

ALTA STUDIA HERALDICA

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Royal Heraldry Society of Canada

La revue savante de la
Société royale héraldique du Canada

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Editor's Preface – Préface de l'éditeur

The Genesis of *Alta Studia Heraldica*

At a meeting of the Board of Directors in 2006, it was decided to change the editorial policies of *Heraldry in Canada*, in order to make it a more serious journal comparable to *The Coat of Arms* in England and *The Double Tressure* in Scotland. Thenceforth, it was decided, the journal would only publish articles that dealt with important questions, and were set forth in a scholarly manner, with footnotes indicating sources and the like; other matters would be published exclusively in *The Gonfanon*.

It was also decided that in its new manifestation, *Heraldry in Canada* would incorporate the separate, peer-reviewed journal of advanced heraldic scholarship that I had proposed several years earlier in my capacity as Vice-Dean of the Faculty of Fellows and Chairman of its Committee on Academic Affairs. The immediate purposes of that proposed journal had been threefold: (1) first, to concentrate between a single set of covers all of the articles submitted to the Society that were of a very high academic standard; (2) second, to encourage the submission of more articles of that sort by the relatively small number of members of our Society in Canada and in the United States who are capable of working on that level; and (3) third, to encourage more Canadians (and North Americans more generally) to strive to attain the level of knowledge and skill necessary for writing such articles.

The ultimate purpose of that proposed journal, however, had been to fulfil one of the goals of the founders of our Society: to establish heraldry as a serious field of scholarship in Canada, worthy of a place at the annual meeting of scholarly societies in all fields commonly called 'The Learned's'. As a professional academic myself, I knew very well that the academic profession did not take seriously journals in which articles submitted were not reviewed for publication by fully-qualified scholars working in the field, and that in consequence publication in such a journal did not help young academics obtain good jobs or secure contract-renewal, tenure, or promotion; it also did little for the reputation and advancement in rank of more established scholars. Thus, only a peer-reviewed journal with a suitably impressive list of reviewers would serve the purposes of the founders in this area, and it was decided to launch such a journal with the (linguistically neutral) Latin name *Alta Studia Heraldica* ('High Heraldic Studies', hereafter *ASH*), with its own editorial board composed exclusively of professional scholars, most of them holding doctoral degrees.

Unfortunately (but not surprisingly), it proved impossible to fund such a journal as a separate entity in a physical form for the whole membership of the society. For this reason, the RHSC Board first decided to include the proposed peer-reviewed journal with the covers of the new-model *Heraldry in Canada*, placing it in a separate section at the end. The first issue of the journal duly appeared in this form in January 2008, and that issue (setting aside certain problems of printing that arose from an incompatibility of the printers' software with that submitted to him), was judged a qualified success. It also demonstrated the shortcomings of the arrangement adopted, not only in the matter of quality control (which was divided) but in the matters of space and frequency of publication. It was therefore decided at the meeting of the Board held in April 2008 to separate the two journals, allowing approximately 100 pages an issue for each, and also to publish both of them twice rather than once a year, as had been the recent practice. It was also decided, for financial reasons, to publish *ASH* online, at a place in the Society's website accessible only to members of the Society, and to provide printed copies on demand, at a cost per volume that would reflect the cost of printing and mailing.

This is therefore the second issue of *ASH*, but it is the first in its new, independent form, and the much greater space available to in the format has permitted the editor to begin with the first of several installments of an essay reflecting on the nature of the field it is designed both to serve and to promote, and explaining the rather distinctive approach to the field and the subject the editor hopes to promote. I have also taken advantage of the new format to republish the two articles that appeared in the first issue, which may now be disregarded. One of these deals with a broad thematic question in the history of French armorial practice, and the with the history of the arms and armorial achievements employed by a particular Canadian municipality. Both may serve as models for how these very different types of question may be approached by scholars.

Two of the new articles included in this issue are dedicated to a general theme of considerable practical importance to the current practices related to the ownership, transmission, and use of armorial emblems: namely the origins, nature, and applicability of the relevant parts of the Law of Arms in the various countries whose legal traditions all are derived from those of England — especially Canada, Australia, New Zealand, and the United States of America. All of these countries have retained as the basis of their legal system the English Common Law and most of the English version of the international Civil Law, and all of them have at least tacitly recognized the existence of the armorial system of emblems governed by a division of the Civil Law, but only Canada has so far established any sort of body with an unquestionable right to confer and regulate such emblems, and none of them has formally recognized or established any laws dealing with the implicit rights of armigers, or courts capable of dealing with violations of such laws or adjudicating disputes among armigers. The situation of the currently dormant Law of Arms in the United States differs from its situation in the Commonwealth monarchies, both because of the republican and the peculiar federal nature of its constitution, and because of its almost total lack of a formal system of honours on either level, but even in the Commonwealth monarchies different constitutional histories have created very different situations. We shall begin our survey of these matters in this issue with essays on the current state of the Law of Arms in Canada and Australia, and continue in the next issue with a second part of the first of these essays, two essays on the situation in the United States, and possibly one on the Law of Arms in New Zealand. All of these essays have been written by people with an

unusual combination of heraldic and legal expertise, and raise interesting and important questions about the current and future situation of heraldic law and heraldic authorities in the lands of the former British Empire throughout the world. All have been read and approved by two or more comparable experts in the law of the countries in question, and may therefore be accepted as representing sound legal arguments — if not, of course, the only possible arguments that can be made on the basis of the evidence. It must be noted that all them represent significantly reworked versions of articles that either have been or will be published in isolation in other journals or collections.

The final article in this issue represents a revision of a paper I presented at the Annual Colloquium of the Society in Ottawa on 20 September 2006. It begins with an analysis of the current form of the achievement of Her Majesty Queen Elizabeth II in right of Canada, as formally granted in 1921 and modified in minor ways in 1957 and 1994. The object of this analysis is to demonstrate that the current achievement includes a great deal indicative of sovereignty in the United Kingdom, but very little that represents sovereignty in Canada. The article goes on to argue that this state of affairs has long been inappropriate, and to suggest ways in which it could be corrected without abandoning any of the existing elements that are truly Canadian in their symbolism. Like the more general articles that precede it, it is concerned with questions related to the legal status of armorial emblems in regions of the former British Empire that have become fully independent kingdoms, in this case concentrating on how that independence should itself be expressed in the royal achievement.

I should also note that this issue includes three other items that are necessary for the functioning of a proper scholarly journal. (1) The first of these is a list of the members of our Editorial Board: a very distinguished group of heraldic scholars from no fewer than seven different countries, and representing several different academic fields (Canadian and European history, the history of science, political science, and literary and philological studies in English, French, and Irish), and other learned professions (including the law and heraldry itself). I was particularly pleased to secure as our Honorary Editor the first Canadian (and one of the first professional historians) to achieve the office of Garter Principal King of Arms: Sir Conrad Swan, author of the first scholarly history of heraldic emblems in Canada. I have included in this list the full set of degrees and honours held by the members of the Board, and the positions they currently held or have recently retired from, in order to make their authority as clear as possible to those members of the academic profession (and probably a sizable proportion of the lay readership) who are not wholly familiar with the world of heraldic scholarship. It is not insignificant that among its fourteen members (including the Honorary Editor and myself) are no fewer than eight Fellows or Associates of the Académie Internationale d'Héraldique, five Fellows of the Society of Antiquaries of London, three Fellows of the Societies of Antiquaries of Scotland or Ireland, and five Fellows of our own Society. Five members are also Fellows of other major learned bodies, including the Royal Historical Society and the Medieval Academy of America.

The other necessary item included in this issue is a statement of the Policies and Conventions to be followed by contributors to the journal (including what is commonly referred to as a 'style sheet'). The third such item — a list of the technical terms that contributors will be urged to employ when discussing the phenomena of the field we shall call 'heraldic studies' — will appear as an appendix to the next issue, which will also explain the need for a new generalizing terminology, and the methods employed for choosing, forming, and

defining them.

It should finally be noted that this issue includes a list of recent scholarly publications in the field of heraldic studies, compiled for the members of the AIH, and that in future issues I hope to include both a section devoted to letters responding to questions raised in the articles already published, and a section devoted to reviews of scholarly books on heraldic subjects. I have already received a book sent to me for that purpose, and have undertaken to review another, so there should be reviews in the next issue at least.

Sommaire en français

Après plusieurs années de discussion, le Conseil de la Société a décidé en 2006 de diviser les articles soumis aux éditeurs de ses publications entre trois revues distinctes. Désormais *Le Gonfannon* contiendra tous les matériaux populaires et amusants; *L'Héraldique au Canada* publiera les articles plus sérieux mais non érudits, et choisis par l'éditeur seul; *Alta Studia Heraldica* — nouvellement créée à ce but — contiendra les articles plus longs et vraiment savants, (et toujours munis d'un *apparatus criticus*), qui seront jugés par deux spécialistes. *Alta Studia Heraldica* (ou *ASH*), sera en effet une revue du type académique. Pour des raisons financières et techniques, après le premier numéro de janvier 2008 on a décidé de publier la nouvelle revue sur le net, au site de la SRHC, et d'imprimer quelques douzaines de copies pour les membres institutionnels et les autres qui préfèrent les recevoir en ce format.

Ce numéro commence par un essai de l'Éditeur sur la nature du champ d'études héraldiques, reconçu comme un champ historique et séméiotique pluridisciplinaire dont l'objet est de comprendre toutes les phénomènes d'intérêt professionnel aux hérauts d'armes dans tous les pays européens et européanisés depuis l'introduction des emblèmes armoriaux. Le premier article trace l'histoire d'un aspect du système ou code armorial (et plus précisément armal) de la France: l'utilisation par des femmes des seaux armoriaux. Les deux articles qui suivent servent à introduire un thème important qu'on va continuer aux numéros futurs: l'origine, la nature, et l'état présent du Droit d'armes dans les pays comme le Canada où le système légal a son origine en Angleterre. Le quatrième article traite de l'histoire complexe des armoiries de la ville ontarienne de Guelph, et explique les étapes du processus par lequel l'auteur a établi ce qui a passé. L'article final examine l'histoire et symbolisme des armoiries données au dominion de Canada en 1921, et discute de comment on doit indiquer dans les armoiries d'un royaume, anciennement dépendant de l'Empire britannique mais maintenant indépendant, la nouvelle condition d'indépendance.

Ce numéro contient aussi une liste des membres du nouveau Comité de rédaction, avec leur titres universitaires, leurs honneurs, et leurs postes à présent; une bibliographie des oeuvres récentes; et un discours sur les règles de style pour ceux qui veulent contribuer à la revue. Le prochain numéro (2.2.) contiendra une liste des termes techniques en anglais et en français dont l'utilisation sera demandée, mais pas obligatoire.

A l'avenir, les numéros de la revue contiendront en principe et des lettres répondantes aux articles publiés, et des comptes rendus des livres académiques récents sur les thèmes héraldiques.

NOTES ON THE CONTRIBUTORS — NOTES SUR LES COLLABORATEURS

D'Arcy Jonathan Dacre Boulton is an historian with a special interest in the history of heraldica. His interest in such matters derives in part from his family background: he is the Chief of Name and Arms of a lineage of the Lincolnshire gentry of which a (then) cadet branch crossed from New York to Upper Canada (as Late Loyalists) in 1799, and soon produced the leading members of what its enemies called the 'Family Compact'. The seventh in a line of D'Arcy Boultons, he was born in 1946 in Toronto, where the original seat of his family, The Grange, built by D'Arcy Boulton II in 1817, is the oldest civil building in the city. He studied at the University of Toronto Schools (1958-65) and then at Trinity College in the same university, where he obtained an Honours B.A. in Modern History in 1969. He next studied at the University of Pennsylvania in Philadelphia, obtaining an M.A. and Ph.D. in Medieval Studies in 1970 and 1978 respectively (and also his wife, Maureen, in 1972), and studied concurrently from 1972 at St John's College in the University of Oxford, where he received a D.Phil. in History in 1976. In the process he acquired a good basic knowledge of social and cultural anthropology and historical linguistics and an expert knowledge of several 'ancillary sciences' of historiography, and learned to read (with varying levels of facility) seven modern and seven ancient or medieval languages. After teaching from 1975 to 1985, first at Davidson College, North Carolina, and then at Harvard University, he was appointed in the latter year to a position in the Department of History and Medieval Institute of the University of Notre Dame, and has taught there ever since — most recently as Professor of the Practice of Medieval Studies. His courses have included graduate seminars on the European nobilities, the court of Burgundy and the 'ancillary sciences' of diplomatic, sigillography, and heraldic studies, and undergraduate courses on knighthood, castles, palaces, and courts.

Boulton has had a strong interest in matters heraldic and nobiliary since about the age of twelve — when his grandmother and two cousins gave him his first books on those subjects — and all of his subsequent research and publication has been in the fields of heraldic and nobiliary studies, with an emphasis on comparisons across the Latin European world. His first book, *The Knights of the Crown: The Monarchical Orders of Knighthood in Late Medieval Europe 1325-1520* (1987, revised edition 2000), took this approach to chivalric orders; another nearing completion, *Grants of Honour*, deals comparatively with the origins of the practice of conferring hereditary lordly dignities. More recently, he has taken a similar approach to the subject of heraldic emblems in a set of books (nearly completed) called *Heraldic Emblems and Their Rivals*, and in a new, doctoral-level introduction (commissioned by Brill Press in the Netherlands) called *Heraldic Emblems in Europe, c. 1130 – c. 1690: A Handbook for Scholars*. He has also published a number of lengthy articles in the field in various venues, including *Heraldry in Canada*, the proceedings of various colloquia and congresses, and a book he co-edited called *The Ideology of Burgundy* (2006). His work has led to his election first as a member of the Standing Committee on Heraldry of the New England Historic Genealogical Society (1980), as a Fellow of the Royal Heraldry Society of Canada (1993), as a Serving Brother of the Most Venerable Order of the Hospital of St John of Jerusalem (1993), as an Associate (1990) and then a full Academician of the International Heraldic Academy (2000), and most recently as a Fellow of the Society of Antiquaries of London (2007), and a member of the Editorial Council of *Heraldisk Tidsskrift*, journal of the Societas Heraldica Scandinavica (2007).

In addition to being the Editor of this journal, he is a Director of the RHSC, the first Vice-Dean and Registrar of the Faculty of Fellows of the Society, the founding Chairman of its Committee on Academic Affairs (and as such, organizer of and presider at its annual Colloquia since 2003), the founding Vice-Chairman of its Committee on the Heraldic Arts, a member of the Editorial Board of *Heraldry in Canada*, a member of its Committee on Honours and Awards, and a member both of the Committee on Education and of its Examinations Board. In the International Academy he has been elected a Member of the International Commission on Orders of Chivalry, and a Co-Director of the International Commission on Contemporary Heraldry. He recently served as a member of the Scientific Committee on heraldic subjects for the XXVIIIth Congress of Genealogical and Heraldic Sciences, held in Quebec City at the end of June 2008. He is also a member of various heraldic and loyal societies in Canada and elsewhere.

Boulton is finally an (occasional) heraldic artist and designer, and in addition to contributing to the Society's Roll of Arms, and both designing and painting armorial bearings for a number of institutions in the United States (especially divisions of Harvard and Notre Dame), he drew not only the rendering of the achievement of the Society on the cover of the journal, but his own achievement at the head of the editorial page, and a number of the illustrations to his article.

Marie Grégoire is a medieval historian and heraldist who has lived most of her life in the Province of Quebec, though she completed her education in France. As creator of the 'Virtual Archives' electronic publishing project (www.archivesvirtuelles.com), she designed and produced the 'Virtual Cathedral' exhibit by establishing links among the heads of several major institutions and distinguished participants and specialists. Dr. Grégoire is currently an associate researcher at the Language Technologies Research Centre, guest researcher at the National Research Council of Canada, and professor associated with the Department of Language Studies at the Université du Québec en Outaouais. She received her doctorate from the École Pratique des Hautes Études at the Sorbonne, in Paris, in 2009, under the direction of Prof. Michel Pastoureau.

C. S. T. Mackie, of the Noble Clan of Mackay, was raised in the rural district of Delta, British Columbia. His interest in heraldry developed as a boy, being fascinated with a Bartholomew-&-Son clan map that hung on his bedroom wall – a map illustrated by Don Pottinger with the arms of most of the family and clan chiefs. His father also displayed the shield of the Mackie of Dowloch above a pair of fencing foils in his cramped and curious study.

After his father received arms of his own from the Chief Herald of Canada, Mr Mackie's interest in heraldry deepened as he began to consider the legal aspects of a grant of arms, and he particularly admired the juristic approach to heraldry and armigery of many Scots writers. This interest and admiration lead him, in part, to take a Bachelor of Laws degree at the University of Victoria, and he fulfilled the degree's major-paper requirement by writing a comprehensive analysis of Canada's law of arms – the first such treatise on the topic written from a legal perspective. The prominent law firm Fasken Martineau Dumoulin awarded him their prize for Intellectual Property Research in recognition of this analysis, which forms the basis of this series of articles on Canada's armorial law.

Mr Mackie has qualified as a Licentiate of the Royal Heraldry Society of Canada and has written on heraldry for this same society, as well as for the Clan Mackay Association of Canada and for the Heraldry Society [England]. He presently lives near Victoria, where he is serving articles under the well-known military-law practitioner, Lieutenant Colonel M. R. Hunt, C. D, LL. B. (ret'd); and also serving part-time as a Naval Reserve officer aboard H. M. C. S. *Malahat*.

Richard John William d'Apice, born in Sydney, Australia, in 1945, was educated at St. Ignatius College, Riverview, and the University of Sydney, from the latter of which he received the degree of LL.B. in 1968. He was admitted as a Solicitor before the Supreme Court of New South Wales in 1970, and as a legal Practitioner of the Supreme Court of the Australian Capital Territory and the High Court of Australia in 1971. He is currently the solicitor or honorary advisor to a large number of charitable organizations, including the Roman Catholic Archdiocese of Sydney, the Australian Catholic Bishops Conference, many dioceses, parishes, orders, institutes, and charities, as well as to such learned bodies as the Society of Australian Genealogists (of which he is a Fellow) and the Royal Australian Historical Society. He has also served as an officer of the last two societies (Councillor in the case of the latter and all offices up to President in the former), and of the National Trust of Australia (NSW) (Councillor, Treasurer, and Vice-President), and the Australian Council of National Trusts (Councillor). He is a current member of the History Advisory Panel of the Heritage Council of NSW, has sat on the Woollahra Municipal Council Urban Conservation Advisory Committee, and was a Consultant to the Australian Law Reform Commission in relation to the Census. For these many services, he has been honoured by the Queen of Australia with the dignity of Member of the Order of Australia, and has also received the Pontifical Medal of Paul VI (1971), and the dignity of Knight Grand Cross of the Equestrian Order of the Holy Sepulchre of Jerusalem.

Richard d'Apice has also had a 'life long interest in heraldry and the symbols by which nations and states identify themselves and the evolution of those symbols', and has both delivered papers on these subjects to Australasian and international conferences, and published articles on them in journals of local and international heraldic societies. He is the author of the 'State Arms, Symbols, and Emblems Act 2004' (assented to on 2 March 2004), and was a significant contributor to the 'Report on the Proposed State Arms Bill 2002' (NSW), presented by the Legislative Council Standing Committee on Law and Justice (NSW). His interests in this area have led him to join the Heraldry Society of England, the Heraldry Society of New Zealand, the Heraldry Society of Scotland, and the Royal Heraldry Society of Canada. He is currently President of the Australian Heraldry Society (formerly called 'Heraldry Australia'. Since June 2008 he has also been a member of the Editorial Board of this journal.

Darrel E. Kennedy, U.E., B.Math., B.Ed., L.R.H.S.C., F.R.H.S.C., F.S.A. Scot., Hon. F.H.S., A.A.I.H. (born in Guelph, Ontario, in 1946), has served as Assiniboine Herald at the Canadian Heraldic Authority, Ottawa, since December 2002 (having already served in that office for a six-month term from August 2000, and as a Consultant for the Authority since 1994).

After graduating with degrees in Mathematics (from the University of Waterloo in 1969) and Education (from Queen's University in Kingston in 1970), he taught mathematics at a secondary school in Guelph, Ontario for 32 years. he Between 1975 and 2002 he played an increasingly active rôle in the Ontario Secondary School Teachers' Federation, and ultimately chairing over 500

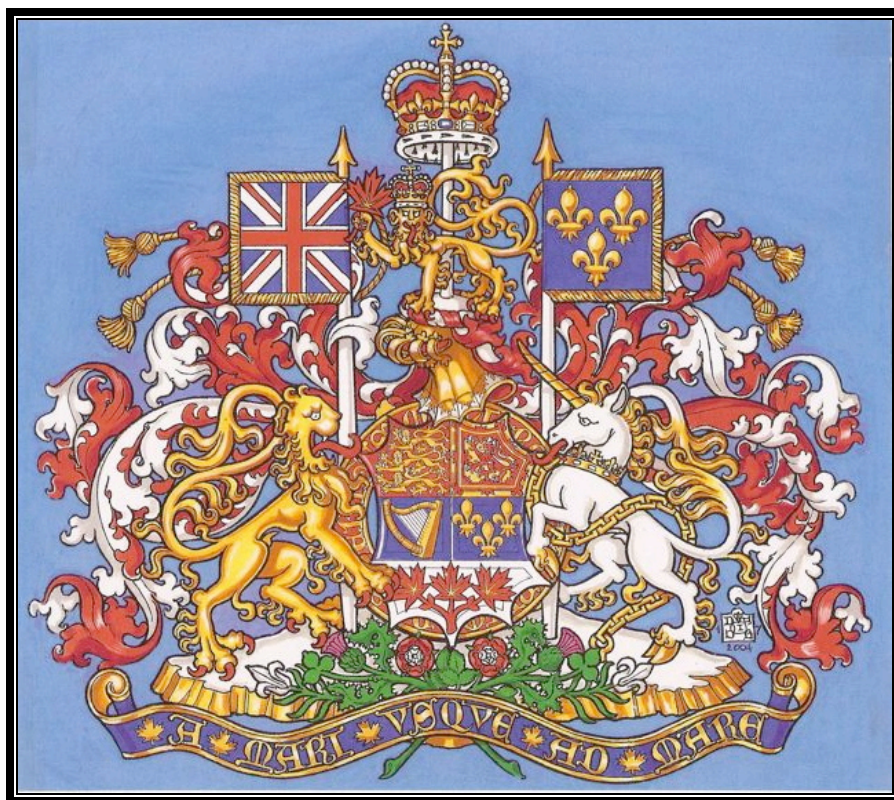
meetings on various levels, including the Executive, Council, and General meetings at the local district level, and progressing to share the chairing duties of the Annual Meeting of the provincial body.

Having become interested in genealogy during Canada's centennial year (1967), he documented his paternal line into Scotland, and was granted arms by the Lord Lyon. He then joined the (now Royal) Heraldry Society of Canada in 1975, and soon came to play an active part in its activities. In addition to serving several times as a member of its Board of Directors, he was also a member of its Committee For a Canadian Heraldic Authority and of its Speakers Committee, to which was entailed the post of Editor of the *Speakers' Journal*. As Chairman of the Education Committee he initiated and developed the current three-level programme of courses and examinations leading to the Licentiate of the Society, and then served as the first Chief Examiner of the Examinations Board. In recognition of these contributions to the understanding of heraldic matters in Canada he was elected a Fellow of the Society in 1985. Kennedy is also a member of the Ontario Genealogical Society, the United Empire Loyalists Association of Canada, The Monarchist League of Canada, the Heraldry Society, the Heraldry Society of Scotland, the White Lion Society, the Harleian Society, the Society of Antiquaries of Scotland, and the Royal Canadian Military Institute.

Not long before he became a herald, Kennedy served as Guest Curator at the Wellington County Museum and Archives of the heraldry exhibit *Heraldry: Symbols of Your History* shown between 8 Aug 1996 to 3 Nov 1996, officially sponsored by the Toronto branch of the Heraldry Society of Canada, and initiated by the Rev. Canon David Bowyer (F.R.H.S.C.) and himself. This has been the largest heraldic exhibit in Canada, taking two years in preparation: contacting people, raising funds, and arranging the collection for description, viewing, and photographing.

He is a published author, having contributed articles for *Heraldry In Canada*, the *Coat of Arms*, the *Double Tressure*, and *Families*. The latter published '1867 Confederation Medal: First Honour of the Dominion': the article that was seminal to the idea of including a Confederation Medal in the alloy for the Canadian Victoria Cross. His books and manuscripts include: *An 'Ordinary' of Arms*, (1977); *Wellington County Municipalities*, (1984); *Canadian Municipal Heraldry*, (April 2000); and *'Heraldry: Understanding The Art & Science'*, being course material for the National Institute for Genealogical Studies in partnership with the Professional learning Centre, Faculty of Information Studies, University of Toronto.

In recognition of his many contributions to the field of heraldic studies, Kennedy was elected an Associate of the Académie Internationale d'Héraldique at its annual meeting in 2009.



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