoned by Charles I. It first met on 3 November 1640 and was expelled by Cromwell in 1653 and again in 1659 before finally being dissolved on 16 March 1660.

⁵ See *An Encyclopaedia of Parliament*, revised edition, edited by Norman Wilding and Philip Laundy, 1961, pp. 374-9.

⁶ See *May*, p. 220 where it is noted that the mace is the symbol of the powers and privileges of the House and is borne before the Speaker when he enters and leaves the Chamber at the beginning and end of a sitting.

the presence of that actual authority be it the Sovereign or the Sovereign's representative⁷ because the Royal authority vested in the House, and symbolised by the mace, lapses in the presence of the Sovereign.⁸ In the United Kingdom the mace is only lent to the Speaker by the Sovereign who resumes possession of it when Parliament is prorogued.⁹

In New South Wales the mace remains in its cabinet outside the office of the Speaker during any prorogation or dissolution of the Legislative Assembly.

The mace is also the symbol of authority with which all Serjeants-at-Arms are invested by the Crown. Thus, the Serjeant-at-Arms is the custodian of the mace.

The mace is a prominent feature in many Parliamentary ceremonies. The Speaker is preceded by the Serjeant-at-Arms, bearing the mace upon the right shoulder, when the Speaker enters and leaves the Chamber at the beginning and end of each sitting. By tradition, the mace is borne on the Serjeant's left shoulder when the Deputy Speaker takes the Chair in the Speaker's absence.

The close ceremonial association of the mace with the Speaker has led many modern writers to the assumption that the mace is the symbol of the Speaker's authority. As stated by *May*:

*The chief characteristics attaching to the office of Speaker in the House of Commons are authority and impartiality. As the symbol of the powers and privileges of the House, the Royal Mace is borne before him when entering and leaving the Chamber at the beginning and end of a sitting, and upon state occasions by the Serjeant-at-Arms attending the House of Commons, and is placed upon the Table when he is in the Chair.*¹⁰

The Speaker of the Legislative Assembly at the time the mace was presented to the House, James Cameron, also noted that it is the symbol of the Speaker's authority in New South Wales.¹¹

When the Speaker is in the Chair the mace lies on rests on the Table, with the orb and cross surmounter pointing to the Government side of the Chamber.

The mace is not removed from the Table when the Speaker leaves the Chair during a suspension of a sitting, for example, during the dinner adjournment as the House, technically, is still sitting.

When the House considers bills or other matters in detail the mace also remains in place. In contrast, when the House resolved into a committee of the whole the mace was placed on the lower brackets at the front of the Table and was lifted back to its position on the Table when the House adjourned or concluded the committee stage.

⁷ Extract from *Balancing tradition and progress: Procedures for the opening of Parliament*, House of Representatives Standing Committee on Procedure, August 2001, p. 13.

⁸ See information regarding the House of Commons mace in *The Houses of Parliament: A Guide to the Palace of Westminster* by Bryan Fell, pp. 82-7.

⁹ In practice, in the United Kingdom the mace is received by the Serjeant at Arms from the Lord Chamberlain of the Household and when the House is dissolved or prorogued it reverts to the custody of the Lord Chamberlain of the Household. *May*, p. 220.

¹⁰ *Ibid.*

¹¹ PD 15/10/1974, pp. 1858-62.

Before the election of the Speaker the mace is placed on these lower brackets and is replaced on the Table rests when the newly elected Speaker takes the chair. This action is symbolic of the fact that the House is not properly constituted until it has a Speaker. Standing order 11 sets out the procedure after the Speaker has been elected and makes the only mention of the mace in the standing orders of the House specifying that “the mace having lain under the Table shall be laid upon the Table.”¹²

The mace accompanies the Speaker when the House attends in the Legislative Council either for the Opening of Parliament or to receive an address from the Sovereign or Her Representative. On these occasions the mace is not taken into the Legislative Council Chamber but is placed on rests in the area outside the Chamber in accordance with tradition. In the past, the mace has accompanied the members and officers of the Legislative Assembly to Government House for the presentation of the Address in Reply to the Governor’s speech opening Parliament, but was left at the entrance to Government House due to the fact that the symbol was unnecessary in the presence of the Sovereign’s representative. This is no longer the case with the mace remaining on the Table whilst the Address in Reply is formally presented to the Governor.

When a visitor is brought to the Bar of the House the visitor attends in the custody of the Serjeant-at-Arms with the mace. In the House of Commons, it was held that this penal jurisdiction formed the basis of the concept of parliamentary privilege and it is argued that as the exercise of such power “...had depended in the first instance on the powers vested in a Royal Serjeant-at-Arms, the mace, which was his emblem of office, became identified with the growing privileges of the Commons and was recognised as the symbol of the authority of the House.”¹³

32.3 The mace of the Legislative Assembly of New South Wales

Until 1974 the New South Wales Legislative Assembly was one of two legislatures in Australia that did not possess a mace, the other being the Legislative Assembly of Queensland.¹⁴ In New South Wales, the mace is therefore not treated with the same gravitas as in the House of Commons and the absence of a mace did not prevent the Legislative Assembly from sitting for the 120 years it did not have a mace.¹⁵ It should be noted that the House of Representatives has had use of the same mace since 1931 and there is a view that the House is not properly constituted unless the mace is present in the Chamber.¹⁶ It would appear that this is not a view that the Legislative Assembly holds and that the House would continue to conduct business as usual should the mace ever be displaced.

The Legislative Assembly mace was presented on 15th October 1974, by the New South Wales Jewish Board of Deputies, to commemorate the 150th anniversary of the establishment of Parliamentary institutions in Australia.¹⁷ This follows Parliamentary traditions in Australia, in that maces in Australian legislatures have

¹² See standing order 11(2).

¹³ House of Commons Library, *The Mace in the House of Commons*, 1957, pp. 6-7.

¹⁴ The Legislative Assembly of Queensland was presented with a mace on 29 November 1978.

¹⁵ See comments made by the then Premier, Sir Robert Askin, PD 15/10/1974, pp. 1860-1 when the mace was presented to the House in 1974.

¹⁶ See information on the mace from the House of Representatives website at <http://www.aph.gov.au/house/work/mace.htm>, accessed 22/01/2007.

¹⁷ See PD 17/11/2004, p. 13051 where the Speaker noted the 30th anniversary of receiving the mace.

usually been conferred as gifts from other Parliaments, specific persons or from governments. For example, the mace in the House of Assembly of Tasmania was presented in 1956 by the Davies family in memory of those members of the family who had served in the Parliament and the maces in both South Australia and Queensland were presented on behalf of the respective governments.¹⁸ The Australian House of Representatives used a mace which was on loan from the Legislative Assembly of Victoria until it received a mace as a gift from the House of Commons in 1951.¹⁹

The New South Wales mace was made by Garrard & Co. Ltd, of London, the Crown Jewellers and is made of silver with an applied surface of gold (a technique known as “silver-gilt”). The mace is 5 feet in length, traditional in form, with the Royal Arms on the cushion at the head, the Arms of New South Wales on the front and an inscription on the back. Below the head are the caryatid brackets found on the British maces and the stem is chased with the Tudor rose entwined with the floral symbol of the State, the waratah. The inscription of the mace reads as follows:

Presented to the Legislative Assembly of New South Wales by the New South Wales Jewish Board of Deputies on behalf of the Jewish citizens of the State on the occasion of the Sesqui-Centenary of the Institution of Parliamentary Functions in Australia, 1974.

Prior to 1974 there were a number of attempts to obtain a mace for the Legislative Assembly. In August 1867 a report of the Standing Orders Committee was tabled which recommended that a mace be provided for each House of Parliament in New South Wales.²⁰ However, during the ensuing debate a motion was moved and agreed to adjourning the debate for six months²¹ and the motion was discharged from the business paper before the debate was resumed.²²

¹⁸ *The Mace: A Brief History* compiled by the Legislative Assembly Office of the Clerk, first published in 1975, pp. 22-4.

¹⁹ See *House of Representatives Practice*, 5th edition, pp. 110.

²⁰ See VP 21/08/1867, p. 174. The Legislative Council has a black rod rather than a mace. The black rod is the symbol of office of the Usher of the Black Rod, who is the Serjeant-at-Arms counterpart in the Legislative Council.

²¹ See VP 10/09/1867, p. 227 and VP 04/10/1867, p. 308.

²² See VP 24/03/1868, p. 640.