

A Coat of Arms – it's an achievement

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There is ever-increasing interest in acquiring an official and legal Coat of Arms, particularly from American citizens of Scottish ancestry. This may be due to the legacy of Homecoming Scotland 2009 and Bannockburn 2014, when many American-Scots returned – or visited for the first time – and would like to display proper armorial bearings.

This whole area, until quite recently, was shot through with misconceptions and viewed with some suspicion, and the questions professional genealogists and heraldists tend to get are along these lines:

- Q. 'Can't I just get a Coat of Arms from a website?'
A. No. The message has finally got home that the many "Here is your Family Crest" websites are misleading at the very least, if not illegal, and that the answer is to apply properly, which is dealt with below.
- Q. 'Aren't Arms just for the great and the good?'
A. Absolutely not. In Scotland, Arms are for the 'worthy and well-deserving' and take no account of social class or noble ancestry (because everyone in Scotland is 'of ancient and noble ancestry!')
- Q. 'Isn't it difficult, and expensive?'
A. It's certainly complicated, specialised and takes time, which is why professional help is a good idea. But the cost is remarkably inexpensive for something which can be passed on in perpetuity down the generations to come, and less than many families would spend on an annual holiday or an extra car, for example.

Why not just download a 'Family Crest' from a website?

There are three major reasons.

1. Those are not 'crests' but 'Arms', or at least the shield component of the full achievement – the crest is a different element, and can be worn by anyone of that surname.

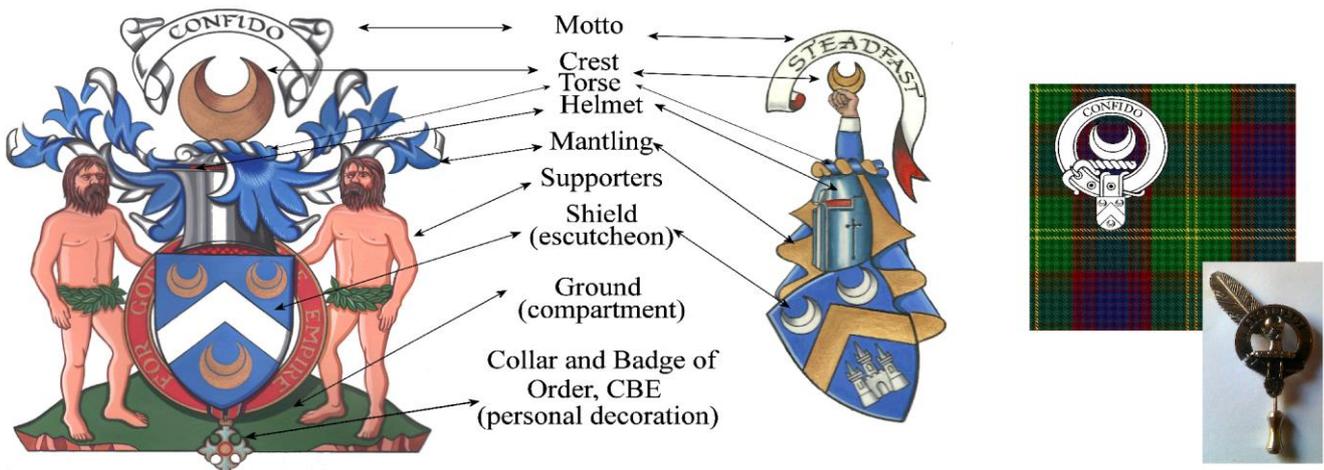


Figure 1. Full achievements of Arms. Andrew Durie of Durie (Chief of the Arms and Name of Durie) has the undifferenced Arms, with supporters, as befits a Chief. Dr Bruce Durie has a variant (a 'difference') of the Arms, with no supporters. Formally, the Crest Badge is worn by anyone of the name who swears fealty to the Chief, if there is a Chief, but informally no-one minds – if you want to sport the tartan and wear the Crest Badge as a kilt-pin, on your bonnet or as a brooch, the clan or family concerned will doubtless be delighted, and pleased to see you. An Armiger may wear a single eagle feather behind the crest badge (actual example shown). Just don't assume anyone's Arms!

2. In any case, there is no such thing as a 'Family Coat of Arms' in Scotland – any arms you see are almost certainly not yours, but those of someone of a similar surname, dead or living. Scottish heraldic law makes a Coat of Arms the heritable property of one person at a time and the lineal descendants of that person. To assume and pretend to someone else's Arms is not just bad form, it is illegal in Scotland, backed up by the full power of statute going back to the 1500s and still in force. Of course, these laws are not enforceable outwith Scotland, but are you the sort of person who would steal a bicycle in Quebec and happily ride it around in Illinois, on the basis that Canadian jurisdiction doesn't apply south of the US-Canada border?
3. People with similar surnames, including those in cadet branches, will have similar arms differenced according to a set of rules. That make arms a bit like a pictorial family tree, but which branch would you be in? If you share a surname with the Arms you have seen on a website or elsewhere, you MAY have a claim to them, or a derivative, but you cannot just assume them without the permission of the heraldic authority: that's the law.

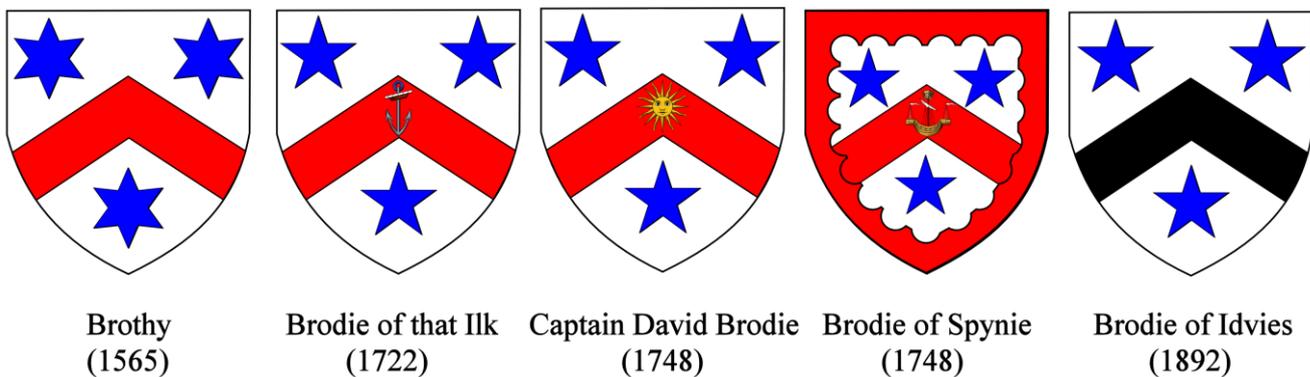


Figure 2. Arms of various Brodies – notice the overall similarity and the particular differences for those in cadet branches, including an anchor or a galley for the naval members of the family, a bordure (border) for a younger son, or a change to the tinctures (colours) of certain elements.

Getting arms properly.

Strictly speaking, Arms can only be granted to someone within the jurisdiction of the Lord Lyon, the heraldic authority in Scotland.

- If you normally live or have property in Scotland, you can apply for a new grant of Arms in your own right, or re-matriculate those of an armigerous (Arms-bearing) ancestor.
- If an ancestor of yours had Arms granted in Scotland, these can be re-matriculated in your name if you are the lineal descendant, or with a *difference* (See Figure 2) if you descend from a collateral branch.
- If your ancestor came from Scotland, Arms may be granted retrospectively, with a cadet matriculation to you and your heirs; even if you are not of direct lineal descent.
- Foreigners of Scottish descent may be able to obtain Arms for a relative in Scotland (or a Commonwealth country) to get Arms established by the Lord Lyon and thereafter obtain a cadet matriculation, in which case both parties will have Arms.

There are some other circumstances in which Arms may be granted to non-Scots.

In all these cases this will require a Petition to the Lyon Court in Edinburgh, to establish a pedigree and to present a properly-constructed set of proofs.

Submitting a Petition to the Lyon Court

Lord Lyon is three people rolled into one – a Minister of State in the Scottish Government, the member of the Queen's household responsible for matters heraldic and ceremonial in Scotland, and head of the heraldic authority as a judge in his own court. In this capacity, Lyon matriculates existing arms and grants new ones, entering the details in the Public Register of All Arms and Bearings in Scotland. The Register in its present form goes back to 1672, although the granting and recording of arms is far older, but any official registers there were before that time have been lost or destroyed. There is other evidence, though –

in older armorials (lists and depictions of Arms) and other documents, on seals and carvings etc. (Figs. 3, 4).

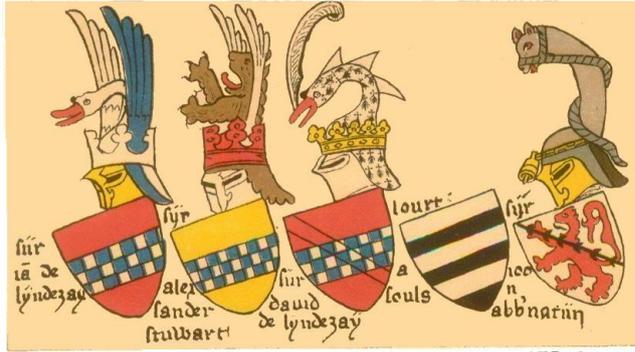


Figure 3. Arms of some Scottish knights and nobles as recorded in the *Armorial de Gelre*, composed ca. 1370-1414 in the Duchy of Guelders.

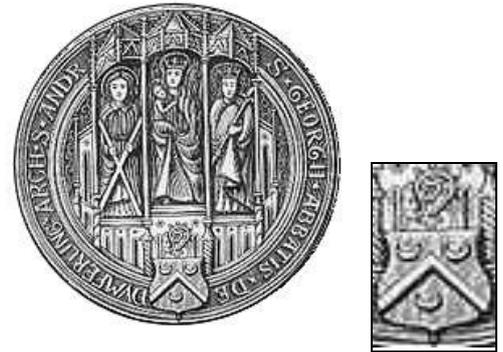


Figure 4. The seal of George Durie, last Abbot of Dunfermline, ca. 1540, showing his arms (inset).

If you decide to petition for Arms it will be necessary to construct a proven pedigree. If you are seeking to re-matriculate arms of an ancestor, you will have to show proofs that you are a descendant, and whether in the senior line or a cadet branch. If you are applying for a new grant of arms on behalf of an ancestor, you will have to show the birth, marriage, death and other details of that ancestor, and strict proofs of your descent.

What are the proofs?

Among the things they are not: 'I found it online', or 'the family story always was...', or 'I read it in a book'. Let's take a real (but disguised) example:

James MacX was born and lives in Florida. His grandfather, Allan, was born in Edinburgh and migrated to New York in 1920, where he married and had James's father, Angus. In 1950, Angus moved to Florida, married and had two sons – James and John. Angus is still alive.

James will need his own American birth certificate, the American birth and marriage certificates of Angus, the American marriage and death certificates of Allan, plus Allan's birth certificate and his parents' marriage certificate in Scotland, plus any relevant wills etc. Censuses, for instance, are useful to show birth order.

Other documents may add to the story – passenger lists, military service records and so on – but the legal records are the important ones. It is not enough to download images from a website, however official (such as scotlandspeople.gov.uk). It is necessary to obtain a legal extract (copy) of the original, or the original itself. James has the originals of all but one of the required American certificates (and can contact the relevant County Courthouse to get that sent), but needs certified legal copies of the Scottish ones, from Edinburgh. This is not a complicated or costly process (roughly £10-15 /\$15-25)¹ per extract at the time of writing) but someone will have to find and request these, which is best done in Scotland.

As it happens, Allan's own grandfather Fergus MacX (James's great-great-grandfather) did have Arms, granted in 1875, and there are earlier examples of Arms within this family (Fig. 5). Therefore, extracts of the relevant birth, marriage, death and testamentary records, and details of the original grant of Arms, will also have to be obtained the same way. It will also be necessary to search for any deeds or other legal documents in case the Arms or the succession are entailed in a certain way. Usually, of course, the succession is lineal – father to eldest child – but it is not uncommon to find the succession to Arms restricted to descendants of a particular religion, diverted down the female line only and so forth. This needs to be checked.

Once these documents are in hand, a petition is written in particular form, "praying" that Lord Lyon will grant (or in this case re-matriculate) Arms to Angus, as he is still

¹ All currency exchange calculations are approximate, and given here as examples only. The actual cost in non-Sterling currency will be indicated at the time of application.

alive, and to his heirs. This is accompanied by a Schedule of Proofs, listing and describing the documents, plus the documents themselves (which will be returned).

James is the eldest son, so he would get the original, undifferenced Arms on his father's decease. Those of second son John would be differenced in a way to be discussed with Lord Lyon and will require a separate petition (Fig. 5.).

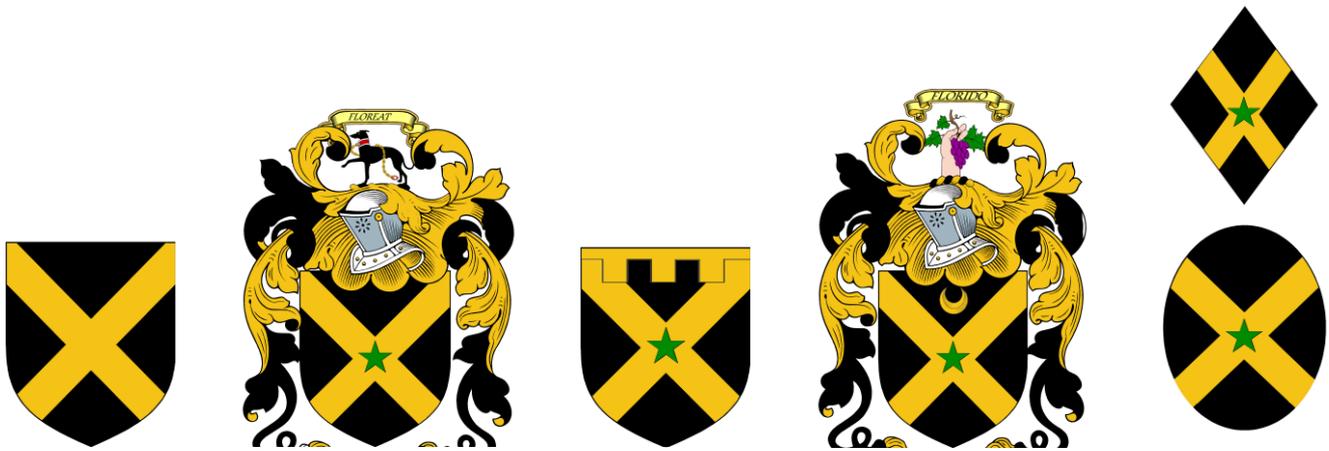


Figure 5. Shown here are invented examples for the sake of illustration. First: the ancient arms borne by a MacX forebear; Second; the actual Arms granted to Fergus MacX in 1875, with a mullet (a five-pointed spur) to indicate he is from a cadet branch, a helmet befitting his rank, a crest (he kept greyhounds) and a motto (*Floreat*, "let him flourish"), which could be matriculated for Angus; Third, the shield as borne by James, during the lifetime of Angus, with a label of three to indicate that he is the elder son – he would later inherit his father's undifferenced Arms; Fourth, the Arms that John proposed to Lyon, with a crescent for difference as the second son, his own crest (John grows grapes and is left-handed) and a new motto (*Florido*, "I prosper", but also an allusion to Florida, where he lives); Fifth, ladies may, of course, have Arms too, but often not on a shield – a lozenge or cartouche is typical – although a shield is also possible.

The choice of crest and motto must be unique to an individual, but heritably. So, the heir can retain the father's crest and motto, whereas a cadet could use one or other, but not both.

Making the petition.

A preliminary request can be made while all this is going on. This costs £450 (about US \$600)² as a deposit against the full eventual fee, payable if Arms are granted. The current fees are given at the end of this article. In addition, someone will have to amass the legal proofs of your descent, construct the petition, deal with queries and so on. An Officer of Arms or someone with Right of Audience will present the actual petition. Count on spending at least £4,500 (about US \$6,000) in total, and be aware that the process can take a few months or more depending on complexity, the number of petitions already in the queue and other matters. There is no guarantee that Arms will be granted, but a properly-presented petition goes a long way and speeds the process.

What will be included in the Arms

The convention is that Arms follow surname, so the Arms of someone called Brodie (Fig. 2.) will be recognisably Brodie, and incorporate any differences already in the Arms granted to someone in that particular branch. If starting from scratch, the new Arms would have Brodie elements, with an appropriate difference. See also the examples in Fig. 5.

Ultimately, Lord Lyon will decide, but is amenable to discussion and negotiation about what goes in, subject to considerations of taste and propriety – a metalworker might ask for an anvil, a writer for a quill pen, a sailor for an anchor, for example. Incidentally, it is not obligatory to ask for a crest and motto, although most people do, and supporters are only granted to certain individuals. It is also possible to ask for a pennon (heraldic flag).

² Currency conversions are as at 22 November 2020
Heraldry-booklet.doc

The first step

Have your pedigree assessed by a professional genealogist and heraldist in Scotland, who will be able to advise further. You may find you are descended from an armigerous ancestor, or be related to someone who has Arms, or that you are starting anew. Either way, you will be joining a tradition that stretches back reliably to the time of Robert Bruce and at least a century before that. Quite a legacy to leave your heirs.

The rules of heraldry

Apart from the statute law governing the granting of Arms in Scotland (and other jurisdictions) there are some other rules that are generally obeyed.

1. Tinctures – there two metals (Or = gold, Argent = silver/white) and four common colours (Azure = blue, Sable = black, Gules = red, Vert = green). A metal cannot go on a metal, nor a colour on a colour. So, in the MacX examples in Fig. 5, there is a saltire Or on a Sable background, and the Vert mullet – that's a colour (Vert) on a metal (Or) on a colour (Sable).
2. The helmet befits the rank – knight, baronets, nobles and corporations have specific helmets.
3. Mantling and torse reflect the livery – same as the main tinctures on the shield.
4. A female may have Arms too, of course, and can be the primary Armiger (Fig. 5.).

The next step

Please bear in mind that

- If you live within the jurisdiction of another heraldic authority (such as Canada) the application should be made there. However, we can help.
- Likewise, if your ancestry is English or Welsh, or Irish, apply to the heraldic authorities in London or Dublin respectively – again, we can help with this.
- There is no guarantee that a petition for Arms will be successful, or that you will be granted exactly what you ask for – it is the decision of the heraldic authority responsible

Fees

As a guide, a new grant of Arms with crest and motto will be £2,825 (approx. \$3,700) but there may be additional painting and a higher cost.

DO NOT FORGET... to factor in:

- the costs of a qualified genealogist to research your pedigree
- the costs of acquiring the necessary documents

If you have any questions, please contact Dr. Bruce Durie at bd@ancestralscots.com or bd@brucedurie.co.uk

Further reading.

- *Scottish Genealogy* by Bruce Durie, 4th Edition, The History Press, 2017 (available at www.thehistorypress.co.uk/, amazon.co.uk, amazon.com, etc.)
- The Lyon Court website has information on the process, the current fees and more: <https://courtofthelordlyon.scot/>
- The statute law of 1672, with earlier precedents and later amendments, can be seen at www.heraldica.org/topics/britain/lyondocs.htm

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