

# Scottish Armory and Heraldry: A General Overview

by

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## Introduction

This paper was written primarily to assist Americans who are interested in Scottish heraldry to better understand the philosophy behind etiquette of Scottish heraldry, eligibility issues, and the grant/matriculation process.

There are many Scots and people of Scottish descent, male and female, who are eligible to apply for their own coats of arms and yet have not done so. The Lord Lyon King of Arms in Scotland encourages all who can to do so.

In the following pages, I will attempt to: (1) define armorial bearings, (2) outline the laws and practices governing the use of armorial bearings in Scotland, and (3) outline who is eligible to petition for a grant or a matriculation of arms and how the process works. Another goal of this paper is to provide some guidance on the proper use and display of Scottish Armory and Heraldry. In recent years, the misuses of Scottish heraldry have become a problem at Scottish Highland games in North America primarily from a lack of knowledge and even the “I don’t care – I don’t live in Scotland so I can do whatever I want” attitude. For further reading on the subject of Scottish heraldry, take a look at Mark D. Dennis’ *Scottish Heraldry: an invitation* which is published by The Heraldry Society of Scotland and costs £3.00 plus postage.<sup>3</sup>

In terms of proper use of heraldry, the Clan Chief by tradition and courtesy allows members of his/her clan to wear the clansman’s badge which is the Chief’s crest always being of silver and set within a circular belt and buckle, the motto of the chief being inscribed upon the belt. (See the section on The Crest Badge beginning on page \_\_.) For example, for a Campbell, wearing the Duke of Argyll's boar's head crest is a symbolic expression of adherence to the Clan Chief and the Clan Campbell.<sup>4</sup>

## What Is Armory and Heraldry?

According to Arthur Charles Fox-Davies (1871-1928), (English heraldic author, writer, and English Lawyer), one of the most prominent heraldic authors and an expert on English heraldry, “**Armory** is that science of which the rules and the laws govern the use, display, meaning, and knowledge of the pictured signs and emblems appertaining to shield, helmet, or banner. **Heraldry** has a wider meaning, for it comprises everything within the duties of a herald. And whilst Armory

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<sup>3</sup> See: [www.heraldry-scotland.co.uk](http://www.heraldry-scotland.co.uk)

<sup>4</sup> Within Clan Campbell there are three major branches: Breadalbane (Glenurchy), Cawdor and Loudoun, and each has its own crest and motto and thus each branch its own cap badge. Clan Campbell members who can trace their lineage to one of these branches should use that branch’s crest badge, otherwise Chief’s boar’s head clansman’s badge.

undoubtedly is Heraldry, the regulation of ceremonials and matters of pedigree, which are really also within the scope of Heraldry, most decidedly is not Armory.”<sup>5</sup>

Fox-Davies also states that originally every powerful leader had his own **Herald** whose duties were dual – minstrel and messenger. As a minstrel, the herald was responsible for recounting the deeds of his master as well as his master’s ancestors. A herald could also be considered a genealogist. As a messenger, the herald was a noncombatant who carried documents between leaders and was granted free passage to do so. When tournaments came into vogue, it was natural that someone should examine the arms of those taking part and this duty fell to the herald who thus required a knowledge of coats of arms.<sup>6</sup>

Sir James Balfour Paul (1846 - 1931, Lord Lyon King of Arms 1890 to 1927) stated that “most writers are now of opinion that Heraldry, as we at present have it, is a product of European civilization, and cannot be traced back further than the 11<sup>th</sup> century, if so far”.<sup>7</sup> Paul goes on to state that “it was not till the period of the third crusade (1189) that arms as hereditary distinction of a family came into notice.”<sup>8</sup> Furthermore, Fox-Davies states that “There is little doubt that the Crusades exercised a vast influence both in forming the rules of armory and in stimulating the birth of the science.”<sup>9</sup>

Heraldry reflects the custom of knights in armor, when fighting on horseback, to wear a distinctive ‘coat’ on top of their armor to enable their followers to identify them on the field of battle. Hence the term “coat of arms”, with a shield of arms – see above.

The application of the art and science of Armory and Heraldry varies from country to country. Scotland has a more codified (not in all respects – much looser on marshaling, *e.g.*, but more regulated) system of armory and heraldry than other countries. The senior herald, or High *Sennachie* of Scotland, is the Lord Lyon King of Arms.<sup>10</sup> We know that there was a Lord Lyon appointed by King Robert the Bruce in about 1318 although his name is not known. The first Lord Lyon whose name is known was Henry Greve who was serving 1399.<sup>11</sup>

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<sup>5</sup> Fox-Davies, Arthur Charles, *A Complete Guide to Heraldry*, New York: Bonanza Books, 1978 (Reprint of the 1909 ed. published by Dodge Pub. Co., New York), page 1.

<sup>6</sup> *Ibid*, page 27.

<sup>7</sup> Paul, Sir James Balfour, *Heraldry in relation to Scottish History and Art being the Rhind Lectures on Archaeology for 1898*, Edinburgh: David Douglas, MDCCCC (1900), page 4.

<sup>8</sup> *Ibid*, page 7.

<sup>9</sup> “X” of the ‘Saturday Review’ (Fox-Davies, Arthur Charles), *The Right to Bear Arms*, London: Elliot Stock, 1899, page 4.

<sup>10</sup> Innes of Learney, Sir Thomas, *Scots Heraldry*, Edinburgh: Oliver and Boyd, 1956 (2<sup>nd</sup> edition), page 10.

<sup>11</sup> Reid of Robertland, David and Wilson, Vivien, *An Ordinary of Arms*, Volume II (1902 - 1973), Edinburgh: Lyon Office, 1977, Appendix II.

## What Are Armorial Bearings?

A basic “coat of arms,” technically called an “Achievement,” consists of at a minimum an armorial design borne on a shield or a flag. Along with the shield, the armiger’s (one who possesses a coat of arms) armorial bearings may also contain one or more of the following elements: motto, crest, wreath and helmet. Additionally, in some circumstances an armiger may also be entitled to one or more of the following: crest coronet, coronet of rank, chapeau, supporters, compartment, family or personal badges, and insignia of orders of chivalry or office.

The Shield: The Shield is the foundation of all arms, and without it nothing else can exist. The shield can have many shapes. They vary from a plain circle to a rectangular cartouch or a flag of many proportions. When heraldry became “paper” heraldry, when warriors no longer used shields to protect themselves, the artist took over and added new forms of shields. Today the shield used by most males is the “Heater Shield” so named after the base of a flat iron, while women, who can be armigers in their own right, use either an oval escutcheon or the more traditional lozenge.<sup>12</sup>

The Motto: The Motto consists of a word or phrase placed upon a ribbon or scroll and is generally considered a part of every normal heraldic achievement. It is an aphorism,<sup>13</sup> the interpretation of which is often obscure and known only to the armiger who adopted it. The motto may be in any language. In the past, Latin has been favored but today we find mottos in several languages – Latin, English, Gaelic as well as others. In Scots heraldry, the motto is normally placed above the shield and crest, but may also be found below the shield. The most common example of this is on the achievement of a Clan Chief who may have one motto above the crest, and a second motto across the bottom of the compartment on which his supporters are standing.

The Crest: Crests developed from the fan-shaped ridge along the top of some helmets which was designed to temper a blow. This ridge came to be painted with the wearer’s arms. This form of embellishment was superceded by sculptured devices in the form of animals or other objects which were usually made from light wood or molded leather. The crest is generally considered a part of every normal heraldic achievement and, according to Stevenson<sup>14</sup>, with the exception of the Queens Regnant, no *ladies* were entitled to bear a crest. Today, however, in Scotland, a woman will be granted a crest along with her arms if she petitions for one. She can also inherit a crest.

During the tenure of Lyon Blair when a grant was made “For and In Memory of an ancestor” a crest was not granted to the ancestor. In the past Lyons Sir Thomas Innes of Learney, James Montieth Grant and Sir Malcolm Rognvald Innes of Edingight did grant crests to the ancestor.<sup>15</sup>

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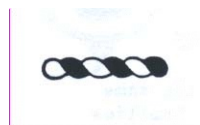
<sup>12</sup> Generally, the shape of the shield used is of no significance. In the past the arms of women were general displayed on oval cartouches or lozenges, but even here, the arms of males can be found on these shapes in the medieval artwork. Today we find that women’s arms are being displayed on heater shields.

<sup>13</sup> Aphorism – a terse saying embodying a general truth.

<sup>14</sup> Stevenson, John Horne, *Heraldry in Scotland, including a recension of 'The law and practice of heraldry in Scotland,' by the late George Seton, advocate*. Glasgow: J. Maclehoose and sons, 1914. (2 volumes), page 181.

<sup>15</sup> James McGill, v61, p51, 1976 (James Montieth Grant); John Campbell, v65, p88-89 1984; and Luther Powell, v87, p16, 2004 (Robin Orr Blair).

[Was this true during Lyon Sellar' term?]



The Wreath: Between the crest and the helmet usually appears a wreath of twisted cloth, showing alternate twists of the owner's Livery Colors.<sup>16</sup> Fox-Davies in *The Art of Heraldry*, states that “As always officially painted [in Scot’s Grants] it must consist of six links alternately of metal and colour (the “livery colours of the arms), of which the metal must be the first to be shown to the dexter side”.<sup>17</sup> There are cases in the past where there are more or less than six links and only one color or more than two. Today, it is regarded as absolute that the wreath consisted of six twists in the Livery colours.

The Mantling: The mantling is the cloth cape, suspended from the top of the helmet and hanging down the wearer's back to shield him from the heat of the sun. Specific forms of coloring have been assigned. Peers and certain of the Officers of State: outside - crimson, lining - ermine; and all others since 9 July 1891 (primarily Gules doubled Argent): outside – principal “color” of arms; lining – principal metal [the Livery Colors].<sup>18</sup>

The Helmet: Specific forms have been assigned to the following ranks:<sup>19</sup> Royals, Peers, Knights and Baronets, Feudal Barons, Esquires and Gentlemen. Today the distinction between the helmet of an Esquire and a Gentleman has been dropped. At one time, the direction the helmet faced was restricted by rank as well, but this restriction was abolished during the 20<sup>th</sup> century.

Image	<i>Royals</i> (The sovereign and princes of the blood) – Gold, always shown <i>affronte</i> , full face, the facial opening guarded by grills or bars.
Image	<i>Peers</i> – Silver, with gold grill (usually five grills) and gold-garnished.
Image	<i>Knights and Baronets</i> – Steel, open visor, no grill, <i>or</i> great tilting-helm (they are being of “tournament rank”), steel garnished with gold, where the normal open-visored helmet is incongruous.
Image	<i>Feudal Barons</i> – The great tilting-helm garnished with gold (they being of “tournament rank”), <i>or</i> steel helmet with grill of one or three grills, garnished with gold, but the tilting-helm is most used.
Image	<i>Esquires</i> – Steel “pot” helm, or helmet with closed visor garnished with gold.

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<sup>16</sup> The wreath is derived from strips of cloth that were twisted together then attached to cover the joint between the helm and the crest.

<sup>17</sup> Fox-Davies, Arthur Charles, *A Complete Guide to Heraldry*, New York: Bonanza Books, 1978 (Reprint of the 1909 ed. published by Dodge Pub. Co., New York), page 406, line 24.

<sup>18</sup> Innes of Learney, Sir Thomas, *Scots Heraldry*, 2<sup>nd</sup> edition, Edinburgh: Oliver and Boyd, 1956, page 30.

<sup>19</sup> *Ibid*, page 29.

Image	<i>Gentlemen</i> – Steel, pot, closed visor, unadorned
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The Crest-Coronet: Sometimes a coronet appears instead of a Wreath, and serves the same function. This is usually a CREST CORONET, similar to that of a Duke but showing only one and two halves of strawberry leaves on its upper rim instead of a Duke's three and two halves, and without the velvet and ermine cap which fits inside a Duke's coronet. Many Clan Chiefs have Crest Coronets beneath their Crests instead of Wreaths. In fact, the gold crest coronet is reserved, and indicates a *chef du nom et d'Armes*.<sup>20</sup> Sometimes different forms of crest coronets



are used beneath crests instead of wreaths. The most common form is known as the "antique crown" which is an "open" crown (having no arches over it) showing on its upper rim three and two halves of tapering triangular spikes. Coronets are not afforded to those who are not Chiefs or Chieftains of Clans as in of Clan Donald.

The Chapeau: A velvet cap lined with fur, indicative of feudo-baronial rank. The owner of a barony will be given a chapeau or cap of maintenance as part of his armorial achievement, if requested. This is described as "gules (red) doubled ermine" for most barons in possession of the *caput* (the "head" of the barony, the estate, or land) of the barony. An azure (blue) chapeau is awarded to the heirs of ancient baronial families who are no longer in possession of the fief (estate).



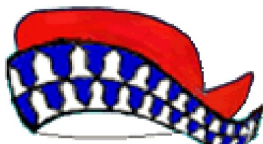
The owner of a barony will be given a chapeau or cap of maintenance as part of his armorial achievement, if requested. This is described as "gules doubled ermine" for most barons in possession of the caput of the barony.



Some ancient baronies of Argyll and the Isles, originally owing allegiance to the Crown through the Lords of the Isles or other high nobles of the region, may historically have a chapeau lined with ermines (white tails on black).



An azure chapeau is appropriate for the heirs of ancient baronial families who are no longer owners of the estates.



Uniquely a chapeau Gules furred Vair was considered appropriate to the Livingstones of Bachuil. In 2003 the Lord Lyon found that the Bachuil title was not a feudal Barony and that vair, rather than ermine, was the appropriate fur for the chapeau of a barony held by the grace of God ('par le grace de Dieu').<sup>21</sup>

<sup>20</sup> Innes of Learney, Sir Thomas, *Scots Heraldry*, 2<sup>nd</sup> edition, Edinburgh: Oliver and Boyd, 1956, page 34.

<sup>21</sup> Maxwell, Anthony, "Feudo Baronial Additaments", *Tak Tent*, No. 19, January 2003, page 12-13.

At the *Treaty of Perth 1266* (12 July 1266), Norway relinquished its claim to the Hebrides and Man and they became part of Scotland. In 1292 Argyll was created a shire and “The Barons of all Argyll and the Foreigners’ Isles”, which had preceded the kingdom of Scotland, became eligible to attend the “Scots” Parliament – appearing in the record of the parliament at St. Andrews in 1309. Historically they have a chapeau, “gules doubled ermines”, ermines being white tails on black.<sup>22</sup>

The chapeau is placed into the space directly above the shield and below the helmet, and may otherwise be used on a visiting card, the flap of an envelope or to ensign the circlet of a crest badge as used on a bonnet.

Supporter(s): Additaments,<sup>23</sup> usually human or animal figures placed on either side of a shield as though holding it. In some case, there is a single supporter behind the shield.<sup>24</sup> The Lord Lyon does not have the privilege of making discretionary grants of supporters. He does have the right to determine if a claimant of supporters has the right to bear them.<sup>25</sup> There are two flavors of Supporters – hereditary and life. According to George Tait, Esq., Lyon-Depute (1819 to 1823),<sup>26</sup> the right to use supporters is confined to a small class of the armigerous community.<sup>27</sup>

The hereditary community consists of:

*Royals and hereditary Peers*<sup>28</sup> – By immemorial usage.<sup>29</sup> This right extends to Peeresses in their own right, and female spouses of Peers, but does not extend to

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<sup>22</sup> Innes of Learney, Sir Thomas, *Scots Heraldry*, 2<sup>nd</sup> edition, Edinburgh: Oliver and Boyd, 1956, page 32.

<sup>23</sup> Additament - an addition to a coat of arms indicative of personal rank, hereditary office or mark of royal favor.

<sup>24</sup> John Doe, Lyon Register vol. \_\_, p. \_\_, dd mmm yyyy.

<sup>25</sup> Seton, George, *The Law and Practice of Heraldry in Scotland*, Edinburgh: Edmonston and Douglas, 1863, pages 285.

<sup>26</sup> (a) Seton, George, *The Law and Practice of Heraldry in Scotland*, Edinburgh: Edmonston and Douglas, 1863, pages 286-289.

(b) Stevenson, John Horne, *Heraldry in Scotland, including a recension of 'The law and practice of heraldry in Scotland,' by the late George Seton, advocate*. Glasgow: J. Maclehose and sons, 1914. (2 volumes), pages 459-460.

<sup>27</sup> Paul, Sir James Balfour (LL 1890-1926), *Heraldry in relation to Scottish History and Art being the Rhind Lectures on Archæology for 1898*, Edinburgh: David Douglas, MDCCCC (1900), page 34.

<sup>28</sup> Dukes/Duchess, Marquess/Marchioness, Earls/Countess, Viscount/Viscountess, Baron/Baroness (or Lord of Parliament in the Peerage of Scotland). The House of Lords Act 1999 removed the right of most hereditary peers to sit and vote in the House of Lords post 2000. See, [www.parliament.uk/about\\_lords/about\\_lords.cfm](http://www.parliament.uk/about_lords/about_lords.cfm) Since then only Life Peers and Peeresses sit in the House of Lords.

<sup>29</sup> Seton, George, *The Law and Practice of Heraldry in Scotland*, Edinburgh: Edmonston and Douglas, 1863, page \_\_.



male spouses of Peeresses in their own right.<sup>30</sup> There are five grades of the Peerage in Scotland – Duke, Marquess, Earl, Viscount and Lord of Parliament (Scottish equivalent to the English baron is the Lord of Parliament).<sup>31</sup> These titles can only be inherited, normally by the eldest son, or be bestowed upon an individual by the Crown. No new hereditary peers have been created since 1964.<sup>32</sup> Prior to 1999, all hereditary peers had the right to sit in the House of Lords, since that time, only 92 have the right and addition reforms may reduce this number.<sup>33</sup> It is not possible to buy any of these titles.

*Ancient usage* – Those private gentlemen, and the lawful heirs of their bodies, who can prove immemorial usage of carrying supporters long before the *Act of 1672* <sup>34</sup> [*i.e.*, 1587]. The eldest son and heir apparent of a Scots Peerage (but not an English Peerage, a British Peerage, or a United Kingdom Peerage) carries the title of “Master” by right and not by courtesy, and thus are entitled to use of supporters.<sup>35</sup>

*Barons* – Lawful heirs of lesser (feudal) Barons (*i.e.*, barons minor), who had the full right of a free barony prior to the *Act of 1587* when barons minor had the right to a seat in Parliament were of the same order as barons who were called Lords of Parliament (barons major) and thus have the right to supporters.<sup>36</sup> However, Barons

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<sup>30</sup> Paul, Sir James Balfour, *Heraldry in relation to Scottish History and Art being the Rhind Lectures on Archaeology for 1898*, Edinburgh: David Douglas, MDCCCC (1900), page 34.

<sup>31</sup> Lordships of Parliament were introduced into Scotland by James I but ceased when Scotland and England combined into Great Britain in 1707 and their parliaments were merged

<sup>32</sup> **Add citation . . . Peerage Act 1963 – An Act to authorise the disclaimer for life of certain hereditary peerages; to include among the peers qualified to sit in the House of Lords all peers in the peerage of Scotland and peeresses in their own right in the peerages of England, Scotland, Great Britain and the United Kingdom; to remove certain disqualifications of peers in the peerage of Ireland in relation to the House of Commons and elections thereto; and for purposes connected with the matters aforesaid.[31 July 1963]???**

<sup>33</sup> *House of Lords Act 1999*, see: <http://www.hmso.gov.uk/acts/acts1999/19990034.htm>.

<sup>34</sup> (a) Seton, George, *The Law and Practice of Heraldry in Scotland*, Edinburgh: Edmonston and Douglas, 1863, pages 286-289.

(b) Paul, Sir James Balfour, *Heraldry in relation to Scottish History and Art being the Rhind Lectures on Archaeology for 1898*, Edinburgh: David Douglas, MDCCCC (1900), page 34

<sup>35</sup> (a) Stevenson, John Horne, *Heraldry in Scotland, including a recension of 'The law and practice of heraldry in Scotland,' by the late George Seton, advocate*. Glasgow: J. Maclehose and sons, 1914. (2 volumes), pages 314-315.

(b) Hogg, Bruce, “The Title of Master as Heir to a Scottish Peerage”, *Tak Tent*, Edinburgh: The Heraldry Society of Scotland, 2005, No. 29, July 2005, pp 6-9.

<sup>36</sup> (a) MacKenzie of Rosehaugh, George, Sir, *The Science of Heraldry, Treated as a part of the Civil law, and Law of Nations*, in a single volume (Heir of Andrew Anderson, Edinburgh, M.DC.LXXX (1680), Chapter xxxi, page 94.

(b) Paul, Sir James Balfour, *Heraldry in relation to Scottish History and Art being the Rhind Lectures on Archaeology for 1898*, Edinburgh: David Douglas, MDCCCC (1900), page 34.

(c) Seton, George, *The Law and Practice of Heraldry in Scotland*, Edinburgh: Edmonston and Douglas, 1863, pages 286-289.

owning baronies erected after 1587 or acquiring baronies by purchase are not entitled to supporters.<sup>37</sup> Although, Scottish feudal Barons are members of the nobility they are NOT members of the peerage.<sup>38</sup> A Scottish Feudal Barony can be bought through an agent. The owner is currently only entitled to use the title such as 'John Smith, Baron of Glen Hole'.

*Chiefs of the Name and Arms* – Chiefs whose lineage predate the *Act of 1587* are entitled the use of supporters as many were either lairds or Barons. There are, however, a number of clans that did not exist prior to the *Act of 1587* and in the past those Chiefs did not appear to be entitled to supporters.<sup>39</sup> However, today, the Lord Lyon in recognizing the chiefs of those post-1587 clans, has granted many, but not all, of those chiefs the right to hereditary supporters.<sup>40</sup>

*Baronets*, on the other hand, although holding a hereditary title, do not have a right to use of supporters from that title. Baronets use the prefix “Sir” as well as the post-nominals of either “Bart” (traditional abbreviation) or “Bt. (modern abbreviation Bt), these are hereditary titles and cannot be bought.<sup>41</sup> Despite this, many baronets do have supporters, as they were fairly freely granted in the latter part of the 19<sup>th</sup> century.

*Others entitled to heraldic supporters*: Lord Lyon has retained the right to grant hereditary supports to appropriate persons and their heirs.<sup>42</sup>

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(d) Stevenson, John Horne, *Heraldry in Scotland, including a recension of 'The law and practice of heraldry in Scotland,' by the late George Seton, advocate*. Glasgow: J. Maclehose and sons, 1914. (2 volumes), pages 322.

<sup>37</sup> Agnew of Lochnaw Bt QC, Sir Crispin, “Baronial Heraldic Additaments: Unintended consequences of the Abolition of Feudal Tenure etc (Scotland) Act 2000?”, *Scots Law Times*, 29, 1 October 2004, pp. 179-182.

<sup>38</sup> Stevenson, John Horne, *Heraldry in Scotland, including a recension of 'The law and practice of heraldry in Scotland,' by the late George Seton, advocate*. Glasgow: J. Maclehose and sons, 1914. (2 volumes), pages 314-315.

<sup>39</sup> (a) Seton, George, *The Law and Practice of Heraldry in Scotland*, Edinburgh: Edmonston and Douglas, 1863, pages 286-289.  
(b) Stevenson, John Horne, *Heraldry in Scotland, including a recension of 'The law and practice of heraldry in Scotland,' by the late George Seton, advocate*. Glasgow: J. Maclehose and sons, 1914, page 84-88.

<sup>40</sup> *Personal Letter* from Lyon Clerk Roads to Donald Draper Campbell, Esq., dated 22 December 2004.

<sup>41</sup> Seton, George, *The Law and Practice of Heraldry in Scotland*, Edinburgh: Edmonston and Douglas, 1863, pages 286-289 and Appendix II, page 287-288 and 301.

<sup>42</sup> Seton, George, *The Law and Practice of Heraldry in Scotland*, Edinburgh: Edmonston and Douglas, 1863, page 284.

The “life” community consists of:

*Life Peers and Peeresses* – A member of the House of Lords who was appointed to it for the rest of his/her natural life. Life peers were conferred as early as the 14<sup>th</sup> century, and in several different ranks of the peerage but did not necessarily sit in the House of Lords. Since 1958, Life Peers and Peeresses have the right to sit in the House of Lords.<sup>43</sup> A life peer nowadays is invariably of the rank of baron.<sup>44</sup>

*Senior level Knights of certain of the Crown recognized Orders of Chivalry.* A Knighthood is awarded by the King/Queen. The Orders and their associated levels entitled to supporters are:<sup>45</sup> *The Most Noble Order of the Garter* (Knights Companions “KG” / Ladies Companions “LG”), *The Most Ancient and Most Noble Order of the Thistle* (Knights “KT” and Ladies “LT”), *The Most Honourable Order of the Bath* (Knights and Dames Grand Cross” GCB”), *The Most Distinguished Order of Saint Michael and Saint George* (Knights and Dames Grand Cross “GCMG”), *The Royal Victorian Order* (Knights and Dames Grand Cross “GCVO”) and *The Most Excellent Order of the British Empire* (Knights and Dames Grand Cross “GBE”).<sup>46</sup>

The dignity of Knight Bachelor is a part of the British honours system. It refers to a man who has been knighted by the monarch but not as a member of one of the organized Orders of Chivalry. Knights Bachelor are the most ancient sort of British knight, existing during the reign of King Henry III (1 October 1207 – 16 November 1272), but they rank below members in the various orders. There is no female equivalent and women deserving an honour of this rank are appointed Dames of the Order of the British Empire (DBE) instead. Like other knights, Knights Bachelor are styled “Sir”. Knights Bachelor are not entitled to use post-nominal letters after their name.

Although the *Most Venerable Order of the Hospital of St. John of Jerusalem* (generally known as the Order of St. John) was granted a royal charter by Queen Victoria in 1888, it is not a State Order but an Order of the British Crown. Its current Sovereign Head is H.M. Queen Elizabeth II. The Order has six grades, the senior one being Bailiffs Grand Cross or Dames Grand Cross (GGSt.J). According to its Royal Charters and Statutes, the Lord Lyon King of Arms is authorised to grant supporters to those Bailiffs Grand Cross and Dames

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<sup>43</sup> The *Life Peerage Act 1958* permitted the creation of peerages for life. The Act only allows those individuals so nominated and created as life peers to be of rank of baron or baroness. See, [www.parliament.uk/about\\_lords/about\\_lords.cfm](http://www.parliament.uk/about_lords/about_lords.cfm)

<sup>44</sup> [www.burkes-peerage.net/sites/peerage/sitepages/page66-life.asp](http://www.burkes-peerage.net/sites/peerage/sitepages/page66-life.asp)

<sup>45</sup> See Appendix 5 – The Orders of Chivalry.

<sup>46</sup> (a) Brydson, Thomas, F.A.S. Edin. (1785-1815), *A Summary View of Heraldry in reference to the usage of Chivalry and general economy of the Feudal System*, London: Mundell & Son, 1795, page 136-139.

(b) Seton, George, *The Law and Practice of Heraldry in Scotland*, Edinburgh: Edmonston and Douglas, 1863, pages 286-289 and Appendix II, page 287 and 299.

(c) Paul, Sir James Balfour, *Heraldry in relation to Scottish History and Art being the Rhind Lectures on Archaeology for 1898*, Edinburgh: David Douglas, MDCCC (1900), page 35.

(d) Edits per Robin Orr Blair, LVO, WS, Lord Lyon King of Arms, 11 Nov 2003.

Grand Cross whose arms are Scottish.<sup>47</sup> However, the Royal Charters and Statutes are not prescribed in that the Lord Lyon does not have to grant life supporters to Bailiffs Grand Cross or Dames Grand Cross. Previous Lyons have done so.<sup>48</sup> Lyon Blair was not inclined to do so.<sup>49</sup>

*Holders of some public offices* – For example, Lord Lyon King of Arms has supporters associated with the arms of his office, and is entitled to life supporters for his personal arms as well.<sup>50</sup>



Figure 1

Figure 1 is the heraldic achievement of the author, Donald Draper Campbell. His achievement consists of the following elements: *Shield*: Gyronny of eight Or and Sable, the first charged with four ibises' heads erased of the second, within a bordure Azure and; *Crest*: an ibis Sable; *Motto*: "IN HARMONY"; and *Helmet*: Steel, pot, closed visor, ungarnished.<sup>51</sup>

## The Law of Arms and The Lord Lyon King of Arm's Authority

In Scotland, there is no such thing as a "family crest" or "family coat of arms" which anyone can assume, or a whole family can use. Armorial bearings are as personal as a person's name. They are used to define and identify a person. They are a form of individual heritable property, devolving

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<sup>47</sup> See Appendix 7.

<sup>48</sup> Dwyer Quentin Wedvick – Posted: Thu Jul 17, 2008 11:30 am

We believe the grant of Supporters, Compartment and Standard to the late Charles Harry Clinton Pirie-Gordon of Buthlaw, OBE, DSO, in 1958 to be unique in virtue of Buthlaw being named the first Bailiff Grand Cross in the Priory of Scotland of the Order of St. John in the British Realm ( Venerable order ).

Sticking our neck out, as far as we know, these additaments have not been awarded to any other person in virtue of being a member in the Priory of Scotland, additionally, we are unaware of any other Bailiffs who have been appointed in this Priory.

Suming up, it seems to us that the award of the standard was to uniquely celebrate the first ever appointment of a Bailiff Grand Cross in the Priory.

<sup>49</sup> Private conversation with Lyon Blair by Donald Draper Campbell and Dwyer Quentin Wedvick in Alexandria, VA, 26-28 September 2004.

<sup>50</sup> Paul, Sir James Balfour, *Heraldry in relation to Scottish History and Art being the Rhind Lectures on Archaeology for 1898*, Edinburgh: David Douglas, MDCCCC (1900), page 35.

<sup>51</sup> John Campbell and Donald Draper Campbell, 20 Feb 1984, *Lyon Register*: v 65, pp 88 & 89.

upon one person at a time by succession from the grantee or conferree, and thus descend like a Peerage.

Who governs the use of Heraldry in Scotland? In Scotland the use of arms is governed by the Lord Lyon King of Arms. We know that King Robert the Bruce appointed a Lord Lyon King of Arms in about 1318 but we do not know who this person was. The Scottish officers of arms formed an important part of the Royal Household, and were in attendance on the King on all occasions of state. Lyon's heraldic powers appear to have been established from the birth of heraldry. The means by which basic Scottish Heraldic Law was established is unknown. The sixteenth century was one of great social mobility especially in heraldic terms and some of the Lord Lyons in the second half of that century were somewhat laid back in execution of their office, hence the *Act of 1592*. This condition reappeared, after the Commonwealth leading to the *Acts of 1672*. The fact that Lyon had century-old well-established powers is noted in the final clause of the *Act of 1672*. The following is a list Acts enacted by the Scottish and British Parliaments dealing with heraldic issues:<sup>52</sup>

*The Officers of Arms Act of 1587* – “Act for reformation of the extraordinar nowmer and monyfauld abuses of officiaris of Armes” [1587 cap. 46].

*The Lyon King of Arms Act of 1592* – “Act Concerning the Office of Lyoun King-of-Armes and his brether Herauldis” [1592 cap. 125; fol. edit cap. 29 (Jac. VI)]. This Act was passed to deal with a particular abuse which was stated in the preamble of the Act – “... *the great abuse that has been among the lieges of this realm in their bearing of arms usurping to themselves such arms as belong not unto them so that it cannot be distinguished by their arms who are gentleman by blood by their ancestors. Nor yet may it be discerned what gentlemen are descended of noble stock and lineage ....*” (Quoted in modern English).

*The Lyon King of Arms Act of 1662* – “Act in favours of the Lord Lyon King-at-Arms” [1662 cap. 53 (Car. II.)]. This Act was also passed to remedy an abuse, reaffirm the *Act of 1592* and add some more specific measures, amongst them an explicit authorization to Lyon to “give arms to virtuous and well deserving persons”.

*The Lyon King of Arms Act of 1663* – “Act recinding a former Act past in the last Session of Parliament, anent some fies acclamed as due to the Lord Lyon's Office” [1663 cap. 15 (Car. II.)].

*The Lyon King of Arms Act of 1672* – “Act concerning the Priviledges of the Office of Lyon King-at-Armes” [1672 cap. 21; fol. edit., cap. 47 (Car. II.)].

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<sup>52</sup> (a) MacKenzie of Rosehaugh, George, Sir, *Observations upon the Laws and Customs of Nations, as to Precedency, and The Science of Heraldry, Teated as a part of the Civil law, and Law of Nations*, in a single volume (Heir of Andrew Anderson, Edinburgh, M.DC.LXXX (1680), page

(b) Seton, George, *The Law and Practice of Heraldry in Scotland*, Edinburgh: Edmonston and Douglas, 1863, Appendix IV.

(c) Stevenson, John Horne, *Heraldry in Scotland, including a recension of 'The law and practice of heraldry in Scotland,' by the late George Seton, advocate*. Glasgow: J. Maclehosie and sons, 1914, Appendix I.

(c) Also see: <[www.heraldica.org/topics/britain/lyondocs.htm#Acts](http://www.heraldica.org/topics/britain/lyondocs.htm#Acts)>.

*The Act of the British Parliament of 1867* – “An Act to regulate the Court and Office of the Lyon King of Arms in Scotland, and Emoluments of Officers of the same” [1867, cap. 17 (Victoria)]. This Act mainly reorganized the Court and set the salaries of the Scottish officers of arms.

See Appendix 1 for typescripts of the Acts of the Scottish and British Parliaments Relating to Administration of Armorial Bearings in Scotland.

Addition to the above statutory provision on governance of Scottish heraldry, there are several institutional authorities whose works are considered to have the weight of precedent. These text include:<sup>53</sup>

- MacKenzie of Rosehaugh, George, Sir (1636-1691), *Observations upon the Laws and Customs of Nations, as to Precedency, and The Science of Heraldry, Teated as a part of the Civil law, and Law of Nations*, in a single volume (Heir of Andrew Anderson, Edinburgh, M.DC.LXXX (1680).
- Nisbet, Alexander (1657-1725), *A System of Heraldry Speculative and Practical: With the True Art of Blazon, According to the Most Approved Herald's in Europe: Illustrated with suitable examples of Armorial Figures, and Atchievement of the most considerable Surnames and Families in Scotland, &c. Together with Historical and Genealogical Memorials relative thereto*, Edinburgh, J. MackEuen, 1722.
- Nisbet, Alexander (1657-1725), *A System of Heraldry Speculative and Practical: With the True Art of Blazon, According to the Most Approved Herald's in Europe; wherein Marks of Cadency, Marshalling of Divers Coats in One Shield, Exterior Ornaments, &c. are fully treated of: to which is subjoined . . . .*, volume 2, Edinburgh, R. Fleming, 1742.
- Moncreiff of that Ilk, Sir [Rupert] Iain [Kay], Bt, CVO, KstJ, DL, QC, MA Oxon, LLB PhD Edin, FSA, Albany Herald of Arms, *The Law of Succession – Origins and Background of the Law of Succession to Arms and Dignities in Scotland*, Edited by Jackson W. Armstrong, BA Queen's, MPhil PhD Cantab, FSA Scot., Edinburgh : John Donald with assistance from St. Andrews Fund for Scots Heraldry, 2010.

Additionally, there are several learned books on the subject of heraldry. These include:

- Seton, George (25 June 1822 – 14 November 1908), *The Law and Practice of Heraldry in Scotland*, Edinburgh: Edmonston and Douglas, 1863.
- Stevenson, John Horne (1855-1939), *Heraldry in Scotland, including a recension of 'The law and practice of heraldry in Scotland,' by the late George Seton, advocate*, Glasgow: J. Maclehose and sons, 1914. (2 volumes).
- Innes of Learney and Kinnairdy, Thomas (1893-1971), “The Robes of the Feudal

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<sup>53</sup> Innes of Learney, Sir Thomas (1893-1971), *Scots Heraldry*, Edinburgh: Oliver and Boyd, 1956 (2<sup>nd</sup> edition), page 235.

Baronage of Scotland”, *Proceedings of the Society of Antiquaries of Scotland*, Volume 79, pages 111-163.

- Innes of Learney, Sir Thomas (1893-1971), *Scots Heraldry*, Edinburgh: Oliver and Boyd, 1956 (2<sup>nd</sup> edition).
- Adam, Frank, F.R.G.S., F.S.A. (Scot.) (\_\_\_\_ - \_\_\_\_), *The Clans, Septs, and Regiments of the Scottish Highlands*, 8<sup>th</sup> Edition, revised by Sir Thomas Innes of Learney, Edinburgh: Johnston and Bacon, 1970.
- Innes of Learney, Sir Thomas (1893-1971), *The Tartans of the Clans and Families of Scotland*, Edinburgh: Johnston and Bacon, 1950.
- Innes of Learney, Sir Thomas (1893-1971), *Scots Heraldry*, revised by Malcolm R. Innes of Edingight, Edinburgh: Johnston & Bacon, 1978 (3<sup>rd</sup> edition).

It should also be noted that much of Scots law is based on the writings of eminent scholars of the seventeenth and eighteenth centuries. These include:

- Thomas Craig’s *Jus Feudale* of 1601 is a brilliant and reverent exposition of the feudal law of Scotland, that influenced the whole civilized world of the time.
- James Dalrymple, 1<sup>st</sup> Viscount Stair, produced *Institutions of the Law of Scotland* in 1681. This was a systematic and logical presentation of the principles of Scots law.
- Sir George Mackenzie of Rosehaugh produced his *Institutions of the Law of Scotland* in 1684.
- Lord Bankton produced *An Institute of the Laws of Scotland* in 1751-3
- John Erskine of Carnock produced *An Institute of the Law of Scotland* in 1773.

The role of Lord Lyon King of Arms is dual in nature. Lyon is not only a Minister of the Crown, but also a Judge of the Realm. In his/her ministerial capacity, Lyon can grant Arm Bearings as a Royal prerogative and no court is competent to sit in judgement on it if he/she does not grant armorial bearing to a person or entity requesting them. While in his/her judicial role, decides questions of succession, and authorizes the Matriculation of existing Armorial Bearings.<sup>54</sup> The Court of the Lord Lyon administers *The Public Register of All Arms and Bearings in Scotland* and *The Public Register of All Genealogies and Birthbrieves in Scotland*.<sup>55</sup> No Armorial Bearings may be used in Scotland unless they are on record in the *Public Register of all Arms and Bearings in Scotland*.

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<sup>54</sup> (a) Edits per Robin Orr Blair, LVO, WS, Lord Lyon King of Arms, 11 Nov 2003.  
(b) In addition, some of the Lord Lyon’s decisions relating to particular cases are reported in the *Scots Law Times* [www.wgreen.co.uk].

<sup>55</sup> This latter register was established in 1727.

George Seton summarizes the duties and powers of the “Lyon King-at-Arms”, in heraldic matters, under the *Acts of 1592 and 1672* as follows:<sup>56</sup>

1. To assign suitable *differences* to the Cadets, or younger branches of families having a right to Armorial Bearings.
2. To record the *Genealogies* of persons descended from noble and honourable lineage, when supported by proper evidence and, consequently,
3. To determine all *disputes* and *competitions* that may arise between different claimants regarding the right to use particular Coats of Arms.
4. To grant Armorial Ensigns to “*virtuous and well-deserving persons*” not previously entitled to bear them, according to his discretion.
5. To *matriculate* in his Official Register all the Armorial Bearings used within the Kingdom.
6. To furnish *extracts* (or authenticated copies) of the same, under his hand and seal of office, in accordance with a prescribed scale of charges.
7. To enforce the *penalties* imposed on the unlawful assumption of heraldic ensigns, by proceedings in his own Court.

Prior to the *Acts of 1592 and 1672*, many Scottish inhabitants used coats of arms; however, there was no proper control of their use. Since arms are used to identify a single person, and since unrelated people could and did have the same “coat of arms” at that time, this, of course, caused considerable confusion.<sup>57</sup> The *Act of 1672* created one central public register, *The Public Register of All Arms and Bearings in Scotland*, and required that whoever made use of any arms or signs armorial in Scotland should submit the design for entry in the register without charge. It took five years to collate the initial onslaught of heraldry.

After 1672, all new arms are recorded in the *Public Register* on payment of a fee. The Act also gave the Lord Lyon the right to prosecute people who made use of arms which were not officially approved, not recorded in the *Public Register*. The fine is limited to £100; however, the Lord Lyon has the right to remove and destroy such arms wherever they are displayed in Scotland.<sup>58</sup>

## **The Court of the Lord Lyon, King of Arms**

Today, the staff of the Court consists of the Lord Lyon, the Lyon Clerk, the Procurator-Fiscal

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<sup>56</sup> Seton, George, *The Law and Practice of Heraldry in Scotland*, Edinburgh: Edmonston and Douglas, 1863.

<sup>57</sup> If two ranchers use the same cattle brand how can you differentiate their herds if they become intermingled? In the United States, cattle brands are “registered” at the county and sometime state level.

<sup>58</sup> See *Procurator Fiscal of Lyon Court v. P. Baird Construction Ltd*, 1992 SLT (LyonCt)2 (1990).



(a public prosecutor), Macer (mace-bearer),<sup>59</sup> Heraldic Artists and a clerical staff. Prior to the *Act of 1867*<sup>60</sup> there was also a Lyon-Depute as well as a Lyon Clerk-Depute. The *Act of 1867* eliminated positions of Lyon-Depute and Lyon Clerk.<sup>61</sup> Both the Lord Lyon and the Lyon Clerk are appointed by the Her Majesty. The Lord Lyon appoints Macer, Heraldic Artists and a clerical staff and in the past the Procurator-Fiscal who is now appointed by Scottish Court system. If arms are misused in Scotland, it is the Procurator-Fiscal who prosecutes the case, not the owner of the arms.

The Court is located at:

H. M. New Register House (north side of Princes Street at North Bridge)

Edinburgh EH1 3YT Scotland

Tel No +44 (0) 31 556 7255 / Fax No +44 (0)131 557 2148

[www.CourtOfTheLordLyon.scot/index.htm](http://www.CourtOfTheLordLyon.scot/index.htm)

and is open daily from 10 am to 12:30 pm and 2 pm to 4 pm.

## List of Office Holders

### Kings of Arms<sup>62</sup>

James Caupenny, King of Heralds of Scotland (1290)  
Name unknown, Aueraige, {Average} King Herald of  
Scotlanhd (1367)

Name unknown, Lyon Herald (1377)

Henry Greve, King of Scottish Heralds (c.1399)

Name Unknown, Rothesay King of Arms (1405)

Unknow Douglas, Lyon Herald (1400-1421)

Lyon King of Arms becomes the senior herladic Officer  
in Scotland (1412)

Laird of Woodhead (1471)

Name unknown (1481)

Sir Andrew Murray of Truim (1488-1496)

Henry Thomson of Keillour, [Islay Herald]  
(1496-1512)

Sir William Cumyng of Inverallochy, [Marchmont  
Herald] (1512-1519)

Thomas Pettigrew of Magdalensyde, {Angus Herald]  
(1519-1542)

Sir David Lyndsay of the Mount, *Primus*, [Snawdown  
Herald] (1542-1555)

Sir Robert Forman of Luthrie, made herald 1540,  
(1555-1567)

Sir William Stewart of Luthruie (1567-1568)

Sir David Lindsay of Rathillet, (1568-1591)

Sir David Lindsay of the Mount, *Secundus*  
(1591-1621)

Sir Jerome Lindsay of Annatland (1621-1630)

Sir James Balfour of Denmilne (1630-1658)

Sir James Campbell of Lawers (1658-1660)

Sir Alexander Dundas of Largo (1660-1663)

Sir Charles Erskine of Cambo, Bt (1663-1677)

Sir Alexander Erskine of Cambo (1677-1726)

Sir Alexandr Erskine of Cambo, younger, *joint*  
Alexander Brodie of that Ilk (1727-1754)

John Hooke-Campbell of Bangeston (1754-1796)

Robert Boswell, *interim*, [Lyon Depute] (1795)

Robert Auriol, 9<sup>th</sup> Earl of Kinnoull (1796-1804)

Thomas Robert, 10<sup>th</sup> Earl of Kinnoull (1804-1866)

George Burnett, advocate [Lyon Depte] (1866-90)

Sir James Balfour Paul, KCVO (1890-1927)

Captain George Sitwell Campbell Swinton, [Albany  
Herald] (1927-1929)

Sir Francis Grant, KCVO, [Rothesay Herald]  
(1929-1945)

Sir Thomas Innes of Learney, GCVO, KStJ, [Albany  
Herald] (1945-1969)

Sir James Grant, KCVO, KStJ, WS [Marchmont  
Herlad] (1969-1981)

<sup>59</sup> The ceremonial mace is a highly ornamented staff of metal and wood, carried before a sovereign or other high official in civic ceremonies by a mace-bearer, intended to represent the official's authority.

<sup>60</sup> *The Act of the British Parliament of 1867* – “An Act to regulate the Court and Office of the Lyon King of Arms in Scotland, and Emoluments of Officers of the same” [1867, cap. 17 (Victoria)].

<sup>61</sup> *The Act of the British Parliament of 1867*, 1867, cap. 17 (Victoria).

<sup>62</sup> Charles John Burnett, Esq., Former Ross Herald of Arms, *Officers of Arms in Scoland*, Edinburgh, Scottish Records Society, 2016, pages 27-28.

Sir Malcolm Innes of Edingight, KCVO, KStJ, WS  
Marchmont Herald] (1981–2001)  
Robin Orr Blair, CVO, OStJ, [ Bute Pursuivant]  
(2001–2008)

William David Hamilton Sellar, MVO, OstJ, [Bute  
Pursuivant] (2008–2014)  
Dr Joseph John Morrow, CBE, KStJ, QC. LLD, DL  
(2014-)

## Officer of Arms

Associated with but not part of the Court of the Lord Lyon King of Arms, are the Officers of Arms (Office of Heralds and Office of Pursuivants). Heralds and Pursuivants are appointed by the Lord Lyon King of Arms. Prior to the *Act of 1867*,<sup>63</sup> there were six Heralds: Albany, Rothesay, Ross, Marchmont, Islay, or Snowden, and six Pursuivants: Kintyre, Unicorn, Carrick, Dingwall, Bute or Ormond.<sup>64</sup> That Act reduced the number of Heralds and Pursuivants to three each, and thus only three of the titles of Heralds and Pursuivants are used at any time. The Lord Lyon may also appoint one Herald Extraordinary: Orkney and two Pursuivant Extraordinary: Falkland and Linlithgow.<sup>65</sup>

Heralds and Pursuivants have a right to appear before the Court of the Lord Lyon but they have no role in governing the Court. It is because they are not Officers of the Court that they can handle cases for clients. The Officers of Arms, in addition to their ceremonial duties may be consulted by members of the public on heraldic and genealogical matters in a professional capacity similar to lawyers or other agents. They may appear to plead their client's case before the Lord Lyon or other courts of chivalry.<sup>66</sup>

## The Public Register of All Arms and Bearings in Scotland

The *Public Register of All Arms and Bearings in Scotland* was created by the *Act of 1672*.<sup>67</sup> Each volume of the *Register* contains approximately 120 calf skin pages of approximately 12.5 by 17 inches in size. The Register today contain a full copy of the text of letters patent along with drawings of the arms and any additaments, badges and flags that appear in the letters patent, but this was not always the case.

Volume 1 contains 600 pages or so and covers the time period 1672-1804. It was split into two parts and rebound in 1890. Between 1672 and 1677, for almost all the entries, only the name

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<sup>63</sup> *The Act of the British Parliament of 1867* – “An Act to regulate the Court and Office of the Lyon King of Arms in Scotland, and Emoluments of Officers of the same” [1867, cap. 17 (Victoria)].

<sup>64</sup> Seton, George, *The Law and Practice of Heraldry in Scotland*, Edinburgh: Edmonston and Douglas, 1863, page 37.

<sup>65</sup> Innes of Learney, Sir Thomas (1893-1971), *Scots Heraldry*, Edinburgh: Oliver and Boyd, 1956 (2<sup>nd</sup> edition), page 12.

<sup>66</sup> Innes of Learney, Sir Thomas (1893-1971), *Scots Heraldry*, Edinburgh: Oliver and Boyd, 1956 (2<sup>nd</sup> edition), page 13.

<sup>67</sup> *The Lyon King of Arms Act of 1672* – [1672 cap. 21; fol. edit., cap. 47 (Car. II)].

of the armiger and blazon of the arms were recorded.<sup>68</sup> There are very few illustrations in this volume and they do appear they are at the beginning of each letter of the alphabet and not thereafter. Little genealogy is included in most of the recordings, although occasionally there might be a note such as “of the house of xxxx” or “cousin to lord blank” or perhaps small line sketch to show an unusual charge but nothing much else.

Volume 2 has blazons accompanied by illustrations of the shields again with the occasional notes but nothing more substantive. This volume extends to 1822. The same is true of Volume 3 which extended to 1835. Only in Volume 4, which extends to 1848, did the Lyon Office start keeping a full rendition of the arms with a fully copy of the wording of the letters patent. The fifth ran to 1858.<sup>69</sup> By 2003, the *Register* had grown to 86 volumes.

The are now 'sub-divisions' of the Register such as a separate volume for corporate and civil arms, another for the matriculation of foreign arms and another for ordinary matriculations which includes additional flags or supporters which were not originally granted.

The Register can be viewed online at [www.scotlandspeople.gov.uk/guides/coats-arms](http://www.scotlandspeople.gov.uk/guides/coats-arms)

There are three published research aids for the *Register* – two “Ordinary of Arms” which cover the period 1672 to 1973 and one “Roll of Scottish Arms” which covers only Volume 1 of the *Register* (1672 to about 1804). The “ordinaries” are organized and cataloged by blazon. In the case of quartered arms, each quarter is listed separately. The ordinaries contain only the blazon, the name of the armiger, the *Public Register* volume and page number and the date of registration. The “roll of Scottish arms” organizes the information by the surname of the person who matriculated or was granted arms, and includes not only the blazon of the arms, but also the crest, supporters, if any, and motto. Finally, it includes the date (or estimated date of the registration). The “roll” does not include the matriculations of nonhuman entities such as corporations or cities.

- Paul, Sir James Balfour, *An Ordinary of Arms* [1672-1901], Edinburgh: William Green and Sons, 2<sup>nd</sup> edition, 1903. (1<sup>st</sup> edition published in 1898.)
- Reid of Robertland, David and Wilson, Vivien, *An Ordinary of Arms*, Volume II (1902 - 1973), Edinburgh: Lyon Office, 1977.
- Gayre of Gayre and Nigg, R., *Roll of Scottish Arms*, part 1, volume 1 (A-G) and volume 2 (H-Z), Edinburgh: The Armorial, 1964 and 1969, 422 pages.

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<sup>68</sup> To blazon arms is to describe the armorial achievement using generally acknowledged conventions and terminology. It is this written description which defines the arms – not the graphical illustration of the arms. For example Azure is blue, any shade of blue that the heraldic artist thinks would look good.

<sup>69</sup> (a) Seton, George, *The Law and Practice of Heraldry in Scotland*, Edinburgh: Edmonston and Douglas, 1863, page 75.  
(b) Gayre of Gayre and Nigg, R., *Roll of Scottish Arms*, part 1, vols. 1 (A-G) and 2 (H-Z), Edinburgh: The Armorial, 1964 and 1969, pages 23, 41, 58, and 249.

Additionally, there are other rolls of Scottish arms:

- Nisbet, Alexander, *A System of Heraldry Speculative and Practical: With the True Art of Blazon, According to the Most Approved Heralds in Europe: Illustrated with suitable examples of Armorial Figures, and Atchievement of the most considerable Surnames and Families in Scotland, &c. Together with Historical and Genealogical Memorials relative thereto*, Edinburgh, J. MackEuen, 1722.
- Nisbet, Alexander, *A System of Heraldry Speculative and Practical: With the True Art of Blazon, According to the Most Approved Heralds in Europe; wherein Marks of Cadency, Marshalling of Divers Coats in One Shield, Exterior Ornaments, &c. are fully treated of: to which is subjoined . . . . .*, volume 2, Edinburgh, R. Fleming, 1742.
- Ross, Andrew, Marchmont Herald and Francis J. Grant, Carrick Pursuivant, *Alexander Nisbet's Heraldic Plates originally intended for his "System of Heraldry"*, Edinburgh: George Waterson & Sons, 1892. "Only Two Hundred Copies printed for Sale, and Forty-five for Presentation, of which this is No. 35,"
- Stodart, Robert Riddle, *Scottish arms, being a collection of armorial bearings, A.D. 1370-1678*. Reproduced in facsimile from contemporary manuscripts with heraldic and genealogical notes. (Edinburgh: William Paterson, 1881), two-volume set.
- Findlater, Alex Maxwell, *Scots Armorial from earliest times to the start of the eighteenth century or Aspilogia Scoticana*, Scotland: Heraldry Society of Scotland, 2006.
- Findlater, Alex Maxwell. Ed., *Lord Crawford's Armorial – formerly known as: The Armorial of Sir David Lyndsay of the Mount Secudus*, Scotland: Heraldry Society of Scotland, 2008.
- Hodgson, Leslie, editor, *The Dublin Armorial of Scottish Nobility – GO. Ms. 36: Scottish Nobility E (1593)*, Scotland: Heraldry Society of Scotland, 2006.
- Malden, John & Eilean, Editors, *The Dunvegan Armorial (1582)*, Scotland: Heraldry Society of Scotland, 2006.
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## Eligibility

Who has the right to bear Scottish arms? The answer to this question is somewhat complicated and revolves around establishing eligibility, of which there are two scenarios.

One – You (or your ancestor) falls within the jurisdiction of the Lord Lyon and you (or your ancestor) are “*a virtuous and well-deserving person*” in which case you are eligible to petition the Lord Lyon for grant of arms to you, or for and in memory of your ancestor.<sup>70</sup> It is, however, important to note that the granting of arms is a discretionary action by the Lord Lyon which is NOT appealable through the courts.

Two – You descend from a person who has Scottish arms recorded in the *Public Register of All Arms and Bearings in Scotland* (Lyon Register) and you bear that persons surname, in which case you have the right to matriculate your ancestor’s arms with suitable differencing. This action is appealable through the courts.

### Grant of Arms Scenario:

For the Lord Lyon to be able to grant arms to you, or for and in memory of your ancestor, two conditions must be met. First, you (or your ancestor) must be within the jurisdiction of the Lord Lyon and second, you (or your ancestor) must be a “*virtuous and well-deserving person*”.<sup>71</sup>

What is the jurisdiction of the Lord Lyon? Scotland of course, plus the Commonwealth countries<sup>72</sup> that do NOT have a governmental heraldic authority (*i.e.*, Australia, New Zealand, Jamaica, Barbados, *etc.*). However, for those living in Canada or England including Wales (which do have governmental heraldic authorities). Thus if you reside (domicile<sup>73</sup>) or your ancestor resided (domiciled) in one of the Commonwealth countries, you or your ancestor fall within the jurisdiction of the Lord Lyon. The jurisdiction requirements can also be meet if you have sufficient connection to Scotland. Sufficient connection could include the outright ownership of land in Scotland (generally speaking, ¼ acre or more outwith a Burgh),<sup>74</sup> the holding a commission as a household

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<sup>70</sup> See Grant, Frances J[ames], *The Manual of Heraldry*, Edinburgh: John Grant Booksellers, 1914, page 9, second paragraph. “Persons residing in British colonies or temporarily in foreign countries will apply to the office of the county of their or their ancestor’s origin; but arms will not be granted to person who are not British subject.”

<sup>71</sup> *The Lyon King of Arms Act 1672* – “Act concerning the Priviledges of the Office of Lyon King-at-Armes” [1672 cap. 21; fol. edit., cap. 47 (Car. II)].

<sup>72</sup> For a list of 53 independent states see, [www.thecommonwealth.org/Templates/Internal.asp?NodeID=142227&int1stParentNodeID=20596](http://www.thecommonwealth.org/Templates/Internal.asp?NodeID=142227&int1stParentNodeID=20596)

<sup>73</sup> Ann E. Lyon / 23 Feb 2006 – 6:10 am <ann.lyon59@merseymail.com>, Granting and Registering Practices in Various Countries, International Heraldry, The Heraldry Society of Scotland Forum. “Legally speaking 'domicile' essentially means permanent acceptance of the authority of a particular jurisdiction, and we can only have one domicile at a time. We all start off with a 'domicile of origin' based on our nationality at birth, but may acquire a different 'domicile of choice' later in life. Domicile is not synonymous with residence and long-term residence in another country does not necessarily give rise to a domicile of choice. The thrust of case law is that a person must intend to remain in the new country permanently, and that acquiring a new domicile is actually quite difficult.”

<sup>74</sup> (a) The ownership of ¼ acre of land (Freehold) would be sufficient to qualify for a grant, but not a territorial designation which requires three to five acres, and the property is registered in either *Land Registry* or the *Sasine Register*, the owner would fall under Lyon's jurisdiction. A leasehold property will not normally qualify per *Letter: Lyon Blair to Donald Angotta*, dated 3 February 2005.

officer of a Clan Chief and prior to “the appointed day” (28 November 2004), the ownership of a Scottish feudal Barony or holding a commission as officer of lesser (feudal) Baron.<sup>75</sup> If you want to have arms granted ‘for and in memory’ of your ancestor (a posthumous grant), you also have to prove that either you are the heraldic heir of the named ancestor, or you are entitled to matriculate those arms. It should also be noted that there is a requirement in Scots law for landowners to have arms (21 Feb 1400, Acts I, 575; 1430 cap.21, Acts II, 19).<sup>76</sup>

The Lord Lyon, William David Hamilton Sellar, on 2 Dec 2008 posted on the Lyon Court web site<sup>77</sup>, a modification to the approach taken by his predecessor Lyon Blair, to the granting of arms of holders of the dignity of baron.

“The Lord Lyon King of Arms wishes to advise as follows regarding Petitions for the Grant of Arms:

‘In respect of future Petitions for Grants of Arms by persons owning a dignity of baron which has been acquired post the appointed day (that is, 28 November 2004), provided that the Lord Lyon determines that the dignity of baron exists, that the petitioner is a virtuous and well deserving person and determines to exercise his discretion in their favour to grant arms the Lord Lyon will, (1) if so required, officially recognise the petitioner as “Baron of [the barony]” and (2) grant them ensigns armorial with a helmet befitting their degree, namely the helmet assigned to the barons.

When a petitioner has no connection with Scotland that otherwise brings the petitioner within the jurisdiction of the Lord Lyon, Lyon accepts that subject to other relevant considerations he will accept the ownership of a dignity of a barony as sufficient to bring the petitioner within his discretionary jurisdiction to grant arms to that person as a person who will require to bear arms in Scotland by reason of his ownership of the dignity.’

Thus, for those living in the United States of America,<sup>78</sup> this means finding (1) a Scottish

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(b) Lyon Sellar has said that it would depend upon where the land was, and that 1/4 acre in the middle of a moor likely wouldn't support anything, so where the land is located likely will determine how much is necessary. 1 Dec 2008

(b) The *Land Registration (Scotland) Act 1979*, S. 4 (2), states that an application for Registration shall not be accepted by the Keeper if: - “(b) it relates to land which is a souvenir plot, that is a piece of land which, being of inconsiderable size or of no practical utility, is unlikely to be wanted in isolation, except for the sake of mere ownership or for sentimental reasons or commemorative purposes; or (c) it is frivolous or vexatious.”

<sup>75</sup> With adoption *Abolition of Feudal Tenure (Scotland) Act 2000*, there is some question as to whether or not, Lyon will continue to grant arms to feudal Barons and their household officers.

<sup>76</sup> “Heraldry in Scotland” ( J. H. Stevenson ) , p. 103;  
Agnew, Andrew, Sir, Bt, *The hereditary sheriffs of Galloway their “forebears” and friends, their courts and customs of their times : with notes of the early history, ecclesiastical legends, the baronage and place-names of the province*, Edinburgh : D. Douglas, 1893, p. 111.

<sup>77</sup> [www.lyon-court.com/lordlyon/536.html](http://www.lyon-court.com/lordlyon/536.html)

<sup>78</sup> (a) Prior to 2004 you had to prove that your ancestor was of Scottish descent, now it is open to all British citizens residing the Colonies.

(b) Robin Blair, LVO, WS, Lord Lyon King of Arms, to Col. L. George Van Syckle, Letter dated 13 Jan 2004. Van Syckle is of Dutch ancestry who came to the Dutch colony of New Netherlands

ancestor who was residing in the former British Colonies of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina and Georgia prior to the signing of *The Paris Peace Treaty* (Peace Treaty of 1783) on 3 September 1783<sup>79</sup>; (2) a Scottish ancestor who was residing in the British Colonies of East or West Florida between 7 October 1763<sup>80</sup> and 3 September 1783<sup>81</sup>; or (3) an ancestor who was born in Scotland or in some other country that was under the Lord Lyon's jurisdiction. This is the "grant of arms for and in memory process" followed by matriculation of those arms to you either as heir or as a younger son or daughter as discussed below.

If you hold a commission as household officer of a Clan Chief, the Lord Lyon may be willing to accept your petition for a grant of arms. This appointment is evidenced by the Clan Chief having issued a formal commission<sup>82</sup> to the petitioner for a fixed time period (five years or more) and serving at the will of the Chief. The positions recognized by the Lord Lyon are: *Ard-Toshachdoer*<sup>83</sup> (High Commissioner or Lieutenant to the Chief), *Sennachie*. The commission establishes Lyon's jurisdiction. These positions are NOT clan society elected officers.<sup>84</sup>

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in about 1650. New Netherlands was founded in 1614 and consisted of parts of what is now New York, Delaware, Connecticut and New Jersey. Between 1664 and February 1674 ownership of the area flopped back and forth between the English and the Dutch finally ending up in English hands.

<sup>79</sup> This treaty gave formal recognition to the United States of America, established her boundaries (at the time), secured certain fishing rights, addressed problems between creditors, provided fair treatment for those who decided to remain loyal to Great Britain, and opened up the Mississippi River to navigation by citizens of both signatory nations.

<sup>80</sup> The Treaty of Paris of 1783 (along with the companion Treaty of Hubertusburg) ended the Seven Years' War, the American counterpart of which was the French and Indian War. *The definitive Treaty of Peace and Friendship between his Britannick Majesty, the Most Christian King, and the King of Spain*. Concluded at Paris the 10th day of February, 1783. To which the King of Portugal acceded on the same day.

<sup>81</sup> Peace Treaty of 1783 between United Kingdom and Spain.

<sup>82</sup> See Appendix \_\_, for a sample commission.

<sup>83</sup> For example, (1) William Kenneth McArthur was appointed *Ard-Toshachdoer* in the United States of America of Clan MacArthur by his Clan Chief James E. M. MacArthur of that ilk, on 10 April 2003 by Lyon Blair; (2) John Douglas Cochran was appointed *Shennachie* by the Right Honourable Ian Alexander Douglas Blair Cochran, 15<sup>th</sup> Earl of Dundonald and was granted arms in 2016 by Lyon Morrow.

<sup>84</sup> In 1968, the Countess of Erroll (Diana Denyse Hay) Chief of Clan Hay and Lord High Constable of Scotland appointed Kent Hay Atkins to be her Lieutenant to the Chief for the United States of America. Because Atkins' Scottish ancestry could not be traced to any Scottish Clan, Atkins presented the Chief with a *Bond of Manrent*, which she accepted, making him a full member of Clan Hay. This makes him a member of Clan Hay by choice, not by chance. Atkins was desirous of acquiring Scottish Arms but was not able to do so because he was not under the jurisdiction of the Lord Lyon which is required to receive a grant. When the Countess died in 1978, her son, Merlin, Lord Erroll, became Chief of Clan Hay and continued Atkins' appointment as his Lieutenant. He also suggested that Atkins should contact Sir Crispin Agnew of Lochnaw, BT QC who was at that time Slams Pursuivant to Lord Erroll, to assist him in his quest for Scottish Arms. Sir Crispin filed a petition on Atkins' behalf in 1979 – the reason for this being that the fee charged for a grant is determined by the time of filing, not the time of granting. At that time James

The current Lord Lyon King of Arms, Dr Joseph John Morrow, CBE QC LLD DL, has made some changes to the granting of arms to Clan Chief appointed office holders.

Lyon's position is that those who are granted arms based on an appointment such as "High Commissioner" get life grant on the basis of the appointment. It would not be appropriate for such arms to be passed down through the family as they are granted only on the basis of the appointment. Such appointments as "High Commissioner" can be revoked or resigned from and replaced and it would not be right to grant heritable arms to that office holder since his heirs would not hold that possession and thus be entitled to Scottish arms.

Prior to the "appointed day" (28 November 2004), if a lesser (feudal) Baron appointed you an Officer of his Court, the Lord Lyon would consider you under his jurisdiction and could grant arms to you. The positions of the Baron Court were The Baron Baillie, The Clerk of Court (who must be either a notary public or qualified lawyer), The Dempster, The Baron Officer, The Procurator Fiscal of the Baron Court or The Burlaw Men.<sup>85</sup>

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A "virtuous and well-deserving person(s)" – what does that term constitute? Scots Law does not, however, define the scope of the term "virtuous and well-deserving persons". It is up to the Lord Lyon to make this determination on a case-by-case basis. The granting of arms is NOT a

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Montieth Grant, KVCO, WS, was Lord Lyon (1969 to 1981). Sir Crispin's argument was that as Lieutenant to the Chief, Atkins was an officer (household officer) of the Clan with responsibilities for the United States. This would put him under the jurisdiction of Lyon Court. Lyon Grant could not be convinced that this was a valid argument.

In 1981 Sir James retired, and Malcolm Innes of Edingight, WS, became the new Lord Lyon. Sir Crispin then approached Lyon Edingight about granting Atkins' petition based on this holding a household office. Lyon Edingight agreed that his petition had merit, and on 27 January 1982, Lyon granted arms to Atkins (*Lyon Register*, V63, P113). This was the first known case where Lyon's jurisdiction was established based on the holding a position as a household officer. This precedent is now known as the *Atkins Rule*.

<sup>85</sup> (a) Agnew of Lochnaw, Sir Crispin, Bt, *The Baron's Court*, Scotland: The Convention of the Baronage of Scotland, 1994. See also [www.scotsbarons.org](http://www.scotsbarons.org)  
(b) In a conversation with the author on 27 September 2004 in Washington, DC, Lyon Blair indicated that he would NOT accept petitions for a grant of arms based solely on the holding of Feudal Baron's commission after the "Appointed Day", i.e., 28 November 2004, which was established by the *Abolition of Feudal Tenure (Scotland) Act 2000*.

<sup>86</sup> (a) Agnew of Lochnaw, Sir Crispin, Bt, *The Baron's Court*, Scotland: The Convention of the Baronage of Scotland, 1994. See also [www.scotsbarons.org](http://www.scotsbarons.org)  
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rubber-stamp action. Lyon reviews each and every petition. Lyon has granted arms to people of all stations of society and wealth. He has denied a grant because the petitioner was not a “virtuous and well-deserving person”. He has also deleted a grant of arms when he became aware that the grantee was not a “virtuous and well-deserving person” at the time petitioning for a grant of arms was logged with Lord Lyon.

Destination Clause Most every grant of arms contains a destination clause which defines how the undifferenced arms will descend to any offspring of the grantee, or their own representatives, and in what order. Traditionally, there are four basic destination clauses which define how succession to arms flows:

- (a) “heir of the grantee” (heir, male or female, whomsoever, which may well be a collateral descendent of an earlier generation), the widest destination;
- (b) “the heir male of the grantee” (heir-male whomsoever, not necessarily of the body.);
- (c) “the heir of the body of the grantee” (male or female, but a direct descendant of the grantee), generally the default destination in modern grants; or
- (d) “the heir male of the body of the grantee” (male, but a direct descendant of the grantee), the narrowest general destination

The destination may be tailored to fit the desires of the petitioner when the arms are granted. Today, however, where the grant of arms is to the petitioner, the most common destination clause is “to the Petitioner and his descendants” or “to the Petitioner and his descendants and the other descendants of his father or grandfather”. In general, a grant of arms will only list the grantee’s lineage back to his/her grandfather.

#### Matriculation of Arms Scenario:

In order to be eligible to matriculate your ancestor’s arms you must fall within the destination clause of the original grant of arms and bear your ancestor’s surname. Heraldic succession to arms can be very complicated depending on the circumstance and is beyond the scope of this paper. Seton<sup>87</sup> notes that: (1) “... succession does not open up to women until after the failure of all males of the same degree ...” [page 323]; (2) “By the Common law of Scotland at least, every kind of succession, however originally masculine in its nature, has been open to heirs-general from a very early period ...” [page 327]; (3) “... *Constant* devolution of *all* our older (Peerages) to heirs-general ...” [page 328]; and (4) “Under a Celtic sway, the Scottish Law of Succession appears to have been what is usually termed the law of Tanistry: a system which implied descent from a common ancestor, but which selected a man arrived at an age fit for war and council, in preference to the infant son or grandson of the preceding chief” [page 329].

If the grant of arms is silent on the question of succession, it is assumed that the succession clause is the more inclusive case – “heir of the grantee” which means that a woman can inherit the

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<sup>87</sup> Seton, George, *The Law and Practice of Heraldry in Scotland*, Edinburgh: Edmonston and Douglas, 1863, pages 323-329.

undifferenced arms. By feudal law the senior heir is in fact the eldest son but that is not always the case. The laws of tailize maybe used to divert the arms from the apparent senior heir (male or female) under the destination clause to another person of the blood. This may be accomplished via a Deed of Nomination which logged with the Court of the Lord Lyon.

Generally speaking by convention, children are given the surname of the father. If the mother is a clan chief, or peer in her own right, then one or more of the children may bear the mother's surname so they can inherit the mother's honors and titles. If both parents are clan chiefs or peers in their own rights, it is up to the parents to decide which children will bear which surname and will inherit which arms and titles. The inheriting of the parents arms and titles may, however, be constrained by the destination clause in the original grant of arms or title.<sup>88</sup> Additionally, depending on circumstances, a child upon reaching his or her majority, may adopt the other parent's surname. If a person bears a hyphenated name of their parents, problems occur. For instance, the late Lord Gray (Angus Diarmid Ian) bore the surname Campbell-Gray and was thus not able to be recognized by the Lord Lyon as the chief of the name and arms of Gray.<sup>89</sup>

There are several methods by which you can establish your eligibility to matriculate Scottish arms. First, you are the senior male descendant of someone to whom arms were granted (a grantee) and recorded in the *Public Register of All Arms and Bearings in Scotland* (Lyon Register). In this case you're entitled to use the un-differenced arms of your ancestor. Since arms are heritable property, they pass automatically on the death of the original owner to the senior heir, then to that person's heir, and so on forever. Who the senior heir is depends upon the destination clause contained in the original grant of arms. The default presumptive senior heir is the eldest son. If there are no sons, then succession could be the eldest daughter. This requires that women's children bear their mother's surname, if they are to inherit her arms. Daughters are regarding as equals, heraldically, except that the eldest will take the peerage and the caput.

If three generations have passed since the arms were granted or last matriculated, they need to be re-matriculated (*i.e.*, the three-generation rule).<sup>90</sup> Alternatively, if you are the senior male descendant of a person who bore arms before 1672 but failed to register them in the Lyon Register, they must now be recorded in the Lyon Register before you can use them.

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<sup>88</sup> Innes of Learney, Sir Thomas, *Scots Heraldry*, Edinburgh: Oliver and Boyd, 1956 (2<sup>nd</sup> edition), page 206, citing Mackenzie of Rosehaugh, George, Sir, *The Science of Heraldry, Teated as a part of the Civil law and Law of Nations*, (Heir of Andrew Anderson, Edinburgh, 1680), ii, p. 490.

This is the case of the late Countess of Erroll (Diana Denyse Hay) and her husband, Sir Iain Moncreiffe of that Ilk. Their eldest son, Merlin, was given his mother's surname and became the Earl of Erroll and chief of Clan Hay on his mother's death. The second son, Peregrine, was given his father's surname and became Chief of Clan Moncreiffe on his father's death. Their daughter, Alexandra, was given her mother's surname of Hay because it was the more senior of the two. However, the Moncreiffe baronetcy was inherited by the elder son because of the destination clause in the original grant.

<sup>89</sup> (a) Hugres Diarmid Ian Campbell-Gray, 22<sup>nd</sup> Lord Gray, 6 May 1950, *Lyon Register*, v38, p1.  
(b) Hugres Diarmid Ian Campbell-Gray, 22<sup>nd</sup> Lord Gray, petitioner, 6 May 1950, *Scots Law Times*, 1959, page 2.

<sup>90</sup> Matriculated within the last three generations to cover the holding of Armorial Bearings on apparenacy. See, Innes of Learney, Sir Thomas, *Scots Heraldry*, Edinburgh: Oliver and Boyd, 1956 (2<sup>nd</sup> edition), page 109.

Second, you are a younger son, or belong to a younger branch, of a grantee, thus you inherit a right to apply for “matriculation” of those ancestral arms with a suitable mark of difference being added to show your place in the family. Provided you can prove direct descent in the male line from the grantee, you may apply to matriculate whether or not you are a native Scot.

Third you are the descendant of a person who bore arms before 1672 but failed to record them in the Lyon Register, the arms must now be recorded in the Lyon Register before you can use them in Scotland either as senior heir or as younger son (or daughter) with suitable differencing. If you can prove that you descend from a person who bore arms in Scotland before 1672 and you bear that person’s surname, you can matriculate those arms. You would petition Lyon Court to matriculate your ancestors arms to you. Depending on your relation to your ancestor, you would receive either the undifferenced arms or differenced arms. The question is, can you prove that your ancestor was using arms in question before 1672. You must document your ancestor’s usage. Sources of proof are arms on a headstone, on his/her home, on building, on seals, or recorded in an ancient armorial, *etc.* What happens is that Lyon, after judicial inquiry regarding pre-statutory “possession”, issues and records a “Confirmation” of the arms (if necessary, with any technical corrections), which then becomes the foundation of the feudal title to such coat of arms.<sup>91</sup>

The matriculation of the arms of Allan George Lorraine.

Mr. Lorrane began Scottish lineage in about 1973. He was able to trace his lineage back to over 14 generations to James Lorene of Hairvode who died pre-1531, and who was acknowledged in a 1531 charter as the grandfather of Hector Lorene. In the late 1970's while visiting the Mitchell Library <sup>92</sup> in Sydney, Australia, he came across a photographic facsimile book of *The Armorial of Sir David Lyndsay of the Mount*, edited by David Laing <sup>93</sup> in which he found an image of his ancestor “Lorene of Hairvode” arms (Argent three leaves slipped Vert) on page 118.

It was not until the *Act of 1672* <sup>94</sup> was adopted by the Scottish Parliament that *The Public Register of All Arms and Bearing in Scotland* was created. Prior to then there does not appear to have been an official book-recording armorial bearings in Scotland. If there were one, it has not seen the light of day. However, a number of previous Lord Lyons over the centuries created unofficial private registers of armorial bearings displaying arms that they were either granted, matriculated, or recorded. Other people living Scotland and other countries created armorial manuscripts containing the armorial bearing of many Scots. The *Act of 1672* required all possessors of armorial bearings in Scotland to submit their armorial bearings to the Lord Lyon so that they could be recorded in *The Public Register*.

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<sup>91</sup> Innes of Learney, Sir Thomas (1893-1971), *Scots Heraldry*, Edinburgh: Oliver and Boyd, 1956 (2<sup>nd</sup> edition), page 84, second paragraph.

<sup>92</sup> Mitchell Library | State Library of NSW [www.sl.nsw.gov.au/contact-us/mitchell-library](http://www.sl.nsw.gov.au/contact-us/mitchell-library)

<sup>93</sup> Fac simile of an ancient heraldic manuscript, emblazoned / by Sir David Lyndsay of the Mount. Lyon king of arms 1542; edited by David Laing, Edinburgh: William Paterson, 1878. 21 pages of text and 133 coloured plates, Book number 34 /250 copies, size: 50cm (h); 36cm (w); 7cm (d). Found in the Michael Library rare book collection. State Library of New South Wales, Sydney, Australia. There is also a copy in the National Library of Scotland, book number 1 of/250 copies.

<sup>94</sup> *The Lyon King of Arms Act of 1672* – “Act concerning the Priviledges of the Office of Lyon King-at-Armes” [1672 cap. 21; fol. edit., cap. 47 (Car. II)].

Mr. Lorraine filed a petition to Matriculate his Lorene ancestor's arms with the late Lyon Clerk, John Inglis Drever "Don" Pottinger (1919–1986), on 3 November 1983. Sir Malcolm R. Innes of Edingight matriculated in Mr. Lorraine's arms and are recorded in *The Public Register* in Volume 71 on Page 4, on 20 June 1985. I should mention that Mr. Lorraine's ancestor arms can also be found in Alex Maxwell Findlater's *The Armorial of Sir David Lyndsay of the Mount with a photographic facsimile*,<sup>95</sup> on page 99 of Volume I (an image of the arms) and on page 292 of Volume II (the Blazon and text discussing the arms).

### Registration of Foreign Arms:

Arms used by residents of Scotland must be recorded in the *Public Register of All Arms and Bearings in Scotland*<sup>96</sup>. If a resident of Scotland has arms granted by another country with its own heraldic authority (e.g., England, Ireland, Canada, etc.) and that person plans to display or use those arms in Scotland, then those arms would need to be registered in Scotland, i.e., recorded in the *Public Register of All Arms and Bearings in Scotland*. When foreign arms are matriculated in Scotland, the process (sometimes referred to as exemplification) does NOT convert those arms into Scottish arms.<sup>97</sup> Whatever rights and privileges that came with the foreign arms remain the same, nothing is added or subtracted. It should be noted that prior to about 2002, Lyon would allow the recording of foreign arms in the *Register* even though the petitioner did not appear to have a real connection to Scotland, i.e., a resident, a property owner, etc. This is not the case today – the petitioner must show an active connection to Scotland. The heir or heirs can not matriculate registered foreign arms.

## **The Form of Petitions**

There are basically three forms your petition can take: (1) a petition for a new grant of arms for yourself, (2) a petition for a grant of arms for and in memory of an ancestor, and (3) a petition for a matriculation off an ancestor's existing arms.<sup>98</sup>

Grant of Arms to a Living Person: This procedure is used by all those who fall within the jurisdiction of the Lord Lyon, i.e. anyone domiciled in Scotland or in a Commonwealth country without its own heraldic authority. The petitioner should do so by submitting a formal petition to

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<sup>95</sup> Findlater, Alex Maxwell, Editor, *The Armorial of Sir David Lyndsay of the Mount with a photographic facsimile*, Edinburgh: The Heraldry Society of Scotland, 2018, Vols 1 and 2.

<sup>96</sup> (a) Stevenson, John Horne, *Heraldry in Scotland, including a recension of 'The law and practice of heraldry in Scotland,' by the late George Seton, advocate*. Glasgow: J. Maclehose and sons, 1914. (2 volumes), page 124.  
(b) In this case, Lyon will not define or alter destination of foreign arms when matriculating under this alternative.  
(c) Example: Sebastian Alec Nelson arms were matriculated of Spanish Arms, Lyon Register, v.74, p. 76., 2004.

<sup>97</sup> A person possessing "Foreign Arms" would not be eligible to participate in a *derbhfine* even though they bear the clan surname.

<sup>98</sup> See, "Petitions for Arms" (Informational Leaflet No. 4), Edinburgh: Offices of the Court of the Lord Lyon, March 2000.

the Lord Lyon. The petition should set out the details of his or her ancestry as far back as the petitioner may wish to be recorded in the Letters Patent (the illuminated parchment of the grant). All statements concerning the ancestry must be supported by proofs in the form of official documentation. Such a petition must prove to Lyon that the petitioner is eligible to receive a Scottish grant of arms.

Grant of Arms For and In memory of an Ancestor: This procedure is used principally by people who are unable to seek a Grant in their own name and therefore would not normally be granted to someone domiciled in Scotland. The Grant is not made in name of the Petitioner but in name of the ancestor concerned. The petition must set out descent from the ancestor to whom one may wish the arms to be retrospectively granted, proving of course that the ancestor was a native Scot or was in the Lord Lyon's jurisdiction. All statements concerning ancestry must again be supported by documentary proofs. In this case the grant is made in the name of the petitioner ancestor.

Matriculation off existing Arms: Arms are heritable property, and on the original owner's (*i.e.*, the grantee's) death they descend to his heir, and so on forever. However, if more than three generations have passed since the arms were matriculated or granted, re-matriculation is required.

A younger son or brother may inherit his father's undifferenced Arms if the elder son (heir) dies first and leaves no heirs of his own. (NB. If this is the case, the "younger" son must re-matriculate in order to establish his right to succession and make it indefeasible against any competing claimant.) Otherwise younger sons and their descendants inherit only a right to apply for "matriculation" of their ancestor's arms with a mark of difference added, appropriate to their place in the family. As a descendant of a younger son, you should submit a formal Petition to the Lord Lyon setting out your descent from the grantee ancestor and ask that his arms may be "matriculated" in your own name with a suitable mark of difference.<sup>99</sup> Again all statements must be supported by documented proof.

The petition document, whether for a grant or matriculation, consists of three parts: your lineage, schedule of proofs, and documentation to support each claim. For example – The lineage, Donald Draper Campbell is the son of George Willard Campbell and wife Mildred Estelle Draper, *etc.* The schedule of proofs, the following documents show that Donald is the son of George and Mildred . . . The supporting documentation, the original documents cited as supporting the facts stated in the schedule of proofs, *i.e.*, family bibles, land records, *etc.* You will need to consult with Lyon Court as to whether or not photocopies of original documents are acceptable. Copies of some or all documents may have to be notarized or certified. In case of "family papers" you may also have to document the procession of the documents. Once you have assembled your materials and supporting documentation, the petition is the easy part.

It should be noted that the primary difference between the various forms of petitions (grant or matriculation) is the last paragraph of the petition and the associated prayer which sets forth what the petitioner is requesting of the Lord Lyon.

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<sup>99</sup>

See Appendix 4 for a discussion of cadency differencing systems.

Grant to a living person petition:

- x. **THAT** the Petitioner is desirous of bearing and using such Ensigns Armorial as may be found suitable and according to the Laws of Arms-,

**MAY IT THEREFORE** please Your Lordship to **Authorise** the Lyon Clerk to prepare Letters Patent granting unto the Petitioner and his descendants such Ensigns Armorial as Your Lordship may find suitable and according to the Laws of Arms.

This prayer requests that the Lyon Clerk prepare Letters Patent granting the Ensigns Armorial to the Petitioner, which the Lord Lyon will sign

For and In memory of Grant only petition:

- x. **THAT** the Petitioner is desirous that such Ensigns Armorial as might be found suitable and according to the Laws of Arms might be granted for and in memory of his/her <insert degree and name>

**MAY IT THEREFORE** please Your Lordship to **Authorise** the Lyon Clerk to prepare Letters Patent granting unto the Petitioner's said <insert degree and name> such Ensigns Armorial as may be found suitable and according to Laws of Arms, and with such destinations as shall to Your Lordship seem proper.

This prayer requests that the Lyon Clerk sign prepare Letters Patent granting the Ensigns Armorial to the Petitioner's ancestor, which the Lord Lyon will sign.

Matriculation only petition:

- x. **THAT** the Petitioner is desirous that the foresaid Ensigns Armorial might be matriculated of new in his own name with suitable difference.

**MAY IT THEREFORE** please Your Lordship to **Grant Warrant** to the Lyon Clerk to matriculate of new in the Public Register of All Arms and Bearings in Scotland in name of the Petitioner the foresaid Ensigns Armorial with a suitable difference.

This prayer requests that Lord Lyon instruct the Lyon Clerk to prepare and sign a document matriculating previously granted arms to the Petitioner with suitable difference.

Joint For and In Memory of Grant with Matriculation petition:

- x. **THAT** the Petitioner is desirous that such Ensigns Armorial as might be found suitable and according to the Laws of Arms might be granted for and in memory of his/her <insert degree and name>

y. **THAT** the Petitioner is desirous that the foresaid Ensigns Armorial might be matriculated of new in his own name with suitable difference.

**MAY IT THEREFORE** please Your Lordship to (primo) **Authorise** the Lyon Clerk to prepare Letters Patent granting unto the Petitioner's said <insert degree and name> and his descendants such Ensigns Armorial as Your Lordship may find suitable and according to the Laws of Arms and (secundo) to **Grant Warrant** to the Lyon Clerk to matriculate of new in the Public Register of All Arms and Bearings in Scotland in name of the Petitioner the forsaid Ensigns Armorial with a suitable difference. [ And furthermore the Petitioner is desirous of bearing a Pennon.]

AND your Petitioner will ever pray,

This prayer request that the Lyon Clerk prepare Letters Patent granting the Ensigns Armorial to the petitioner's ancestor and to matriculate these arms to the petitioner with suitable difference, which the Lord Lyon will sign. Additionally, if you are interested in having the Lord Lyon also grant you a Pennon, add the phrase in square brackets.

**EAR:** Page 21, Matriculation only petition – The Prayer does not request the Lord Lyon to instruct the Lyon Clerk to sign a document. It is entirely competent for the Lord Lyon to sign an Extract of Matriculation if he so wishes. It is merely practice that Lyon signs Letters Patent and does not sign Matriculations.

There are cases where children have taken or were given their mother's surname because her family was senior to her husband's and, therefore, may have been heir to land holdings, chiefship, or the like. This is the case for the current chiefs of Clan Macleod and Clan Hay, as the chiefship in both cases passed through the female line. It is not necessary that the maternal line be senior in order for the children to inherit the maternal arms. However, in order for this to happen, the destination in the original grant must be wide enough to include female descendants, and the mother and the children must bear the proper surname.

#### Examples of a Grant of Arms to a Living Person:

Case: On 10 October 2003, Stephen Anthony Michael, a retired Lieutenant Colonel of the United States Air Force, file a petition for a grant of arms based on the fact that although he is a United States of America citizen, he owns a home in Edinburgh, Scotland, and this is under the jurisdiction of the Lord Lyon. He was granted arms on 9 February 2005 – Lyon Register: v87, p31.

#### Examples of a Grant of Arms to an Ancestor:

In the case of a new grant of arms, Lyon has the ultimate authority with regard to the design of the arms to be granted. Generally, the new arms granted will bear some relation or resemblance to the pronominal arms of the chief of the name and arms of the petitioner's surname. However, Lyon will enquire of the petitioner what his or her desires are regarding design. If the petitioner's request makes heraldic sense, Lyon may oblige. For example, in the case of a Campbell petitioner, the basic motif of the arms would generally be "Gyronny of eight Or and Sable" [the arms of the

chief of Clan Campbell]. To this, other ‘ordinaries’ and ‘charges’ will be added which are relevant and unique to the petitioner’s family. These charges may indicate where the ancestor lived and their occupation, or the interests of the petitioner. Remember complicated arms can be difficult to display on flags and banners, hard to decipher and costly to implement. The arms simply become a blob. Another point to remember is that if a grant of crest is sought in the same petition, Lord Lyon will consult with the petitioner about its design as well. Because there is less restraint on the connection between the crest and the surname, the design of the crest may more easily reflect the personal interests of the petitioner than the shield itself. Remember also that while a charge you want to use for difference will have meaning to you, will it have the same degree of meaning to your great-grandson or granddaughter. Avoid the heraldic **resume??** if possible.

There are two routes you can follow in petitioning for a posthumous grant of arms - a two-step and a one-step process. In the two-step process you would petition for a posthumous grant in memory of your Scottish ancestor and subsequently seek a matriculation of those Arms suitably differenced in your own name. In this case two separate documents are created, one for the grant and one for the matriculation.

In the one-step process you would petition for a posthumous grant For and In Memory of your Scottish ancestor and seek a matriculation of those Arms suitably differenced in your own name in the same petition. In this case, only one document is created which records both the grant to your ancestor and the matriculation, with suitable differencing to you. There is a saving of several hundred dollars when following this latter process as only one patent is created. In the examples noted below, both petitioners followed the one-step process.

Case: Donald Draper Campbell filed a petition for a grant of arms for and in memory of his great-great-great-great-grandfather John Campbell who was born, according to family history and tradition, in the Highlands of Scotland *circa* 1775, emigrated to the United States of America (South Carolina) as a child following the American Revolutionary War on the same boat as his future wife Mary Nicholson (who was also born in the Highlands of Scotland). Concurrently, Donald filed a second petition to matriculate the arms of his ancestor John Campbell, if granted, with suitable differencing. When Donald initially filed his petition, two petitions were required, however, Lyon enquired as to whether he wanted one or two resulting documents. He chose one - cost.<sup>100</sup> A transcription of the combined Grant of Arms to John Campbell and Matriculation of Arms to Donald Draper Campbell document can be found in Appendix 2. The document was created by heraldic artist the late Romilly Squire of Rubislaw.

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<sup>100</sup> The Court of the Lord Lyon, 20th February 1984, Lyon Register, vol. 65 folios 88 & 89.



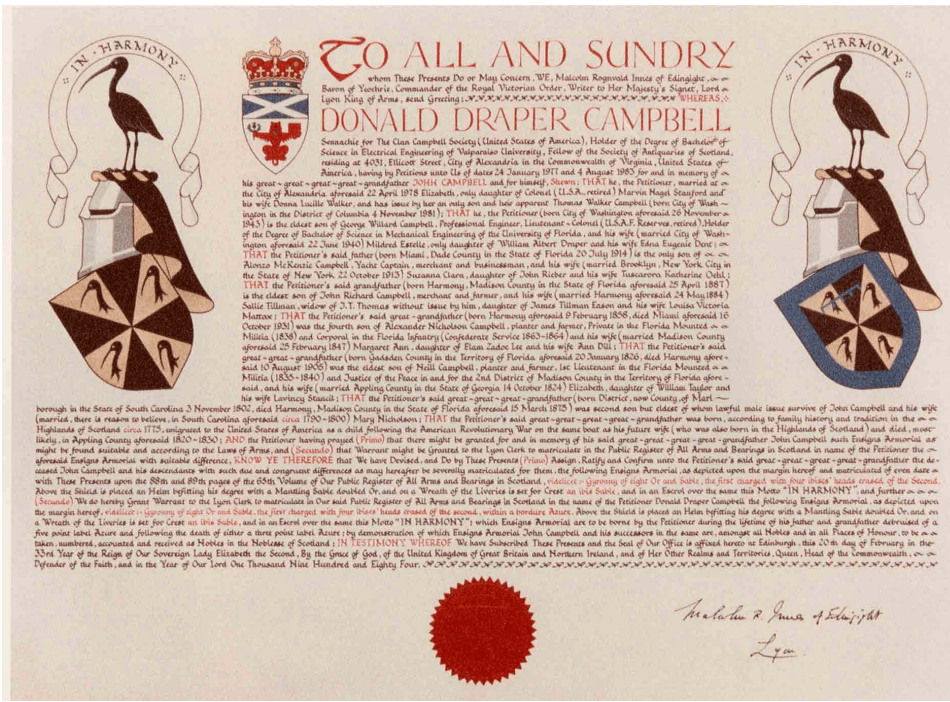


Figure 3 – Grant of Arms to John Campbell  
and  
Matriculation of Arms to Donald Draper Campbell

Case: Danny Byrd Campbell filed a single petition with two prayers for a grant of arms in memory of his great-great-great-great-grandfather John Campbell who was born in Albemarle County, Virginia, *circa* 1750, and to matriculate those arms, if granted to John Campbell, to him with suitable differencing. Since Danny’s ancestor was of Scottish descent and residing in Virginia Colony prior to the signing of *The Paris Peace Treaty* in 1783 that put his ancestor John Campbell under the jurisdiction of the Lord Lyon King of Arms.<sup>101</sup>

Case: Harold Arthur Hunter, filed a single petition for a grant of arms for and in memory of his great-grandfather William Hunter, and matriculation in his own name with suitable difference. This petition was solely for a shield of arms and motto. When granted, Harold executed a deed of resignation *in favorem* resigning his arms back to Lyon to be re-matriculated in his grandson David Paul Hovey Hunter’s name. David then petitioned for re-matriculation of these arms and acceptance of the deed of resignation that had been executed by Harold, and for a grant of a crest. Since David’s mother was the daughter of Harold, he had to legally change his surname to “Hunter” prior to petitioning the Lord Lyon.<sup>102</sup>

<sup>101</sup> The Court of the Lord Lyon, 6th August 1999, *Lyon Register*, vol. 83 folios 83.  
<sup>102</sup> The Court of the Lord Lyon, 27th July 1993, *Lyon Register*, vol. 73, page 116.

### Example of a Matriculation off Existing Arms:

The Lord Lyon has full discretion as to what differencing mark or marks are to be used when matriculating arms to younger sons.<sup>103</sup>

Case: Prior to 1996, Bruce Meade Hamilton petitioned the Lord Lyon to matriculate the arms of an ancestor who died *circa* 1558, in his own name with a suitable difference. The ancestor's arm had never been matriculated in the *Public Register of All Arms and Bearings in Scotland* but were recorded in Manuscript "Gentleman's Arms". Mr. Hamilton traced his ancestry back some twelve generations to this forbear. It gets back to the final two generations – "... Reverend Hans Hamilton, Vicar of Dunlop in the County of Ayr, legitimated son of Archibald Hamilton of Raploch; THAT the Representer of the family of Hamilton of Raploch bore Armorial Bearings long anterior to the passing of the Act of Parliament 1672 cap. 47 as evidenced by the inclusion of the Arms in the Manuscript "Gentleman's Arms" but which arms have not been recorded in the Public Register of All Arms and Bearings in Scotland; AND the Petitioner having prayed that the aforesaid Ensigns Armorial might be matriculated in the Public Register of All Arms and Bearings in Scotland in his own name with a suitable difference ...". Arms were matriculated to Mr. Hamilton on 2 June 1996 and recorded on the 23rd page of the 80th volume of the *Public Register of All Arms and Bearings in Scotland*.

Case: Diarmid Alexander Campbell filed a petition to matriculate the arms of his grandfather James Arthur Campbell of Arduaine whose arms were previously matriculated in the *Public Register of All Arms and Bearings in Scotland* (Volume 18, Folio 39) on 31 October 1905.<sup>104</sup>

Case: Laura Dent Campbell filed a petition to matriculate the arms of her father Donald Draper Campbell whose arms were previously matriculated in the *Public Register of All Arms and Bearings in Scotland* (Volume 65, pages 88 and 89). A transcription of the combined Grant of Arms to John Campbell and Matriculation of Arms to Donald Draper Campbell document can be found in Appendix 2.

Adopted children have the right to matriculate the arms of the adoptive parent who has arms. The child must bear the same surname of the parent who has arms and the child's arms will have a mark of difference to signify their particular status. In such cases, the matriculated arms are debased with a canton<sup>105</sup> voided of a tincture to be determined by the Lord Lyon.<sup>106</sup>

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<sup>103</sup> See Appendix 4 for a discussion of Cadency differencing systems.

<sup>104</sup> The Court of the Lord Lyon, 12th May 1975, Lyon Register, vol. 58 folio 17.

<sup>105</sup> The canton has a width of 1/3 the top of edge of the shield, and extending down the shield about 1/3 the length of the shield.

<sup>106</sup> See, *In Re Stewart, Petitioner*, 1951 SLT (Lyon Court) 3 (1948). **Add text summarizing the proceeding**

## A Lady's Arms

Ladies have two options concerning use of arms. They may use arms by courtesy, or they may seek arms in their own right. If they seek arms in their own right, they would do so just as gentlemen do, as described above, either as an original grant or as a matriculation off an ancestor's arms. Remember, however, that the lady's surname must be the same as that of the person from whose arms she is matriculating and generally speaking a women's surname is that of her father. Matriculation can occur either before or after marriage. Furthermore, Innes of Learney states that a women's surname is the surname given at birth even after marriage.

In Scotland it was not until the nineteenth century that wives adopted their husband's surname upon marriage. The custom came from England, and although no doubt convenient in ordinary life, is still not legally essential in Scotland, and is most confusing to subsequent genealogical inquirer.<sup>107</sup>

By courtesy, a daughter is entitled to a life-use of her father's undifferenced arms. Upon marriage, she has several options. She may continue to bear her father's undifferenced arms so long as she retains her father's surname, *i.e.*, "Mrs. Elizabeth Stanford, or Campbell" (since as noted above, arms are inseparable from the surname in which they were originally granted); or she may impale them with her husband's arms (her husband's on the left, her father's on the right), or bear, by courtesy, her husband's undifferenced arms alone.

The arms of a woman (who is neither a peer, a chief of a clan or name or the likes) usually displayed on either an oval escutcheon or the more traditional lozenge, and she did not normally display the helmet, mantling, crest, motto, *etc.* She could wear the crest as a brooch or badge. However, according to Lyon Sellar, woman have received arms in the same style as gentleman since the creation of the Public Register of all Arms and Bearings in Scotland by an act of the Scottish Parliament in 1672

My daughter, Laura Dent Campbell, submitted a petition on 20 June 2013 to Lyon Sellar<sup>108</sup> to matriculate my arms. On 4 September 2013, I received a letter from Lyon Sellar asking what type of shield Laura would like – Shield of lozenge shape, of oval shape or a regular Shield shape. However, he advised against a lozenge shape on design grounds, as it would narrow the gyrons unduly. As for differencing, he suggested three fleur-de-lys Or within a bordure Azure.

I asked John Hamilton Gaylor, a member of the Heraldry Society of Scotland, if he would create digital images of the three types of shields for Laura to look at in making her decision as depicted in Figure \_\_.

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<sup>107</sup> (a) Innes of Learney, Sir Thomas, *Scots Heraldry*, Edinburgh: Oliver and Boyd, 1956 (2<sup>nd</sup> edition), page 209.

(B) **EAR:** It is, I think, only in Scots Law that a woman retains her maiden surname on marriage. This is not necessarily true of every other country where taking your husband's name may be seen as an abandonment of your maiden surname.

<sup>108</sup> William David Hamilton Sellar, MVO (Lord Lyon King of Arms from dd mm 2008 to 31 Jan 2014.

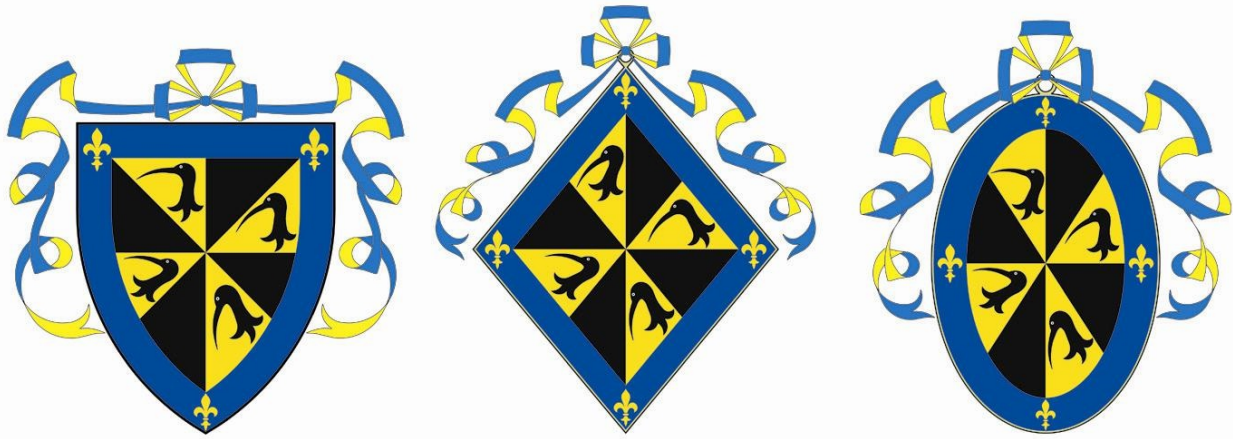


Figure \_\_

After viewing the images, Laura picked a regular Shield shape differenced with three fleur-de-lys Or. Lyon also asked if Laura would also like a helm and crest for Lyon Sellar had indicated that she would also have them as part of her matriculation. She said yes. On 30 September 2013, Lyon Sellar Granted Warrant to Lyon Clerk Roads to matriculate arms to my daughter Laura using the following blazon – “Gyronny of eight Or and Sable, the First charged of four glossy ibises' heads erased of the Second within a bordure Azure charged with three fleur-de-lys Or for difference. Above the Shield is placed an Helmet befitting her degree, with a Mantling Sable doubled Or, and on a Wreath of the Liveries is set for Crest a glossy ibis Sable, and in an Escrol over the same this Motto “IN HARMONY”.

On 9 December 2014, Laura’s arms were Matriculated in Volume 91 on Page 111 in the Public Register of All Arms and Bearing in Scotland and a copy Extracted on 11 December 2014 for Laura. Normally the Lyon Clerk signs a Matriculation document, but because Lyon Clerk Roads had broken her right hand and could not sign her name, the document was signed by the new Lord Lyon, Dr. Joseph John Morrow who had succeeded Lyon Sellar to the office in early 2014. Laura’s matriculation document was prepared by Maggie Spalding of Lyon Court and the achievement is show below.



## The Lyon Court Process for a Grant or Matriculation of Arms<sup>109</sup>

1. The Petition for a Grant or Matriculation of Arms is received and logged in by the Lyon Clerk.
2. The Process consisting of the Petition and documentary evidence supporting the Petition and correspondence is made up. The Lyon Clerk checks that the documentary evidence supports the Petition.
3. The Petition is placed before the Lord Lyon for his consideration. Petitions are generally considered in the order in which they are received and placed on the case list.
4. The Lord Lyon considers the Petition, satisfies himself that the Petition is correct, and that the evidence is sufficient for him to proceed. At this stage he devises arms he deems appropriate and submits his suggestion to the Petitioner. Scottish Arms are based on the surname and while the Lord Lyon is willing to consider any suggestion the Petitioner may make, the overall design must be in accordance with the Scottish practice. It is not necessary to engage an artist to prepare a submission prior to the Lord Lyon's consideration. The Lord Lyon is happy to consider suggestions regarding crest and motto and again it is not necessary for a pictorial submission to be made. It must be borne in mind that if an artist is engaged, they will be engaged on a professional basis and it may be that their design will not be acceptable. It is therefore advisable in the first instance to submit a brief description of what might be included. The final decision on the design of the Arms rests with the Lord Lyon.
5. If the Petition is for a Matriculation of Arms the basic shield will remain the same and appropriate cadency differences will be added. These cadency differences normally follow the Fraser/Stodart scheme of differencing.<sup>110</sup>
6. Once agreement has been reached on the design of the arms, the Lord Lyon issues either a Warrant for the preparation of Letters Patent or an Interlocutor for the preparation of an Extract of Matriculation.
7. The Process is then passed to the Lyon Clerk who will draft the text of the final document and submit this together with a request for Exchequer Dues to the Petitioner.
8. The petitioner should carefully review the proposed text for accuracy, and to fill any holes that may have been identified by Lyon Clerk in drafting the text. As the text agreed to is what is used by the Herald Painter when creating the calligraphy for the illuminated patent, any errors need to be caught before the text is delivered to the Herald Painter.
9. Once the Exchequer Dues have been received and the text agreed the Process is passed to a Herald Painter who is commissioned by the Lyon Clerk to prepare the final document. The Herald Painter prepares two illuminations of the Arms. The Letters Patent or Extract of

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<sup>109</sup> This section is based on information provided by Lyon Clerk (Mrs. C.G.W. Roads) in a letter to the author, 13 August 2003.

<sup>110</sup> See Appendix 4 for a discussion of Cadency differencing systems.

Matriculation which will be sent to the petitioner and the recording in the Public Register of all Arms and Bearings in Scotland. The Letters Patent or Extract of Matriculation may be prepared by the artist either in their studio in the Court of the Lord Lyon or at their private studio. The volumes of the Public Register of all Arms and Bearings in Scotland do not however leave the Court of the Lord Lyon and artwork in those is completed within the office.

10. The Letters Patent or Extract of Matriculation contains an illumination of the Armorial Bearings together with the agreed text containing genealogical information and the blazon of the Armorial Bearings. It is open to petitioners to seek a more highly illuminated document if they so wish.
11. The entry in the Public Register of all Arms and Bearings in Scotland consists of the illumination of the Arms and the verbal text as contained in the original document.

## The Cost

First, there is the basic expense of researching your family's history and lineage, then there is the cost of acquiring copies of documents which must be submitted to support your petition, and finally there are the fees due the Lyon Court as prescribed by Parliament.

The Lyon Court fees are as of 1 April 2015: <sup>111</sup>

New Grant of shield alone, with or without motto £1,745 (~\$2,650) <sup>112</sup>

New Grant of shield and crest, with or without motto £2,535 (~\$3,800)

New Grant of shield, crest, motto and supporters £3,525 / £3,625 (~\$5,300 / ~\$5,450)

Matriculation of previous Grant of shield alone, with or without motto £1,095 (~\$1,650)

Matriculation of previous Grant, including shield, crest and motto £1,270 (~\$2,000)

Matriculation of previous Grant including supporters £1,825 / £1,925 (~\$2,800 / ~\$2,900)

Matriculation of previous Grant, with new supporters £2,275 / £2,375 (~\$3,450 / ~\$3,600)

Fee on Lodging a Petition is £350.00 (~\$550). The balance will be due when the Arms and draft text are agreed, and the Petitioner has been notified of the total amount. This fee is not refundable. The cost of a Joint Grant and Matriculation of shield, crest and motto in the same document is several hundred pounds less than the sum of the two.<sup>113</sup> Once the remaining fee are received, work on the Letters Patent begun.<sup>114</sup>

The cost of a new grant is steep; however, the cost of a new grant can be divided among all your cousins who want to matriculate arms from it. It should be noted that these fees also provide

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<sup>111</sup> [www.lyon-court.com/lordlyon/232.html](http://www.lyon-court.com/lordlyon/232.html)

<sup>112</sup> If the shield is of somewhat more complex design there would be additional painting fees for quartering, *etc.*

<sup>113</sup> There could possibly be additional writing fees if the text is very lengthy.

<sup>114</sup> See: [www.lyon-court.com/lordlyon/232.html](http://www.lyon-court.com/lordlyon/232.html)

for the protection of misuse of your arms in Scotland. Remember, it is the Procurator Fiscal of the Court of the Lord Lyon who goes after the culprit – not you and no cost to you.

These fees include not only Lyon Court administrative costs, but also the herald painter's fee. The document you receive is a beautifully illuminated parchment (calf skin) with a full color painting of your arms and handwritten outline of your descent. There are in fact two hand-painted documents, the one you receive (to be hung prominently in your home!) and the one entered into the *Public Register of All Arms and Bearings in Scotland* at Lord Lyon's office.

## Personal Use of Heraldry

Now that you have arms, what next? There are a number of privileges that come with having your own arms, such as wearing your bonnet crest badge consisting of your crest within a circlet (not a strap-and-buckle as clansmen do) inscribed with your motto, together with one or more eagle feathers in silver behind the circlet; flying your own personal flag bearing your arms; and your wife wearing your crest by itself, engraving your arms or crest on flatware, *etc.*

## The Crest Badge

The crest badge is a heraldic device derived from the armigers crest. There are four type of crest badges and their use depends on the armorial status of the user, shown through the use of eagle feathers. As far as I can determine, there are NO Scottish Laws governing the heraldic use of Eagle Feathers by themselves. There are, however, customs, practices and guidance that has developed over the past two centuries regarding their use in conjunction with crests. There is a painting of James Moray of Abercairney wearing three eagle feathers in conjunction with the State Visit of George IV in 1822.<sup>115</sup> The Court of the Lord Lyon has published an informational leaflet on this topic, "Scottish Crest Badges" which sets forth the heraldic format all should follow.<sup>116</sup>

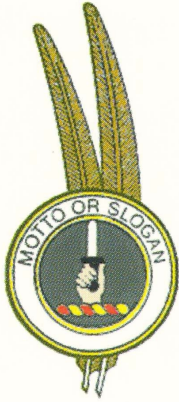


**CHIEFS OF CLANS:** Chiefs have the right to wear their Crests as badges EITHER simpliciter, without the accompaniment of circlet, motto or feathers behind the badge, OR as is more usual, surrounded with a plain circlet inscribed with his Motto or Slogan, NOT a strap-and-buckle which is for clansmen; and, if they choose, with THREE eagle's feathers in silver behind the circlet. If the Chief is also a Peer of the Realm, he may correctly add his appropriate coronet of rank on top of the circlet, but this is a matter of his personal choice.

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<sup>115</sup> Way of Pleas, George and Squire, Romilly, *Collins Scottish Clan and Family Encyclopedia*, Glasgow: HarperCollins Publishers, 1994, page 37.

<sup>116</sup> "Scottish Crest Badges" (Informational Leaflet No. 2), Edinburgh: Offices of the Court of the Lord Lyon.



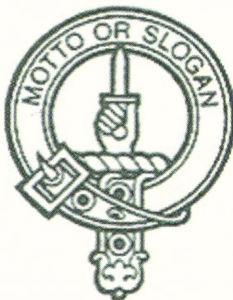
CHIEFTAINS: *i.e.*, Heads of large branches of a Clan and Officially Recognized as such by the Lord Lyon King of Arms. Chieftains may wear either their own personal Crest within a plain circlet inscribed with the Motto, as for a Chief, but with TWO small eagle's feathers instead of the Chief's three. If the Chieftain is also a Peer, he may add the appropriate coronet of rank on top of the circlet, OR they may wear their Chief's Crest badge like any other clansman, as described for CLANSMEN below. Additionally, the son of a Chief wears two feathers.

A person appointed by the Lord Lyon King of Arms as Clan Commander also may wear their own Crest badge with two feathers.



ARMIGERS: *i.e.*, Persons who have registered their own coat of Arms and Crest, or have inherited these according to the Laws of Arms in Scotland from ancestors who had recorded them in the Lyon Register. An armiger may wear his own Crest as a badge EITHER simpliciter, on its Wreath, Crest Coronet or Chapeau, OR, as is more usual, within a plain circlet inscribed with his Motto. An armiger is entitled to ONE silver eagle's feather behind the circlet, and if he is also a Peer he may add his appropriate coronet of rank on top of the circlet. An armiger may also choose to wear instead the Crest badge of his Chief if the armiger is a clansman, as for CLANSMEN below.

HOUSE OFFICERS: Clan Chiefs personally appoint house officers with a commission. Some chiefs allow their important house officers, when acting in their appointed capacity, to wear two feathers behind the Chief's Crest encircled with a STRAP AND BUCKLE bearing their Chiefs Motto or Slogan.. Not all Clan Chiefs allow this privilege. This list of House Officers would include: *Ard-Toshachdoer* (High Commissioner or Lieutenant to the Chief for a country or continent), *Sennachie* or Bard. These positions are NOT clan society elected officers.



CLANSMEN AND CLANSWOMEN: *i.e.*, The Chief's relatives, including his own immediate family and even his eldest son, and ALL members of the extended family called the "Clan", whether bearing the Clan surname or that of one of its septs; in sum, all those who profess allegiance to that Chief and wish to demonstrate their association with the Clan. It is correct for these to wear their Chief's Crest encircled with a STRAP AND BUCKLE bearing their Chiefs Motto or Slogan. The strap and buckle is the sign of the clansman, and he demonstrates his membership of his Chief's Clan by wearing his Chief's Crest within it. NOTE: Only a chief's crest should appear in a strap and buckle arrangement. An armiger's family should not use armiger's crest in a strap and buckle arrangement. In all clans, the Chief by tradition allows members of his clan to wear his/her crest as a cap badge or brooch, the crest generally being of silver and always set within a circular belt and buckle, the motto of the chief being inscribed upon the belt. Feathers are NOT to be worn in conjunction with a clansman's cap badge except as noted above.





Figure \_\_ – Samples of author’s heraldry in silver.

## Flags and Banners

### National Flags

*The Union Flag* Popularly called ‘The Union Jack’, this is the correct flag for all citizens and corporate bodies of the United Kingdom to fly to demonstrate their loyalty and their nationality. It is often flown upside down, and the rule is that the broader white diagonals should be uppermost in the hoist, *i.e.* next to the pole. Its correct proportions are 2:1.<sup>117</sup>

*The Saltire* The flag of St Andrew, the patron saint of Scotland. Blue with a white or silver diagonal cross reaching to its edges, this is the correct flag for all Scots or Scottish corporate bodies to fly to demonstrate their loyalty and their Scottish nationality. Its proportions are not fixed, but 5:4 is suitable. It is correct both to fly it with or instead of the Union Flag.<sup>118</sup>

*The “Rampant Lion”* This is NOT a national flag and its use by citizens and corporate bodies is entirely wrong. Gold, with a red rampant lion and royal treasure, it is the Scottish Royal banner, and its correct use is restricted to Her Majesty the Queen, and only a few Great Officers who officially represent the Sovereign – the First Minister as Keeper of the Great Seal of Scotland, Lord Lieutenant in their Lieutenancies, the Lord High Commissioner to the General Assembly of the Church of Scotland, the Lord Lyon King of Arms, and other lieutenants specially appointed. Its use by other, non-authorized persons is an offence under the Acts 1672 cap. 47 and 30&31 Vict. cap. 17.<sup>119</sup>

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<sup>117</sup> “Flags” (Informational Leaflet No. 3), Edinburgh: Offices of the Court of the Lord Lyon, January 2004, para. 1.

<sup>118</sup> *Ibid*, para. 2.

<sup>119</sup> *Ibid*, para. 3.

## Personal Flags

*Banners* – There are two forms of banners, “The Personal Banner” and the “Carrying Flag”, most frequently seen today, although neither is specifically described in any grant of arms from the Lord Lyon. They are made of silk or satin or bunting at their owner’s choice and may be fringed or not. If the Clan Chief or Chieftain leaves the clan tent area for a walk about, his/her banner always accompanies him or her. Any person who has been granted arms by the Lord Lyon under the Laws of Scotland should fly their banner at the highland games they attend, as the Clan Campbell Society (North America) *Sennachie*, Donald Draper Campbell, does. These can also be carried in parades when the owner marches.

*The Personal Banner* – The house flag or flying banner of a Scottish armiger shows his or her arms over the entire surface, without crest or other ornamentation, and its size has been the subject of varied rulings by heraldic authorities over the years, but in practice this is determined more by location than armorial rules: the higher your tower, the bigger the flying banner with a proportion of 5 by 4 (height to width). The size (according to strict armorial rules) varies according to rank:<sup>120</sup>

	wide by high
The Sovereign	1.50 x 1.50 metres
Dukes	1.25 x 1.25 metres
Earls	1.10 x 1.10 metres
Viscounts and Barons	1.00 x 1.00 metres
Baronets and Feudal Barons	90x 90 centimeters
Other Armigers	70 x 85 centimeters

*Carrying Flags* – A smaller version of the banner can be used as a parade banner and indicates the presence of the armiger at gatherings, where it may be carried by his flag bearer. The size (according to strict armorial rules) varies according to rank:<sup>121</sup>

	wide by high
Peers	120 cm x 150 cm
Feudal Barons	90 cm x 115 cm
Other Chiefs	85 cm x 110 cm
Chieftains	80 cm x 90 cm

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<sup>120</sup> *Ibid*, para. 14.

<sup>121</sup> *Ibid*, para. 15.

Figure x – Parade Banners of McKerrell of Hillhouse [BannerMcKerrell.jpg]<sup>122</sup>

*The Standard* – A Standard is specifically granted by the Lord Lyon only to those who have a “following”, such as a Clan Chief. It is used to mark the assembly point or Headquarters of the Clan or following, and does not necessarily denote the presence of the Standard’s owner, as his personal banner does. When the Clan Chief is at highland games, the standard is flown at the Clan Tent to indicate that the tent is the Headquarters of the Clan.

Ancient Standards usually showed the national Saltire in the hoist, next to the pole, but nowadays often show the owner’s personal arms. The remainder of the flag is horizontally divided into one<sup>123</sup> or two tracts of the “livery colours” for Chiefs of Clans or families, three tracts for very major branch-Chieftains, and four for others. Those of peers and barons have the ends split into two and rounded. The Standards of non-baronial Chiefs, or others who for special reasons get Standards, have round unsplit ends. Upon this background are usually displayed the owner’s crest and heraldic badges, separated by transverse bands bearing the owner’s motto or slogan. The Standard is fringed with the alternating livery colours. The height of the Standard is not fixed, but it is usually about 120 centimetres at the pole tapering to about 60 centimeters at the end. The length of the Standard varies according to the rank of its owner, as follows:<sup>124</sup>

	meters long
The Sovereign	7
Dukes	6
Marquises	6
Earls	5
Viscounts	5
Barons	4
Baronets	4
Knights and Feudal Barons	3

Figure “x” – Standard of the Earl of Rothes matriculated in 1977 [StandardRothes.jpg]<sup>125</sup>

<sup>122</sup> source: <http://www.heraldry-scotland.co.uk/Homepage.htm> > Scottish Heraldry > Flying Heraldry

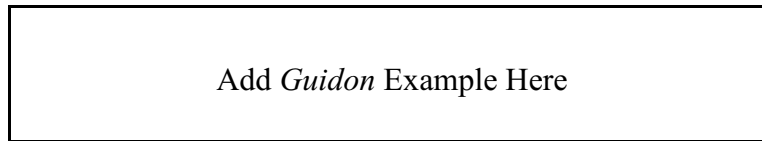
<sup>123</sup> For example Campbell of Argyll, MacBain, MacGillivray and MacLaren, see Pottinger, Don, *The Clan Headquarters Flags: The Standards of the Scottish Chiefs – approved by the Lord Lyon King of Arms*, Edinburgh: Scottish Field, 1977.

<sup>124</sup> (a) “Flags” (Informational Leaflet No. 3), Edinburgh: Offices of the Court of the Lord Lyon, January 2004, para. 18.

(b) Paul, Sir James Balfour, *Heraldry in relation to Scottish History and Art being the Rhind Lectures on Archaeology for 1898*, Edinburgh: David Douglas, MDCCCC (1900), page 132.

<sup>125</sup> [www.heraldry-scotland.co.uk/Homepage.htm](http://www.heraldry-scotland.co.uk/Homepage.htm) > Scottish Heraldry > Flying Heraldry

*The Guidon* – The guidon is similar in shape to the Standard assigned to Peers and Feudal Barons.<sup>126</sup> The Guidon is assigned by Lord Lyon to Lairds who have a following but are of non-baronial tenure. It is 2.40 metres long and tapers from \_\_\_ meters at the hoist to \_\_\_ meters at the fly which is rounded and unsplit. It also has a fringe of the livery colours with a background of the livery colours of its owner's arms. The owner's Crest or Badge are shown in the hoist, with his motto or slogan in the fly.



*The Pinsel* – The Pinsel is granted by the Lord Lyon only to Clan Chiefs or very special Chieftain-Barons for practical use. The intended use by the chief is to designate his representative in the chief's absence. The representative should hold his status by a commission granted by the Chief for a particular occasion, such as a Clan Gathering when the chief is absent; or for a specific period of time, generally to about five years. The Pinsel is triangular in shape, 60 cm high at the hoist and 135 cm in width tapering to point, with a background of the main livery colour of the Chief's arms. On it is shown the Chief's crest, within a strap of the second livery colour and buckle (gold for full Chiefs), bearing the motto, and outside the strap and buckle a gold cirlet (outlined in green if the background is not a contrasting colour to gold) inscribed with the Chief's or Baron's title. On top of this cirlet is set the owners coronet of rank or his baronial cap. In the fly is shown the owner's plant badge and a scroll inscribed with his slogan or motto.

Figure "x" – The Pinsel of Peter Barclay of Towie Barclay, Chief of the Clan Barclay, matriculated in 1999 (R. Squire). [PinselBarclay.jpg]<sup>127</sup>

*The Pennon* – A Pennon must be specifically be granted to an armiger, by the Lord Lyon and up until 2003, Lyon rarely did so. These are flags that were originally borne at the end of a lance. They are similar to the Guidon but only 1.20 metres long – tapering from 0.45 metres at the hoist to 0.20 metres at the fly with a rounded end or a point and unsplit as the owner chooses. The Pennon carries the owner's arms in the hoist and his livery colours dividing the fly, which tapers down to a point or a rounded end. The motto is run in one or two lines down the two tracts of the

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<sup>126</sup> (a) "Flags" (Informational Leaflet No. 3), Edinburgh: Offices of the Court of the Lord Lyon, January 2004, para. 19.

(b) Innes of Learney, Sir Thomas, *Scots Heraldry*, Edinburgh: Oliver and Boyd, 1956 (2<sup>nd</sup> edition), page 44.

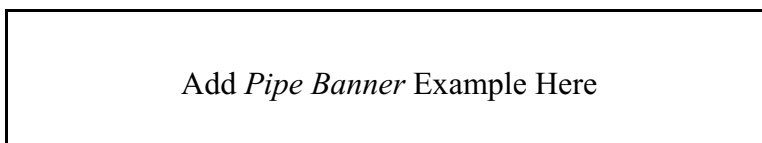
(c) Paul, Sir James Balfour, *Heraldry in relation to Scottish History and Art being the Rhind Lectures on Archaeology for 1898*, Edinburgh: David Douglas, MDCCC (1900), page 134.

<sup>127</sup> source: <http://www.heraldry-scotland.co.uk/Homepage.htm> > Scottish Heraldry > Flying Heraldry

livery colours in the pennon.<sup>128</sup>

Figure “x” – A Pennon designed for Charles J. Burnett Esq.,  
Ross Herald, but not matriculated [PennonBurnett.jpg]<sup>129</sup>

*Pipe Banner* – Pipe Banners are normally designed to hang down from the drone so that the 'hoist' (a term appropriate to flags and used to describe the edge of a flag nearest the flagpole) is at the top and the 'fly' (the opposite edge to the hoist) below. They are generally made of silk, finely embroidered with silk or metal thread and fringed with the livery colours of the arms. Their size is normally 30 x45 cm. Unlike most other flags, a pipe banner has two distinct sides, the 'obverse' and 'reverse'. To display the banner to advantage when pipers are playing at a table, they should start in a clockwise direction (the pagan ritual of turning with the sun) displaying the obverse to those sitting in the center. They will later change direction to display the reverse. Sir Thomas Innes of Learney, as Lord Lyon, specified that the arms as displayed on the 'shield' spread across the entire surface of the banner in the same manner as the flying banner. In the case of Regimental Pipe Banners, the regimental insignia is only on one side.<sup>130</sup>



*Gonfanon* (frequently confused with the Gonfalon). The gonfanon is flown from a vertical staff and has tails on the fly. The difference between a gonfanon with long tails and a Standard is that a Gonfanon is a rectangle with three or more tails coming out of the side of the rectangle, and the owner's arms displayed over the entire non-tailed area, while the standard is a triangular flag with the arms only in the hoist, next to the pole, and badges occupying the remainder of the tail.

Figure “x” – Gonfannon of Robert Lindsay, Earl of Crawford & Balcarres  
[GonfannonLindsay.jpg]<sup>131</sup>

*Gonfalon* (frequently confused with the Gonfannon) – The “normal” Gonfalon is a rectangular flag, hung from the top edge of the flag, and having three or more tails across the bottom

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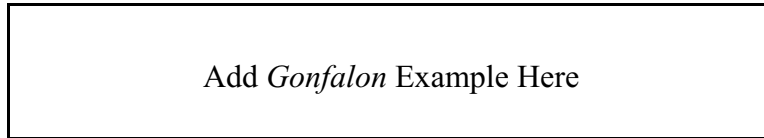
<sup>128</sup> (a) “At the Court of the Lord Lyon”, *Tak Tent*, Heraldry Society of Scotland, Newsletter No. 19, January 2003, page 5.  
(b) “Flags” (Informational Leaflet No. 3), Edinburgh: Offices of the Court of the Lord Lyon, January 2004, para. 20.  
(c) Paul, Sir James Balfour, *Heraldry in relation to Scottish History and Art being the Rhind Lectures on Archaeology for 1898*, Edinburgh: David Douglas, MDCCCC (1900), page 131.

<sup>129</sup> source: <http://www.heraldry-scotland.co.uk/Homepage.htm> > Scottish Heraldry > Flying Heraldry

<sup>130</sup> “Flags” (Informational Leaflet No. 3), Edinburgh: Offices of the Court of the Lord Lyon, January 2004, para. 17.

<sup>131</sup> source: <http://www.heraldry-scotland.co.uk/Homepage.htm> > Scottish Heraldry > Flying Heraldry

edge of the flag.



### Society Flags

For clan societies that have corporate arms they should display these arms as a banner. The chief's Crest Badge may also be displayed on a banner.

### **Tabulation of Heraldic Devices Authorized to Clan Chiefs**

According to the 2017 edition of *Scottish Clan and Family Encyclopedia*,<sup>132</sup> and other records there are about 181 Chiefs of Clans or Names and six Commanders of Clans or Names of which 125 are members of the "Standing Council of Scottish Chiefs".

The table below summarize various heraldic flag and elements in addition basic heraldic devices of "arms", "crest", and "motto", that must be specifically authorized by the Lord Lyon before they can be used.

<b>Element</b>	<b>Count</b>
Arms	137
Supporters	135
On Compartment	67
Standard	87
Pinsel	50
Guidons	1
Badge	50
Plant Badge	63
<i>Slughorn</i>	3

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<sup>132</sup> Way of Pleas, George, Romilly Squire, *Scottish Clan and Family Encyclopedia*, (Glasgow: Harper Collins Publishers, 1994)

## Succession to Chiefship of a Clan or Name

According to Sir Thomas Innes of Learney “An a cheekless clan, like an orphan family, is an imperfect group . . . A clans without a hereditary chief is a sorry organization. . . .”<sup>133</sup> There are a number of cases where the chiefly line appears to have become extinct, where no claimant has come forward to the matriculate the undifferenced arms and the clan has remained chief less for hundreds of years. According to Innes of Learney “. . . *derbhfine* election in Scotland seems only to have been a form of intestate succession, as *Tanistry* was of testamentary settlement.”<sup>134</sup> In centuries past, when a chief died without naming a *tanist* or without a known heir, then any person in the chief’s family, with the same great-grandfather as the chief would be eligible to be chief. The election of a chief would take place at a *derbhfine*<sup>135</sup> (council meeting) of those eligible to be the chief, the stem arms.

Today there are several scenarios under which the Lord Lyon must determine of who is eligible to matriculate the stem arms of the Chief of a Clan (highland family) or the Name (lowland family). It should be noted that Lyon does not directly determine who the Chief of the Clan or Name is. He only determines who is eligible to bear the stem arms of the Chief.

Situation One: The Chief of a Clan or Name dies and has a known heir or *tanist* (a successor), that person, be it male or female, must petition the Lord Lyon to matriculate the stem arms of the previous chief.

Situation Two: There are a number of Clans and Names that are Chief less because the last known Chief died without a known heir or without naming a *tanist* (a successor), or the known heir or *tanist* did not matriculate the stem arms.

In this case genealogical research needs to be conducted to determine who is eligible to petition the Lord Lyon King of Arms to matriculate the stem arms of the Clan or Name. Once genealogical evidence has been compiled, the person most directly descended from the last known chief can file with the Lord Lyon for matriculation of the chiefly (stem) Arms to the petitioner (male or female).

This is a legal process the Lord Lyon reviews the genealogical evidence and must be satisfied that the applicant's descent is correctly proved. If the Lord Lyon is satisfied with the evidence, he recognizes the applicant as eligible to matriculate the stem arms of the Chief, which by default recognizes the applicant as chief of CLAN or NAME.

This was the case of Clan Urquhart, where the late Chief, Kenneth Trist Urquhart of Urquhart, as a teenager traced his family lineage back to Scotland and discovered that his father, Wilkins Fisk Urquhart, was the closest living descendent and thus male heir to the last known Chief

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<sup>133</sup> Innes of Learney, Sir Thomas, *The Tartans of the Clans and Families of Scotland*, 8<sup>th</sup> Edition, Edinburgh: Johnston and Bacon, 1971, pp 35-36.

<sup>134</sup> Innes of Learney, Sir Thomas, *The Tartans of the Clans and Families of Scotland*, 8<sup>th</sup> Edition, Edinburgh: Johnston and Bacon, 1971, p. 39.

<sup>135</sup> *Derbhfine* is a Gaelic word which translates as ‘close family’, that is family consisting of four generations from the chief.

of Clan Urquhart. Based on his findings that Kenneth Trist Urquhart assembled a petition to matriculate the stem Urquhart arms (Chiefly arms) to his father. In early 1970s, Lyon Grant (Sir James Monteith Grant) found that his father, Wilkins Fisk Urquhart, was in fact the heir and matriculated those stem arms to him.

Situation Three: What about when a genealogical connection cannot be made to the last known Chief or when legal proof cannot be found of which identifies the senior most cadet branches in line for the chiefship? A petition must be filed with the Lord Lyon asking for a *derbhfine* to be held to elect a chief from amongst indeterminate cadet branches of the Clan or Name. An indeterminate cadet branch is a group of clans men or women who bear the surname (or a spelling variation of the clan name) can not proved a direct blood connection of the chiefly line.

If a person, bearing the surname of the clan, is able to prove descent from an individual who was historically accepted as the head of the main family within this group, then such a descendant might be confirmed in the Arms and recognized by the Lord Lyon as Representor of the name concerned

In April 1992, Sir Malcolm Innes of Edingight, KCVO, WS, Lord Lyon King of Arms (1981 - Feb 2001) published "Guidelines for the Holding of a Derbhfine Meeting" (Informational Leaflet No. 12), Edinburgh: Office of the Court of the Lord Lyon which outlined the process he would use. In February 2002, Robin Orr Blair, LVO, WS, Lord Lyon King of Arms (9 Feb 2001 - 7 Mar 2008) modified Lyon Innes's *ad hoc derbhfine*. In March 2010, William David Hamilton Sellar, MVO (2008 - 2013), published his own concept of how he would handle this process.

## **Territorial Designations**

Territorial Designations, what are they and how do they fit in heraldry? A Territorial Designations is used to distinguish landholders living in the same geographic area and bearing the same surname from each other. Each landholder is known by his/her "property" name, *i.e.*, a 'personal' territorial designation as opposed to a 'hereditary' territorial designation. This practice eventually was recognized in Scots law, and the *Act of 1672* recognizes the practice in the following terms:<sup>136</sup>

"Ans his Maiestie with consent forsaide Declaires, that it is onlie allowed for Noblemen & Bishopes to subscribe by their titles; And that all others shall subscribe their Christian names, or the initial letter therof with there surnames, and may, if they please, adject the designations of their lands, prefixing the word "Of" to the saids designations. And the Lyon King at Armes & his Brethern, are required to be carefull of informeing themselves of the contraveiners heiroyf,"

It is also necessary to understand the important legal difference between the words 'of', 'in' and 'at' when associating Scottish surnames and place names. These are significant in relation to land tenure or residency. 'Of', meant the person named owned a heritable interest in the land, 'In'

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<sup>136</sup> Seton, George, *The Law and Practice of Heraldry in Scotland*, Edinburgh: Edmonston and Douglas, 1863, Appendix IV, page 499.



signified a tenant and 'At' signified temporary residence in a place.<sup>137</sup>

Even today, the territorial designation performs a useful function. Innes of Learney stated that:<sup>138</sup>

These “titles”, so common in Scotland, are not only part of the feudal system, but also one form of the Celtic *bun sloinn*, or genealogical second surname,[1] by which the various branches of a clan, or house, are distinguished, and the “designation” is (like a peerage title) legally regarded as *part of the name itself*, when “ordinarily used” as such, and the parties “adject the designation” to their signatures in terms of the Statute 1672, cap 47.[2]

[1] David Stewart of Garth, *Highlanders of Scotland*, p. 261, and Appendix XXXV.

[2] *Encyclopaedia of the Laws of Scotland*, vol. X, par. 300.

In discussing the usage of these territorial designations, Sir Crispin Agnew of Lochnaw Bt. QC, Rothesay Herald of Arms (1986-), Unicorn Pursuivant (1981-1986) noted that:<sup>139</sup>

Any person in Scotland, who owns the *dominium utile* of a named piece of land, usually an estate, farm, house and policies, outwith a burgh, may and should be encouraged to add the territorial designation to his name. Where a person owns more than one piece of named land, they are able to use any of the lands named as their territorial designation. In the past you will find one person using different territorial designations when dealing with each separate estate and this can lead to genealogical confusion. Although it is not essential, it is wise to have the territorial designation normally in use recognized by the Lord Lyon either by recording it as a change of name or by incorporating it in a matriculation or grant of arms. Once a surname with territorial designation has been recorded with arms in the Lyon Register, then the whole surname acquires the nature of a *nomen dignitatis* relative to the arms.... In fact cases under these acts [The Treason Acts<sup>140</sup>] have established that once a territorial designation has been consistently used over a few generations (and probably recorded in the Lyon Court books), then it becomes separable from the land and continues as that family’s proper surname.

If you purchase a named piece of land, *i.e.*, estate, farm, house or policies, outwith a burgh, you may append its “name” to your surname to create a ‘personal’ territorial designation if the land conveyance documents do not prohibit you from using its name as a territorial designation. If the piece of land is not named, you may create a suitable name for the property so as to create a

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<sup>137</sup> Peter A. MacRae, “The Macraes of Strathglass”, [www.yacc-uk.freesevice.co.uk/macrae/strath3.htm](http://www.yacc-uk.freesevice.co.uk/macrae/strath3.htm), London 1998.

<sup>138</sup> Innes of Learney, Sir Thomas, *Scots Heraldry*, Edinburgh: Oliver and Boyd, 1956 (2<sup>nd</sup> edition), page 203.

<sup>139</sup> Sir Crispin Agnew of Lochnaw, “Territorial Designations” *The Double Tressure* vol. 4, pp 11-12 (1982).

<sup>140</sup> *Act for Improving the Union of the Two Kingdoms*, 1708

territorial designation.

There are specific requirements (*i.e.*, land size,<sup>141</sup> ability to support a dwelling, location, *etc.*) that must be established, and procedures that must be followed in order for the Lord Lyon to recognize a “property name” as a territorial designation in the grant or matriculation of process.

If you sell the property, you and your heirs may lose the right to use your ‘personal’ territorial designation. It appears that for the territorial designation to become a permanent (heritable) part of the surname after the property has been sold, the property must have been held by the family for at least three generations or about 81<sup>142</sup> to 100 years.<sup>143</sup> It should also be noted, that “Though one may call themselves anything they wish in Scotland, the ‘of’ in a name would indicate a noble title and therefore to be recognized by the Crown must be approved by Lyon Court”.<sup>144</sup>

On 5 January 2010, David Sellar, Lord Lyon King of Arms issued the following guidance regarding Territorial Designations.

A territorial designation proclaims a relationship with a particular area of land. The classic case where a territorial designation is appropriate, where recognition is sought from the Lord Lyon in connection with a Petition for Arms or for change of name, is where there is ownership of a substantial area of land to which a well-attested name attaches, that is to say, ownership of an “estate”, or farm or, at the very least, a house with policies extending to five acres or thereby, outwith a burgh. In such a case recognition of a territorial designation should not present a problem. Nor should there be a difficulty when a new owner obtains possession of the named property. Difficulty may arise, however, when a new owner has bought property to which no generally recognised name attaches. In such a case some years of ownership under a suitable name would seem appropriate before a territorial designation can be recognised. In this last case there will usually be a residence on the property, or the possibility of obtaining planning permission for such a residence.<sup>145</sup>

Based on this guidance, it is suggested that you should contact the Lord Lyon before purchasing land in order to acquire a territorial designation.

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<sup>141</sup> Lyon Blair stated that the minimum property size would need to be in the three to five acre range.

<sup>142</sup> Skene, William Forbes, *Celtic Scotland: A History of Ancient Alban*, (Edinburgh: David Douglas, 1890), Volume III (Land and People), page 175. “Nine times nine years.”

<sup>143</sup> (a) Frank Adam’s *The Clans, Septs, and Regiments of the Scottish Highlands*, revised by Sir Thomas Innes of Learney, Edinburgh: Johnston and Bacon, 1970 (8th Edition), page 403.  
(b) Sir Thomas Innes of Learney’s *The Tartans of the Clans and Families of Scotland*, Edinburgh: Johnston and Bacon, 1971 (8th Edition), page 33.

<sup>144</sup> (a) Randal Ray Massey of Dunham telephone conversation with Lyon Blair on 27 Oct 2004.  
(b) See for instance, David Paul Hunter who changed his name to David Paul Hunter of Montlaw, *Lyon Register*, 27 July 1993, vol. 73, page 116 and Martin Stephens James Goldstraw who changed his name to Martin Stephens James Goldstraw of Whitecairns, *Lyon Register*, 22 Nov 2002, vol. 74, page 69.

<sup>145</sup> <http://www.lyon-court.com/lordlyon/616.html>

On 14 May 2012,<sup>146</sup> David Sellar, Lord Lyon King of Arms issued the following guidance on what lairds are and are not.

### Lairds

The term ‘laird’ has generally been applied to the owner of an estate, sometimes by the owner himself or, more commonly, by those living and working on the estate. It is a description rather than a title, and is not appropriate for the owner of a normal residential property, far less the owner of a small souvenir plot of land. It goes without saying that the term ‘laird’ is not synonymous with that of ‘lord’ or ‘lady’.

Ownership of a souvenir plot of land is not sufficient to bring a person otherwise ineligible within the jurisdiction of the Lord Lyon for the purpose of seeking a Grant of Arms.

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<sup>146</sup> [www.lyon-court.com/lordlyon/776.html](http://www.lyon-court.com/lordlyon/776.html)

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## Appendix 1

### Acts of the Scottish and British Parliaments Relating to Administration of Armorial Bearings in Scotland

[http://en.wikipedia.org/wiki/List\\_of\\_Acts\\_of\\_the\\_Scottish\\_Parliament\\_to\\_1707](http://en.wikipedia.org/wiki/List_of_Acts_of_the_Scottish_Parliament_to_1707)

[http://en.wikipedia.org/wiki/List\\_of\\_Acts\\_of\\_the\\_Scottish\\_Parliament\\_to\\_1707#1469](http://en.wikipedia.org/wiki/List_of_Acts_of_the_Scottish_Parliament_to_1707#1469)

<http://www.rps.ac.uk/>

<http://www.statutelaw.gov.uk>

spohelpdesk@justice.gsi.gov.uk

*Acts of the Parliaments of Scotland* (aps)

Robert III (1390-1406)

<http://www.scotsgenealogy.com/>

<http://www.nls.uk/catalogues/links/index.html>

<http://www.rps.ac.uk/>

James I (1406-1437) – APS ii 19, c.21 c.130 Service of inquest and retours 1430/25

Pursuant to the Law of 21 February 1400, ACTS, I, 575; 1430 Cap, 21, Acts, II, 19, ...acquisition of land in Scotland establishes the heraldic jurisdiction of the Lord Lyon over that land owner to grant Arms.

Alex Maxwell Findlater, Posted: Thu Feb 16, 2006 2:25 am – The Heraldry Society of Scotland Forum Index, International Heraldry, Jurisdiction of COLLEGE OF ARMS via land purchase?

I posted the following on the forum once before: you see, you can find anything you want to know about heraldry on the Forum! The only problem is finding it.

Quote:

It should also be noted that there is a requirement in Scots law for landowners to have arms (21 Feb 1400, Acts I, 575; 1430 cap.21, Acts II, 19). I think that this would then have been taken to mean the owner of the dominium superiorem or of the dominium plenum.

I quote the two Acts in extenso and I have extended all the contractions. At least it does confirm my statement that it only applies to those who hold directly of the King.

1400 [21 Feb 1400, Acts I, 575]

ITEM In dicto parlamento pro eo quod per Inquisitiones favoribiliter et per ignorantes personas captas quod plurimi Regis legii in suis feodis et et hereditatibus multimode et iniuste vexantur. Statutum est quod nullus vicecomes aut minister regius executionem alicuius brevis Inquisitionis nisi in sua plene curia per magis ydoneos et digniores Baillie sue sub premunitione xvci dierum ad hoc summonitos non det nisi deponet pro ipso qui

dictam Inquisitionem inpetravit / quod terre vel tenementa in eadem contenta in manus domini Regis Vel alterius domini superioris per mortem illius cuius heres se clamat vel dicit / existant: Et quod dicta retornatio sigillis quondam fide dignorum in dicta inquisitione existentium una cum sigillo vicecomitis sit sigillata. Statutum est etiam quod quilibet baro et alius tenens de rege habeat sigillum properum ad serviendum regi ut de jure tenetur. Et quod non habeat incidat in amerciamento regis sine remissione per iudicamentum coram Justiciario. Et quod sigilla sint et non signeta sicut ante ista tempora fieri consuevit.

ITEM In the said Parliament (it is ordained) for the following, because many laws of the King concerning his feus and inheritances are in many cases and unjustly ignored through Inquisitions being held with favour and by ignorant persons. It is statute that no sheriff or minister of the King should give execution to anyone of a breive of Inquisition except in his open court through the most suitable and worthy men summoned there by his Baillie with notice of 15 days and unless he who obtained the said inquisition depones for himself, what land or tenements within the same exist, held in the hands of the lord King or another superior lord by the death of he whose heir he says or claims to be: and that the said return should be sealed with the seals of the worthy men formerly on oath appearing in the said inquisition on the one hand together with the seal of the sheriff. It is also statute that whatever baron or other man holding of the King should have a proper seal for serving the King as it should be held by law. And that if he has not one, he falls into the amercement of the King without remission, through the judgement of the Justiciar in public. And that they should be (full) seals and not signets as was often the case before this time.

1430 [1430 cap.21, Acts II, 19] James I (1406-1437) – APS ii 19, c.21 c.130 Service of inquest and retours 1430/25

ITEM It is statute ande ordainit aponn the Suite of Inquestis and of Retouris again to the Kingis chapel that all freeholders duelland within ony Sherefdomis appear at the hede courte in thar proper personnis with thar selis bot gif it happynnis thaim to be absent aponn reasonable causs. And gif ony be absent in that case that he send for hym a sufficiande gentillman his attorney with the sele of his armys And swa in the Sheref courts sett upon fifteen dais warning And gif it happynnis at the court be wayke it not sufficiande in the Regaltie within the Sheref dome the gentillis of the Regaliteis sal appear at the warning of the Sheref with outyn prejudice of the regalite til enfors the courte And thai that aucht comperance and comperis not salbe in ane unlaw of the courte.

ITEM It is statute and ordained that upon the suit of inquest and retours thereafter to the King's Chapel (the Chancery) that all freeholders dwelling within any sherifffdom should appear at the head court in their own persons with their seals. But if by chance one is absent on reasonable cause, and only if absent on reasonable cause, that he should send on his behalf a sufficient gentleman as his attorney with the seal of his arms. And swear in the appointed Sheriff Court with fifteen days' notice. And if it happens that the Court be weak and is not sufficient (in numbers) in the regality, within the Sherifffdom the Gentry of the Regality shall appear at the order of the Sheriff without prejudice to the regality to strengthen the Court. And those that owe attendance and attend not shall be in defiance of the Court.

1455, c. II – APS, Vol. II, p. 43, statute of Apparel James II (1437-1460) –

1469 by Act of Parliament – Acts of the Scottish Parliament (APS) to 1707



Statement in Lyon Court documents that minor barons statutorily constitute ‘a part of the nobility’ in the Statute of 20 Dec 1567 (*A. P. S.*, Vol. III, p. 40).

1585 Statute of Apparells *A.P.S.*, Vol. III, p 445

*The Officers of Arms Act of 1587* – “Act for reformation of the extraordinar nowmer and monyfauld abuses of officiaris of Armes” [1587 cap. 46].<sup>147</sup>

James VI (1567-1625) – APS iii 449, c.30      c.46      Officers of arm      1587/7/40

Oure Souerane Lord and thrie estaitis of Parliament Considering how of late yeiris thair is enterit in the office of armes sindry extraordinar masseris and pursevantis and a verie greit nowmer of messingeris throw importune suit of diuerse pairtys in sic a confusit and incertane maner that it is becum doubtfoull quha ar admittit and how and quha deprived or not or quhidder thair cautioneris be levand or depairtit this lyff And seing thair wes alwayes in tymes of best government a certane nowmer of officiaris of armes IT is thairfoir thocht expedient statute and ordanit That in tyme cuming thair salbe onlie tua hundreth personis weirand and beirand our souerane lordis armes in the haill boundis of the realme of scotland In quhilk nowmer lyoun king of armes and his brether the ordiner heraldis masseris and pursevantis salbe comprehendit being in nowmer xvij personis and the remanent to be diuidit amangis the remanent schirefdomes of the realme in maner efterfollowing That is to say within the schirefdome of orknay and zetland iiij within the schirefdome of Inuernes and cromartie x within the schirefdome of Narne ij within the schirefdome of elgin and foress v within the schirefdome of Banff iiij within the schirefdome of aberdene xij within the schirefdome of kincardin iiij within the schirefdome of forfare x within the schirefdome of fyff x within the schirefdome of kinross j within the schirefdome of clkamannan ij within the schirefdome of perth and stewartries of menteyth and stratherne xij within the schirefdome of striuiling v within the schirefdome of Dunbartane iiij within the schirefdome of lynlythgw iiij within the schirefdome of Edinburgh principall xxiiij within the schirefdome of edinburgh and constabularie of hadingtoun iiij within the schirefdome of berwick iiij wi within the schirefdome of Roxburgh vij within the schirefdome of selkirk ij within the schirefdome of peibles ij within the schirefdome of lanerk x within the schirefdome of renfrew iiij within the schirefdome of Ergile and tarbert iiij within the schirefdome of bute ij within the Schirrefdome of air xij within the schirefdome of wigtoun iiij within the schirefdome of Dumfries and stewartries of kirkcudbright and annerdaill xij And to the effect that the ordour now appoyntit may tak the better effect Oranis and commandis lioun king of armes That he onnawyse ressaue ony maner of personis to the office of messingerie in tyme cuming except it be in the place of ane of the personis that salbe thocht meit to be retenit efter the first day of nouember nixtocum to be his deceise or deprivation Notwithstanding ony precept or warrand gevin or to be gevin in the contrair Quhairin gif he failye he sall incur the indignatioun of our souerane lord and the persoun saa admittit salhave na place to vse and exerce the said office nor his executionis quhatsumeuer sall nawyse be valide in Judgment or outwith .... Oure souerane lord ordanis .... for all complaintes to be maid to lyoun king of armes vpoun the defaultis of officaris in tyme cuming he sall sett twa preceptour [Courtes] in the yeir to be haldin in Edinburgh vpoun the sext day of maij and the sext day of november gif thai be lauchfull and failyeing thairof the nixt lauchfull dayes and sall summond the pairtie complenit vpoun be his precept conteneand the cause of the complaint relevantlie libellit and cause summond the

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<sup>147</sup> [www.heraldica.org/topics/britain/lyondocs.htm#Acts](http://www.heraldica.org/topics/britain/lyondocs.htm#Acts)

personis accusit and his cautioner on xv dayes warning and deliver thame copies  
Concludand incaise the officiar be fund culpable not onlie his deprivation fra the office  
Bot his cautioner to Incur the pane quhair of the thrid pairt sall appertune to the said lyoung  
king of armes for his laubouris And that his actis and decreitis be formally writtin and  
registrat and patent to all our souerane lordis lieges havand interesse and siclike lettres  
conforme to pas thairvpoun as vpoun the decreitis of quhatsumeuer Juges ordiner within this  
realme.

### **Act of 29 July 1587**

I think it is more interesting to analyse what actually happened, rather than to discuss the theory which has been propounded to try to explain these happenings.

This is the Act of 29 July 1587, and the critical words to which one might refer are these:

that the compearance of the said commissioners of the shires in parliaments or general councils shall relieve the whole remaining small barons and freeholders of the shires of their suits and presence owing in the said parliaments

Bear in mind that they had previously not been coming, so flouting what could have been seen as their original duty. Now they are to have systematised representation, which is why the Earl of Crawford objects on behalf of the Estate of the Peers.

The whole act:

The king's majesty's declaration concerning the votes of small barons in parliament, and instruments taken by [David Lindsay], earl of Crawford and [John Murray], laird of Tullibardine

†Our sovereign lord, considering the act of his highness's parliament held at Linlithgow on 10 December 1585, making mention how necessary it is to his highness and his estates to be truly informed of the needs and causes pertaining to his loving subjects in all estates, especially the commons of the realm, and remembering of a good and lovable act made by his highness's progenitor, King James I of worthy memory, being the 112th act made in his reign, that his majesty and his said estates would ratify and approve the same to have full effect and to be put into execution in time coming, and of new statute and ordain for the more full explanation of the same act and certain execution thereof that precepts should be directed out of the chancellery to a baron of each shire, first, to convene the freeholders within the same shire for choosing of the commissioners, as is contained in the said act, which commissioners being once chosen and sent to parliament, the precepts of parliament for convening of freeholders to the effect aforesaid to be directed to the last commissioners of each shire, which shall cause choose two wise men, being the king's freeholders, resident indwellers of the shire, of good rent and well esteemed, as commissioners of the same shire, to have power and be authorised as the act purports under the commissioners' seal in place of the sheriffs, and that all freeholders of the king under the degree of prelates and lords of parliament be warned by proclamation to be present at the choosing of the said commissioners, and none to have vote in their election but such as have forty shillings land in free tenantry, held of the king, and have their actual dwelling and residence within the same shire. Which matter being remitted by the said estates convened in the said parliament held at Linlithgow to the will and good consideration of our said sovereign lord, to do and ordain therein as his highness should think most requisite and expedient between now and his next parliament, and now his majesty, intending, God willing, to take order for the final

settling and establishing of that good form and order most suitable and expedient to stand in perpetuity in this behalf, according to the effect of the said act of parliament made at Linlithgow, in consideration of the great decay of the ecclesiastical estate and other most necessary and weighty considerations moving his highness, therefore, his majesty, now after his lawful and perfect age of 21 years complete, sitting in plain parliament, declares and decrees the said act made by King James I to take full effect and execution, and ratifies and approves the same by this act; and for the better execution thereof, ordains the commissioners of all the sheriffdoms of this realm, according to the number prescribed in the said act of parliament, to be elected by the freeholders aforesaid at the first head court after Michaelmas [29 September] yearly, or failing thereof, at any other time when the said freeholders please convene to that effect or that his majesty shall require them thereto, which conventions his majesty declares and decrees to be lawful; and the said commissioners being chosen as said is for each sheriffdom, their names to be notified yearly in writing to the director of the chancellery by the commissioners of the year preceding, and thereafter, when any parliament or general convention is to be held, that the said commissioners be warned at the first by virtue of precepts out of the chancellery, or by his highness's missive letters or charges, and in all times thereafter by precepts of the chancellery as shall be directed to the other estates; and that all freeholders be taxed for the expenses of the commissioners of the shires passing to parliaments or general councils, and letters of pouding or horning to be directed for payment of the sums taxed to that effect upon a simple charge of six days' warning only; and that the said commissioners, authorised with sufficient commissions of the sheriffdom from which they come, sealed and subscribed with six at the least of the barons and freeholders thereof, shall be equal in number with the commissioners of burghs on the articles and have vote in parliaments and general councils in time coming; and that his majesty's missives before general councils shall be directed to the said commissioners or certain of the most nearest to them as to the commissioners of burghs in time coming; and that the lords of council and session shall yearly direct letters at the instance of the said commissioners for convening of the freeholders to choose the commissioners for the next year and making of taxations to the effect above-written; and that the compearance of the said commissioners of the shires in parliaments or general councils shall relieve the whole remaining small barons and freeholders of the shires of their suits and presence owing in the said parliaments, providing always that the said small barons observe their promise and condition made to his majesty. Upon the which declaration and ordinance made and pronounced by our sovereign lord, sitting in plain parliament as said is, John Murray of Tullibardine asked acts and instruments; and David, earl of Crawford, lord Lindsay, for himself and in name and behalf of others of the nobility, protested in the contrary.

***The Lyon King of Arms Act of 1592*** – “Concerning the Office of Lyoun King-of-Armes and his brether Heraldis” [1592 cap. 125; fol. edit. cap. 29 (Jac. VI)].<sup>148</sup>

James VI (1567-1625) – APS iii 554, c.29      c.127    Lyon king of arms      1592/4/47

Oure Souerane Lord and Estaitis of this present parliament, Considdering the greit abuse that hes bene amongis the leigis of this realme in thair bearing of armes, vsurpand to thame seiffis sic armes as belangis nocht vnto thame, sua that it can nocht be distinguischit be thair armes quha ar gentlemen of blude be thair antecessouris, Nor zit may it be decernit quhat

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<sup>148</sup> (a) Seton, George, *The Law and Practice of Heraldry in Scotland*, Edinburgh: Edmonston and Douglas, 1863, Appendix IV, pages 493-495.

(b) Stevenson, John Horne, *Heraldry in Scotland, including a recension of 'The law and practice of heraldry in Scotland,' by the late George Seton, advocate*, Glasgow: J. Maclehose and sons, 1914, Appendix I, pages 436-437.

gentlemen ar descendit of noble stok and linage, ffor remeid quhair of his hienes, with advise of the saidis estaitis, hes geum and grantit, and be this present act gevis and grantis full power and commissioun, to lyoun king-of-arnes and his brether herauldis, To visite the haill arnes of noblemen, baronis, and gentlemen borne and vsit within this realme, and to distinguische and discerne thame with congruent differences, and thairefter to matriculat tham in thair buikis and Registeris, And to put inhibitioun to all the commoun sort of people nocht worthie be the law of arnes to beir ony signes armoriallis, That nane of thame presume to tak vpoun hand to beare or vse ony arnes, in tyme cuming, vpoun ony thair insicht or houshold geir, vnder the pane of the escheating of the guidis and geir, sa oft as thay salbe fund contravenand this present act, quhair euir the same arnes salbe found grawin and paintit, to our souerane lordis vse; And lykwayis vnder the pane of ane hundreth pundis to the vse of the said lyoun and his brether herauldis. And failzeing of payment thairof, That thay be incarcerat in the narrest prissone, Thairin to remane, vpoun thair awin chargis, during the plesour of the said Lyoun.

Item, Because charges of treason hes not bene execute and used, with sik solemnity and Officiares of Arnes, as the weichtiness thereof requires : It is statute and ordained that Our Souveraine Lordis Thesaurer, and utheris directers of sik letters, deliver them in time cumming, to be execut be the ordinar Heraldes and Pursevantes, bearand coattes of arnes, or Masers, to be used be thame, as of before ; and gif ony execution, under the paine of treason sall be execut utherwaies, declaris the execution to be null, and of nane availe.

Item, In consideration of the great abuse of Messengers and of Officiares of Arnes within this Realme, quhilkis for the maist part ar not qualified for using of the said office, being admitted be extraordinar and importune suites, be quhais abuse the Liegis of this Realme ar heavily troubled and oppressed : Therefore it is statute and ordained, that the said King of Arnes, be advise of the Lordis of Councill and Session, deprive and discharge all sik Officiares and Messengres of Arnes, as he sall finde unworthy of the office, And take sicker soverty of the remanent, for observation of their Injunctiones in time cumming : With power to the said King of Arnes, with advise of the saids Lords, to enjoyne further necessar injunctiones to the saids messengers, for keeping of gude ordour in their offices : discharging him in the meantime to admit ony maa officiares hereafter, quhil the haill messengers, presently bearing arnes, be reduced be death or deprivation, to the number contened in the Acte of Parliament, maid anent the confused number of officiares of arnes.

Item, Because the jurisdiction of the Lyon King-of-Arnes is not able to execute dew punishment upon all persones that sall happen to offend in the office of Arnes : Therefore our Souveraine Lord, with advise of his three Estaites in Parliament, ordainis and commandis all civil Magistrats, as they sall be required be the King of Arnes, or ony utheris in his name, to concur with him, to see the acts maid in his favours of his office put to dew execution in their jurisdictions : As alswa to concur with him, to the punishment and incarceration of all sik persons as sall usurp the bearing of his Majestie's Arnes, after dew deprivation, under the pain of rebellion, and putting of the disobeyers to his Hienesse home ; with certification to them, and they failzie, being required, letters sall be direct simpliciter to put them to the horne.

*Lyon King of Arms Act of 1592* – “Concerning the office of lyoun king of armes and his brether heraldis” [1592 c.29]<sup>149</sup>

Annotations:

Modifications etc. (not altering text)

C1 Short title given by Statute Law Revision (Scotland) Act 1964 (c. 80), Sch. 2

C2 This Act is listed in the 12mo edition as 1592 c. 127

(1) OURE Souerane Lord and estaitis of this present parliament Considering the greit abuse that hes bene amongis the leigis of this realme in thair bearing of armes vsurpand to thame selffis sic armes as belangis nocht vnto thame Sua that it can nocht be distinguischit be thair armes quha ar gentlemen of blude be thair antecessouris Nor yit may it be decernit quhat gentlemen ar discendit of noble stok and linage ffor remeid quhairof his hienes with aduise of the saidis estaitis hes gevin and grantit and be this present act gevis and grantis full power and commissioun to lyoun king of armes and his brether heraldis To visite the haill armes of noblemen baronis and gentlemen borne and vsit within this realme And to distinguische and discerne thame with congruent differences and thaireftir to matriculat thame in thair buikis and Registeris And to put inhibitioun to all the commoun sort of people nocht worthie be the law of armes to beir ony signes armoriallis That nane of thame presume or tak vpoun hand to beare or vse ony armes in tyme cuming vpoun ony thair insicht or houshald geir vnder the pane of the escheating of the guidis and geir sa oft as thay salbe fund contravenand this present act quhaireuir the same armes salbe found grawin and paintit to our souerane lordis vse And lykwayis vnder the pane of ane hundreth pundis to the vse of the said lyoun and his brether heraldis And failyeing of payment thairof That thay be incarcerat in the narrest prissone Thairin to remane vpoun thair awin chargis during the plesur of the said Lyoun

(2) . . . . . F1

(3) ITEM In consideratioun of the greit abuse of . . . F2 officiaris of armez within this realme quhilkis for the maist part ar nocht qualifiet for vsing of the said office Being admittit be extraordinar and Inoportune suittis Be quhais abuse the leigis of this realme ar heavelie trublit and opprest Thairfoir It is statute and ordanit that the said king of armez be aduise of the lordis of counsaill and sessioun deprive and discharge all sic officiaris . . . F2 of armes as he sall find vnworthie of the office and tak sicker souirtie of the remanent for thair obseruatioun of thair Iniunctionis in tyme cuming . . . F2

(4) . . . . . F1

(5) ITEM Last that becaus the Jurisdiction of the lyoun king of armez is nocht able to execute dew pvnishment vpoun all personis that salhappin to offend in the office of armez Thairfoir our souerane lord with auise of his estaitis in parliament Ordanis and commandis all ciuile Magistratis as thay salbe requirit be the king of armez or ony vtheris in his Name To concur with him To sie the actis maid in his fauouris of his office put to dew executioun in thair iurisdictionis As alsua To concur with him to the pvneishment . . . F2 of all sic personis as sall vsurp the bearing of his Maiesties armes efter dew depriuatioun . . . F2

Annotations:

Amendments (Textual)

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<sup>149</sup> [www.statutelaw.gov.uk/content.aspx?LegType=All+Primary&PageNumber=106&NavFrom=2&activeTextDocId=1519152&parentActiveTextDocId=1519152&showAllAttributes=0&showProp=0&suppressWarning=0&hideCommentary=1](http://www.statutelaw.gov.uk/content.aspx?LegType=All+Primary&PageNumber=106&NavFrom=2&activeTextDocId=1519152&parentActiveTextDocId=1519152&showAllAttributes=0&showProp=0&suppressWarning=0&hideCommentary=1)

- F1 Ss. (2), (4) repealed by Statute Law Revision (Scotland) Act 1906 (c. 38)  
 F2 Words repealed by Debtors (Scotland) Act 1987 (c. 18, SIF 45:2), s. 108, Sch. 7 paras. 5, 9(1), Sch. 8
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***The Lyon King of Arms Act of 1662*** – “Act in favours of the Lord Lyon King-at-Arms” [1662, cap. 53 (Car. II.)].<sup>150</sup>

Charles II (1649-1685) – APS vii 404, c.53 - Lyon king of arms 1662/5/68

Forasmuch as King James the Sext of blessed memorie and his Estates of Parliament, Considering the great abuses have been committed in the beareing of Armes, Many vsurpeing to themselffs such armes as belongs not to them, So as it cannot be distinguished who are Gentlemen of blood, or descendit of noble lineadge, Thairfor did, be the 125 Act of Parliament, holden in Junii 1592, Give Commission to the Lyon King-at-Armes To visite the haill armes of Nobemen, Barrones, and Gentlement, And to distinguish them wich congruent differences, Which wer thereafter to be insert in their books and registers; And that none of his Maiesties subjects, save as be the law of Armes are allowed, should presume to bear or vse any armes, in tyme comeing, vpon any of thair goods, vnder the paine of esheat of thair goods on which these armes are caned, And one hundreth pund Scots to the Lyon : Lykeas, his Maiesties Royale father of happie memorie, Considering how much the honour and creite Nobility and Gentry of this Kingdome consisted in preserveing the noble office of Armes in carefull registrating of the Geneologies, to be patent to all posterity, or whom els it may concerne, And to that effect, vnderstanding that the casualties, fies, and dewties vnderwritten, Doth in all reason, law, and equity belong to the Lyon King-of-Armes, be vertew of his office, viz., at the funeralls and interments of each Duke, Dutches, or Dukes relict, Sex hundreth pund Scots ; each Marques, Marchiones, or Marques relict, Four hundreth and fourscore punds ; every Archbishop, Four hundreth punds ; everie Earle or Countes, or Earles relict, Three hundreth and threescore punds ; everie Viscount or Viscountesse, or Viscounts relict, Three hundreth and fourty punds ; each Bishop, Three hundreth and fourty punds ; each Lord of Parliament whatsumever , thair Ladies or relicts, Three hundreth punds : Which casualities and dewties abovewritten are to be paid, in all tyme comeing, by the saids Noblemen and Ladies, thair airs and executors, imediatly after the decease or funeralls of the defuncts, ffor entering in his booke the Certificats of thair matches and issues, with the propper Armes perteaneing to their familie, to remaine therm *ad futuram rei mernoriani*, Did, be his letters-patent vnder the privy Seale of twenty-sevent of Junij 1633, Confirme the then Lord Lyon and his successors in the saids fies, dueties, and casualities, With power to him to vplift the saids fies, and vse all execution for the same, As in the said Gift is more amplie exprest ; And his Maiestie now considering how much the honor and interest of the Kingdome is concerned in the due exercise of the Office of the Lyon, and in the right disposall and carieing of Armes, Doth therfor, with advice and consent of his estates of Parliament, Renew, Ratifie, and Approve the Act of Parliament above mentioned and gift vnder his Maiesties privy Seall, and all other gifts and grants formerly granted and given in favouts of the Lyon King-of-Arnes and his successors, And ordaines them to be punctually observed and put in execution, Conform to the tenor thairof, in all tyme comeing ; And furder, considering what disorders and confusions have arisen,

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<sup>150</sup> (a) Seton, George, *The Law and Practice of Heraldry in Scotland*, Edinburgh: Edmonston and Douglas, 1863, Appendix IV, pages 495-498.

(b) Stevenson, John Horne, *Heraldry in Scotland, including a recension of 'The law and practice of heraldry in Scotland,' by the late George Seton, advocate*, Glasgow: J. Maclehose and sons, 1914, Appendix I, pages 437-439.

and are dayly occasioned by the Vsurpation of Cadents, who, against all rules, assume to themselfs the armes of the cheeff house of the familie out of which they are descendit, And that other mean persones who can nowayes deryve thair succession from the families whose names they bear, As they have at first assumed the name, Doe therafter weare the coat of that name to which they pretend without any warrand or grund whatsumever, Doth with advice foresaid Statute and Ordean that no younger brother or cadent of any familie presume to carie the armes of that familie, bot with such distinctions as shall be given be the Lyon King-of-Armes ; And that no man carie the Armes of any noble familie of his name, Except he make it appear to the Lyon (who is heirby declared to be the only Judge competent in such caces and debates) that he is descendit of that family ; And for right ordering all these confusions which have creept in in these latter tymes in the carieing of Armes, It is heirby ordained, That all Noblemen and Gentle men shall have thair armes examined and renewed be the Lord Lyon and insert in registers, and receive and extract vnder his hand to be preserved be them, And that such who, according to the addition of their honours, are to receive additions to their coats of Armes, That they receive the same from the Lyon, And whoever shall offer to assume any addition without his approbation, They are to be punished according to the Acts of Parliament made against the bearers of false armes : And that no Painters, Maisons, Goldsmiths, Wrights, Gravers or any other of that nature, take vpon them to grave, cut, paint, or carve any armes whatsoever, Bot such as are approven be the Lyon King-of-armes; And remits to the Lords of his Maiesties privy Councill the further prosecution of this Act and the making of it effectuall, With power to them to make and set down such acts and orders theranent and for modifling of fies, wher the samen are not modified already, and doeing every other thing which they shall think fit for the establishing of the Lyons Office and the right ordering of armes within this Kingdome ; Which acts and ordinances to be made be his Maiesties privy Councill, in pursueance of this present warrand, Shall be accompted, and are to have als much strenth as any Act of this or any other Parliament : And for the better maintaineing of the forsaid Office, his Maiestie and Estates of Parliament hes exeemed, And be thir presents exeemes the said Lyon King of Armes and his successors, their persons, lands, and moveables fra all taxations, stents, watchings, wardings, impositions reall or personall, for any cause or occasion whatsumever ; Dischargeing heirby all and sindrie his Maiesties liedges to trouble or molest him or them by the exaction of any such imposidon above mentioned, Bot to be frie from this present and in all tyme comeing : And it is heirby declared, That the generall conception of this exemption shall nowayes derogat from the strenth and validitie thairof, Bot that, notwithstanding of the generality, they shall enjoy the benefite of it as fully, ampie, and validlie, As if all the saids taxations and others imposed, or to be imposed, wer particularly them specified.

***The Lyon King of Arms Act of 1663*** – “Act recinding a former Act past in the last Session of Parliament, anent some fies acclaimed as due to the Lord Lyon’s Office” [1663, cap. 15 (Car. II)].<sup>151</sup>

Charles II (1649-1685) – APS vii 458, c.15 - Lyon king 1663/6/25

The Estates of Parliament, haveing to consideration ane Act past in the Second session of Parliament, entituled Act in favours of the Lord Lyon, Doe find ane vnnessar and heavy burding therby layd vpon his Maiesties leidges, both in sumes therby appointed to be payed

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<sup>151</sup> (a) Seton, George, *The Law and Practice of Heraldry in Scotland*, Edinburgh: Edmonston and Douglas, 1863, Appendix IV, page 498.

(b) Stevenson, John Horne, *Heraldry in Scotland, including a recension of 'The law and practice of heraldry in Scotland,' by the late George Seton, advocate*, Glasgow: J. Maclehose and sons, 1914, Appendix I, page 439.

to the Lord Lyon, and in many other particulars mentioned in the said Act, And therfor his Maiestie, with advice and consent of his Estates of Parliament, Doth heirby Rescind and annull the said Act past in the second session of Parliament, entituled Act in favours of the Lord Lyon, and als the pretendit Gift mentioned theirin, pretendit to be granted be his late Maiestie of blessed memorie to the former Lord Lyons bot never past the Sealls, And declares the said Act and Gift theinmentioned voyd and null *ab initio*, as if they had never been.

**Lyon King of Arms Act of 1669** – “Ratification in favours of the Lord Lyon King at armes &c.” [1669 c.95]<sup>152</sup>

Charles II (1649-1685) – APS vii 633, c.95 - Lyon king of arms 1669/10/111

Annotations:

Modifications etc. (not altering text)

C1 Short title given by Statute Law Revision (Scotland) Act 1964 (c. 80), Sch. 2

C2 Act not in 12mo edition

OUR Soverane Lord with advice and consent of the Estates of Parliament Ratifies and approves . . . F1 the gift and signature past and exped be his Maiesties wmqhill dearest father King Charles the first of ever glorious memorie To and in favours of the Lyon King at Armes and his breethren heraulds and pursevants their Clerk of Court and thair successors dated at Halyrudehous the tuintie sevent day of Junii 1633 yeers with all the priveledges emoluments and casualities thairin contained And that als fully and amplie in all respects as if the particular priveledges therin insert wer heirin verbatim expressed and wer granted to the said Lyon and others therin comprehendit by a particular act bearing originally the saids concessions and priveledges

Annotations:

Amendments (Textual)

F1 Words repealed by Debtors (Scotland) Act 1987 (c. 18, SIF 45:2), s. 108. Sch. 7 paras. 5, 9(1), Sch. 8

**The Lyon King of Arms Act of 1672** – “Act concerning the Priviledges of the Office of Lyon King-at-Armes” [1672 cap. 21; fol. edit., cap. 47 (Car. II)].<sup>153</sup>

Charles II (1649-1685) – APS viii 95, c.47 c.21 Lyon king of arms 1672/6/57

Our Soveraigne Lord Considering that, albeit by the 125 Act of the 12 Parliament, holdin by his Maiesties grandfather in the yeir 1592, the usurpation of Armes by any of his

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<sup>152</sup> [www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=lyon+king+of+arms&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=1519478&ActiveTextDocId=1519478&filesize=8379](http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=lyon+king+of+arms&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=1519478&ActiveTextDocId=1519478&filesize=8379)

<sup>153</sup> (a) Seton, George, *The Law and Practice of Heraldry in Scotland*, Edinburgh: Edmonston and Douglas, 1863, Appendix IV, pages 498-500.  
(b) Stevenson, John Horne, *Heraldry in Scotland, including a recension of 'The law and practice of heraldry in Scotland,' by the late George Seton, advocate*, Glasgow: J. Maclehoose and sons, 1914, Appendix I, pages 439-441.



Maiesties leidges without the authority of the Lyon King-of-Armes is expresly discharged; And that, in order therto, Power and Commission is granted to the Lyon King-of-Armes, or his Deputes, to visite the whole Armes of Noblemen, Barrons, and Gentlemen, and to matriculate the same in their Registers, and to fine in One Hundreth pounds all others who shall unjustlie usurp Armes; As also to Escheit all such goods and geir as shall have unwarrantable Armes engraven on them:

Yet, amongst the many irregularities of these late times, very many have assumed to themselvis Armes, who should bear none, and many of these who may in law bear, have assumed to themselvis the Armes of their cheiff, without distinctions, or Armes which were not caned by them or their prediccursors: Therefore His Majestie, with advice and consent of his Estates of Parliament, Ratifies and Approves the forsaid Act of Parliament; And for the more vigorous prosecution thereof, Doth hereby statute and ordain that lettirs of publication of this present Act be direct to be execute at the mercat-cross of the heid Burghs of the Shires, Stewartries, Bailliaries of Royaltie and Regallitie, and Royall Burrowghs, chargeing all and sundry Prelates, Noblemen, Barons, and Gentlemen, who make vse of any Armes or Signes armoriall, within the space of one yeir aftir the said publication, to bring or send ane account of what Armes or Signes armoriall they are accustomed to vse; and whither they be descendants of any familie the Armes of which familie they bear, and of what Brother of the ffamilie they are descended; With Testificats from persones of Honour, Noblemen, or Gentlemen of qualitie, anent the verity of their having and vseing those Armes, and of their descent as afoirsaid, to be delivered either to the Clerk of the Jurisdiction where the persones duells, or to the Lyon Clerk at his office in Edinburgh, at the option of the party, vpon their receipts gratis without paying anything therefore; Which Receipt shall be a sufficient exoneration to them from being obleidged to produce again, to the effect that the Lyon King-of-Armes may distinguish the saids Armes with congruent differences, and may matriculat the same in his Bookes and Registers, and may give Armes to vertuous and well-deserving Persones, and Extracts of all Armes, expressing the blasoning of the Arms, vndir his hand and seall of office; For which shall be payed to the Lyon the soume of Tuentie merkes by every Prelat and Nobleman, and Ten merks be every Knight and Baron, and Five merkes by every other persone bearing Armes, and noe more: And his Maiestie hereby Dispenses with any penalties that may arise be this or any preceeding Act for bearing Armes befor the Proclamation to be issued herevpon: And it is Statute and Ordained, with consent forsaid, that the said Register shall be respected as the true and unrepeallable rule of all Armes and Bearings in Scotland, to remain with the Lyons office as a publict Register of the Kingdome, and to be transmitted to his Successors in all tyme comeing: And that whosoevir shall vse any other Armes any manner of way aftir the expireing of year and day from the date of the Proclamation to be issued herevpon, in maner forsaid, shall pay One Hundred pounds money toties quoties to the Lyon, and shall likewayes escheat to his Maiestie all the moveable Goods and Geir vpon which the saids Armes are engraven or otherwise repre-sented: And his Maiestie, with consent forsaid, Declaires that it is onlie allowed for Noblemen and Bishopes to subscribe by their titles; and that all others shall subscribe their Christned names, or the initiall letter therof with there sirnames, and may, if they please, adject the designations of their lands, prefixing the word “Of” to the saids designations: And the Lyon King-at-Armes and his Brethren are required to be carefull of informeing themselvis of the contraveiners heirop, and that they acquaint his Maiesties Councill therwith, who are hereby impowe?ed to punish them as persones disobedient to, and contraveiners of the Law: It is likewise hereby Declared that the Lyon and his Brethren Heralds are judges in all such causes concerning the Malversation of Messingers in their office, and are to enjoy all other priviledges belonging to their office, which are secured to them by the lawes of this kingdome, and according to former practice.

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**Lyon King of Arms Act of 1672** – “Act concerning the priviledges of the Office of Lyon King at Armes”  
[1672 c.47]<sup>154</sup>

Annotations:

Modifications etc. (not altering text)

C1 Short title given by Statute Law Revision (Scotland) Act 1964 (c. 80), Sch. 2

C2 This Act is listed in 12mo edition as 1672 c. 21

OUR Sovereigne Lord Considering that albeit by the 125 Act of the 12 Parliament holdin by his Maiesties grandfather in the yeir 1592 the usurpation of Armes by any of his Maiesties leidges without the Authority of the Lyon King of Armes is expresly discharged And that in order therto Power and Commission is granted to the Lyon King of Armes or his Deputes to visite the whole Armes of Noblemen Barrons and Gentlemen and to matriculate the same in their Registers and to fine in One Hundreth pounds all others who shall unjustlie usurp Armes As also to Escheit all such goods and geir as shall have unwarrantable Armes ingraven on them Yet amongst the many irregularities of these late times very many have assumed to themselvis Armes who should bear none and many of these who may in law bear have assumed to themselvis the Armes of their cheiff without distinctions or Armes which were not caried by them or their predicessors Therefore His Maiestie with advice and consent of his Estates of Parliament Ratifies and Approves the forsaid act of Parliament And for the more vigorous prosecution therof Doth hereby Statute and Ordain that lettirs of publication of this present act be direct to be execute at the mercat cross of the heid Burghs of the Shires Stewartries Bailliaries of Royaltie and Regallitie and Royall Burrowghs chargeing all and sundry . . . F1 Noblemen Barons and Gentlemen who make vse of any Armes or Signes armoriall within the space of one yeir aftir the said publication to bring or send ane account of what Armes or Signes armoriall they are accustomed to vse and whither they be descendants of any familie the Armes of which familie they bear and of what Brother of the ffamilie they are descended With Testificats from persones of Honour Noblemen or Gentlemen of qualitie anent the verity of their having and vseing those Armes and of their descent as afoirsaid to be delivered either to the Clerk of the Jurisdiction where the persones duells or to the Lyon Clerk at his office in Edinburgh at the option of the party vpon their receipts gratis without paying any thing therfore Which Receipt shall be a sufficient exoneration to them from being obleidged to produce again to the effect that the Lyon King of Armes may distinguish the saids Armes with congruent differences and may matriculat the same in his Bookes and Registers and may give Armes to vertuous and well deserving Persones and Extracts of all Armes expressing the blasoning of the Arms vndir his hand and seall of office . . . F1 And his Maiestie hereby Dispensses with any penalties that may arise be this or any preceeding act for bearing Armes befor the Proclamation to be issued herevpon And it is Statute and Ordained with consent forsaid that the said Register shall be respected as the true and unrepeallable rule of all Armes and Bearings in Scotland to remain with the Lyons office as a publict Register of the Kingdome and to be transmitted to his Successors in all tyme comeing And that whosoevir shall vse any other Armes any manner of way aftir the expireing of year and day from the date of the Proclamation to be issued herevpon in maner forsaid shall pay One Hundred pounds money toties quoties to the Lyon and shall likewayes escheat to his Maiestie all the moveable Goods and Geir vpon which the saids Armes are engraven or otherwise represented F2 ... . . F1 It is likewise hereby

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<sup>154</sup> [www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=lyon+king+of+arms&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=1519389&ActiveTextDocId=1519389&filesize=3590](http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=lyon+king+of+arms&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=1519389&ActiveTextDocId=1519389&filesize=3590)

Declared that the Lyon and his Brethren Heralds . . . F3 are to enjoy all other priviledges belonging to their Office which are secured to them by the Lawes of this Kingdome and according to former practice

Annotations:

Amendments (Textual)

F1 Words repealed by Statute Law Revision (Scotland) Act 1906 (c. 38)

F2 Words repealed (1.8.1995) by Requirements of Writing (Scotland) Act 1995 (c. 7), ss. 14(2), 15(2), Sch. 5 (with ss. 9(3)(5)(7), 13, 14(3)(5))

F3 Words repealed by Debtors (Scotland) Act 1987 (c. 18, SIF 45:2), s. 108, Sch. 7 paras. 5, 9(1), Sch. 8

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I was just about to express agreement with John and was looking up in the UK Statute Law Database the exact provision of the 1672 act on subscribing with a territorial designation when...oops! where did it go?

Turns out that the passage of the 1672 act providing for the use of TDs was repealed by the Requirements of Writing (Scotland) Act 1995, schedule 5 (Repeals), the third line of which says "1672 c. 47 (S.). The Lyon King of Arms Act 1672. The words from 'And his Maiestie with consent' to 'contraveiners heiroyf'."

The words thus repealed: "And his Maiestie with consent forsaide Declaires that it is onlie allowed for Noblemen to subscribe by their titles And that all others shall subscribe their Christened names or the initial letter therof with there Surnames and may if they please adject the designations of their Lands prefixing the word Of to the saids designations And the Lyon King at Armes and his Brethren are required to be carefull of informeing themselvis of the contraveiners heiroyf."

The 1995 act requires a person to sign:

Quote:

(a) with the full name by which he is identified in the document or in any testing clause or its equivalent; or  
(b) with his surname, preceded by at least one forename (or an initial or abbreviation or familiar form of a forename); or

(c) except for the purposes of section 3(1) to (7) of this Act, with a name (not in accordance with paragraph (a) or (b) above) or description or an initial or mark if it is established that the name, description, initial or mark—

(i) was his usual method of signing, or his usual method of signing documents or alterations of the type in question; or

(ii) was intended by him as his signature of the document or alteration.

So I guess any role Lyon may conceivably have had in approving TDs on the basis of land ownership actually disappeared back during the reign of Innes of Edingight. Did no one in the heraldic community notice? I've never seen the 1995 statute mentioned in all the many discussions of TDs in this forum or elsewhere. Lyon **Blair** mentioned the 1672 provision in his submission to Lord Uist, but neither he, nor the petitioner, nor Lord Uist himself took any note of the fact that it had been expressly repealed 13 years earlier!

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Act concerning the priviledges of the Office of Lyon King at Armes

Annotations:

Modifications etc. (not altering text)

C1 Short title given by Statute Law Revision (Scotland) Act 1964 (c. 80), Sch. 2

C2 This Act is listed in 12mo edition as 1672 c. 21

OUR Sovereigne Lord Considering that albeit by the 125 Act of the 12 Parliament holdin by his Maiesties grandfather in the yeir 1592 the usurpation of Armes by any of his Maiesties leidges without the Authority of the Lyon King of Armes is expresly discharged And that in order therto Power and Commission is granted to the Lyon King of Armes or his Deputes to visite the whole Armes of Noblemen Barrons and Gentlemen and to matriculate the same in their Registers and to fine in One Hundreth pounds all others who shall unjustlie usurp Armes As also to Escheit all such goods and geir as shall have unwarrantable Armes ingraven on them Yet amongst the many irregularities of these late times very many have assumed to themselvis Armes who should bear none and many of these who may in law bear have assumed to themselvis the Armes of their cheiff without distinctions or Armes which were not caried by them or their predicessors Therefore His Maiestie with advice and consent of his Estates of Parliament Ratifies and Approves the forsaid act of Parliament And for the more vigorous prosecution therof Doth hereby Statute and Ordain that lettirs of publication of this present act be direct to be execute at the mercat cross of the heid Burghs of the Shires Stewartries Bailliaries of Royaltie and Regallitie and Royall Burrowghs chargeing all and sundry . . . F1 Noblemen Barons and Gentlemen who make vse of any Armes or Signes armoriall within the space of one yeir aftir the said publication to bring or send ane account of what Armes or Signes armoriall they are accustomed to vse and whither they be descendants of any familie the Armes of which familie they bear and of what Brother of the ffamilie they are descended With Testificats from persones of Honour Noblemen or Gentlemen of qualitie anent the verity of their having and vseing those Armes and of their descent as afoirsaid to be delivered either to the Clerk of the Jurisdiction where the persones duells or to the Lyon Clerk at his office in Edinburgh at the option of the party vpon their receipts gratis without paying any thing therfore Which Receipt shall be a sufficient exoneration to them from being obleidged to produce again to the effect that the Lyon King of Armes may distinguish the saids Armes with congruent differences and may matriculat the same in his Bookes and Registers and may give Armes to vertuous and well deserving Persones and Extracts of all Armes expressing the blasoning of the Arms vnder his hand and seall of office . . . F1 And his Maiestie hereby Dispenses with any penalties that may arise be this or any preceeding act for bearing Armes befor the Proclamation to be issued herevpon And it is Statute and Ordained with consent forsaid that the said Register shall be respected as the true and unrepeallable rule of all Armes and Bearings in Scotland to remain with the Lyons office as a publict Register of the Kingdome and to be transmitted to his Successors in all tyme comeing And that whosoevir shall vse any other Armes any manner of way aftir the expireing of year and day from the date of the Proclamation to be issued herevpon in maner forsaid shall pay One Hundred pounds money toties quoties to the Lyon and shall likewayes escheat to his Maiestie all the moveable Goods and Geir vpon which the saids Armes are engraven or otherwise represented F2 ... . F1 It is likewise hereby Declaired that the Lyon and his Brethren Heralds . . . F3 are to enioy all other priviledges belonging to their Office which are secured to them by the Lawes of this Kingdome and according to former practiceAnnotations:

Amendments (Textual)

F1 Words repealed by Statute Law Revision (Scotland) Act 1906 (c. 3Cool

F2 Words repealed (1.8.1995) by Requirements of Writing (Scotland) Act 1995 (c. 7), ss. 14(2), 15(2), Sch. 5 (with ss. 9(3)(5)(7), 13, 14(3)(5))

F3 Words repealed by Debtors (Scotland) Act 1987 (c. 18, SIF 45:2), s. 108, Sch. 7 paras. 5, 9(1), Sch. 8

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***The Act of the British Parliament of 1867*** – “An Act to regulate the Court and Office of the Lyon King of Arms in *Scotland*, and Emoluments of Officers of the same” [1867, cap. 17 (Victoria)].<sup>155</sup>

WHEREAS it is expedient to regulate the Court and Office of the Lyon King of Arms in

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<sup>155</sup> Stevenson, John Horne, *Heraldry in Scotland, including a recension of 'The law and practice of heraldry in Scotland,' by the late George Seton, advocate*, Glasgow: J. Maclehose and sons, 1914, Appendix I, pages 441-443.

*Scotland*, and the Emoluments of the Officers of the same:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows

1. From and after the passing of this Act the Jurisdiction of the Lyon Court in *Scotland* shall be exercised by the Lyon King of Arms, who shall have the same Rights, Duties, Powers, Privileges, and Dignities as have heretofore belonged to the Lyon King of Arms in *Scotland*, except in so far as these are herein-after altered or regulated.

2. The Lyon King of Arms shall be bound to discharge the Duties of his Office personally and not by Deputy: Provided always, that in the event of the temporary Absence of the Lyon King of Arms, from Illness or other necessary Cause, it shall be lawful for the Lord President of the Court of Session to grant a Commission to some other Person to discharge the Duties of Lyon King of Arms *ad interim*, and such Commission shall not be liable to any Stamp Duty: And provided also, that without any such Commission, in the event of the temporary Absence or Incapacity of the Lyon King of Arms, the Lyon Clerk shall be and is hereby empowered to admit to the Office of Messenger at Arms Persons properly qualified according to the present Law and Practice.

3. The Lyon King of Arms, who shall be appointed by Her Majesty, Her Heirs and Successors, shall receive such Salary, not exceeding Six hundred Pounds *per Annum*, as the Commissioners of Her Majesty's Treasury shall from Time to Time approve, payable quarterly out of any Monies to be voted by Parliament for that Purpose, which Salary shall come in place of the Fees hitherto exigible by him, to which he shall no longer be entitled.

4. The Lyon Clerk shall hereafter have the same Rights and perform the same Duties as heretofore, except in so far as the same are herein-after altered or regulated.

5. The Lyon Clerk, who shall be appointed by Her Majesty, Her Heirs and Successors, shall, subject to the Provision contained in the Twelfth Section of this Act, perform the Duties of his Office personally and not by Deputy, and shall receive such Salary, not exceeding Two hundred and fifty Pounds *per Annum*, as the Commissioners of Her Majesty's Treasury shall from Time to Time approve, payable as aforesaid, which Salary shall come in place of the Fees hitherto eligible by him, to which he shall no longer be entitled: Provided always, that in the event of the temporary Absence or Incapacity of the Lyon Clerk it shall be lawful for the Lyon King of Arms, with the Consent of Her Majesty's Advocate, to grant a Commission to some other Person to discharge the Duties of the Lyon Clerk *ad interim*, and such Commission shall not be liable to any Stamp Duty.

6. The Heralds and Pursuivants in *Scot/and* shall be appointed by the Lyon King of Arms, and shall have the same Rights and Privileges and discharge the same Duties as heretofore, except in so far as altered or regulated by this Act.

7. No Vacancy in the Office of Herald in *Scotland* shall be filled up by the Lyon King of Arms until the Number of Heralds has, by Death, Resignation, or Removal, fallen to below Three, after which Event the Vacancies which may occur in said Office shall be filled up, so that the Number of Heralds shall in Time coming be maintained at Three; and no Vacancy in the Office of Pursuivant in *Scotland* shall be filled up by the Lyon King of Arms until the Number of Pursuivants has, by Death, Resignation, or Removal, fallen to below Three, after which Event the Vacancies which may occur in said Office shall be filled up, so that the Number of Pursuivants shall in Time coming be maintained at Three: Provided

always, that no Herald or Pursuivant appointed before the passing of this Act shall in respect of any Vacancy not being filled up be entitled to any larger Share of Fees than he would have been entitled to had there been no such Vacancy.

8. No Herald or Pursuivant appointed after the passing of this Act shall be entitled to exact any Fees, but each Herald or Pursuivant so appointed shall receive, in lieu of Fees, such Salary as the Commissioners of Her Majesty's Treasury shall from Time to Time approve, payable as aforesaid: Provided always, that no Herald or Pursuivant appointed after the passing of this Act shall pay or give to the Lyon King of Arms any Consideration for his Appointment, and if any such Consideration shall have been paid or given by any such Herald or Pursuivant his Appointment shall be null and void.

9. The Herald Painter in *Scotland* and Procurator Fiscal of the Lyon Court shall hereafter be appointed by the Lyon King of Arms, and shall respectively perform the Duties, and be entitled to receive the Fees, which the Herald Painter and Procurator Fiscal aforesaid have hitherto been bound to perform and entitled to exact: Provided always, that no Herald Painter or Procurator Fiscal shall have any vested Right in such Fees.

10. From the First Day of *October* to the Twentieth Day of *December* and from the Fifth Day of *January* to the Twentieth Day of *July* in each Year the Hours of Attendance at the Lyon Office shall be from Eleven o'Clock in the Forenoon to Three o'Clock in the Afternoon, every lawful Day except *Saturday*; and from the Twenty-first Day of *July* to the Thirtieth Day of *September* and from the Twenty-first Day of *December* to the Fourth Day of *January* in each Year the Hours of Attendance shall be from Eleven o'Clock in the Forenoon to Two o'Clock in the Afternoon, and on *Wednesdays* and *Fridays* only: Provided always, that between the Twenty-first Day of *July* and the Thirtieth Day of *September*, and between the Twenty-first Day of *December* and the Fourth Day of *January*, in each Year, the Lyon King of Arms shall not be bound to entertain any Applications for Grants or Matriculations of Arms, or for recording Pedigrees: Provided also, that there shall be provided for the Lyon King of Arms, the Lyon Clerk, and the Herald Painter, such sufficient Office Accommodation as the Commissioners of Her Majesty's Treasury may determine.

11. The Fees hitherto payable to the Lyon King of Arms by Knights of the Thistle under the Statutes of the Order of the Thistle, and the Fees payable to the Lyon King of Arms in Terms of a Grant of His Majesty King *George* the Second, under the Great Seal of *Great Britain*, of Date the Nineteenth Day of *July* One thousand seven hundred and thirty-one, shall from and after the passing of this Act be paid into Her Majesty's Exchequer; and after the Death, Resignation, or Removal of any of the Heralds or Pursuivants aforesaid appointed prior to the passing of this Act the Proportion of Fees which but for the said Death, Resignation, or Removal would have been payable to him or them in Terms of the said Statutes of the Order of the Thistle, or in Terms of the before-mentioned Grant of His Majesty King *George* the Second, shall be paid into Her Majesty's Exchequer, so that after the Death, Resignation, or Removal of all the Heralds and Pursuivants appointed prior to the passing of this Act the whole Sums appointed by the said Statutes of the Order of the Thistle and the said Grant of His Majesty King *George* the Second to be paid to the Heralds and Pursuivants aforesaid shall instead be paid into Her Majesty's Exchequer.

12. Until the Death, Resignation, or Removal of the present Lyon Clerk, notwithstanding anything to the contrary contained in this Act, it shall be lawful for him to perform the Duties of his Office as he is authorized by his Commission, and to exact the Fees and Dues hitherto exigible by him.

13. Until the Occurrence of the next Vacancy in the Office of Lyon Clerk, the Fees and

Dues enumerated in Schedule A. annexed to this Act shall be exigible in lieu of the Fees and Dues hitherto payable to the Lyon King of Arms and Lyon Depute, and shall be paid into Her Majesty's Exchequer; and after the Occurrence of such Vacancy the Fees and Dues enumerated in Schedule B. annexed to this Act shall be exigible in lieu of the Fees and Dues hitherto payable to the Lyon King of Arms, Lyon Depute, and Lyon Clerk, and shall be paid into Her Majesty's Exchequer.

**Lyon King of Arms Act of 1867** – “An Act to regulate the Court and Office of the Lyon King of Arms in Scotland, and the Emoluments of the Officers of the same. [3rd May 1867]” [1867 c.17 30\_and\_31\_Vict]<sup>156</sup>

Annotations:

Modifications etc. (not altering text)

C1 Short title given by Short Titles Act 1896 (c. 14)

C2 Preamble omitted under authority of Statute Law Revision Act 1893 (c. 14)

Commencement Information

I1 Act wholly in force at Royal Assent.

1. Lyon King of Arms to have same rights and duties as heretofore, except as altered by this Act.

The jurisdiction of the Lyon Court in Scotland shall be exercised by the Lyon King of Arms, who shall have the same rights, duties, powers, privileges, and dignities as have heretofore belonged to the Lyon King of Arms in Scotland, except in so far as these are herein-after altered or regulated.

2. Lyon King of Arms to discharge his duties personally.

The Lyon King of Arms shall be bound to discharge the duties of his office personally, and not by deputy: Provided always, that in the event of the temporary absence of the Lyon King of Arms, from illness or other necessary cause, it shall be lawful for the Lord President of the Court of Session to grant a commission to some other person to discharge the duties of Lyon King of Arms ad interim, and such commission shall not be liable to any stamp duty: And provided also, that without any such commission, in the event of the temporary absence or incapacity of the Lyon King of Arms, the Lyon clerk shall be and is hereby empowered to admit to the office of messenger at arms persons properly qualified [F1 in accordance with Part V of the Debtors (Scotland) Act 1987 and any Act of Sederunt made thereunder].

Annotations:

Amendments (Textual)

F1 Words substituted by Debtors (Scotland) Act 1987 (c. 18, SIF 45:2), s. 108, Sch. 6 para. 5, Sch. 7 paras. 5, 9(1)

3. Salary of Lyon King of Arms.

The Lyon King of Arms, who shall be appointed by Her Majesty, shall receive such salary, . . . F2 as the Treasury shall from time to time approve, payable quarterly out of any monies to be voted by Parliament for that purpose, which salary shall come in place of the fees

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<sup>156</sup> [www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=lyon+king+of+arms&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=1058927&ActiveTextDocId=1058927&filesize=36789](http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=lyon+king+of+arms&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=1058927&ActiveTextDocId=1058927&filesize=36789)

hitherto exigible by him, to which he shall no longer be entitled.

Annotations:

Amendments (Textual)

F2 Words repealed by Statutory Salaries Act 1937 (c. 35), Sch. 2

4. Rights and duties of Lyon clerk.

The Lyon clerk shall hereafter have the same rights and perform the same duties as heretofore, except in so far as the same are herein-after altered or regulated.

5. Lyon clerk to perform his duties personally. Salary of Lyon Clerk.

The Lyon clerk, who shall be appointed by Her Majesty, shall . . . F3 perform the duties of his office personally, and not by deputy, and shall receive such salary . . . F4 as the Treasury shall from time to time approve, payable as aforesaid, which salary shall come in place of the fees hitherto exigible by him, to which he shall no longer be entitled: Provided always, that in the event of the temporary absence or incapacity of the Lyon clerk it shall be lawful for the Lyon King of Arms, with the consent of Her Majesty's Advocate, to grant a commission to some other person to discharge the duties of the Lyon clerk ad interim, and such commission shall not be liable to any stamp duty.

Annotations:

Amendments (Textual)

F3 Words repealed by Statute Law Revision Act 1893 (c. 14)

F4 Words repealed by Statutory Salaries Act 1937 (c. 35), Sch. 2

6. Rights and duties of heralds and pursuivants in Scotland.

The heralds and pursuivants in Scotland shall be appointed by the Lyon King of Arms, and shall have the same rights and privileges and discharge the same duties as heretofore, except in so far as altered or regulated by this Act.

7. As to filling up vacancies in offices of herald and pursuivant.

..... F5 the number of heralds shall in time coming be maintained at three; and. ....  
..... F5 the number of pursuivants shall in time coming be maintained at three:.....  
..... F5

Annotations:

Amendments (Textual)

F5 Words repealed by Statute Law Revision Act 1893 (c. 14)

8. Salary of heralds and pursuivants.

No herald or pursuivant shall be entitled to exact any fees, but each herald or pursuivant so appointed shall receive, in lieu of fees, such salary as the Treasury shall from time to time approve, payable as aforesaid: Provided always, that no herald or pursuivant shall pay or give to the Lyon King of Arms any consideration for his appointment, and if any such consideration shall have been paid or given by any such herald or pursuivant, his appointment shall be null and void.

9. Duties and fees of herald painter and procurator fiscal of Lyon Court.



The herald painter in Scotland [F6 and procurator fiscal of the Lyon Court] shall hereafter be appointed by the Lyon King of Arms, and shall [F6 respectively] perform the duties and be entitled to receive the fees, which the herald painter [F7 has] hitherto been bound to perform and entitled to exact: Provided always, that no herald painter [F6 or procurator fiscal] shall have any vested right in such fees.

Annotations:

Amendments (Textual)

F6 Words in s. 9 repealed (S.) (5.9.2001) by 2001 asp 7, s. 11(2)(a)(i)-(iii); S.I. 2001/274, art. 3(2)

F7 Words in s. 9 substituted (S.) (5.9.2001) by 2001 asp 7, s. 11(2)(b); S.I. 2001/274, art. 3(2)

9A F8 Appointment of procurator fiscal of the Lyon Court

(1) The procurator fiscal of the Lyon Court shall be a person who is legally qualified and shall be appointed by the Scottish Ministers on such terms and conditions as they determine.

(2) For the purposes of subsection (1) above, a person is legally qualified if that person is an advocate or a solicitor.]

Annotations:

Amendments (Textual)

F8 S. 9A inserted (S.) (5.9.2001) by 2001 asp 7, s. 11(3); S.I. 2001/274, art. 3(2)

10. Attendance at Lyon Office.

From the first day of October to the twentieth day of December and from the fifth day of January to the twentieth day of July in each year the hours of attendance at the Lyon Office shall be from eleven o'clock in the forenoon to three o'clock in the afternoon, every lawful day except Saturday; and from the twenty-first day of July to the thirtieth day of September and from the twenty-first day of December to the fourth day of January in each year the hours of attendance shall be from eleven o'clock in the forenoon to two o'clock in the afternoon, and on Wednesdays and Fridays only: Provided always, that between the twenty-first day of July and the thirtieth day of September, and between the twenty-first day of December and the fourth day of January, in each year, the Lyon King of Arms shall not be bound to entertain any applications for grants or matriculations of arms, or for recording pedigrees: . . . F9

Annotations:

Amendments (Textual)

F9 Words repealed by Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73, SIF 36:1), s. 59, Sch. 2 para. 3, Sch. 4

11. Regulating disposal of fees payable under the statutes of the Order of the Thistle, and grant of Geo. 2., dated 19th July 1731.

The fees hitherto payable to the Lyon King of Arms by Knights of the Thistle under the statutes of the Order of the Thistle, and the fees payable to the Lyon King of Arms in terms of a grant of His Majesty King George the Second, under the Great Seal of Great Britain, of date the nineteenth day of July one thousand seven hundred and thirty-one, shall be paid into Her Majesty's Exchequer; . . . F10

Annotations:

Amendments (Textual)

F10 Words repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), Sch. 1 Pt. I Gp. 4

12. . . . . F11

Annotations:

Amendments (Textual)

F11 S. 12, Sch. A repealed by Statute Law Revision Act 1893 (c. 14)

13. Fees.

..... F12 the fees  
and dues enumerated in Schedule B. annexed to this Act shall be exigible.....  
..... F12

Annotations:

Amendments (Textual)

F12 Words repealed by Statute Law Revision Act 1893 (c. 14)

Click to open SCHEDULE A. . . .

SCHEDULE A.

..... F13

Annotations:

Amendments (Textual)

F13 S. 12, Sch. A repealed by Statute Law Revision Act 1893 (c. 14)

SCHEDULE B.

Section 13.

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On every patent of arms with supporters	[F14 734.00]	
On every patent of arms without supporters	448.00	
On every matriculation of arms with supporters, without a new patent	248.00	
On every matriculation of arms without supporters, without a new patent	187.00	
On every matriculation of arms without a new patent of arms, but with a patent of supporters	534.00	
On every genealogy recorded	158.00	
Additional for each member of the pedigree	8.00	
Certificate regarding change of surname	56.00	
Search in register of arms	8.00	
Search in register of genealogies	8.00	
General search in heraldic MSS	44.00	
General search in genealogical MSS	44.00	
On every extract from a register	14.00	
On entering a caveat	32.00	
On the admission of a messenger at arms to practise in the district of Edinburgh	167.00	
On the admission of a messenger at arms to practise out of the district of Edinburgh	167.00	
Annual dues of a messenger at arms practising in the district of Edinburgh	27.00	
Annual dues of a messenger at arms practising out of the district of Edinburgh	[27.00]	
On renewal of a messenger's bond of caution	F15 . . .	
On recording resignation or change of residence of a messenger	[F14 8.00]	
On search for a messenger's cautioner	8.00	
On every certified statement of name and designation of such cautioner, and date of bond	11.00]	
On each petition or paper lodged in a process against a messenger	F15 . . .	
On each interlocutor in a process against a messenger	F15 . . .	
On extracting each warrant, decree, or precept of suspension, first sheet	[F14 14.00]	
On ditto, each subsequent sheet	8.00	
On affixing seal of office to warrant, decree, or precept	14.00	
On examining executions of service and intimations of precepts of suspension, marking them on the record and giving out certificates	14.00	
On lending process and taking receipt	8.00	

On return of process and scoring receipt 8.00  
On re-admission of a messenger at arms 32.00  
On the appointment of a herald 11.00  
On the appointment of a pursuivant 11.00]

N.B.— These fees are exclusive of stamp duties, when such are exigible.

Annotations:

Amendments (Textual)

F14 Fees in column 2 of Schedule B substituted (1.4.1996) by virtue of S.I. 1996/413, arts. 2, 3, Sch. (which S.I. by art. 4 revokes S.I. 1995/132)

F15 Fees in Schedule B ceased to be payable by virtue of S.I. 1992/305, art. 3(2), Sch. 2 (which S.I. is revoked (1.4.1993) by S.I. 1993/298, art. 4)

Modifications etc. (not altering text)

C3 Power to amend Sch. B conferred by Public Expenditure and Receipts Act 1968 (c. 14), s. 5(1), Sch. 3

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*The Records of the Parliaments of Scotland to 1707* (RPS) is a fully searchable database containing the proceedings of the Scottish parliament from the first surviving act of 1235 to the union of 1707. The culmination of over ten years' work by researchers from the Scottish Parliament Project based in the School of History at the University of St Andrews, the new edition seeks to make this key historical source freely available to all in a technologically advanced and user-friendly format. — [www.rps.ac.uk/](http://www.rps.ac.uk/)

[http://en.wikipedia.org/wiki/List\\_of\\_Acts\\_of\\_the\\_Scottish\\_Parliament\\_to\\_1707](http://en.wikipedia.org/wiki/List_of_Acts_of_the_Scottish_Parliament_to_1707)

<http://nq.oxfordjournals.org/cgi/content/citation/s7-VIII/185/29-h>

<http://personal.pitnet.net/primarysources/act.html>

[http://www.bailii.org/uk/legis/num\\_act/1867/1058927.html](http://www.bailii.org/uk/legis/num_act/1867/1058927.html)

<http://www.gazettes-online.co.uk/home.aspx?GeoType=Edinburgh>

[http://www.gutenberg.org/wiki/Main\\_Page](http://www.gutenberg.org/wiki/Main_Page)

[http://www.oqps.gov.uk/legislation/uk/acts/acts1995/ukpga\\_19950007\\_en\\_2](http://www.oqps.gov.uk/legislation/uk/acts/acts1995/ukpga_19950007_en_2)

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## Appendix 2

### Text of the combined Grant of Arms to John Campbell and Matriculation of Arms to Donald Draper Campbell

**TO ALL AND SUNDRY** whom These Presents Do or May Concern, WE, Malcolm Rognvald Innes of Edingight, Baron of Yeochrie, Commander of the Royal Victorian Order, Writer to Her Majesty's Signet, Lord Lyon King of Arms, Send Greeting; **WHEREAS, DONALD DRAPER CAMPBELL** Sennachie for The Clan Campbell Society (United States of America), Holder of the Degree of Bachelor of Science in Electrical Engineering of Valparaiso University, Fellow of the Society of Antiquaries of Scotland, residing at 4031, Ellicott Street, City of Alexandria in the Commonwealth of Virginia, United States of America, having by Petitions unto Us of dates 24 January 1977 and 4 August 1983 for and in memory of his great-great-great-great-grandfather **JOHN CAMPBELL** and for himself, **Shewn; THAT** he, the Petitioner, married at the City of Alexandria aforesaid 22 April 1978 Elizabeth, only daughter of Colonel (U.S.A., retired) Marvin Nagel Stanford and his wife Donna Lucille Walker, and has issue by her an only son and heir apparent Thomas Walker Campbell (born City of Washington in the District of Columbia 4 November 1981); **THAT** he, the Petitioner (born City of Washington aforesaid 26 November 1943) is the eldest son of George Willard Campbell, Professional Engineer, Lieutenant-Colonel (U.S.A.F. Reserves, retired), Holder of the Degree of Bachelor of Science in Mechanical Engineering of the University of Florida, and his wife (married City of Washington aforesaid 22 June 1940) Mildred Estelle, only daughter of William Albert Draper and his wife Edna Eugenie Dent; **THAT** the Petitioner's said father (born Miami, Dade County in the State of Florida 20 July 1914) is the only son of Alonzo McKenzie Campbell, Yacht Captain, merchant and businessman, and his wife (married Brooklyn, New York City in the State of New York 22 October 1913) Suzanna Clara, daughter of John Rieber and wife Tuscarora Katherine Oehl; **THAT** the Petitioner's said grandfather (born Harmony, Madison County in the State Florida aforesaid 25 April 1887) is eldest son of John Richard Campbell, merchant and farmer, and his wife (married Harmony aforesaid 24 May 1884) Sallie Tillman, widow of J. T. Thomas without issue by him, daughter of James Tillman Eason and his wife Louisa Victoria Mattox; **THAT** the Petitioner's great-grandfather (born Harmony aforesaid 9 February 1858, died Miami aforesaid 16 October 1931) was the fourth son of Alexander Nicholson Campbell, planter and farmer, Private in the Florida Mounted Militia (1838) and Corporal in the Florida Infantry (Confederate Service 1863-1864) and his wife (married Madison County aforesaid 25 February 1847) Margaret Ann, daughter of Elam Zadoc Lee and his wife Ann Dill; **THAT** the Petitioner's great-great-grandfather (born Gadsden County in the Territory of Florida 20 January 1826, died Harmony aforesaid 10 August 1905) was eldest son of Neill Campbell, planter and farmer, 1st Lieutenant in the Florida Mounted Militia (1835-1840) and Justice of the Peace in and for the 2nd District of Madison County in the Territory of Florida aforesaid, and his wife (married Appling County in the State of Georgia 14 October 1824) Elizabeth, daughter of William Taylor and his wife Lavincy Stancil; **THAT** the Petitioner's said great-great-great-grandfather (born District, now County, of Marlborough in the State of South Carolina in the United States of America 3 November 1802, died Harmony, Madison County in the State of Florida aforesaid 15 March 1875) was second son but eldest of whom male issue survive of John Campbell and his wife (married, there is reason to believe, in South Carolina aforesaid *circa* 1790-1800) Mary Nicholson; and **THAT** the Petitioner's said great-great-great-great-grandfather was born, according to family history and tradition in the Highlands of Scotland *circa* 1775, emigrated to the United States of America as a child following the American Revolutionary War on the same boat as his future wife (who was also born in the Highlands of Scotland) and died, most likely, in Appling County aforesaid 1820-1830; **AND** the Petitioner having prayed (**Primo**) that there might be granted for and in memory of his said great-great-great-great-grandfather John Campbell such Ensigns Armorial as might be found suitable and according to the Laws of Arms, and (**Secundo**) that Warrant might be Granted to the Lyon Clerk to matriculate in the Public Register of All Arms and Bearings in Scotland in name of the Petitioner the aforesaid Ensigns Armorial with suitable difference, **KNOW YE THEREFORE** that We have Devised, and Do by These Presents (**Primo**) Assign, Ratify and Confirm unto the Petitioner's said great-great-great-great-grandfather the deceased John Campbell and his descendants with

such due and congruent differences as may hereafter be severally matriculated for them, the following Ensigns Armorial, as depicted upon the margin hereof and matriculated of even date with These Presents upon the 88th and 89th pages of the 65th Volume of Our Public Register of All Arms and Bearings in Scotland, **videlicet: Gyronny of eight Or and Sable, the first charged with four ibises' heads erased of the Second.** Above the Shield is placed an Helm befitting his degree with a Mantling Sable doubled Or and on a Wreath of the Liveries is set for Crest an ibis Sable, and in an Escrol over the same this Motto “IN HARMONY”, and further (**Secundo**) We do hereby Grant Warrant to the Lyon Clerk to matriculate in Our said Public Register of All Arms and Bearings in Scotland in the name of the Petitioner Donald Draper Campbell the following Ensigns Armorial, as depicted upon the margin hereof, **videlicet: Gyronny of eight Or and Sable, the first charged with four ibises' heads erased of the second, within a bordure Azure.** Above the Shield is placed an Helm befitting his degree with a Mantling Sable doubled Or, and on a Wreath of the Liveries is set for Crest an ibis Sable, and in an Escrol over the same this Motto “IN HARMONY”; which Ensigns Armorial are to be borne by the Petitioner during the lifetime of his father and grandfather debruised of a five point label Azure and following the death of either a three point label Azure; by demonstration of which Ensigns Armorial John Campbell and his successors in the same are, amongst all Nobles and in all Places of Honour, to be taken, numbered, accounted and received as Nobles in the Noblesse of Scotland; **IN TESTIMONY WHEREOF** We have Subscribed These Presents and the Seal of Our Office is affixed hereto at Edinburgh, this 20th day of February in the 33nd Year of the Reign of Our Sovereign Lady, Elizabeth the Second, by the Grace of God, of the United Kingdom of Great Britain and Northern Ireland, and of Her Other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith, and in the Year of Our Lord One Thousand Nine Hundred and Eighty Four.

Malcolm R. Innes of Edingight

Lyon

#### **EXTRACT OF MATRICULATION OF THE ARMS OF LAURA DENT CAMPBELL**

**LAURA DENT CAMPBELL**, Holder of the Degree of Bachelor of Arts in Environmental Studies, Political Science and Psychology of the University of Colorado, Boulder, residing at 4031 Ellicott Street, Alexandria, Virginia, United States of America, having by Petition unto the Lord Lyon King of Arms of date 15 June 2013 **Shewn; THAT** she, the Petitioner, born Washington, District of Columbia, 14 September 1984, is the only daughter of Donald Draper Campbell, Holder of the Degree of Bachelor of Science and Electrical Engineering of Valparaiso University, Member of the Most Venerable Order of the Hospital of St John of Jerusalem, Fellow of the Society of Antiquaries of Scotland and his wife (married Alexandria, Virginia, 22 April 1978) Elizabeth only daughter of Marvin Nagel Stanford, sometime Colonel United States Army; **THAT** the Petitioner's said father (born Washington, aforesaid, 26 November 1943) is the eldest son of George Willard Campbell, Holder of the Degree of Bachelor of Science in Mechanical Engineering of the University of Florida, sometime Lieutenant Colonel United States Air Force Reserves and his wife (married Washington aforesaid, 22 June 1940) Mildred Estelle, only daughter of William Albert Draper; **THAT** the Petitioner's said grandfather (born Miami, Florida, 20 July 1914 and died Winter Park, Florida, 25 February 2009) was the only son of Alonzo McKenzie Campbell, Yacht Captain, and his wife (married Brooklyn, New York, 22 October 1913) Suzanna Clara, daughter of John Rieber; **THAT** the Petitioner's said great-grandfather (born Harmony, Florida, 25 April 1887 and died Miami, Florida, 17 January 1986) was eldest son of John Richard Campbell, merchant and farmer, and his wife (married Harmony aforesaid, 24 May 1884) Sallie Tillman, daughter of James Tillman Eason; **THAT** certain Ensigns Armorial are recorded in the Public Register of All Arms and Bearings in Scotland (Volume 65, Folio 89) of date 20 February 1984 in name of the Petitioner's said father; **AND** the Petitioner having prayed that the foresaid Ensigns Armorial might be matriculated of new in her own name with a suitable difference, the Lord Lyon King of Arms by Interlocutor of date 30 September 2013 Granted Warrant to the Lyon Clerk to matriculate in the Public

Register of All Arms and Bearings in Scotland in name of the Petitioner the following Ensigns Armorial, *videlicet*: Gyronny of eight Or and Sable, the First charged of four glossy ibises' heads erased of the Second within a bordure Azure charged with three fleur-de-lys Or for difference. Above the Shield is placed an Helmet befitting her degree, with a Mantling Sable doubled Or, and on a Wreath of the Liveries is set for Crest a glossy ibis Sable, and in an Escrol over the same this Motto "IN HARMONY".

Joseph John Morrow  
Lyon

Matriculated the 9<sup>th</sup> day of December 2014. Extracted furth of the 111<sup>th</sup> page of the 91<sup>st</sup> volume of the Public Register of All Arms and Bearings in Scotland this 11<sup>th</sup> day of December 2014.

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### Appendix 3

#### Lord Lyon Guidance Papers

##### ad hoc derbhfine

In February 2002, Robin Orr Blair, LVO, WS, Lord Lyon King of Arms (2001-2008), modified the *ad hoc derbhfine* Rules previously established, in April 1992, by Sir Malcolm Innes of Edingight, KCVO, WS, Lord Lyon King of Arms (1982 to 2001) as follows.

#### Guidelines for the holding of a derbhfine meeting<sup>157</sup>

There are generally five circumstances in which a meeting of the *derbhfine* might take place.

- (1) Where the appointment of a Clan Commander is sought.
- (2) Where a blood link to a past Chief is very likely but is not conclusively proved and it is wished to propose a particular person to be confirmed as Chief.
- (3) Where the main line of descent from a past Chief has died out and it is wished to confirm the Representer of another line as Chief.
- (4) Where no identifiable descendant from the last known Chief can be found and it is wished to propose a particular person to be confirmed as Chief
- (5) Where a "clan" which has never had a Chief seeks the appointment of a "Chief".

Various factors need to be considered in relation to each of these. In the case of (1) the genealogy of the applicant is not particularly relevant. What is important is that the applicant has the support of the clan.

In the case of (2) and (3) it is more likely that there will not be a *derbhfine* but that Lyon will be asked to confirm the applicant as Chief for aught yet seen, but the clan may wish the *derbhfine* to meet. It

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<sup>157</sup> "Guidelines for the Holding of a Derbhfine Meeting" (Informational Leaflet No. 12), Edinburgh: Offices of the Court of the Lord Lyon.

is important that there should be no known likelihood of a competing claim.

In the cases of (2), (3) and (4) it is important that there should be general support from the members of the clan and also that sufficient time has been allowed for any competing claims to emerge and to be dealt with.

In the case of (5) there is also the question of whether the group should be accorded the status of a clan.

### **Historical position**

Two factors have applied in the past. Firstly there has been a rule of thumb that a 20 year period should elapse between the appointment of a Commander and the meeting of the *derbhfine* to consider a proposal for a Chief. Secondly the traditional function of a meeting of the *derbhfine* is a forum to discuss what to do rather than to consider a specific proposal. Both of these factors require further consideration.

The 20-year period between the appointment of a Commander and a proposal for Chief has not always been applied in the past but has been frequently referred to in discussions with applicants. Many existing Commanders understand it to apply to them. Twenty years seems a very long time in an age of rapid communication. Five years is probably too short to allow a Commander to establish himself, get an organization going, make himself known to clan members worldwide and allow clan members to judge whether the Commander is the right person for the job. But 10 years should be sufficient time for all this to happen. Twenty years seems unreasonably long.

It will be important, if an application is made for a Commander to be considered for Chief, to know what activities the Commander has undertaken since his appointment and whether there is any dissatisfaction with him as well as whether any alternative candidate may have emerged. In judging whether the members of the clan are satisfied it will be important to bear in mind that in a number of cases the Commander may have pushed himself forward and may have discouraged other candidates from coming forward as alternatives.

The traditional role of a meeting of the *derbhfine* as a forum for general discussion is probably now out of date. At a time when most clan members would have been in Scotland, would have known a large proportion of their kinsmen and would have found it relatively easy to meet together, it made sense to consider calling the principal men in a clan together for a general discussion. But now that clan members are scattered all over the world, exist often in substantial numbers and know only relatively few of their kinsmen, it is difficult for members of the *derbhfine* to be confident that they know the wishes of the clan members in general. It is also unreasonable to expect people to travel from distant parts of the world to a clan meeting without their being given a clear idea of why they are being asked to attend and it is desirable for those who are unable to attend to be able to make their views known. It therefore seems sensible for the role of a meeting of the *derbhfine* to change to one which has a specific clear purpose and also for a means to be provided for those unable to attend to make known their views.

### **Procedure to be followed in future**

- (1) In future there will normally be a minimum period of 10 years between the appointment of a Commander and an application for a person to be considered for Chief. A Commander will normally be appointed for a 5 year period and re-appointment for a further 5 years will be considered by Lyon without any further *derbhfine* being required. Where a 20 year period has been either set down or advised in the past, this will no longer apply.
- (2) The following rules must be observed in the conduct of any meeting of the *derbhfine*. These are designed to ensure that members of a clan generally are aware of what is proposed and have an

opportunity to make their views known.

(i) One of HM Officers of Arms, or a person approved by Lyon, must be appointed to supervise the meeting of the *derbhfine*. This must be arranged before any notice under (iv) below. The fee charged by the supervising officer will be a matter for the clan.

(ii) The supervising officer's role is to act as an impartial Chairman and to make an objective report to Lyon.

(iii) The members of the *derbhfine* will be as provided for in Lyon's 1992 Rules a copy of which is annexed.<sup>158</sup> However these new Rules will also provide a means whereby non-armigerous and non-landed clan members can express their views. The supervising officer and the *derbhfine* will be made aware of these views but the *derbhfine* will not be bound by them.

(iv) Notice of any meeting of the *derbhfine*, in a form approved by the supervising officer, must be given not less than six months prior to the date set for the meeting, in all clan and clan association journals or newsletters and on any clan or clan association website.

(v) The notice must state the date and place of the meeting and the purpose for which it is to be held including the name(s) of any candidate(s) to be proposed for appointment. It must give the name and address of the supervising officer to whom further enquiries are to be directed.

(vi) A further notice must be given not less than 6 weeks prior to the meeting by public advertisement in a national newspaper circulating in Scotland and the same notice must also be posted on the clan and clan association websites.

(vii) The notices referred to in (vi) must give details of the arrangements for views to be submitted by non-armigerous and non-landed clan members. The supervising officer will require to decide how this is to be done but it should probably involve a paper containing the name, address and signature of the sender being sent to the supervising officer. It is recognised that the collection of views of clan members is not an exact science. It is not the intention that the supervising officer should have to decide whether a person who submits a view is or is not a member of the clan. The purpose of this mechanism is to provide a means for the rank and file to express their views. The *derbhfine* and Lyon will have to decide what weight to give to them.

(viii) At the meeting of the *derbhfine* the supervising officer will, prior to any decision being taken, inform the members of the *derbhfine* of the result of any views by non-armigerous and non-landed members which have been submitted under (vii) above.

(ix) Non-members of the *derbhfine* may attend and speak but will leave the meeting before any decisions are taken and members of the *derbhfine* itself will be the only people to take part in any decision of the *derbhfine*.

(x) The report submitted to Lyon by the supervising officer will include details of the various steps taken under the above procedure and in particular, in addition to the decision and views of the *derbhfine*, will refer to (and if need be comment on) the views of the non-members of the *derbhfine* as expressed under (vii). The report will be confidential to Lyon and should contain such information as the supervising officer regards as being of importance to Lyon in reaching a decision.

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<sup>158</sup> See below.



The April 1992 rules for *ad hoc derbhfines* established by Lord Lyon Innes of Edingight (1982-2001) provide as follows:<sup>159</sup>

### Ad Hoc Derbhfine

1. As from 1st May 1992 where a Chiefship or Commandership is to be determined by means of an ad hoc *derbhfine* it will be necessary for any candidate selected and recommended to the Lord Lyon King of Arms to have been domiciled and habitually resident in Scotland for a period of three years before such recommendation and submission and he, or she, must be so domiciled or resident at the time recommendation and submission is made.
2. To avoid any possibility of last minute packing of an ad hoc *derbhfine* I have decided that before any person can take part in a *derbhfine* a Warrant authorising the preparation of Letters Patent of Arms, or an Interlocutor<sup>160</sup> authorising Matriculation of Arms, must have been signed in favour of such a person at least a year and a day before they take part in the *derbhfine*.
3. It should be borne in mind that membership of the *derbhfine* shall consist of those who are in right of a Scottish Coat of Arms (matriculated within the last three generations to cover the holding of the Armorial Bearings on apparenacy), or owning at least a small holding of land outwith a Burgh but which is not a mere building plot. The owner of the Armorial Bearings, or of the land, will not require to be domiciled/resident in Scotland.
4. It is emphasised that the Armorial Bearings must be Scottish and that those with a Scottish surname, but with Arms granted by the English Kings of Arms, or by the Heraldic Authority of any other State, will not be acceptable.
5. With regard to those with compound surnames, it is the last name of the compound surname that will determine the Family or Clan to which the owner of the compound surname belongs (see Findings in Fact (14) and (15) and Findings in Law (2) and (3) in the Petition of Sir Hugh Vere Huntly Duff Munro-Lucas-Tooth, Baronet, 1965 - Scots Law Times - Lyon Court Reports p.3).
6. Eldest sons of armigers who have a right to the Arms differenced by a label of three points may not vote. The position is frequently found where a tutor or guardian has matriculated Arms for a younger pupil/minor child and in such circumstances such tutor or guardian will **not be ill a position** to record a vote on behalf of their child. Keeping in mind the terms and provisions of 'The Age of Legal Capacity (Scotland) Act 1991 (c. 50)' the vote of an armigerous child will be receivable on that child attaining 16 years of age. If Armorial Bearings have been matriculated for such a child for a period of a year and a day before the sixteenth birthday that child will be in a position to vote on attaining the age of 16 years.
7. Lyon will only receive a nomination following a *derbhfine* provided that *derbhfine* has been supervised by an Officer of Arms or by another person approved by Lyon who will submit to Lyon a Report on the conduct of the proceedings.

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<sup>159</sup> "Guidelines for the Holding of a Derbhfine Meeting" (Informational Leaflet No. 12), Edinburgh: Offices of the Court of the Lord Lyon.

<sup>160</sup> Interlocutor (Scots Law): A judgement or order of a court or of the Lords Ordinary, signed by the pronouncing or presiding judge. 'Interlocutors, correctly speaking, are judgments or judicial orders pronounced in the course of a suit, but which do not finally determine the cause. The term, however, in Scotch practice, is applied indiscriminately to the judgments or orders of the Court, or of the Lords Ordinary, whether they exhaust the question at issue or not' (Bell *Dictionary of the Law of Scotland* 1861).

8. Where a person has been appointed a Commander for a period of time following a recommendation from an *ad hoc derbhfine* such a person may be re-selected under the old regulations. It would seem unreasonable for such people to have to seek re-submission under the new rules.

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**The Lord Lyon King of Arms wishes to advise as follows regarding Petitions for the Grant of Arms**

In respect of future Petitions for Grants of Arms by persons owning a dignity of baron which has been acquired post the appointed day (that is, 28 November 2004), provided that the Lord Lyon determines that the dignity of baron exists, that the petitioner is a virtuous and well deserving person and determines to exercise his discretion in their favour to grant arms the Lord Lyon will, (1) if so required, officially recognise the petitioner as “Baron of [the barony]” and (2) grant them ensigns armorial with a helmet befitting their degree, namely the helmet assigned to the barons.

When a petitioner has no connection with Scotland that otherwise brings the petitioner within the jurisdiction of the Lord Lyon, Lyon accepts that subject to other relevant considerations he will accept the ownership of a dignity of a barony as sufficient to bring the petitioner within his discretionary jurisdiction to grant arms to that person as a person who will require to bear arms in Scotland by reason of his ownership of the dignity.

Issued 3 December 2008 -- <http://www.lyon-court.com/lordlyon/536.html>

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**The following Note was attached to a Warrant issued by the Lord Lyon King of Arms of date 1 December 2009 granting Armorial Bearings to Mark Paul Lindley-Highfield of Ballumbie Castle, Baron of Cartsburn:-**

NOTE:

In his Note dated 15th May 2006 refusing the Petition of Margaret Hamilton of Rockhall, Baroness of Lag, as regards the appropriate form of baronial additaments, Lord Lyon Blair also considered what evidential value might attach to an entry in the private and unofficial “Scottish Barony Register” which had been established as a means of recording the transfer of quondam feudal baronies following the coming into force on 28th November 2004 (“the appointed day”) of the Abolition of Feudal Tenure etc (Scotland) Act 2000. Section 63 of that Act dissociates such baronies from both jurisdiction and land. The Act, however, preserves the dignity of baron, but enacts that after the appointed day any such dignity shall be transferable only as incorporeal heritable property. Lyon Blair indicated that he was not disposed to accept an entry in this private register as proof that a Petitioner was entitled to the dignity of baron. He noted the difficulty in regard to verifying both the existence and the ownership of a barony since the appointed day given the lack of an official public register. The Scottish Barony Register was a private register with no statutory basis which offered no guarantee of the validity of any claim and was not covered by any government indemnity providing protection from error or fraud. It had been established as a company

limited by guarantee, one of the directors being Mr Brian Hamilton who was well-known as being active in the purchase and sale of baronies. Lyon Blair was also critical of some of the terms and conditions attached to registration. He concluded, "I do not consider that a private Register, managed by a person appointed by a private company with no public scrutiny, and operated under terms which allow complete discretion as to what evidence is to be provided, is an acceptable source of evidence in an application before the Court of the Lord Lyon.

Lyon Blair's ruling in that Petition was subsequently subject to judicial review. When the review reached court, the parties were able to agree a statement as regards the appropriate form of baronial additaments, to which the Court interposed authority. That agreement, however, did not include consideration of the evidential value of the Scottish Baronial Register. Accordingly Lyon Blair's comments on this still stand. I am persuaded that there is considerable force in Lyon Blair's reasoning and am not prepared to accept an entry in the Scottish Baronial Register as being, in itself, sufficient proof of ownership of the barony in question. I appreciate, however, the unsatisfactory nature of the present position in relation to baronies and the need to explore further options. In the meantime I am persuaded that I can regard the present Custodian of the private register, Mr. Alistair Rennie, as a man of skill, and am prepared to take his approval as Custodian of the registration of the ownership of a particular barony, as evidenced by the company registration stamp, coupled with a confirmatory statement to Lyon Office from Mr. Rennie himself, as being, in principle and for aught yet seen, sufficient proof of the existence and ownership of the barony in question. It is on this basis that I have determined that the Petitioner is entitled to the dignity of baron of Cartburn for aught yet seen.

(signed) David Sellar

Lyon

Issued 4 December 2009 -- <http://www.lyon-court.com/lordlyon/596.html>

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## **General guidance regarding Baronial Additaments and Territorial Designations**

The Lord Lyon has issued the following general guidance regarding Baronial Additaments and Territorial Designations:

### Guidance regarding Baronial Additaments

Guidance has already been posted on this website as regards those who acquire baronies after "the appointed day" (28th November 2004), that is, the day when the Abolition of Feudal Tenure etc. (Scotland) Act 2000 came into force: namely, that such barons will be granted a helm appropriate to their degree, that is, to the dignity of baron, and will be recognised in the style of "baron of X".

Barons who were granted a chapeau Gules or, it may be, a mantle before the appointed day may, of course, continue to display these additaments. Looking to history and heritage, it is proposed that those who succeed to such baronies after the appointed day as heirs should continue to enjoy a red chapeau as an appropriate additament, and also a mantle if that has been granted before.

Armigers formerly entitled to a chapeau Azure, or to supporters as representatives of baronial houses who had a seat in Parliament until 1587, continue to be so entitled.

#### Guidance regarding Baronial Officers

In view of the separation of quondam feudal baronies from both land and jurisdiction after the appointed day, it no longer seems appropriate to grant additaments to baronial officers, for example, baron bailies or baron sergeants, or to regard such appointments as being sufficient to bring the person so appointed within Lyon 's jurisdiction.

#### Guidance regarding Territorial Designations

A territorial designation proclaims a relationship with a particular area of land. The classic case where a territorial designation is appropriate, where recognition is sought from the Lord Lyon in connection with a Petition for Arms or for change of name, is where there is ownership of a substantial area of land to which a well-attested name attaches, that is to say, ownership of an "estate", or farm or, at the very least, a house with policies extending to five acres or thereby, outwith a burgh. In such a case recognition of a territorial designation should not present a problem. Nor should there be a difficulty when a new owner obtains possession of the named property. Difficulty may arise, however, when a new owner has bought property to which no generally recognised name attaches. In such a case some years of ownership under a suitable name would seem appropriate before a territorial designation can be recognised. In this last case there will usually be a residence on the property, or the possibility of obtaining planning permission for such a residence.

David Sellar  
Lord Lyon King of Arms

Issued 5 January 2010 -- <http://www.lyon-court.com/lordlyon/616.html>

The Lord Lyon has published the following guidance between 28-30 June 2010

#### "Guidance as regards the holding of a Derbhfine or Family Convention

Derbhfine was the name given in Old Irish Law to a four generation agnatic kingroup of importance in determining succession and the ownership of property. More recently the term has been used to describe what might be termed a Family Convention, held when the identity of the Chief or Head of a historic Family or Name is in doubt, the object of which is to recognise a new Chief or Head of the Family or Name; or to indicate a suitable Commander for a term of years.

A Family Convention should be composed of the leading members of the Family or Name in question. It has not proved easy to define who exactly qualify as leading members, but the term certainly includes the heads or representatives of leading branches of the family. In the past the term has been defined in terms of armigers and substantial landowners. Although being an armiger does suggest a certain status and a degree of commitment to the Name, this definition has not proved entirely satisfactory, being on the one hand too exclusive and on the other open to abuse. For example, such a definition might exclude non-armigerous heads of leading branches; also, in theory at least, definition in terms of a given number of armigers may make a Family Convention open to "packing". There is also the possibility that someone unconnected to the Name in question, might adopt that name as his or her surname and become an armiger. It is not appropriate that

someone in this position should then be regarded as a leading member of the family. It does seem appropriate, however, to consult with a well established clan or family association where such exists.

There are a number of circumstances in which it would seem appropriate to hold a Family Convention:

- (1) Where a blood link to a past Chief or Head of Name is likely but is not conclusively proven and it is wished to propose a particular person in that situation to be recognised as Chief.
- (2) Where the main line of descent from a past Chief has died out and it is wished to recognise the Representer of a cadet line as Chief.
- (3) Where neither blood link to a past Chief nor Representer of a cadet line can be identified but it is wished to propose a particular person of the surname as Commander. It is generally desirable that such a Commander should live in Scotland.

It should be noted that the Lord Lyon is unlikely to recognise a person recommended by a Family Convention as Chief or Head of a Family or Name, unless that recommendation is unopposed or, at the very least, has been approved by a substantial majority of the Family Convention.

The Family Convention should take place in Scotland although members outwith the jurisdiction may participate by video link or similar.

It is anticipated that the number of those participating in a Family Convention will be relatively small, of the order of ten to twenty-five people.

#### The Conduct of a Family Convention

It is desirable that one of HM Officers of Arms, or some other person approved by the Lord Lyon King of Arms, be appointed to supervise the Family Convention. The supervising officer's role is to act as an impartial Chairman and to make an objective report to Lyon.

In case of dispute, the supervising officer will determine which individuals shall comprise the Family Convention and, in reporting back to Lyon, shall also take into account the views of any well established clan or family association.

At least six month's notice of the intention to hold a Family Convention should be given to the Lord Lyon to be posted, at a minimum, on the Lyon Court website. The Supervising Officer should give at least two month's notice of the date of the Family Convention to interested parties, setting out the procedure to be followed."

Source: [/www.lyon-court.com/lordlyon/656.html](http://www.lyon-court.com/lordlyon/656.html)

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## Appendix 4

### Cadency Differencing System

There appear to have been several cadency differencing schemes used by Lyon Court in the past. Francis James Grant, WS, Rothesay Herald and Lord Lyon (1929-1945) in discussing “Differences or Brisures” states that

During the Crusades the only difference consisted in the bordure or border, which, as the name implies, was a border or edging running round the edge of the shield. The colour and form of this border served to distinguish the leaders of the different band that served under one duke or chieftain. The same difference might be used to denote a diversity between particular persons descended from one family.<sup>161</sup>

However, since the late 1860s, the “Stodart scheme of differencing” (sometimes known as the “Fraser/Stodart” scheme of differencing<sup>162</sup>) has been used. This scheme was developed by Robert Riddle Stodart during his tenure as Lyon Clerk Depute from May 1864 to his death in April 1886. The layout of the “Stodart” scheme is showing Figure A5-3<sup>163</sup> below using the Petra Sancta hatching scheme to represent colours.<sup>164</sup>

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<sup>161</sup> Grant, Francis J[ames], W.S., Rothesay Herald (1863-1953, LL 1929-1945 ), *The Manual of Heraldry: A Concise Description of the Several Terms Used, and Containing a Dictionary of Every Designation in the Science*, Edinburgh: John Grant Booksellers, 1914, page 23.

<sup>162</sup> Ltr, Lyon Clerk (Mrs. Roads) to the author, dated 13 August 2003.

<sup>163</sup> (a) Paul, Sir James Balfour, *Heraldry in relation to Scottish History and Art being the Rhind Lectures on Archaeology for 1898*, Edinburgh: David Douglas, MDCCCC (1900), page 72, Fig 49.  
(b) Maxwell, Anthony, “Registration, Stodart and Crawford of Ardmillan”, *Tak Tent*, (Heraldry Society of Scotland: No. 21, July 2003, pages 12-14.  
(c) Hodgson, Leslie “More Stodart”, *Tak Tent*, (Heraldry Society of Scotland: No. 22, October 2003), pages 14-15.

<sup>164</sup> The Petra Sancta method was created in 1638 to render colors in black and white images of coats of arms – hatching. Each colour (called tincture) is represented by a different hatch. In heraldry tinctures have old French names; tinctures are divided into “colours” (or “smalts”) and “metals”. It is better to avoid using metals on metals and smalts on enamels. The natural colours (*e.g.*, the pink of skin) is left empty. The Jesuit and heraldist Silvestre Petra Sancta, or Pietra Santa (Roma, 1590 - Roma, 1647) was rector of the college of Loreto. Later, he settled in Roma and published there two famous treaties of heraldry (in Latin): *Blazons and emblems of nobility* (1634) ; *Coat of Arms of the Great Families*(1638).

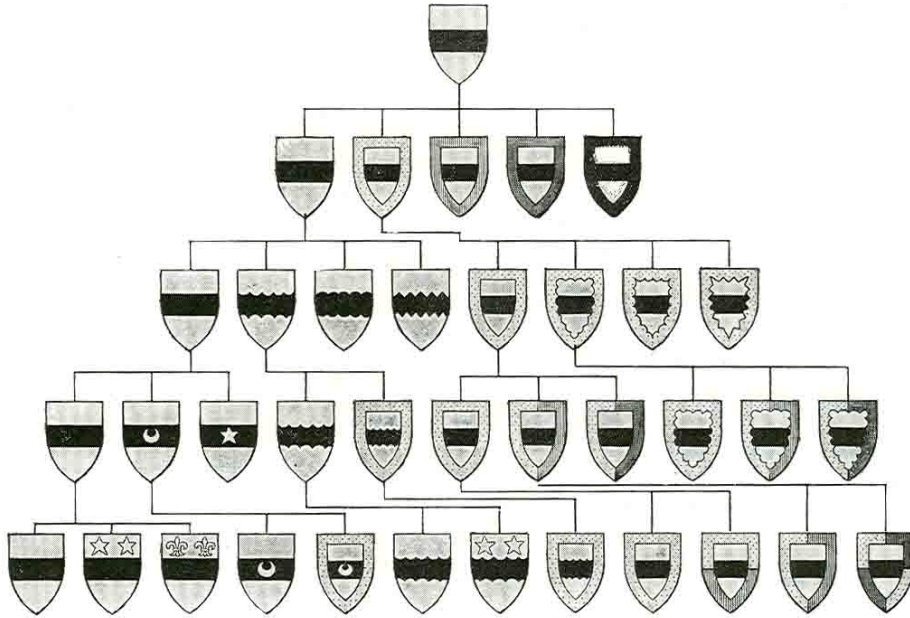


Figure A5-3 – Strodart’s cadency differencing scheme with Petra Sancta hatching scheme to represent colours.

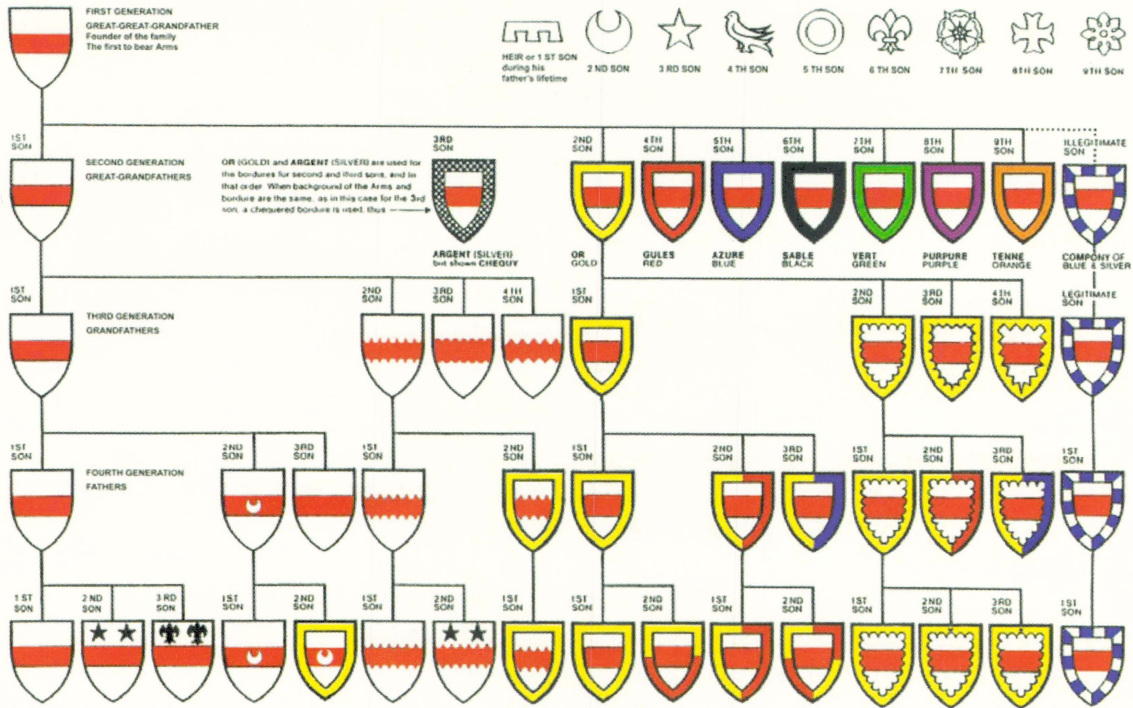
Figure A5-3 – Strodart’s cadency differencing scheme Petra Sancta hatching scheme to represent colours.

Silvester Petra Sancta (or Pietra Santo) (Rome 1590 – Rome, 6 May 1647) was an Italian Jesuit monk, and heraldist. His name is also spelt as Sylvester Petra Sancta, Petrasancta, in Italian Padre Silvestro da Pietrasanta.

In order to establish a precedency scheme, Lyon Court has laid out a seniority of colours of bordures and variations of lines as show in Tables A5-1 and A5-2.

## BORDURES

## CADENCY MARKS



### Colours of Bordures <sup>165</sup>

Son No.				System of Hatching
1				Label
2	Or	Gold (yellow)		dots
3	Argent	Silver (white)		plain
4	Gules.	Red		vertical lines
5	Azure	Blue		horizontal lines
6	Sable	Black		solid black, or grid of vertical and horizontal lines
7	Vert.	Green		diagonal lines running from top left to bottom right
8	Purpure	Purple		diagonal lines running from top right to bottom left
9	Tenné (tawny)	Orange (stain)		horizontal + diagonals from top right to bottom left
10	Sanguine	A deep blood-red (stain)		horizontal + diagonals from top left to bottom right

<sup>165</sup>

Innes of Learney, Sir Thomas (1893-1971), *Scots Heraldry*, Edinburgh: Oliver and Boyd, 1956 (2<sup>nd</sup> edition), page 104.



11	Murrey	Purple-red of the Mullberry (stain)		diagonals from top right to bottom left + diagonals from top left to bottom right
	Marron	brown		crossing bendwise and palewise
	Fer	grey		crossing bend sinister and palewise

Note: The Stodart system has been altered insofar as Argent has been interposed between Or and Gules in the original system.<sup>166</sup>

### The colours of heraldry<sup>167</sup>

The tinctures of armory are ordered into five ‘colours’, two ‘metals’ and three ‘stains’. The traditional five colours are: *Gules* (red), *Azue* (blue), *Vert* (green), *Sable* (black), and *Purpure* (purple). The two metals are: *Or* (gold/yellow) and *Argent* (white/silver). The three stains are: mulberry or maroon (*Murrey*), a tawny orange (*Tenné*) and reddish blood colour (*Sanguine*).

### **Furs of Bordures**<sup>168</sup>

<b>Son No.</b>		
12	Ermine	
13	Contre-ermine	
14	Erminois	
15	Pean	
16	Vair (or Verrey)	
17	Potent	
18	Countre-vair	
19	Counterpotent	
20	Ermines	

<sup>166</sup> Denis, Mark D., “The Lyon and the Ladies”, *The Double Tressure*, (Journal of) The Heraldry Society of Scotland, No. 27 (2004), p10, footnote ix.

<sup>167</sup> Burnet, Charles J. and Mark D. Dennis, *Scotland’s Heraldic Heritage – The Lion Rejoicing*, Edinburgh: Historic Scotland, 1997, page 20.

<sup>168</sup> Innes of Learney, Sir Thomas (1893-1971), *Scots Heraldry*, Edinburgh: Oliver and Boyd, 1956 (2<sup>nd</sup> edition), page 104.

	Oder of Use		
1	Plain		
2	Engrailed		
3	Invected		
4	Indented		
5	Embattled (or crenetle)		
6	Wavy		
7	Nebuly		
8	Rayonee		
9	Raguly		
9	Nowy		
10	Countre-nowy		
11	Dovetailed		
12	Potenty		
13	Urdy		
14	Round embattled		
	Dancette		

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## Appendix 5

### Blazon

“Blazon – (i) A verbal or written description of armorial bearings. (ii) To describe armorial bearings using generally acknowledged conventions and terminology.”<sup>170</sup>

Blazoning is the science and method by which armorial bearing are legally defined and described. It is not the accompanying art work / graphics that is “depicted upon the margin” or the grant/matriculation document. For instance, azure is any shade of blue, not Pantone© 300 or 299 or 279. It up to the heraldic painter to pick the shade of blue to be used. A horse is horse is horse. Again, it is the heraldic painter choice of the type and style of horse to be drawn, unless the blazoning specifies a specific breed of horse, *i.e.*, “belted Galloway Cow”.

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<sup>169</sup> Innes of Learney, Sir Thomas (1893-1971), *Scots Heraldry*, Edinburgh: Oliver and Boyd, 1956 (2<sup>nd</sup> edition), page 104.

<sup>170</sup> Friar, Stephen, ed. *A Dictionary of Heraldry*, New York: Harmony Books, 1987, p. 61-62.

The science by which arms are described had its beginnings before the 12<sup>th</sup> century. Sir George Mackenzie of Rosehaugh, states the following about blazoning armorial bearings.<sup>171</sup>

If there be but one Shield, or Coat of Arms to be described, that is called to Blazon: but if there be more Coats joined in one, that is called Marshaling: The *French* or *Italian* have no such distinction.

To blazon a Coat, is to describe what the things are, and what their colour is: in which these rules are to be observed.

1. It is fit to use the ordinary terms, and not to be too inventive and curious; for else every one out of vanity should invent a peculiar way, and new terms; and not any two Heralds should understand one another.

2. There must be no reiteration of words in Blazoning the same Coat; and therefore the *English* say not, He bears *argent*, a *Lyon gules*, *collard*, *argent*, but they say, *Collard* of the first, because *argent* was the first colour; yet the *French* repeat the colours after, and observe not his rule, and it is the better way for eviting [avoiding] confusion: for when there are many pieces in the Shield, it is most difficult and tedious to remember always what is first, and second, third and fourth; and this trouble serves to no purpose, and it is not at all natural.

The Third Rule, to evit [avoid] as much as is possible, and words, *of*, *or*, and *with*.

4. In blazoning a Coat, you must begin with the Field, and then proceed to the charge; and if the Field be charged with more things, you must name first, that which lies nearest the Shield. The *English* say in blazoning, he beareth *Azur*, but the *French* never say, he beareth *Azur*, and the word, *beareth*, is superfluous: the *English* sometimes say, the Field is *argent*, *vid. Guilims*, pag. 285. But that is likewise superfluous [superfluous]: and it is better, with the *French*, and *Latine*, to express, I. The bearers name, and then to express the colour of the Field, *v.g. Winram*, *gules*, a Ram passant *argent*, where as *Guilims* would have blazoned these Arms thus, he beareth *gules*, a Ram passant, *argent*, by the name of *Winram*: which way of blazoning sounds not so well as the first, nor is so short and proper. Naked Shields were sometimes born with any Charges, upon many accounts: Thus *Alphonsus* King of *Portugal*, did take five Shields placed saltier-wise, in remembrance of 5. *Saracen Kings*, whom he killed, *Chafsan*, concil. 17 part. I. And the first of the name *Hay* got three Shields in a Field *argent*, because He and his two Sons did gallantly defeat the *Danes* at the Battel of *Loncart*, 942. After which Battel, they were brought to the King with their Shields all coloured with blood, as *Buchanan* observes; and *Baliol* gave for his arms *G. an escutcheon Or*.

When blazoning armorial bearings, there is a specified format that has been devised which must be followed.

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<sup>171</sup> Mackenzie of Rosehaugh, George, Sir (1636-1691), *The Science of Heraldry, Treated as a part of the Civil law, and Law of Nations*, (Heir of Andrew Anderson, Edinburgh, M.DC.LXXX (1680), p 16-17.

## *The Shield*

### **1 The Field**

Parted: division of the shield by lines or partition

Varied: geometrically patterned shapes

Tincture: armorial metals, colours and furs

Semy charges: small charges scattered over the field

### **2a The Ordinary**

Identity

Lines, variations of

The Tincture (as above)

### **2b The Principal Charge**

Position (if necessary)

Identity

Attitude(s) and/or disposition

The Tincture of the charge (as above)

Attribute(s)

### **3 The Secondary Charge**

as 2b above

### **4 Charges borne upon the Ordinary or Principal charge**

As 2b above

### **5 The Sub-ordinaries**

As 2a above

### **6 Charges borne upon the Sub-ordinaries**

as 2b above

### **7 Any Ordinary or Charge borne over all**

As 2 above (blazoned over all)

## *The Crest*

1 The Coronet or Chapeau (Scotland) of rank (if appropriate)

2 The Helmet according to rank

3 The Wreath, Crest Coronet or Chapeau

4 The Crest (as for the Principal Charge above)

5 The Mantling

### *Supporters* (if appropriate)

Blazoned as the Principal Charge above

### *The Motto*

(In Scotland this follows the Crest)

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**Colours:** In Heraldry, these are called Tinctures. There are a set of rules called the 'Rules of Tincture' that govern what can and can't be done. There are three classes of tinctures – Metals, Colours and Furs.

**Metals:** There are two metals, gold and silver.

- **Gold** is usually painted as yellow and is blazoned Or. In black & White or when carved in stone or wood it is depicted as dots.
- **Silver** is usually painted as white and is blazoned Argent. In black & White or when carved in stone or wood it is depicted as a smooth field.

**Colours:** There are eight colours.

- **Blue** blazoned **Azure**. In b & w horizontal lines
- **Red** blazoned **Gules**. In b & w vertical lines.
- **Black** blazoned **Sable**. In b & w square shading
- **Green** blazoned **Vert**. In b & w left hand diagonal lines.
- **Purple** blazoned **Purpure**. In b & w left hand diagonal lines.
- **Orange** brown blazoned **Tenné**.
- **Blood red** blazoned **Sanguine**.
- **Purple red (Mulberry)** blazoned **Murrey**.  
The last three are also referred to as stains.

**Furs:** There are two furs each with a number of different forms.

- The **Ermine's** consist of spots that represent ermine tails on a field.
  - o White field with black spots is blazoned **Ermine**.
  - o Black field with white spots is blazoned **Ermines**.
  - o Gold field with black spots is blazoned **Erminois**.
  - o Black field with gold spots is blazoned **Pean**.
- The **Vair's** have an alternating white & blue pieces in various shapes and arrangements.
  - o A row of deep troughs and peeks each row offset by one is blazoned **Vair**. **Counter-vair** and **vair en point** are variations.
  - o A row of T-shaped blocks row on row is blazoned **Potent**. **Counter-potent** is a variation.

The final colour scheme to know is the term **Proper**. This means that a charge is depicted in its natural colour scheme.

The **Rules of Tincture** say that a metal can-not be put onto a metal, colour onto colour or fur onto fur. So 'Per-pale gules and vert' would not be allowed. However, 'Gules impaling Vert' would be allowed because the term impaling implies that two different shields are laying next to each other. When a charge is described as **Proper** it can be placed on any Tincture.

## Points of a shield.

Key to shield.

Shield.

- A - Dexter side.
- B - Sinister side.

- C - Chief.
- D - Base.
- E - Dexter chief.
- F - Sinister chief.
- G - Middle chief.
- H - Dexter base.
- J - Sinister base.
- K - Middle base.
- L - Honour point.
- M - Fess point.
- N - Nombrill or Navel point.

**Lines:** Lines describe the edges of fields and charges.

<b>Engrailed</b>	Pointed waves with the points outwards.
<b>Invected</b>	Pointed waves with the points inwards.
<b>Wavy or Undy</b>	A wavy line that can be of any frequency.
<b>Nebuly</b>	Like wavy but the peeks and troughs are splayed out.
<b>Indented</b>	A high frequency zigzag.
<b>Dancetty</b>	A low frequency zigzag.
<b>Embattled</b>	Like a castle battlement.
<b>Raguly</b>	A battlement at an angle.
<b>Dovetailed</b>	As in the joint.
<b>Potenty</b>	T-shaped battlements.
<b>Angled</b>	A line with a square step.
<b>Beveled</b>	Like a lightning bolt.
<b>Escartelly</b>	A square hump.
<b>Nowy</b>	A round hump.
<b>Arched</b>	A wide curve.
<b>Urdy</b>	Like in vair.
<b>Radiant or Rayonny</b>	Like flames.

**Fields:** The fields are the way a shield, crest or supporter is divided up. The prefix 'Per' is used and the **Rule of Tincture** applies.

<b>Fess</b>	Horizontally across the middle.
<b>Pale</b>	Vertically down the middle.
<b>Bend</b>	Left hand corner to right hand side.
<b>Chevron</b>	An upside down V shape.
<b>Tierced in pairle</b>	Divided into three equal parts.
<b>Saltire</b>	Diagonal cross.
<b>Quarterly</b>	Four quarters.
<b>Barry</b>	Horizontal bars usually a specified number of i.e. Barry of six.
<b>Bendy</b>	Diagonal bars.
<b>Paly</b>	Vertical bars.
<b>Chevronny</b>	Multiple chevrons.
<b>Checky</b>	Like a chess board.

<b>Company or Gobony</b>	A bend made of squares.
<b>Counter-company</b>	A bend of two rows of squares.
<b>Lozengy</b>	Diamond shapes.
<b>Fusily</b>	Elongated diamond shapes.
<b>Gyronny</b>	Quarterly, each quarter diagonally halved.

**Ordinaries:** These are the shapes laid onto the fields. The **Rule of Tincture** applies.

<b>Chief</b>	A single bar horizontally across the top of the field.
<b>Fess</b>	A single bar horizontally across the middle of the field.
<b>Bar</b>	When there is more than one horizontal bar across the field.
<b>Pale</b>	A single bar vertically down the centre of the field.
<b>Bend</b>	A diagonal bar from the top right-hand corner of the field.
<b>Bend sinister</b>	A diagonal bar from the top left-hand corner of the field. Used to denote illegitimate offspring.
<b>Chevron</b>	An upside down V shaped bar in the centre of the field.
<b>Saltire</b>	Diagonal cross.
<b>Cross</b>	Upright cross.
<b>Cotised</b>	Thin ordinaries sandwiching the main one.
<b>Fretty</b>	Lattice work
<b>Border.</b>	Area round the edge of the shield.

**Charges:** These are the beasts, plants, monsters, artefacts and the like that are placed on the fields and ordinaries. They can either be given a specific tincture and divided into fields or they can be proper but the rule of tincture applies to them. Many are obvious as to what they are. However, the following are some that may be a little more obscure:

<b>Mullet</b>	Usually a five pointed, straight edged, star, but the number of points can be defined.
<b>Martlet</b>	A bird with its legs and wings folded. Like a Swallow.
<b>Leopard</b>	This can either be a Leopard but in old heraldry it was a Lion.
<b>Talbot</b>	A hunting dog.
<b>Urcheon</b>	A hedgehog in old heraldry.
<b>Escallop</b>	Escallop-shell round edge downwards.
<b>Estoiles</b>	A star with six or more wavy rays.
<b>Garb</b>	A sheaf of wheat or barley.
<b>Cinqufoil</b>	A five petaled flower. Can be tri-(3), quatre-(4), six-(6), or oct-(8) foil depending on the number of petals.
<b>Caltrap</b>	A four pointed tetrahedral metal device.
<b>Clarion or Sufflue</b>	A kind of musical instrument that could be pan-pipes or harp.
<b>Maunch</b>	A sleeve with long cuff and shoulder.
<b>Pheon</b>	A barbed arrowhead, the barbs inside.
<b>Seax</b>	A Saxon sword like a scimitar with a notch out of the blade.
<b>Canton</b>	A rectangle in a corner.
<b>Orle</b>	A shield with the middle taken out.
<b>Annulet</b>	A ring.

Charges, especially beasts and monsters, can be cut in half and so described as demi- as in demi-lion or demi-eagle.

**Body Parts:** Arms, legs, hands, heads and wings are all used as charges. The way that they are separated from the rest of the body is blazoned. The common separations are:

<b>Erased</b>	Torn off leaving a ragged, often bleeding edge.
<b>Couped</b>	Cut off clean.
<b>Cabossed or Caboshed</b>	A head only facing forward out of the shield.

**Stance:** Beasts, birds and plants used as charges, crests and supporters can be blazoned in defined positions as follows:

<b>Passant</b>	Standing on three legs with the off-side front leg punching the air.
<b>Rampant</b>	Rearing up on back leg with three legs punching the air.
<b>Salient</b>	In the act of leaping.
<b>Statant</b>	Standing on all four legs.
<b>Sajant</b>	In a doggy sitting position,
<b>Couchant</b>	In a doggy laying position.
<b>Dormant</b>	In a sleeping position.
<b>Courant</b>	Running like a greyhound.
<b>Tripping</b>	A Stag standing passant.
<b>Affronté</b>	The whole beast looking square on out of the shield.
<b>Combatant</b>	Two rampant beasts facing each other.

The position of the head can also be defined. Any of the above on their own meant the beast is looking in the direction of travel.

<b>Guardent</b>	Looking directly out of the shield.
<b>Reguardent</b>	Looking back from the direction of travel.

The tail is usually shown erect but when it is held between the legs it is described as coward.

**Balls:** Balls and roundels can be blazoned as roundels with a specified colour, however, there are a specific terms used for different coloured balls as follows:

<b>Bezant</b>	Gold
<b>Plate</b>	Silver
<b>Hurt</b>	Blue
<b>Torteau</b>	Red
<b>Pellet</b>	Black
<b>Pomme or Pomeis</b>	Green
<b>Golpe</b>	Purple
<b>Tenné</b>	Orange
<b>Guze</b>	Blood red.

**Crosses:** There are a large number of different crosses used in blazons. A cross is a simple horizontal &



vertical, as of St. George. A diagonal cross is a saltier as in the Scots cross of St. Andrew. A tau cross is T-shaped.

	The shapes of the ends of the arms of the cross are:
<b>Fourché</b>	forked.
<b>Moline</b>	Splayed as if hit by a hammer.
<b>Patonce</b>	Splayed into three points.
<b>Flory</b>	Ending in fleur-de-lis's
<b>Pommé</b>	Ball endings.
<b>Potent</b>	Square bars right at the end.
<b>Crosslet</b>	having a cross-bar a little way in from the end of each arm.
<b>Formy</b>	Having the ends of the arms wider than the middle.
<b>Maltese</b>	Four triangles meeting in the centre to form a cross with a v-shaped notch taken out of the end of each arm.
<b>Fitcheé</b>	The shaft of the cross tapers to a point.

**Impaling:** When a couple marry they can merge their families coats of arms by putting both the achievements on the same shield. Because these are two separate coats of arms the rules of tincture, while still applying within the individual achievements, does not apply to the impaled arms. Because of this you can get colour next to colour, metal next to metal. The process of combining arms onto a shield is called Marshalling and it can get quite complex through various impaling's and quartering's.

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## Appendix 6

### The United Kingdom Orders of Chivalry

(1) *The Most Noble Order of the Garter* (Order of the Garter) {England} – Male members are known as Knights Companions “KG”, whilst female members are known as Ladies Companions “LG”;

(2) *The Most Ancient and Most Noble Order of the Thistle* (Order of the Thistle) {Scotland} – Knights “KT” and Ladies “LT”;

(3) *The Most Honourable Order of the Bath* (Order of the Bath) – Knights and Dames Grand Cross “GCB”; Knights “KCB” and Dames “DCB” Commanders; and Companions “CB”;

(4) *The Most Distinguished Order of Saint Michael and Saint George* (Order of Saint Michael and Saint George) – Knights and Dames Grand Cross “GCMG”; Knights “KCMG”; and Dames “DCMG” Commanders and Companions “CMG”;

(5) *The Royal Victorian Order* – Knights and Dames Grand Cross “GCVO”, Knights “KCVO” and Dames “DCVO” Commanders, Commanders “CVO”, Lieutenants “LVO” and Members “MVO”;

(6) *The Most Excellent Order of the British Empire* (Order of the British Empire) – Knights and Dames Grand Cross “GBE”, Knights “KBE” and Dames Commanders “DBE”, Commanders “CBE”, Officers “OBE” and Members “MBE”.

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## Appendix 7

### **The Most Venerable Order of the Hospital of St. John of Jerusalem**

Royal Charters and Statutes of The Most Venerable Order of the Hospital of St. John of Jerusalem  
(2004)

**The Statutes of The Most Venerable Order of the Hospital of St. John of Jerusalem** (the St. John Statutes 1974 to 2003)

#### **49. Armorial Bearings**

Members of the Order in the following Grades shall be permitted to display their Arms, and to bear the Augmentations of Arms, as hereinafter laid down, provided that their right to Arms is duly established and recorded in the Offices of Arms in England or Scotland or as otherwise authorised by Statute 38(4):

(a) Bailiffs Grand Cross and Dames Grand Cross may bear and use supporters to their Arms, and Garter Principal King of Arms for the time being is hereby authorised to grant supporters to such Bailiffs Grand Cross and Dames Grand Cross as shall not otherwise be entitled thereto; the Lord Lyon King of Arms for the time being is likewise authorised to grant supporters to those of them whose arms are Scottish, and Officers of Arms in other Priories are similarly authorised to grant supporters.

(b) Bailiffs Grand Cross and Dames Grand Cross may bear their Arms with those of the Order in chief. They may further display their Arms on the Badge of the Order.

(c) Knights and Dames, whether “of Justice” or “of Grace”, and ministers of the Christian religion placed in the Grade of Chaplain prior to the Appointed Day may display their Arms on the Badge of the Order.

(d) Members of any Grade of the Order other than Grade VI may suspend from their Armorial Bearings the riband and badge of their Grade.

For additional information see: [www.orderofstjohn.org](http://www.orderofstjohn.org)

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## Appendix 8

### Household and Personal Followers of a Highland Chief<sup>172</sup>

*Ard Ghillean an Tighe* (Gentlemen of the Household) – The number of these varied according to the importance of the chief.

*An Seanachaidh* (the Sennachie, or Genealogist of the Chief's House) – At table he sat among the chiefs of families, with precedence of the doctors of medicine. It was his duty to keep the clan register, its records, genealogies, and family history; to pronounce the addresses of ceremony at clan assemblies, and to deliver the chief's inauguration, birthday, and funeral genealogical orations; also, as Inaugurator, to invest him on succession.

*Am Bard* (the Bard) – Often synonymous with the Household Sennachie and generally a hereditary position, but otherwise used of an officer inferior to him.

*An Clàrsair* (the Harper) – This was generally a hereditary office.

*Am Marischal Tighe* (the Seneschal) – In every great household there were two, the principal of whom was well versed in the genealogies and precedences of all the clans. At table he assigned to each guest his place by touching the appointed seat with his white wand of office.

*Am Bladier*, the Spokesman, *i.e.* pursuivant, who carried the chief's messages – which it will be recollected were in primitive days all conveyed orally, not in writing. He made the chief's proclamations.

*Am Fear Sporain* (the Treasurer) – This was a hereditary position, and its occupant had a town-land for his service.

*Am Fear Brataich* (the Standard-bearer or Bannerman) – A hereditary office, as was, too, that of

*Am Piobaire* (the Piper).

*An Gille Mór* (the Sword or Armour-bearer) – Also called the *Gall-óglach*, whose duty it was to carry the clogaid, or helmet, and the *claidheamh-dalaimh*, or two-handed sword of the chief. As armour was not continuously worn he had to carry it when on the march.

*An Gille-coise* (the Henchman) – This retainer was in continual attendance upon the chief; he stood fully armed behind the chair of his master at mealtime, and if the peace of the occasion were doubtful the henchman had his pistols loaded.

*An Luchd-Tighe* (the Body-guard) – These were all young gentlemen, chosen from the finest youths of the clan, and each had one or more attendants of his own. The members of the bodyguard were all well trained in the use of the sword, the target, and the bow, and were adepts in wrestling, swimming, leaping, and dancing; and those of the sea-coast and the isles were versed in the sounding and navigation duties of seamanship, and the management of the biorlinns or galleys. The *Luchd-tighe* always attended the chief when he went abroad, and when his residence was on an island, in a lake, they had barracks and a guard-house on the mainland for keeping open the access to the chief's castle.

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<sup>172</sup> Adam, Frank, F.R.G.S., F.S.A. (Scot.), *The Clans, Septs, and Regiments of the Scottish Highlands*, 8<sup>th</sup> Edition, revised by Sir Thomas Innes of Learney, Edinburgh: Johnston and Bacon, 1970, Appendix IV, pp. 573-575.

*Am Fear Fardaiche* (the Quartermaster) – His duties were to provide lodgings for all attendants, both at home and abroad. He held no lands in consideration of his services, but had a duty off the hides of all the cattle killed at the principal festivals, or in a creach (or foray).

*An Cupair*, or *Gille-copain* (the Cup-bearer) – There were several cup-bearers, according to the importance of the chief. The duty of the principal one was to taste the contents of the cup before it was carried round the board. The office of principal cup-bearer was hereditary, and its occupant held land granted in charter from the chief.

*An Gocaman*, the Cockman or Warder, who kept watch on the top of the castle.

*Am Forsair* (the Forester) – He held by his service a croft and grazing in the forest, and was entitled to claim the hunting-dress and weapons of the chief when he returned home from hunting. This right, like many ancient perquisites of a similar kind, was only a scale of value, and was compounded by a fee in meal or money.

*An Gille-Cas-Fhliuch* – A servant whose duty it was to carry the chief over the fords when the chief was travelling on foot.

*An Gille-Couston* – The leader of the chief's horse.

*An Gille-Comhsreang* – This was a guide who at dangerous precipices led the chiefs horse by a long rein.

*An Gille-Trusairneis* – The Baggage-man who had charge of the sumpterhorses.

*An Leinc-chneas* – A Confidant or Privy Counsellor.

*An Gille-sguain* (the Train-bearer) – When the Lords of the isles were in power we are told that among their train was a person designated Fear sguabadh dealt, whose duty it was to brush the dew away before his Royal master.

*An Gille Chlarsair* – The Harper's Attendant, who carried his harp.

*Gille Phiobaire* – The Piper's Servant, who carried the pipes, presented them to the piper when he was about to play, and received them again when the piper had concluded his performance. This attendant was only, however, attached to pipers of the first rank.

*An Gille-Ruith* (the Running Footman).

*An Cleasaiche* (the Fool or Jester).

Tosheadoer

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