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ONLINE

THE COURT OF THE LORD LYON

The Court of the Lord Lyon

All heraldry in Scotland is controlled by the Court of the Lord Lyon King of Arms, commonly known as the Lyon Court, and located at New Register House in Edinburgh. The origins of the Lyon Court are literally lost in the mists of time as the office of Lord Lyon incorporates that of the Royal Sennachie or Bard whose duty it was to proclaim the lineage and deeds of the ancestors of the King. From this Celtic start, the position has developed into a judicial one, with the Lord Lyon sitting as a judge on armorial matters.

Older medieval heraldry in Scotland is extensive, but poorly documented, which is hardly surprising given the course of Scottish history. Certainly, it can be shown that heraldry existed by the last quarter of the twelfth century, but records of heraldry from the time before the War of Independence went south with King Edward and were like as not lost, whilst other early records appear to have been treated very much as the personal property of the heralds and have thus been lost.

Better evidence exists from slightly later periods and this shows that the arms of most of the great families of Scotland, and some which were not so great, had certainly settled down by the fourteenth century, as can be seen from surviving armorial rolls which show Scottish heraldry. The earliest surviving such roll that the author knows of is the Balliol Roll which was the property of the late Sir Anthony Wagner and which is believed to be an English manuscript of the 1330s. Other early rolls containing Scottish heraldry include the Armorial de Gelre (1369-88), the Armorial de Berry, the Armorial de l'Europe and the earliest known locally produced roll of arms, the Scots Roll (1455-58), which has recently been published by the Heraldry Society of Scotland. The situation is much improved in the sixteenth century as there survives the Forman-Workman Manuscript which dates from about 1510, Sir David Lindsay of the Mount's Register of 1542, the Hamilton Armorial of 1561-64 and several others which cover the period up to 1600.

Modern Scots heraldry, however, can be said to have started in 1672. In that year a law was passed by the Scots parliament which set up the "Public Register of All Armorial Bearings of Scotland" which is usually called the Lyon Register. The idea behind this register was to enable the Lord Lyon to more effectively administer heraldic law by ensuring that there was a central record independent of the person of the office holder. Unless a coat of arms is registered here, it has no legal standing in Scotland. In order to persuade people to record the arms which they had been using, registration was free till 1677, and in the first volume are recorded many well-known Scottish coats of arms. Since 1677 fees must be paid in order to record arms in Lyon Register.

As the Lyon Register is a public register, it is perfectly possible for anyone to inspect it in the same manner by which someone inspects a register of Births, Marriages or Deaths - simply go to Lyon Office, pay the fee, and the appropriate entry will be produced. However, unless the exact details of the grant are required, it's cheaper to consult Balfour Paul's Ordinary and its supplement, which together list arms granted from 1672 to 1973.

As of April 25, 2017, The Officers of Arms in Scotland are:

- Dr. Joseph J. Morrow, QC, Lord Lyon King of Arms
- Sir Crispin Agnew of Lochnaw, Baronet, QC, Rothesay Herald of Arms
- Elizabeth A. Roads, LVO, Snawdoun Herald of Arms
- The Hon. Adam Bruce, WS, Marchmont Herald of Arms
- Mark D. Dennis, Esq., Ormond Pursuivant of Arms
- Yvonne Holton, Dingwall Pursuivant of Arms
- Liam Devlin, Esq., Unicorn Pursuivant of Arms
- Sir Malcolm Innes of Edingight, KCVO, WS, Orkney Herald Extraordinary
- Robin O. Blair, Esq., CVO, WS, Angus Herald Extraordinary
- W. David. H. Sellar, Esq., MVO, Islay Herald Extraordinary
- John Stirling, Esq., WS, Linlithgow Pursuivant Extraordinary
- George Way of Plean, Falkland Pursuivant Extraordinary

There are also occasional extraordinary appointments.

The Court of the Lord Lyon is in Edinburgh and can be contacted at:
The Court of the Lord Lyon
HM New Register House
Edinburgh EH1 3YT

Scotland also keeps up the ancient tradition of private officers of arms appointed by noble houses. The four currently recognized private Scottish pursuivants are listed below:

- Slains Pursuivant, appointed by the Chief of the Name and Arms of Hay – currently the Earl of Erroll, Lord High Constable of Scotland
- Garioch Pursuivant, appointed by the Chief of the Name and Arms of Mar – currently the Countess of Mar
- Endure Pursuivant, appointed by the Chief of the Name and Arms of Lindsay – currently the Earl of Crawford & Balcarres
- Finlaggan Pursuivant, appointed by the Chief of the Name and Arms of Macdonald and High Chief of Clan Donald – currently the Lord Macdonald of Slate. This post was revived, after five centuries in August 2005

What Are My Arms?

If you are Scots, or of Scots descent, then the answer is that unless you can prove that you are heir to a properly matriculated Scots coat of arms, you have no arms whatsoever until you matriculate a set at the Lyon Court in Edinburgh. If you use the arms of someone else then you are usurping arms, if you make up your own arms, then you are using bogus arms. In both cases you are committing an offence and may be charged and tried at Lyon Court, which is an active court of law. This makes Scottish heraldry one of the most tightly controlled in the world, as it is one of the few countries where heraldry is protected by law, and that law is still actively enforced. Even if you are the direct heir, it is considered proper to re-matriculate every few generations in order that your due title to the arms be kept up to date.

The legal position is quite simple - arms belong to the person who records them and the heirs of that person according to the limitations of the grant or of tailzie. However, whereas in England, the right to a coat of arms passes to all male descendents of the grantee, in Scotland a coat of arms is considered to be heritable property and thus can only belong to one person at a time. This means that the younger sons of a grantee have no direct right to inherit the arms until elder branches of the family have died out. All younger sons must matriculate the arms with a difference in order to possess legal arms.

This of course means that all those people who offer to sell you "Your Coat of Arms" or "Your family's Coat of Arms" are wrong. If you are lucky, you might get a cheaply produced version of the arms of your chief, but there is every chance that the arms will simply be those of the first person of your surname that they can find.

There is a perfectly acceptable way for those of Scots descent who do not have their own coat of arms to have some heraldic display. This is in the wearing of the crest from the full coat of arms of your chief in the form of a badge surrounded by a belt and buckle containing the motto of the chief. This is akin to a military cap badge and like it, is not the personal possession of the wearer, but a badge which proclaims that person to be a member of a particular group. In highland dress, the belt and buckle badge is worn as a cap badge, and it can also be seen on kilt pins and as sporran ornamentation. All of these are acceptable forms of display - what is not acceptable is to pass the badge of your chief off as your own.

If you have a coat of arms, this badge is replaced with your own crest and you are also entitled to wear a feather in your cap (Clan Chiefs get to wear two, and the Sovereign has three).

To Matriculate Arms of New

When you do not possess arms and are not descended from someone who possessed arms, you must petition for a grant of arms. Though this is a legal process, it is actually quite simple and a lawyer is not necessarily required. The procedure was made much simpler by the publication of templates of the "prayer" to the Lord Lyon for the matriculation of arms in 'Scots Heraldry' by Lord Lyon Sir Thomas Innes of Learney.

The information required is fairly simple. The person explains who they are, gives some personal details and as much or as little genealogical information as they wish. It must be remembered, though, that the application is a legal process and any genealogical claims must be proved by documentary evidence sufficient for a court of law. The prayer closes with a request that the Lord Lyon devise a coat of arms for you. Provided that you are a person considered reputable and "deserving", a coat of arms will normally be granted. Once arms

have been granted, you can be as disreputable as you like!

The Lord Lyon has full discretion to devise any coat of arms he likes for you, but the process is a conversation rather than an imposition, and an applicant's desires will be taken into consideration. Generally, if you bear the surname of an armigerous Scottish family, your arms will be devised to reflect in some way the arms of the head of that family. This is due to the 'clannish' nature of Scots society where it is considered that by bearing a particular surname you are proclaiming yourself a follower of the chief of that name. This means that a person with the surname Gordon is likely to receive arms which in some way reflect those of the Marquis of Huntly, but which are sufficiently different so that the applicant's descent from (or lack of proven blood connection with) the chiefly house is obvious. If you can prove descent from someone who has arms recorded in Lyon Register then the process you should follow is to apply not for a grant of arms, but for a rematriculation, of which more details below.

Once the arms have been devised, they are painted onto vellum together with the accepted details of personal and family history. The arms are recorded in the Lyon Register, the arms come under the protection of the laws of Scotland, and the armiger is confirmed as one of the noblesse of Scotland.

In Scotland, arms can also be applied for in memory of a person, so persons of Scots descent who are no longer citizens of Scotland may apply for arms in memory of a Scots ancestor and once these arms have been granted, may re-matriculate as a descendent. The ability to apply for arms in memory of an ancestor can be particularly useful when there is a group of cousins who wish to obtain arms. The cost of a new grant is more than the cost of re-matriculation and it can work out much cheaper if the cost of the grant to an ancestor is shared out by a group and each individual then re-matriculates. Such a procedure also means that the group can be treated as a family unit whereas a series of individual grants or re-matriculations may not make this clear.

Re-Matriculation of Arms

This is a similar process to a grant of arms, but the prayer to the Lord Lyon must deal specifically with the proof of descent from someone who has recorded arms in the Lyon Register. If sufficient evidence (good enough to stand up in a court of law) is available, the prayer petitions Lyon to re-matriculate the arms with suitable differences to make plain the relationship of the petitioner within the family. Again, a template for the prayer is shown in Innes of Learney's Scots Heraldry.

Fees for Matriculation of Arms

There are a range of fees payable for the matriculation of arms. The list below was accurate as at 1st April 1995

- New Grant of Armorial Bearings; shield alone; £786
- New Grant of Armorial Bearings; shield and crest; £1,225
- New Grant of Armorial Bearings; shield crest, motto and supporters; £1,706
- Rematriculation of previously recorded Armorial Bearings including shield and crest, with a Grant of new supporters; £843
- Rematriculation of previously recorded Armorial Bearings; shield, crest and supporters; £576
- Rematriculation of previously recorded Armorial Bearings; shield and crest; £365

Additional charges may be made for extra painting work and for postage.

Bastard Arms

The situation in Scotland as regards bastardy is unlike the situation in England in two ways. The first is that subsequent marriage of the parents will legitimate a child so long as the parents were free to marry at the time of that child's birth. The most famous example of this is the "MacDonald Peerage Case" where the Irish Barony of MacDonald was inherited by the descendents of the first child son after the marriage of 3rd Lord MacDonald and the Scots Baronety passed to the descendents of the eldest son (born previous to the marriage). The second is that an illegitimate child in Scotland is not "filius nullius" but is considered a full member of the family or clan. This means that all an illegitimate child (male or female) needs to do is to apply for a re-matriculation of arms suitably differenced to reflect his or her status. This principle would also apply (though an opinion has not been sought from Lyon court for this) to children where the father is unknown since in such a situation the child would become part of the mother's family or clan and application could be made for suitably differenced arms of that family.

It is even possible for illegitimate children to inherit undifferenced arms if they are the "assignees" of the armiger. This comes from the old Celtic inheritance principle of there being a group of potential heirs (usually

all those sharing a particular great-grandparent) from whom the heir could be chosen. To quote Sir Iain Moncreiffe:

At a meeting of the Standing Council of Scottish Chiefs,...., the present author pointed out that illegitimacy did not necessarily in Scotland exclude a son from succession even to a chiefship, if covered by a parental nomination accepted by the Crown - and that this applied in fact to a fellow chief present. After the meeting two other chiefs (neither of them the one I had in mind) came up to me separately and protested 'I've never been called a bastard in public before'.

This may seem to have everything to do with the inheritance of clan chiefdoms rather than arms, but the two are intimately linked as a clan chief is the possessor of the undifferenced arms of the clan.

In general, bastard arms in Scotland are differenced with a bordure compony, but this is not always the case, especially with ancient coats of arms and royal bastards and it is possible to find batons sinister (Dempster of Careston - bastards of Malcolm Canmore) or no obvious bastardy difference at all (Stewart, Earl of Mar - bastards of the Wolf of Badenoch).

Differencing in Scotland

As was said in the section on matriculation, only one person may rightfully use a coat of arms at any particular time. All other persons must bear arms with some form of difference - either temporary or permanent.

The main temporary difference used with any frequency in Scotland is the label which is used by the nearest heir to a coat of arms. In Scottish practice this includes presumptive heirs as well as apparent heirs, so an only daughter would be heraldically correct in using a label - though as a daughter she could also use her father's coat undifferenced. The rule also applies to more distant relatives - so long as they are the nearest heir to the coat of arms. It must, however, be remembered that the label is only temporary, so should a nearer heir be born, the previous nearest heir must drop the label and matriculate an appropriate cadet difference (which would be best practice anyway).

In general, Scottish differencing is worked out according to a standard set of rules which are best described pictorially. Good examples of how this system works are given in Innes of Learney's Scots Heraldry, Boutell, and Moncreiffe and Pottinger's Simple Heraldry.

In most cases, differencing involves the use of a bordure which is tinctured, charged and generally devised to denote the position of the person in the family.

A Typical Scottish Grant of Arms

These arms are those granted to Captain Stuart Crawford MacBride of Aberdeen in 1993 and this section is written with his permission. The grant is recorded in Lyon Register volume lxxvii,39,1993.

Stuart bears the arms of a Scottish gentleman which consist of four parts:

Shield

In this case containing arms which are blazoned: *Vert a garb within an orle of eight cinquefoils or.* The shield is the basic minimum for a Scots coat of arms. Its shape is immaterial, but in recent years a plain shape has been preferred.

Helm (with Mantling & Wreath)

The rules for helms in Scotland are similar to those in England, but they are generally accorded less importance. Certainly, the English rules about which way a helm should face are ignored - the helm will normally face whichever way is appropriate for the best and most natural display of the crest. The helm types are:

- Sovereign - A gold helm with grilles
- Peers - A silver helm garnished with gold and with gold grilles, usually five
- Knights & Baronets - A steel helm garnished in gold with an open visor
(occasionally a tilting helm may be used)
- Feudal Barons - A steel tilting helm garnished in gold
(occasionally a steel helm with one or three grilles)
- Esquires - A steel pot helm garnished in gold, or a helm with a closed visor
- Gentleman - An unadorned steel pot helm or helm with closed visor

In Scots heraldry there can be a tendency to "go downmarket" in the use of helms so people should not be surprised to see say, the arms of a Duke with a simple form of helm such as a tilting helm.

The mantling and wreath are of the main colour and metal of the coat of arms, in Stuart's case, Vert doubled Or. This arrangement has been the rule since 1891, but there can be exceptions. The mantling of a peer is gules doubled ermine, and that of the sovereign or doubled ermine.

Crest

In Stuart's case an *Oystercatcher proper charged with a cinquefoil or*. There are no specific rules about Scots crests, except that they should be wearable were a 3-D model of them made and fixed to a helm. The "stern of a man o'war upon waves" of poor Lord Nelson would not be allowed.

Motto

Stuart's motto is *Bi Glic* which is Gaelic and means Be Wise. The motto is an integral part of a Scots coat of arms and cannot be altered without re-matriculation. This is different from the situation in England where mottoes are a matter of personal choice and can in theory be changed daily if the armiger so desired.

Unlike arms, mottoes are not necessarily unique to one person, but certain of them are likely to be restricted by the Lord Lyon as they are seen as historically associated with a clan or title. A good example of this is the Clan Chattan motto "Touch not the cat bot a glove". The general principle is that a cadet's motto should answer that of his chief in some way.

This is the form of a typical grant to a gentleman, which is the status of most petitioners.

There are however various other additions to arms which can be seen, and applied for, in the arms of persons of a certain status.

Chapeau (or Cap of Maintenance)

A Feudal Baron (who is not a Lord and should not be styled as such) is entitled to a chapeau of maintenance which is the fur cap worn inside the coronet by a peer. A feudal baron also may wear a mantle (and display it in his heraldry in a similar way to those of European heraldry). The colour of the chapeau may be altered to denote the status of the baron but it is usually Gules doubled ermine.

Chapeau are also allowed to representatives of old baronial families. These are those families who were in possession of feudal baronies before 1427, which was the last time that all feudal barons were summoned to sit in the Scots parliament. Given that many of these families no longer possess the original barony, the chapeau is usually tinctured Azure to denote this, following ancient practice dating back to at least the fifteenth century (see the Garter Stall Plate of James, 9th Earl of Douglas).

Chiefly Coronet

The chief of a family may use a coronet of four strawberry leaves (one plus two half leaves visible in a typical drawing) tinctured to indicate whether or not the chief is still in possession of the former estates. If the chief is also a feudal baron (which many are/were) then his chapeau could be placed inside the coronet making it similar in style to the coronet of a peer.

The chiefly coronet and baronial chapeau are indicators of rank rather than part of the crest. Thus it is perfectly proper to show the crest on an normal wreath in the same way in which a peer may decide to use or not use his or her coronet in their arms and a knight may decide whether or not to surround his arms with the collar of his order. The chiefly coronet in particular is often shown on top of the shield with the helm on top of it to make sure that there is no confusion with the crest coronet, which is an indivisible part of the crest and not an indicator of rank.

Supporters & Compartment

Various ranks in Scotland - more than in England - are entitled to supporters. Generally, the rules are:

- Hereditary Peer - Hereditary supporters (which descend with the title)
- Life Peer (including law lords) - Supporters for life
- Knights of the Thistle & Knights Grand Cross - Supporters for life
- Clan Chief - Hereditary supporters (which descend with the chiefly dignity)
- Feudal Barons whose barony pre-dates 1587 - Hereditary Supporters
- Chieftains of Considerable Cadet Branches - maybe

Supporters are shown on a compartment (an area of ground) which - for chiefs - is usually depicted planted with the plants which make up the clan's plant badge.

Normally a Scots coat of arms will have two supporters, but occasionally only one is found, and there is at least one case of three! Single supporters include the eagle (City of Perth), a tree with the shield suspended from its branches (Patrick Dunbar, Earl of March & Dunbar), and a lymphad (the Scots heraldic galley) with the

shield suspended from its mast (Campbell of Inverneill). The three supporters appear in the arms of Dundas of that Ilk which has two conventional supporters in the form of red lions but also rests on the back of a salamander in flames.

The Royal Arms of Scotland

These are possibly one of the best known and simplest of the royals arms of Europe. The blazon is "Or a lion rampant gules armed and langued azure, all within a double tressure flory-counter-flory gules" - or colloquially "the ruddy lion tramping its field of treasured gold". The arms are believed to have been first adopted by King William I (the Lion) who was King of Scots 1165-1214 and show an early form of differencing, as the royal family descended from King David I rather than from Aedh - the eldest son of King Malcolm III; Aedh, as Abbot of Dunkeld, was debarred from the throne. Aedh's descendents, as chiefs of clan Macduff, bore the red lion rampant on gold without any difference.

Many other Scots families bear a lion rampant in their arms, and Sir Iain Moncreiffe has shown that for many of these, the lion is indicative of a connection (often distant) with the ancient Scots royal house. A genealogical chart showing these connections is given in the end-paper of Sir Iain's book "The Highland Clans".

There are two Scots coats of arms which are readily confused with the Royal arms and which should always be considered possibilities - especially when the heraldry is uncoloured or in poor condition. These are the arms of Lyon of Glamis (now Earl of Strathmore & Kinghorne) who bears an identical plain coat to the royal arms except that the field is silver and both lion and double tressure azure, and those of Maitland of Lethington (now Earl of Lauderdale) where the red lion on gold is couped in all the joints (ie there should be a visible gap between head, limbs, tail and torso) and the double tressure is azure.

The Heraldry Society of Scotland

The Heraldry Society of Scotland was founded in 1977 and exists to promote knowledge and use of heraldry in Scotland. In keeping with the spirit of Sir Iain Moncreiffe and Don Pottinger it treats the subject seriously but in a light hearted spirit. The Society publishes a journal, The Double Tressure and a newsletter, Tak Tent. The Society has regular lectures in Edinburgh and outings across Scotland.

Books About Scottish Heraldry

Many authors, past and present tend to lump English and Scots heraldry together without realising the differences between the two. The following books are all worth looking at:

Heraldry

Sir Thomas Innes of Learney, "Scots Heraldry", 2nd edition (Oliver and Boyd, Edinburgh: 1956). [This the bible on Scottish Heraldry.]

Sir Thomas Innes of Learney, "Scots Heraldry", revised by Malcolm Innes of Edingight (Johnston & Bacon, Edinburgh: 1978). [Use this if you cannot get the 2nd edition.]

"An Ordinary of Scottish Arms, Volume I", ed. Sir James Balfour Paul, 2nd edition (William Green and Sons, Edinburgh: 1908). [Covers all Scottish arms recorded in the Public Register of All Arms and Bearings in Scotland from 1672 to 1903.]

"An Ordinary of Scottish Arms, Volume II" (Edinburgh: 1977). [Covers all Scottish arms recorded in the Public Register of All Arms and Bearings in Scotland from 1903 to 1973.]

Thomas Brydson, "A summary View of Heraldry in reference to the usages of Chivalry and the general economy of the Feudal System" (London: 1795).

Sir James Balfour Paul, "Heraldry in relation to Scottish History and Art" (Edinburgh: 1898).

George Harvey Johnston, "Scottish Heraldry Made Easy" (Edinburgh: 1912).

George Seton, "The Law and Practice of Heraldry in Scotland" (Edinburgh: 1863).

'X' of the Saturday Review, "The Right to Bear Arms" (London, 1899).

Iain Moncreiffe & Don Pottinger : Simple Heraldry Cheerfully Illustrated, 1952

J.H. Stevenson : Heraldry in Scotland, 1914

Heraldry pre-1672

Colin Campbell: The Scots Roll, 1995

William Rae MacDonald: Scottish Armorial Seals, 1904

Ordinaries & Rolls

Sir James Balfour Paul: An Ordinary of Arms contained in the Public Register of All Arms & Bearings in Scotland, 1903

Robert Gayre of Gayre & Nigg : A Roll of Scottish Arms

Genealogy

Sir James Balfour Paul: The Scots Peerage, 1904-1914

Periodicals

The Double Tressure (Journal of the Heraldry Society of Scotland)

Proceedings of the Society of Antiquaries of Scotland

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Officers of Arms in Scotland <http://www.lyon-court.com/lordlyon/221.185.html>
