

# ALTA STUDIA HERALDICA

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## EDITOR'S PREFACE – PRÉFACE DE L'ÉDITEUR

This, the second independent issue of *Alta Studia Heraldica*, has for a variety of reasons taken rather longer to produce than its Editor had hoped or expected. Nevertheless, I believe that it has been worth the time and effort, and is a worthy successor to the first: both in maintaining the same high standards of scholarship, and in continuing the discussion of the issues raised therein. Indeed, of its five articles, three are successors to articles included in the first issue, and the other two are concerned with different aspects of one of its principal themes: the nature, history, current state, and application of the Law of Arms (as it pertains to what were originally military emblems) in the countries whose legal systems are primarily based on those of England. In the last issue the countries in question were Canada and Australia, each the subject of a single article; in this issue, one article is again concerned with Canada, but two deal with the United States — whose selective reception of English Common Law and constitutional division of powers have put the very existence of a distinct Law of Arms there in some doubt. The two remaining articles are sequels to the introduction and final article of the first issue, and are concerned with other matters in the history of heraldic practices in France, England, and Canada.

The first article, building on the general survey of the nature and history of heraldic studies, is the first of a three-part series on the history of the language used for the designation, classification, and study of what I called 'heraldica': language whose unsatisfactory nature I suggested in the former survey, but which I hope to demonstrate and explain in this detailed survey — while at the same time providing heraldists with the first scholarly overview of this aspect of heraldic discourse, set into successive historical contexts. The Part published here covers the first two periods in the history of what I call 'taxonomic terminology', between its first emergence around 1170 and 1335, the eve of its expression in the first of the primitive treatises on armory. In the fifth article in this issue I examine a very different theme: the nature and history of the *insignial* elements of the current armorial achievement of the Queen of Canada, whose emblematic elements I examined in the previous issue. I again propose a number of ways in which it could be improved in order to represent more precisely and appropriately the nature of her regal dignity and authority, and its historical roots not only in England and Scotland, but in France.

The three articles related to the Law of Arms deal with quite different aspects of it in the two successor-states of the British Empire in North America. Christopher Mackie's article is concerned with the origin, nature, and potential application of this Law in each of the ten Canadian provinces, and the extent to

which this might be distinct from the Law on the level of the kingdom, which alone has been provided to date with a competent authority to administer it. In response to Lord Lyon Blair's remark that Canada had a series of differing laws governing heraldic matters, he concludes that 'arms granted by the Canadian Heraldic Authority are governed by a single body of law, and a body of law not far removed from that of England'.

Duane Galles' article is also concerned with heraldic authority on the co-sovereign, federative level, which in the United States is where it principally resides. After setting out the history both of armigery in general, and of the use of both heralds and pro-heralds both in the thirteen southern provinces of British North America before their *de facto* independence in 1776, and in the ever-growing number of the states of the new Republic recognized in 1783, Galles explains why the federal government of the United States (in marked contrast to that of Canada) lacks the constitutional authority to register or regulate the use of the heraldic emblems of entities other than those directly dependent upon it. In consequence, whatever authority there might be to do either in that country rests in principle with its fifty individual states, should they choose to exercise it. He then proposes an ingenious solution to the many problems that would be presented by a partition of heraldic authority among so many distinct jurisdictions: namely, that by employing either the legal device of the interstate compact, or a minor amendment to a state constitution, the more manageable number of five *regional* heraldic authorities could be created, each representing a natural cultural division of the country and of its pre-revolutionary traditions.

Finally, David Boven's article presents the first thorough discussion of the one heraldic authority that has actually been established in the United States: the so-called 'Institute of Heraldry' of the United States Army, which despite its name has come to exercise the limited jurisdiction enjoyed by the federal government over the granting, registration, and regulation of heraldic and quasi-heraldic emblems. Among the many interesting things that it reveals are the problems that inevitably emerge when an authority of this kind is created without any advice from existing authorities or their officers, and without any formal educational requirements for those hired to perform its functions.

Significantly, neither author addresses in a systematic way the more fundamental question of whether or not a form of the Law of Arms related to heraldic emblems was actually received after the Revolution in any part of the United States, on either the federal or the federative level. I hope that this question will be both addressed and answered in a future issue of this journal.

**Sommaire français.** *Ce numéro de la revue présente cinq articles, dont trois continuent les arguments de trois articles du premier numéro par les mêmes auteurs, et les deux autres continuent les thèmes de la nature, l'histoire, et l'application des Lois d'Armes dans les pays qui ont reçu leur système légal surtout d'Angleterre: thèmes partagées avec l'un des premiers trois articles. Les sujets plus particulier des articles sont (1) l'histoire du lexicon taxinomique héraldique en France et en Angleterre avant 1335; (2) l'histoire de la reception et la nature de la Loi d'Armes au Canada au niveau des dix provinces; (3) l'histoire des pratiques armigéaux, hérauderiques, et pro-hérauderiques aux pays maintenant inclus dans les États-Unis jusqu'au présent, une explication du problème créé par la limitation constitutionnelle des pouvoirs du gouvernement fédéral de l'É.-U., et une solution proposée permettant la création de cinq autorités héraldiques régionales; (4) l'histoire et les fonctions de la seule autorité héraldique qui existe à présent aux États-Unis: l'Institut Héraldique de l'Armée; et (5) la nature et l'histoire des éléments insigniaux des Armoiries Régales et Régnales du Canada, et des réformes proposées pour faire les insignes utilisés jusqu'au présent plus apropos à l'héritage biculturelle de notre royaume et à la dignité de notre reine disticte de celle qu'elle occupe au Royaume Uni.*

## NOTES ON THE CONTRIBUTORS *NOTES SUR LES COLLABORATEURS*

**D'Arcy Jonathan Dacre Boulton.** See the biography in *ASH 2*, pp. v-vi.

**C. S. T. Mackie.** See the biography in *ASH 2*, p. vii

**Duane L. C. M. GALLES.** Dr. Galles is a lawyer and legal scholar in the state of Minnesota, where he has been a member of the Bar of the State Supreme Court since 1977, and of that of the Supreme Court of the United States since 1977. He received a A.B. from George Washington University (in Washington, D.C.) in 1970, an M.A. from the University of Minnesota in 1973, a J.D. from the William Mitchell College of Law in 1977, a J.C.D. from Saint Paul University, Ottawa, in 2004, and a Ph.D. from the University of Ottawa in the same year. He also studied at the University of Edinburgh and the University of Toronto, where he was a Junior Resident Fellow of Massey College.

Dr. Galles has long been interested in heraldic questions, and since 1980 has published widely in the area of heraldic studies in a variety of journals, including *Heraldry in Canada*. In recognition of the quality and quantity of his contributions to the field, he has been elected an Associate Member of the International Academy of Heraldry, and a Fellow of the Society of Antiquaries of Scotland. He has also been elected a Member of the Committee on Heraldry of the New England Historic Genealogical Society, and appointed to the Editorial Board of this journal. He has also been extremely active in numerous hereditary and patriotic societies in the United States, and served from 1997 to 1999 as President General of the Order of Americans of Armorial Ancestry, and from 2000 to 2002 as Treasurer General of the Order of Founders and Patriots of America.

His services to his Church and society have been honoured by admission to four distinct orders of knighthood, and by promotions in two of them. He was made an officer of the Most Venerable Order of the Hospital of St. John of Jerusalem in 1991, a Knight of Magistral Grace of the Order of Malta in 2002, a Knight (in 1999) and Knight Commander (in 2003) of the Order of the Holy Sepulchre, and a Knight of Merit (in 1997) and Knight of Merit with Star (in 2003) of the Sacred Constantinian Order of St. George.

**David BOVEN.** Mr. Boven (who grew up in Chicago) received his B.A. in history, economics, and secondary education from Calvin College in Michigan in 2004, and an M.A. from Concordia University in suburban Chicago in 2008, and will soon complete a Master of Research degree from the University of London, undertaken in 2009. His interest in heraldica, which emerged from his undergraduate study of medieval history, led him to become a founder and the first elected president of the American Heraldry Society in 2003. Since then he has pursued further studies in the field by undertaking the licentiate programme offered by the RHSC, and received the L.R.H.S.C. in 2010. He has also completed the first two levels of examinations offered by the English Heraldry Society, and his related interest in academic costume has led to his election as a Fellow of the Burgon Society. In addition, like many serious heraldists he has been admitted as a Serving Brother of the Venerable Order of St. John. In the meantime, he has taught history at schools in the United States, Germany, and India, and is currently an adjunct assistant professor at Trinity Christian College in Chicago.