

Heralds for the Republic: A Proposal for the Establishment of Heraldic Authorities in the United States of America¹

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And I took root in an honourable people. Sirach 24:12

The year 2009 marked the beginning of the third decade of existence of the Canadian Heraldic Authority.² There is an old German proverb that *Alle Anfangen sind schwer* — all beginnings are difficult — and doubtless it was so with the Canadian Heraldic Authority, although to the external observer things seemed to have moved smoothly from the very start. This no doubt was in part due to its well thought-out form and location in the Honours Chancellery of the Governor General's office, to the encouragement and help it received from the several Governors General and members of the government of the day, to the quality of the staff who from the start formed the Authority, and to the consistent support from the Canadian Heraldry Society and many sections of the Canadian public.³ At the same time, the success of this North American heraldic authority raises the question of whether a similar heraldic authority might not be created in her North American neighbour immediately to the south.

In what follows, Section 1 briefly describes the heraldic past of the United States. The first subsection of that section is a rapid history of armigery in the lands now included in that country, and its second subsection recalls the use of heralds or pro-heralds in the same lands. The second section then presents an outline of how, building on that past, suitable legal structures might be put in place to provide heralds for the future service of the citizens of the republic and their institutions.

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² The Canadian Heraldic Authority was created pursuant to letters patent of Queen Elizabeth of date 4 June 1988 to 'authorize and empower Our Governor General of Canada to exercise or provide for the exercise of all powers and authorities lawfully belonging to Us as Queen of Canada in respect of the granting of armorial bearings in Canada'. See *Heraldry in Canada* (September, 1988), p. 19. Describing the chain of events leading up to its establishment and its first year of operations is Robert WATT, 'The Canadian Heraldic Authority', *Heraldry in Canada* (September, 1988), pp. 4-12.

³ Robert WATT, 'Reflections on Nineteen Years as Chief Herald', *Heraldry in Canada* (2007), esp. pp. 5-10.

1. The Armigerous Past of the United States

1.1. A Brief History of Personal Armigery south of the Partition Line

Armories have been used and enjoyed in Canada's neighbour to the south for about as long as they have been used and enjoyed in Canada. When, on behalf of Queen Isabella of Spain, Christopher Columbus (1451-1506) made his voyage of discovery to America in 1492, he unfurled her Royal Banner of the arms of Castile and Leon in the West Indies, and these arms were introduced into the future territory of the United States when the Spanish established their first settlement in Florida in 1565. These arms, within a collar of the Order of the Golden Fleece, appear sculpted on the portal of Fort San Marcos in Saint Augustine, Florida. (Columbus himself became an armiger, and his acquired arms in due course came to bear augmentations recalling his exploits, but they were never displayed in *North America*, as he never set foot on our continent.⁴)

But already in 1511 what is now San Juan, Puerto Rico, had been granted arms consisting of an Agnus Dei resting on a closed book Gules leaved Or with seven seals pendant on a field vert within a bordure gobony of sixteen gules and gold, each piece charged four times with the following charges: Castile's triple-towered gold castle, Leon's gold-crowned purple lion, a staff and banner quarterly gules and gold the first and fourth quarters charged with the Castile castle and the second and third quarters charged with the Leon lion, and a Jerusalem cross. In 1976 these arms were assumed by the Commonwealth of Puerto Rico, where Columbus landed on 17 November 1493 and which became a United States possession at the end of the Spanish-American War in 1898.⁵ The first child born of European parents in what is now the United States proper was Martín de Argüelles, born in Saint Augustine in 1566; his eponymous father was an Asturian hidalgo who bore *Gules five fleurs de lis, 2, 1, and 2, Argent within a bordure vairy Azure and Or*.⁶ In 1781 to commemorate his

⁴ Gordon CAMPBELL, *The Book of Flags*, 7th ed., Oxford University Press, 1974, p. 51; Eugene ZIEBER, *Heraldry in America*, Philadelphia, 1895, reprint New York, 1984, p. 63; The first quarter of his quartered coat held a golden triple-towered castle of Castile on a green field and in the second quarter he bore a purple lion of Leon langued vert on a silver field. The third quarter held an azure sea semé of golden islands, doubtless to recall his discoveries. The fourth quarter bore his personal coat: a red chief and blue bend on a golden field. SILVIO BEDINI, 'Coat of Arms', in Silvio A. BEDINI (ed.), *The Christopher Columbus Encyclopedia*, 4 vols., New York, Simon & Schuster, I, pp. 127-128. Bedini says the letters patent with the augmentations were dated 22 May 1493. On 28 May 1493 Columbus was granted the title 'Admiral of the Ocean Sea'. In 1502 Columbus added a fourth quarter to his arms to reflect this title, viz., five golden anchors fesswise, 2, 1, 2, on a blue field. *Enté en point* he then placed his family coat.

⁵ "Coat of Arms of Puerto Rico," at http://en.wikipedia.org/wiki/Coat_of_arms_of_Puerto_Rico (accessed 2/23/11).

⁶ Nicolás TOSCANO, 'La Florida y el suroeste americano', in Humberto LÓPEZ MORALES (ed.), *Enciclopedia del español en los estados unidos*, Madrid, Instituto

victory over the British at Pensacola, Florida, King Charles III of Spain granted Don Bernardo Vicente de Gálvez y Gallardo an augmentation of honour.⁷ Thus, by 1566 royal, municipal, and personal arms of Spanish origin had been introduced into future Republic.

The English, too, were looking westward. Already in the days of Queen Elizabeth the swashbuckler and colonizer Sir Walter Raleigh (1552-1618), who bore *Argent five fusils in bend Gules*, had in 1586 secured a piece of antenatal heraldry for America when he secured a grant of arms for his prospective City of Raleigh in his proposed Colony of Virginia, named in honour of his Virgin Queen. The arms were *Argent a cross Gules and in canton a roebuck proper*. John White (c. 1640-1606), appointed governor of this prospective colony, received as an augmentation of honour a quartering to be borne as the first quarter of his quartered coat. Derived from Raleigh's arms, it was blazoned *ermine on a canton Gules a fusil Argent*. Later the Virginia Company, headed by Sir Thomas Smythe (c. 1558-1625), Governor of the East India Company, and armed with the support of several armigerous London livery companies, in 1607 made what was to be the first permanent settlement in British North America. In 1619 the Company's Court held in London agreed that Clarenceux King of Arms be entreated to devise a coat of arms for the Company. While the arms were never actually granted, the proposed coat was later adopted and borne by the Colony of Virginia until the establishment of the Commonwealth of Virginia in 1776.

Two centuries later, with the permission of Queen Elizabeth, the arms used by the Colony of Virginia were devised by the English Kings of Arms to the Commonwealth of Virginia, and the Queen personally presented the letters patent to the Governor of the Commonwealth of Virginia. These arms consisted of the crowned arms of England (as of 1607 and so England quartered with France), Scotland, Ireland, and England repeated between the arms of a Saint George's cross. The motto on the devised arms, *En dat Virginia quintam*, 'Lo Virginia provides a fifth (dominion)', was also used in colonial times and is the origin of the Commonwealth's sobriquet, 'the Old Dominion'.⁸

Cervantes, 2009, p. 45. On the arms of Saint Augustine, see Eric SAUMURE, '42 Miles of Beach and the rest is History, *Heraldry in Canada* (Autumn, 2005), pp. 15-18.

⁷ Sebastian A. Nelson, "The Siege of Pensacola: An Augmentation of Honour," *The Double Tressure* (2010) p. 39. The augmentation was a quartering appearing in the fourth quarter of his arms and was on a silver field a man standing at the stern or the Brigantine Gálveztown holding a streamer bearing the words "Yo Solo" and enté en point was a golden fleur de lis on an azure field.

⁸ Thomas WOODCOCK and John Martin ROBINSON, *The Oxford Guide to Heraldry*, Oxford, Oxford University Press, 1988, p. 157; Duane L. C. M. GALLES, 'American Augmentations of Honour', *The Double Tressure* (1998), p. 7; Peter WALNE, 'A Cote for Virginia', *Virginia Cavalcade*, 9 (Summer, 1959), pp. 5-10; Cynthia A. MILLER, 'Virginia's Coat of Arms', *Virginia Cavalcade*, 26 (Autumn, 1976), pp. 72-73; 'John White', *Dictionary of American Biography* [=DAB], 10, p. 111.

Other public authorities also assumed armorial achievements for their own use. The Plymouth Company did so shortly after 1606, the Council of New England (which succeeded the Plymouth Company) in 1620, the single proprietor of the abortive colony of New Albion around 1648, and the Trustees of East Jersey in 1682. In 1647 the government of Rhode Island also assumed arms. In 1663 Charles II granted the Province of Carolina (later divided into North and South) to a body of eight lord proprietors, who made use of arms — namely a pair of entwined cornucopias crossed in saltire — in the context of an achievement supported by a pair of Indians. That to the dexter is a squaw carrying a nursing infant and accompanied by another Indian infant standing at her side carrying an arrow in its sinister hand. To the left is another Indian supporter, this time a brave wearing a chief's headdress of feathers and a feather kilt and carrying a spear in his left hand. The crest is a stag trippant.⁹

The Lords Proprietor of Pennsylvania and Maryland used on the public seals of their provinces their personal arms (respectively of Penn [NER 177] and Calvert quartering Crossland [NER 147], and so these arms (and in the latter case the whole baronial and palatine achievement of the 'Barons Baltimore and Absolute Lords of Maryland and Avalon') acquired a public character. In consequence, when Jeremiah Dixon and Charles Mason in 1763 surveyed the border between Pennsylvania and Maryland, which became the divide between North and South in the United States and so created 'Dixie', they marked out the line they had surveyed with a series of limestone milestones marked with a 'P' on the north face and an 'M' on the south face. Every five miles, however, they established crownstones with the arms of the Penn family of Pennsylvania on the north face and the arms of the Maryland Calverts on the south face. Thus, heraldic arms have for two and a half centuries marked the divide between the North and the South in the United States.¹⁰

⁹ For the first four references I am indebted to D'A. J. D. BOULTON, 'The Origins of a *Damnosa Haereditas*: The Degeneration of Heraldic Emblematics in the future and current United States and the Origins of the Sigilloid Display-emblem, 1608-1798', in ANDRÉ VANDEWALLE, LIEVE VIAENE AWOUTERS, and LUC DUERLOO (eds.), *Genealogica et Heraldica: Proceedings of the XXVI International Congress of the Genealogical and Heraldic Sciences*, Vlaamse Overheid, Brussels, 2006, pp. 121-147; Henry L. P. BECKWITH, JR., 'Introduction: Roll of Arms, 9th Part', *New England Historic Genealogical Register*, 133 (1979), p. 83; CONRAD M. J. F. SWAN, 'American Indians in Heraldry', *The Coat of Arms* (July, 1971), p. 100.

¹⁰ ZIEBER, *Heraldry in America*, n. 3 *supra*, pp. 35-36; Eric WILLS, 'In Search of Mason, Dixon, and the Boundary That Changed America', *Preservation: Magazine of the National Trust for Historic Preservation* (November/December, 2008), p. 36. A photograph of a crownstone bearing the Calvert arms appears on p. 39. The Philadelphia Museum of Art possesses a fine rendering of the Penn arms (three plates on a sable fess on a silver field) on a silver tankard, inscribed 'Presented by John Penn Junr & John Penn Esqs to Mr Charles Jervis as a Respectful acknowledgment of his Services 1788'. The tankard is thought to have been

While they were not exclusively 'American' arms, the Royal Arms and Achievement of England and later of Great Britain made frequent appearance in British North America, including before 1776 the thirteen southern provinces. The current version of the monarch's achievement was displayed as a sign of sovereignty (usually in carved and painted forms) in the halls of legislative bodies, in court rooms, and at government houses. It also appeared in printed forms on proclamations, on the title pages of statute books, and on signs above inns and taverns. In 1636, for example, the Massachusetts General Court ordered that the arms of King Charles I be set up in court rooms located in Ipswich, Salem, Newtown (Charlestown), and Boston, and from 1693 until 1774 the Royal Arms regularly appeared on the title page of printed statute books of the Bay Colony. Connecticut early on ordered a wood carving of the Royal Arms to be set up in New Haven. Not surprisingly, in establishment ecclesiastical buildings the Royal Arms appeared, in King's Chapel, Boston, and in Trinity Church in New York City.

They were recognized as more than the mere 'Boast of Heraldry, the Pomp of Power', and it was because of this recognition that on 25 July 1776, after the Declaration of Independence had been read in Providence, Rhode Island, the populace saw to it that the Royal Achievement set up in Colony House there were taken down. The same was done in Hartford, Connecticut, but there the Royal Achievement was not defaced, but rather they were placed in storage, and a century later they were still in the custody of the Connecticut Historical Society. The Royal Arms in Christ Church, Philadelphia, were also carefully stored, and those in Saint Paul Church, Wallingford, Connecticut, were carefully removed and carried to safety in All Saint's Church, Saint Andrew, New Brunswick. Likewise the arms from the Council Chamber at Boston's State House were given refuge and carried to safety in New Brunswick.

presented by the Penns to Jarvis, a Philadelphia lawyer, for his lobbying efforts after the American Revolution with the Pennsylvania legislature for a settlement of their claims to Pennsylvania lands. *Philadelphia: Three Centuries of American Art*, Philadelphia, Philadelphia Museum of art, 1976, pp. 151-152. In 1621 the Scottish province of Nova Scotia or New Scotland was erected, and Sir William Alexander, soon to be Earl of Stirling and Viscount Canada, was made its proprietor. The province was granted arms by the Lord Lyon, King of Arms of Scotland, and these consisted of the royal arms of Scotland (the ramping red lion on a gold field within a red double tressure flory and counterflory) on an inescutcheon upon a reversal of the banner of Scotland (a white Saint Andrews cross on a blue field). These arms were never actually used and in 1868 new arms were granted to Nova Scotia by warrant of Queen Victoria. In 1929 the 1868 arms were 'cancelled and annulled' by warrant of George V and the 1621 arms resumed. *Ibid.*, p. 97. The province of Newfoundland in 1638 got an English grant of arms 'for the greater honor and splendor of that country'. The arms themselves—which were not brought into regular use in till 1927—included both Scottish and English emblems. Between the arms of the white cross on a red field in the first and fourth quarters was an English gold-and-crowned lion passant and in the second and third quarters a Scottish silver unicorn. WOODCOCK and ROBINSON, at n. 5 *supra*, p. 157.

The Royal Arms still survive in some places within the modern Republic — for example, where engraved on one side (with a fouled anchor on the other side) of the silver oars that were displayed during sessions of the Vice Admiralty Courts which sat in Boston, New York, Philadelphia, and Rhode Island during the eighteenth century. The Massachusetts Historical Society still possesses the silver oar, made c. 1740 by Boston silversmith Jacob Hurd (1702-1758), and used by way of a mace in the Boston Vice Admiralty court.¹¹

Besides these examples of public arms, there were many **private arms** borne in the parts of British North America that came to form the original United States. Many founders of the early colonies were armigers, and many of their arms appear in the New England Roll of Arms, a roll of arms licitly borne in the future and present United States, published periodically since 1928 by the Committee on Heraldry of the New England Historic Genealogical Society.¹²

Captain John Smith (1580-1631), a founder (and saviour) of Virginia, was an armiger. He bore *Vert a chevron Gules between three Saracens' heads couped proper turbaned Gold* (NER 151). Besides this unusual coat, one cannot overlook the well-known arms of the immigrant to Virginia, John Washington (c. 1634-1677), ancestor of General George Washington (1732-1799), viz., *Silver two bars and in chief three mullets Gules* (NER 1). Nathaniel Bacon (c. 1640-1676) of Virginia (NER 472), proto-Revolutionary in Whig historiographical theory, bore two black pierced mullets on a silver chief

¹¹ Edmund F. SLAFTER, 'Royal Memorials and Emblems in Use in the Colonies Before the Revolution', *Proceedings of the Massachusetts Historical Society*, 14 (1887-1889), pp. 239-262; Martha Ganby FALES, *Early American Silver*, New York, E. P. Dutton & Co., 1973, p. 160; Joseph C. SWEENEY, 'The Silver Oar and Other Maces of the Admiralty: Admiralty Jurisdiction in America and the British Empire', *Journal of Maritime Law and Commerce*, 38 (2007), p. 159 ff.

¹² The New England Historic Genealogical Society was established in 1845 and its Committee on Heraldry was formed in 1864. The **New England Roll** (=NER) is published periodically in the Society's *New England Historic Genealogical Register* (=NEHGR), and it now numbers some 700 coats of arms. The first part appeared in 1928. Part 1 is in 82 NEHGR (1928), pp. 146-168, part 2 in 85 NEHGR (1932), pp. 258-286, part 3 in 106 NEHGR (1952), pp. 163-167 and 106 NEHGR (1952), pp. 258-261, part 4 in 107 NEHGR (1953), pp. 39-49, part 5 in 107 NEHGR (1953), pp. 108-111 and 107 NEHGR (1953), pp. 188-194, part 6 in 107 NEHGR (1953), pp. 264-267, part 7 in 112 NEHGR (1958), pp. 166-170 and 112 NEHGR (1958), pp. 244-250, part 8 in 122 NEHGR (1968), pp. 1-10 and 122 NEHGR (1968), pp. 94-99 and 122 NEHGR (1968), pp. 179-184, and 125 NEHGR (1971), pp. 163-170 and 125 NEHGR (1971), pp. 262-265, part 9 in 133 NEHGR (1979), pp. 83-92 and 133 NEHGR (1971), pp. 180-186 and 133 NEHGR (1971), pp. 271-279, part 10 in 145 NEHGR (1991), pp. 367-372 and 146 NEHGR (1992), pp. 281-285. The arms from the New England Roll cited in the text *infra* for the most part follow the style employed by the New England Committee on Heraldry. Biographical information on founders, unless otherwise noted, comes from the New England Roll or Meredith COLKET, JR., *Founders of Early American Families: Emigrants from Europe, 1607-1657*, revised edition, Cleveland, Order of Founders and Patriots of America, 1985.

on a red field. Henry Willoughby (d. 1685) of Rappahannock, Virginia, was the grandson of Sir Ambrose Willoughby, second son of the second Lord Willoughby of Parham, and Henry was the *de jure* 11th Baron and so he was entitled to bear the Willoughby arms, *Gold fretty Azure*. William Rodney (NER 292) of Kent County, Delaware, ancestor of Caesar Rodney (1728-1784), a Signer of the Declaration of Independence and President of Delaware from 1778 to 1781, bore three purple eagles displayed on a golden field. George Blakiston (d. 1669) (NER 552) of Saint Mary's County, Maryland, was the grandson of the regicide, John Blakiston, M.P. (1603-1649), and a member of a family from County Durham later prominent in colonial Maryland, who bore *Silver two bars and in chief three cocks Gules*.

In addition, the early armigers included members of continental nobilities. Baron Christopher von Graffenried (1661-1743) (NER 464), founder of New Bern, North Carolina, was a poor Swiss nobleman who led a group of Swiss colonists to Carolina and in 1709 was appointed a Landgrave. His eponymous son in 1713 married in Charleston, South Carolina, and later removed to Williamsburg, Virginia, and left issue. They bore *Or on a mount Vert the stump of a tree Sable enflamed between two estoiles gules*.¹³

To the North, in Massachusetts, founders like Governor John Winthrop (1588-1649) and Sir Richard Saltonstall (1586-1661) were similarly armigerous. Winthrop bore *Silver three chevrons Gules overall a lion Sable langued and armed Azure* (NER 7). Sir Richard bore *Argent two bars and in chief three eagles Sable* (NER 13). Another Massachusetts founder was Samuel Appleton (1586-1670), who bore simple canting arms: *silver a fess sable between three apples Gules stalked and leaved Vert* (NER 2). Rhode Island, although a busy trading community, included a number of armigers among its founders. John Coggeshall (c. 1591-1647), a founder and early President of Rhode Island, bore *Silver a cross between four cockleshells Sable* (NER 10). and Jeremy Clarke (1605-1652), another founder of Rhode Island, bore *Gold on a bend engrailed Azure a cinquefoil of the field* (NER 33).

The early armigers also included some of the '**Founding Mothers**'. Ellinor White, for example — daughter of Governor John White of the Raleigh colony mentioned above — was both an armiger and the wife of an armiger, Ananias Dare, who bore *Gules a cross engrailed between four fusils Argent*. She was famously the mother of Virginia Dare, born 18 August 1587, and the first child of English parents born in North America. Sarah Horton (c. 1598-1667), who in 1619 married Roger Conant (1592-1679),

¹³ 'Bacon, Nathaniel', *DAB*, 1, p. 482; Hugh PESKETT, 'Myth and Fraud in Peerage Claims', in James D. FLOYD and Charles J. BURNETT, *Genealogica et Heraldica, St. Andrews MMVI: Proceedings of the XXVII International Congress of the Genealogical and Heraldic Sciences, St. Andrews, 21-26 August 2006*, 2 vols., Turiff, Aberdeenshire, 2008, II, p. 649; Christopher JOHNSTON, 'Blakistone Family', *Maryland Historical Magazine* (1907), pp. 56-57; 'Christopher Graffenried', *DAB*, 4, p. 468; Charles E. KEMPER (ed.), 'Documents Relating to Early Projected Swiss Colonies in the Valley of Virginia, 1706-1709', *Virginia Magazine of History and Biography*, 29 (Jan., 1921), pp. 1-13.

founder in 1624 and governor of the Cape Anne Colony which later became Salem, Massachusetts, was an armiger. Her father and brother, both Thomases, were members of the Mercers Company of London, and the younger Thomas was listed in the 1633 Visitation of London as entitled to the arms of the Hortons of Coole, Cheshire: viz., *Sable a stag's head caboshed Argent attired Or a mullet for difference*. Anne Marbury (NER 81) Hutchinson (1591-1643), was a noted Quakeress and proto-feminist who was expelled from Massachusetts for heresy, and with Roger Williams she became a founder of Rhode Island. She, too, was an armiger (with royal ancestors), bearing three golden sheaves on a red engrailed fess on a silver field. Her husband William Hutchinson (1586-1642) was also a founder and treasurer of Rhode Island.¹⁴

The **clergy** were among the leaders of New England, occupying a public office supported by public taxation until the church was disestablished in Connecticut in 1818 and in Massachusetts in 1833. Not surprisingly, many clergymen were armigers, like The Rev'd Peter Bulkeley of Concord, Massachusetts, and The Rev'd John Davenport of New Haven, Connecticut. Bulkeley bore *Sable three bull's heads caboshed Silver armed Gold* (NER 4) and Davenport bore *Silver a chevron between three crosslets fitchy Sable* (NER 20). The Rev'd Francis Higginson (1586-1630) (NER 73) of Salem, Massachusetts, bore *Gold on a fess Sable a tower of the field*. The Rev'd David Lindsay (c. 1604-1667) (NER 296), Minister of Yeocomico, Northumberland County, Virginia, was the son of Sir Hierome Lindsay of Annatland and of The Mount, Lord Lyon King of Arms. He bore the Lindsays' fess chequy azure and argent on a field gules, quartered with the Abernethy's red ramping lion debruised by a sable ribbon on a golden field. The Most Rev'd William White (1748-1836) was born in Philadelphia, the son of Colonel Thomas White (1704-1779) (NER 340), a London-born lawyer who had emigrated in 1720 to Maryland and later to Philadelphia. The son was educated at the University of Pennsylvania before being ordained priest in 1772 in the Chapel Royal of Saint James's Palace and later consecrated bishop in 1787 at Lambeth Palace. He served as Rector of Christ Church, Philadelphia, first Bishop of Pennsylvania, and from 1795 till his death he was Presiding Bishop (or primate) of the Episcopal Church of the United States. He was largely responsible for writing the first Constitution of that Church and its 1789 *Book of Common Prayer*. From 1790 to 1800 he served as Chaplain to the United States Senate.¹⁵

¹⁴ 'Dare, Virginia', DAB 3, p. 73; Robert Charles ANDERSON, 'The Conant Connection: Part One, Thomas Horton, London Merchant and Father-in-law of Roger Conant', *New England Historic Genealogical Register*, 147 (1993) p. 238; Joseph Jackson HOWARD and Joseph Lemuel CHESTER (eds.), *The Visitation of London Anno Domini 1633, 1634, and 1635 Made by Sir Henry St. George, Kt., Richmond Herald, and Deputy and Marshal to Sir Richard St. George, Kt., Clarenceux, King of Arms*, London, 1880, p. 305; 'Hutchinson, Anne', DAB, 5, p. 436.

¹⁵ The clergy enjoyed a lofty social rank in early British North America. In 1728 Judge Samuel Sewell presented his sister-in-law with a silver cup saying, 'a Minister's wife ... ought not to be without such a one'. Gerald W. R. WARD, 'An

¹ Nor were English arms alone represented in the thirteen southern colonies before 1776. **Scottish** and Irish armigers were almost as numerous. William Cumming (NER 301) was born at Presley, Scotland, in 1690, and after the Rising of 1715 he came to Annapolis, Maryland. He bore three golden sheaves on an azure field, and his kinsman Sir Alexander Cumming of Culter (c. 1690-1775) (NER 639), who bore the same coat within a golden bordure, emigrated in 1729 to Charleston, South Carolina. Robert Livingston (1654-1725) of New York (NER 96), founder of one of the great Hudson River dynasties there, was a cadet of the Scottish noble family of that name who bore quartered arms. In the first and fourth quarters (for Livingston) on a silver field were three cinquefoils gules within a double tressure flory and counterflory Vert. In the second and third quarters (for Callendar) on a sable field was a bend between six billets gold.¹⁶ David Ochterlony (d. 1765) was a Scottish sea captain who settled in Boston and married Katherine, daughter of goldsmith Andrew Tyler and his wife Miriam, sister to Sir William Pepperell. His eponymous Boston-born son (1758-1825) would enter the East India Company service and later become a major general in its army, conqueror of Nepal, a Knight Grand Cross of the Order of the Bath, and a baronet.¹⁷

Handsome Cupboard of Plate': The Role of Silver in American Life', in Barbara McLean WARD and Gerald W. R. WARD (eds.), *Silver in American Life: Selection from the Mabel Brady Garvan and Other Collections at Yale University*, New Haven, 1979, p. 34; 'William White', *DAB*, 10, p. 121. The Whites bore *Silver on a chevron between three wolves heads erased Sable a leopard's face Gold*. White's sister Mary notably was the wife of Robert Morris (1734-1806), who was Superintendent of Finance of the United States from 1781 to 1784, and he is often called the 'Financier of the American Revolution'. He was also founder in 1781 in Philadelphia of the Bank of North America. ZIEBER, *Heraldry in America*, n. 3 *supra*, pp. 39-40, notes that a memorial stained glass window was put in Christ Church which included Bishop White's coat of arms.

¹⁶ The Livingston arms quartered with those of Callendar are engraved beneath the initials 'RAL' (for Robert and Alida Livingston) on a silver monteith fashioned by the noted Boston silversmith John Coney (1655-1722), one of the most handsome pieces of early American silver. YALE ART GALLERY, *Masterpieces of New England Silver, 1650-1800: An Exhibition Held June 8 through September 10, 1939*, New Haven, Yale University Press, 1939, p. 29, plate 21.

¹⁷ Duane L. C. M. GALLES, 'American Augmentations', n. 5 *supra*, pp. 16-17. His brother Alexander Ochterlony (1764-1803) was also born in Boston and would be the first American-born herald. In 1777 his mother married secondly Sir Isaac Heard (1730-1822), Lancaster Herald, who in 1784 became Garter King of Arms. Alexander remained loyal to the Crown and in 1784 his stepfather appears to have secured an appointment for him as Blanche Lion Pursuivant—aptly given his arms. Walter H. GODFREY and Sir Anthony WAGNER, *The College of Arms, Queen Victoria Street: being the sixteenth and final monograph of the London Survey Committee*, London, 1963, p. 237. Alexander bore *Azure a lion Argent holding in the dexter forepaw a trident Sable headed Or and charged on the shoulder with a key in pale Azure a mullet Or in chief for difference*. It is noteworthy that his step-father in 1762 was granted arms in place of his alleged ancestral arms of a red chevron between three black water bougets on a silver field., viz., *Argent in base a Neptune with an Eastern Crown Or his trident Sable headed Or issuing from a stormy ocean the left hand grasping the head of a*

Irish arms borne in British America included those of The Rev'd Thomas Barton (1728-1780) (NER 530). He was the grandson of an Irish M.P. and educated at Trinity College, Dublin. Appointed a missionary by the Society for the Propagation of the Gospel in Foreign Parts, he resided some two decades in Lancaster, Pennsylvania, leaving a large family. His Anglo-Irish family bore *Argent three bears' heads coupé Gules*. Another family of Maryland armigers of Irish origin were the Talbots, William and George, (NER 654) who bore simply *Silver a lion Gules armed and langued Azure*.

Given the presence of both Dutch and French colonies in the region, it would have been surprising if there had been no colonists bearing arms originating in the Netherlands and France as well. **Dutch** families of New York using arms included the Schuylers (NER 163) and DePeysters (NER 375) and the van Rensselaers (NER 378). The Schuylers, David (1636-1690) and Philip (1628-1683), bore *Vert issuant from the sinister a dexter arm vested the hand clenched gauntleted Gold thereon a falcon proper with a hood Gold*. Johannes DePeyster (1626-c. 1685) bore *Sable on a fess Gules [sic] between two running greyhounds silver three escallops Gold*. Jeremias van Rensselaer (1632-1674) bore a silver cross Moline on a red field.

The arms of **French** origin included the two scythes crossed in saltire blades in base and opposed on a red field of Jean Joseph Delfau, Baron de Pontalba and Knight of the Order of Saint Louis (d. 1760) (NER 452), who emigrated to Louisiana in 1729, or the red chevron between three sable martlets on a silver field of Marie d'Erneville de Launay (NER 554). Flemish arms included the chevron between three cross crosslets fitchy gold on an azure field of the Huguenot Captain Edmond du Chastel de Blangerval (NER 459).

ship's mast appearing above the waves as part of a wreck proper on a chief Azure the Artic Polar Star of the first between two water bougets of the second (These water bougets disappear in his 1774 grant.). Ibid., p. 62. Perhaps the trident was a reference to Alexander's stepfather. The traditional Ochterlony coat was on an azure field a silver ramping lion within a red bordure charged with eight golden buckles. Sir James Balfour PAUL, *An Ordinary of Arms Contained in the Public Register of All Arms and Bearings of Scotland*, 2d ed., Edinburgh, 1903, p. 277. In 1774 the descendants of Andrew Tyler of Boston (NER 429), Katherine's father, received a grant of arms from the College of Arms viz., *Sable a fess Gold ermined of the field between three mountain cats passant guardant ermine on the fess a cross formy between two crescents Gules*. On Alexander's brother, Sir David Ochterlony, see also Clive CHEESMAN, 'The Heraldic Legacy of Sir Isaac Heard', *The Coat of Arms* (Spring, 2005), pp. 25-27. One should also mention John Von Sonnentag Haviland, York Herald (1826-1886), the son of John Haviland (1792-1852) (NER 622) of Philadelphia. The father was a noted Philadelphia architect and a founder in 1835 of the American Institute of Architects and a corresponding member of the Royal Institute of British Architects. The son became Rouge Croix Pursuivant in 1866 and York Herald six years later. Philadelphia: *Three Centuries of American Art*, Philadelphia, Philadelphia Museum of art, 1976, pp. 258, GODFREY and WAGNER, p. 191. See David T. BOVEN, "John de Haviland : An American Officer of Arms in England," *The Double Tressure* (2010), pp. 40-53.

Arms from yet other continental European countries were brought to the thirteen southern colonies by individual immigrants. **Swiss** arms included those of Maurice Goetchius (NER 486), who quartered a golden talbot's head on a blue field with three linden leaves vert on a bend azure [sic] on a golden field. **German** arms included the pannier and in chief three limpet shells, 2 and 1, all gold on a black field of Joseph Conrad Korffman (Curfman) (1709-1785) (NER 644) of the Rhineland, who emigrated to Philadelphia in 1764 and settled in York County, Pennsylvania. Another German coat was that of Karl Gotthold Reichel (NER 691) of Saxe-Altenburg, who settled in North Carolina and bore *per fess Sable and Gules a double-tailed lion holding a sickle counterchanged*.¹⁸

The noted genealogist Meredith Colket, of the Order of Founders and Patriots of America, published a biographical dictionary of some 3,500 'American Founders'. These were men who immigrated to what is now the United States between 1607 and 1657, the first fifty years, and left descendants. Of these about three percent were armigers.¹⁹ By contrast, nobilities in Europe typically in the eighteenth century accounted for one to five percent of the national population, with marcher states like Spain, Poland and Hungary being at the higher end and noble and gentle families in England, France and Italy accounting for less than two percent of the population.²⁰

Of course, it is likely that not all armigers in North America made active use of their 'coat-armour', but if we survey what survives of the material culture, we can get some idea of the actual use of armories. By the early eighteenth century silverware or plate was in considerable use, at least among the more prosperous classes, in what is now the United States. In 1906 there was a great exhibit at Boston's Museum of Fine Arts of some 336 items of early American silver, and the exhibit's *catalogue raisonné*

¹⁸ Richard PATTERSON and Richardson DOUGALL, *The Eagle and the Shield: A History of the Great Seal of the United States*, Washington, 1876, pp. 249-250; Grace KING, *Creole Families of New Orleans*, New York, The Macmillan Co., 1921, pp. 72-76.

¹⁹ COLKET, at n. 9 *supra*, p. 382. The Order of Founders and Patriots of America is a lineage society composed of men lineally descended from a Patriot, who served the American cause during the American Revolution and who was himself lineally descended in the male line from a Founder, defined as a man who emigrated to what is now the United States between 1607 and 1657.

²⁰ The nobility's percentage of the population varied across Europe. It is estimated that there were some 14,000 peerage and gentry families in eighteenth century England, amounting to 1.5 percent of the population. In France, Brandenburg, and Lombardy the nobility were about 1 percent of the population. In Sweden and Denmark the nobility numbered a mere .25 percent of the population. By contrast, in Spain, Hungary and Poland something between 5 and 7.5 percent of the population were accounted noble. WILLIAM DOYLE, *The Old European Order, 1660-1800*, 2d ed., Oxford University Press, 1992, p. 76; A. GOODWIN, *The European Nobility in the Eighteenth Century*, London, Adam and Charles Black, 1953, pp. 67, 123; H. M. SCOTT, *The European Nobilities: Seventeenth and Eighteenth Centuries*, 2 vols., London, Longmans, 1995, I, p. 144, II, 28, 45, 75, 149, 192.

shows that over ten percent of these items were engraved with armorial emblems of some sort.²¹

1.2. Armigerous Corporations Active before the Partition of 1783

Institutions also used arms before the Revolution. While it is said that only seven business corporations were created in what is now the United States before 1776,²² there were a number of armigerous British corporations active in the colonies, as well as domestic municipal and eleemosynary corporations.

Perhaps the best known of these Imperial corporations was the **East India Company**, incorporated by royal charter in 1600. The Boston-born Elihu Yale (1649-1721) became Governor of its Madras factory, and a small part of the fortune he had made in India he gave in 1718 to a new and struggling Connecticut college, which thereupon in gratitude took his name. The Company was given a monopoly on trade with the Orient, and this monopoly, and, more particularly, the drawback offered the Company in conjunction with the Townsend duty under the Tea Act of 1773, proved one of the irritants which led to the Declaration of Independence.²³ The

²¹ R. T. H. HALSEY and JOHN H. BUCK (eds.), *American Silver: The Work of Seventeenth and Eighteenth Century Silversmiths Exhibited at the Museum of Fine Arts, June to November, 1906* (Boston, 1906), passim. Ownership of silver was a symbol of social status and it is estimated that only about five percent of the British North American population owned silver during the seventeenth and eighteenth centuries. Gerald W. R. WARD, "'An Handsome Cupboard of Plate': The Role of Silver in American Life", in WARD and WARD, at n. 12 *supra*, p. 34. There is no reason to suspect that the 1906 exhibit overly represents armorial silver, although at that time collections tended to be assembled by northern plutocrats and scholars tended to come from Ivy League universities and they assumed there were few native silversmiths working south of Philadelphia. But this geographic bias would only tend to *under*-represent armorial silver commissioned by Maryland, Virginia and South Carolina armigers. Of course, not all the arms appearing on this silver was lawfully borne. Silversmiths sometimes merely picked out arms of a family not necessarily those of their client from *A Display of Heraldry* by John Guillim (c. 1565-1621), Rouge Croix Pursuivant. When John Singleton Copley painted the portrait of the noted Boston silversmith Nathaniel Hurd, c. 1765, he placed a copy of Guillim's treatise on a table before the sitter as a sort of tool of trade. See WARD and WARD, at n. 12 *supra*, pp. 73, 76. And some choices of arms from that source were clearly risible. 'The Sill family satisfied itself with the arms of Lady Jane Still even though they were displayed on a lozenge' and impaled with the arms of her husband! FALES, *Early American Silver*, n. 8 *supra*, p. 238.

²² Joseph Stancliffe DAVIS, *Essays in the Earlier History of American Corporations*, 2 vols., Cambridge, MA, Harvard University Press, 1917, II, p. 26.

²³ Charles II married Catherine of Braganza in 1662 and she introduced tea drinking to England, the Portuguese having learnt the practice from the Chinese through their settlement in Macao, and the practice became quite fashionable in the second half of the eighteenth century. Earlier the goods imported from the East were spices, cottons, and coffee. London's coffeehouses in fact between 1650 and 1750 contributed greatly to the development of the City of London. It was at Lloyd's Coffeehouse that news of ships circulated, and there developed the marine

Company's flag, which consisted of thirteen white and red horizontal stripes with a canton, first of St. George's Cross, and later of the British Union Badge incorporating the Cross of St. Andrew, was also well known to Americans. After the Declaration of Independence, the latter design was adopted by the Revolutionary Continental Congress as the 'Grand Union Flag' to express collective unity, but at the same time continued loyalty to the British tradition. Later in 1777 the Union Flag in the canton would be superseded by a blue canton with thirteen white stars.²⁴

Another company well known to British North Americans before the Partition was the **Royal African Company**, incorporated by royal charter in 1660 and, until its dissolution in 1752, given a monopoly on the slave trade from West Africa to the American Plantations. These slaves were branded 'DY' for its patron the Duke of York or with its initials 'RAC', and some 100,000 of them were shipped to the Plantations during its existence. The Company also accounted for £1.5 m. in exports from Britain and the gold it imported in exchange from West Africa and sent to the

insurance business and, in due course, the world's largest insurer. Anthony WILD, *The East India Company: Trade and Conquest from 1600*, New York, The Lyons Press, 1999, pp. 70, 144, 146. Yale (NER 146) bore *ermine a saltire engrailed Gules*. The Governor and Company of Merchants of London Trading into the East Indies were granted arms in 1600, viz., *Azure three ships of three masts, rigged and in full sail, the sails, pennants and ensigns Argent each charged with a cross Gules, on a chief of the second a pale quarterly Azure and Gules in the first and fourth quarters a fleur de lis and in the second and third quarters a lion passant guardant all of the second between two roses Gules seeded Or and barbed Vert*. In 1698 new arms were granted, viz., *Argent a cross Gules in dexter chief quarter an escutcheon of France and England the shield ornamented and imperially crowned Or*. A. C. FOX-DAVIES, *A Book of Public Arms*, London, 1908, p. 260. One of the contributions of the East India Company to armory is the large amount of armorial porcelain imported by it or its servants from the Orient into Britain and so arose a new use for armory. It is estimated that, via the Honourable Company, Britons, some 20 percent being Scots, between 1710 and 1820 imported some 1,967 Chinese armorial porcelain services with coat of arms blazoned in colour, thus countering the drabness introduced by monochrome woodcuts and copper engravings using the Pietra Sancta hatching system to indicate tinctures. David S. HOWARD, *Chinese Armorial Porcelain Made for Scottish Families, 1725-1820*, n.d., Heraldry Society of Scotland, pp. 3-6. American armorial porcelain is rare, although in the two decades after the American ship, *The Empress of China*, reached New York in 1785 after a voyage to China skirting the East India Company's monopoly, the amount of it doubled. Jean MUDGE, *Chinese Export Porcelain for the American Trade, 1785-1836*, 2d ed., Newark, DE, University of Delaware Press, 1981, p. 178.

²⁴ Gordon CAMPBELL, *The Book of Flags*, p. 52. The American stars and stripes ensign, adopted by Congress on 14 June 1777, originated in its Marine Committee, and it appears it was probably intended only for use on ships. Not until 1824 were United States land forces authorized to carry it with regimental colours. Since British ships had flown the Union Flag in canton on a Red Ensign, General Washington naturally adopted as a headquarters flag the thirteen white stars on a blue field after 1777 in place of the Grand Union Flag, and, as late as 1779, he urged its adoption as a national flag for the United States. Edward W. RICHARDSON, *Standards and Colors of the American Revolution*, Philadelphia, University of Pennsylvania Press, 1982, pp. 19, 161.

Royal Mint was minted into some 500,000 gold coins (which were stamped with an elephant below the image of the monarch), which came to be called guineas and accounted for about seven percent of Britain's specie in circulation.²⁵

In 1670 the **Governor and Company of Adventurers of England Trading to Hudson's Bay** were given a royal charter and became a semi-governmental body holding sway over perhaps a quarter of North America, including those parts of what is now the United States between Minneapolis and Seattle. The Company's Red River Colony or Selkirk Settlement of Highland Scots of 1811 included territory now part of Minnesota and the Dakotas, besides Manitoba; and some of these settlers upon departing southward to Fort Snelling in what is now Minnesota would become the first inhabitants of what is now the City of Saint Paul. The Company assumed arms by 1678, four beavers Sable between the arms of a cross of St. George, which in the fullness of time were actually granted to them in 1921 by the English Kings of Arms.²⁶

In 1711 the **South Sea Company** was organized to take advantage of a trading privilege granted by Spain in the Treaty of Utrecht of supplying slaves to Spanish America. More a financial venture than a trading company, it was really a Tory rival to the Whig Bank of England. After a spectacular rise in its share price from 200 to 1,000, the South Sea Bubble burst in 1720 causing widespread economic distress. The event lived on in American folk memory and engendered popular hatred of moneyed corporations. Acting on this fear, President Andrew Jackson declined to extend the charter of the Second Bank of the United States and removed federal deposits from it. The upshot was the Panic of 1837 and the demise of the Bank.²⁷

²⁵ K. G. DAVIES, *The Royal African Company*, London, Longmans, 1957, pp. 181, 184. The Company bore, *Or an elephant Azure on his back a quadrangular castle Argent masoned proper on the sinister tower a flagstaff and banner Gules on the dexter corner of the banner a canton Argent charged with a cross Gules on the dexter corner of the escutcheon a canton of the arms of France and England*. FOX-DAVIES, *A Book of Public Arms*, p. 12.

²⁶ E. E. RICH, *Hudson's Bay Company, 1670-1870*, 3 Vols., New York, Macmillan, 1960, I, pp. 50, 53; ALAN B. BEDDOE, *Beddoe's Canadian Heraldry*, Belleville, ON, 1981, p. 120. I am grateful to Prof. D'Arcy Boulton for suggesting the references to the arms of the East India Company and Hudson's Bay Company.

²⁷ The royal charter of the Governor and Company of Merchants of Great Britain Trading to the South Seas and Other Parts of America passed the seals on 8 September 1711. Lewis MELVILLE, *The South Sea Bubble*, London, 1921, p. 6; Bray HAMMOND, *Banks and Politics in America from the Revolution to the Civil War*, Princeton University Press, 1957, pp. 3-5, 373. The South Sea Company in 1711 got a grant of arms, viz. *Azure a terrestrial globe showing the Western Hemisphere whereon are represented the Continent of America and the islands thereunto belonging together with the Straits of Magellan and Cape Horn all proper, in dexter chief the arms of the United Kingdom of England and Scotland and in sinister chief two herrings salterwise proper, crowned Or*. FOX-DAVIES, *A Book of Public Arms*, p. 734. Parliament reacted to the South Sea Bubble with a statute called the Bubble Act, which prohibited banking in England by corporations, except existing ones, or by partnerships with

Besides these business corporations, some **municipal** and **eleemosynary corporations** bore arms. The City of **Philadelphia** after 1683 made use of the Penn arms—perhaps as arms of patronage. **New York**, which surpassed Philadelphia about 1820 as the leading commercial and

more than six partners. In 1741 Parliament extended the Bubble Act to the North American colonies. The upshot was a delay in the use of the corporation as a business form, and so the first North American bank appeared only in 1781, when the United States Congress chartered the Bank of North America. Like the Bank of England, it seems not to have borne arms. Lawrence LEWIS, Jr., *A History of the Bank of North America: The First Bank Chartered in the United States*, Philadelphia, J. B. Lippincott & Co., 1882, p. 82, has facsimiles of its early banknotes of 1789 and 1815, but no images or arms are on these. James D. FLOYD, 'The Corporate Heraldry of Finance—an Exercise in Propaganda', in FLOYD and BURNETT, at n. 10 *supra*, II, p. 302, points out, with respect to the heraldry of Scottish banks, that 'it is perhaps surprising that by 1902, despite there having been a plethora of banks set up [since the founding of the Bank of Scotland in 1695], only 5 had matriculated arms'. Moreover, at p. 305, he advises that until 1934 the Bank of Scotland, the British Linen Bank, and the National Bank of Scotland used the Royal Arms on the bank notes they issued! **The Royal Bank of Scotland**, founded in 1727, had not used the Royal Arms on its bank notes, but it only petitioned for a grant of arms in 1960. *Ibid.*, p. 307. Canadian banks were similarly tardy in the acquisition of granted arms. The Bank of Montreal, founded in 1817, assumed arms in 1822, but only in 1934 did it get a grant of them. The **Bank of Nova Scotia**, founded in 1832, received a grant of arms only in 1951. *Beddoe's Canadian Heraldry*, p. 120. The Canadian Imperial Bank of Commerce (the CIBC), one of Canada's Big Five Banks, was the product of the \$4.6 billion dollar merger in 1961 of the **Canadian Bank of Commerce**, opened in Toronto in 1867 under the charter of the defunct Bank of Canada, and the Imperial Bank of Commerce, which opened there in 1875. The former used as its arms a ship under sail proper and in chief three garbs, these being symbols of commerce and agriculture. The latter used as its emblem the English royal crest within a strap inscribed 'Imperial Bank of Commerce'. After the 1961 merger the crest replaced the garbs in the corporate seal of the successor institution. CANADIAN IMPERIAL BANK OF COMMERCE (CIBC), 'Logos & Seals', at <http://www.cibc.com/ca/inside-cibc/history/logos-seals.html> (accessed 3/6/09). The Royal Bank of Canada, today Canada's largest bank, began in 1864 as the Merchants' Bank of Halifax and 'a modern three-mast sailing ship with an auxiliary engine, allegedly belonging to one of the bank's original directors William Cunard, was a logical choice for the centerpiece for the bank's first corporate seal'. In 1901 it changed its name to the Royal Bank of Canada and, therefore, from 1901 to 1962 'the new emblem incorporated a close facsimile of Britain's Royal Coat of Arms'. 'In 1962, Royal Bank adopted a new unique emblem, with a heraldic motif, that would be equally effective on top of a building or on a savings account passbook. Only two design elements were retained from the 1901 emblem: the lion, a symbol of dominance, strength and authority, and the crown to carry out the 'Royal' symbolism. Added to the new logo was the globe to demonstrate Royal Bank's global presence'. In 2001 the Royal Group became RBC Financial Group and the logo was revised with the lion to dexter and looking to sinister with its paw on a globe and above the letters 'RBC'. In 2001, while dropping the crown, 'the new logo continues to pay homage to tradition and honours its strong Canadian roots by retaining the traditional lion and globe' RBC, 'RBC Logo', at <http://www.rbc.com/history/leo/index.html>. (accessed 3/9/09).

cultural centre of the United States, was first explored by Europeans in 1609 when Henry Hudson in the *Half Moon* sighted it and settlement began in 1624 by the Dutch. In 1664 the English took over the Dutch colony and its beaver trade and a century later the city began a rapid growth once the Mohawk valley had been opened up to agriculture. The City had accordingly since 1686 borne two beavers passant in pale and two barrels or tuns of flour in fess between the sails of a windmill in saltire all proper. After British forces evacuated the City on 25 November 1783, the City ceased to ensign these arms with a royal crown by way of crest, and replaced the crown with an American eagle.

The City of **Williamsburg**, Virginia, which was the capital of Virginia incorporated by royal charter in 1722 and the intended seat of a bishop for British America, was granted arms. This very eighteenth-century coat is rather more like a representational Renaissance *impresa* than the abstract expressionistic and neo-medieval style of arms fashionable in the English-speaking world since the reforms of Oswald Barron (1868-1939) and Arthur Charles Fox-Davies (1871-1928). The Williamsburg coat showed a standing figure of Minerva with a spear in the right hand and the left hand resting on a shield bearing a Gorgon's head. On the façade of Carpenter's Hall in Philadelphia, where the first Continental Congress met in 1774, are the arms, a square between three pairs of compasses, of the Carpenters' Company of Philadelphia.²⁸

Since 1643 Harvard College has used an armorial seal consisting of three open books bearing the letters 'VE', 'RI', and 'TAS'. Nowadays the books are tinctured silver and the field is crimson. America's second oldest university, the College of William and Mary, was established by royal charter in 1693 and the following year received a grant of arms from the College of Arms in London, blazoned *Vert a Colledge Or masoned Argent in chief a sun rising the hemisphere proper*. Yale University, founded in 1701,

²⁸ HOWARD M. CHAPIN, *A Roll of Arms of Cities and Towns in the United States, Including Those of Some Counties, Councils and Courts*, Providence, Roger Williams Press, 1935, pp. 34, 38, 50; ZIEBER, n. 3 *supra*, p. 59. The Worshipful Company of Carpenters of the City of London bears *Argent a chevron engrailed between three pairs of compasses Sable*. GEOFFREY BRIGGS, *Civic & Corporate Heraldry: A Dictionary of Impersonal Arms of England, Wales & N. Ireland*, Ramsbury, Wiltshire, UK, Heraldry Today, 1971, p. 96. In 1976 the City of Williamsburg was devised arms by the English Kings of Arms, *Sable a sun in its splendour between in chief four billets and in base another three, 2 and 1, all within a bordure Or*. The crest is a figure of Minerva taken from the city's eighteenth century mace and the supporters are an artisan and public man, all proper. It appears that the first grant of arms to a Canadian city was that in 1945 to the City of Westmount, Quebec. 'The Laughable Story of Canada's Early Municipal Heraldry', *Heraldry in Canada*, 20 (September, 1986), p. 68. FALES, n. 8 *supra*, p. 180, shows a silver freedom box of 1735 bearing the arms of the City of New York ensigned with a crown. JOHN LORING, *Magnificent Tiffany Silver*, New York, 2001, p. 79, shows another gold freedom box presented after the Revolution in 1858 and engraved with the arms of the City of New York now ensigned with an eagle.

which has long appointed an internal officer of arms called Yale Pursuivant, bears *Azure upon an open book edged Gold covers and ties Silver the words in Hebrew 'Urim and Thummin', light and truth*. Brown University, chartered in 1764 as the College of Rhode Island, adopted arms in 1835, viz., *Silver a cross Gules between four open books of the first bound of the second*.²⁹ The other Ivy League universities have done likewise, and their arms can be seen emblazoned on the splendid façade of New York City's University Club, designed in 1900 by the celebrated architectural firm of McKim, Mead and White.

1.3. Armigery in the United States since the Declaration of Independence of 1776

The citizens of the new Republic calling itself The United States of America continued their interest in heraldic emblems even after the departure of their provinces from the British Empire *de facto* in 1776 and *de jure* in 1783. South of the Line of Partition established in the latter year, arms and other armories continued to be used on silver, signet rings, chimney backs, and bookplates. Stephen Higginson (1743-1828) (NER 73), made his first fortune as a privateer during the Civil and Revolutionary War, and in 1783 was a member of the Continental Congress. Nevertheless this descendant of The Rev'd Francis Higginson noted earlier continued to use his signet ring bearing his arms, *Or on a fess Sable a tower of the first*. Francis Hopkinson (1737-1791) was a son of a lawyer and an early graduate of what is now the University of Pennsylvania. He would become a Signer of the Declaration of Independence, Secretary of the United States Navy, and Judge of Pennsylvania's Court of Admiralty. His family bore, *Argent on a chevron between three estoiles all Gules as many lozenges of the first*. Indeed, he was also an amateur heraldist and he suggested the design for the flag of the United States and made suggestions for its arms as well. It is said that

²⁹ The arms of Harvard University and its constituent institutions are set forth in MASON HAMMOND, 'A Harvard Armory: Part I', *Harvard Library Bulletin*, 29 (July, 1981), pp. 261-297, 'A Harvard Armory: Part II', *Harvard Library Bulletin* (October, 1981), pp. 361-402, and 'A Supplement to 'A Harvard Armory'', *Harvard Library Bulletin*, (Summer, 1986), pp. 251-293; WOODCOCK and ROBINSON, at n. 5 *supra*, p. 159; *The Arms of Yale University and its Colleges at New Haven*, New Haven, Yale University Press, 1948, n. p.; MARTHA MITCHELL, *Encyclopedia Brunoniana*, Providence, Brown University Press, 1993, p. 492. Anent Dr. Floyd's comment on the timing of armorial grants to Scottish banks, one might note that Scotland's ancient universities, all founded before Harvard, were not quick to seek grants of arms. Edinburgh (the youngest) got a grant of arms in 1789, Aberdeen in 1888, Glasgow in 1900, and Saint Andrews, the eldest of the four, only in 1905. PAUL, n. 14, pp. 38, 291, 347; David REID OF ROBERTLAND (ed.), *An Ordinary of Arms Contained in the Public Register of All Arms and Bearings in Scotland, 1903-1973*, Edinburgh, 1977, pp. 381. As for Canadian universities, the first to obtain grants of arms were the University of British Columbia in 1915, the University of Toronto in 1917, and McGill University in 1922. *Beddoe's Canadian Heraldry*, p. 24, 100.

the thirteen stars in the American flag's canton were inspired by the stars on his family coat of arms.

In 1780 General George Washington commissioned the noted Philadelphia silversmith Richard Humphreys (1750-1832) to fashion for him a silver cup decorated with his crest, an eagle's head issuant from a ducal coronet. In 1783, the year the Treaty of Paris was ratified recognizing the independence of the United States, Washington wrote the Marquis de Lafayette, asking his old comrade in arms to secure for him a silver service. He added, 'I should be glad to have my arms thereon'. In September, 1787, just after the new Constitution had been drafted in Philadelphia at a convention over which he had presided, Washington wrote to his London factor to order three chimney backs, adding with 'my Crest and arms on it'. Michael Hillegas was a Philadelphia merchant who served in the Pennsylvania Assembly from 1765 to 1775, and in 1768 became a member of Franklin's American Philosophical Society, still based in that city. He was also Treasurer of the United States from 1775 till 1789. On his silver he used his coat of arms impaled with that of his wife.³⁰ In 1782 John Quincy Adams (1767-1848), who in 1824 would become the sixth President of the United States, assumed arms.³¹ The Rt. Rev'd Thomas J. Claggett (1743-1816) (NER 525), the first (Episcopal) Bishop of Maryland and the first Episcopal bishop consecrated on North American soil, bore on his bookplate three golden pheons on a black fess on an ermine field. In 1800 he succeeded Bishop White as chaplain of the United States Senate.³²

³⁰ 'Higginson, Stephen', DAB 5, p. 15); GEORGE EVERETT HASTINGS, *The Life and Works of Francis Hopkinson*, Chicago University Press, 1926, p. 257; PATTERSON and DOUGALL, at n. 15 *supra*, p. 34; 'Hillegas, Michael' DAB 5, p. 51; ZIEBER, n. 3 *supra*, p. 68; FALES, at n. 8 *supra*, p. 44; Duane L. C. M. GALLES, 'Washington's Armorial Heritage Today', *The Coat of Arms* (Spring, 2003), pp. 26-27. Information on the Hillegas silver, the Claggett bookplate, and the Higginson seal are from Charles Knowles BOLTON, *Bolton's American Armory: A Record of Coats of Arms Which Have Been in Use Within the Present Bounds of the United States*, Boston, The F. W. Faxon Co., 1927, pp. 1, 32, 34, 80.

³¹ BECKWITH, n. 6 *supra*, p. 83.

³² Thus, the Diocese of Maryland bears *quarterly Argent and Gules a cross counterchanged bearing a pheon in the chief and in the first quarter paly of six Or and Sable counterchanged bendwise*. The pheon is taken from Bishop Claggett's arms. The quarter is a differenced version of the arms of the Calverts, Lords Baltimore and Lord Proprietors of Maryland. They bore *paly of six Or and Sable a bend counterchanged*. The Calverts quartered this coat with the canting arms of Crossland, viz., *quarterly Argent and Gules a cross bottony counterchanged*, and so the diocese has used a differenced version of this Crossland coat for its basic coat which was then differenced by a differenced version of the Calvert arms in quarter and by the Claggett pheon in chief. The Diocese's Cathedral of the Incarnation in Baltimore bears a differenced version of the Crossland coat differenced by the Claggett pheon, viz., *quarterly Argent and Gules a cross counterchanged with a pheon of the second in the first quarter*. Eckford DE KAY, *Heraldry in the Episcopal Church*, San Jose, CA, Acorn Press, 1993, pp. 42, 106. Episcopal bishops and dioceses ensign their arms with a mitre and place in saltire behind the shield a crosier and key

As we have seen, the **New England Historic Genealogical Society** was established in 1845, and in 1864 its **Committee on Heraldry** was formed. For four years from 1865 to 1869 the Committee published a quarterly journal called *The Heraldic Journal*, replete with useful information on arms of families who had settled anywhere in the future or present United States. Its editor, and the Committee's first chairman, William H. Whitmore (1836-1900), produced 'the first treatise on Heraldry prepared for the American public'.

At the end of the nineteenth century the Committee published a list of arms licitly borne by citizens of the republic. In 1928, as we have seen, the Committee began to publish its *New England Roll of Arms*, which today includes over 700 coats of arms.³³

In 1903 institutional interest in armory got a further boost when a group of Americans, headed by Emma Maleen Hardy Slade (1847-1925), daughter of Walter Hardy and his wife, Ruth Merrill Clark, and wife of William Gerry Slade (1834-1913), established a non-profit organization called the **Order of Americans of Armorial (recte 'Armigerous') Ancestry**, which is composed of members lineally descended from an armiger who had immigrated to the United States before 1776.³⁴ The organization continues today with about three hundred members.

Other corporate promoters of armory in the United States have been the **Huguenot Society of America** and the **Église française du saint esprit** in New York City. The Society was established in 1883 to recall the history and ideals of French Protestants forced to leave their homeland by the Revocation of the Edict of Nantes in 1685. The Church, with which it has understandably historic ties, is a French-language congregation dating to 1628. It became part of the Episcopal Diocese of New York in 1802, and

crossed in saltire. Episcopal cathedrals use the same ensigns except that in place of the key they employ a mace. DE KAY, pp. 4, 93.

³³ William H. WHITMORE, *The Elements of Heraldry: An Explanation of the Principles of the Science and a Glossary of the Technical Terms Employed with an Essay upon the Use of Coat-Armor in the United States*, Boston, Lee & Shepard, 1866, at p. i. Whitmore does take note of the earlier *A Handbook of Heraldry* by T. W. Gwilt MAPLESON (1814-1852) published in 1851 in New York, but he adds, at p. ii, that 'it was of so trivial a character that this [Whitmore volume] must be regarded as the first attempt to gather out that portion of the description of Heraldry which will be especially useful on this side of the Atlantic'. The work by Mapleson, who was an illustrator, is listed in the catalogues of the Library of Congress and the New York Public Library, but attempts by the present author to access it have found it unavailable. On Whitmore, see 'William Henry Whitmore', NEHGS, 56 (1902), pp. 67-69; William S. APPLETON, 'Positive Pedigrees and Authorized Arms', NEHGR, 45 (1891), pp. 187-190, and, William S. APPLETON, 'Additions to Positive Pedigrees and Authorized Arms', NEHGR, 52 (1898), p. 185.

³⁴ John William LEONARD (ed.), *Who's Who of American Woman: A Biographical Dictionary of Contemporary Women of the United States and Canada, 1914-1915*, New York, The American Commonwealth Co., 1914, p. 750. She was also foundress of the National Society of New England Women and of the National Society of United States Daughters of 1812.

still maintains a French-language liturgy following the *Book of Common Prayer* at its place of worship on East 60th Street in Manhattan. Surrounding its worship space is a Huguenot roll of arms, consisting of some fifty enameled copper plates bearing the arms in colour of the Church's founding Huguenot families, including handsome coats like du Sauchoy, *Azure a chevron between three trefoils gold*, and Hasbrouck, *Sable a chevron between three mortcours Or enflamed Gules*. It also includes coats with typically French elements, like the chief *cousu* (or merely 'stitched on' and so in theory avoiding violating the 'no colour on colour' rule) in the Robert arms, *Gules a pascal lamb silver and in chief [cousu] Azure three stars gold*. Like the roll of arms in sandstone on the University Club in the City, this is one of New York's under-appreciated armorial treasures.³⁵

One of the most notable enthusiasts of heraldry in America was General John Ross Delafield (1874-1964) of New York, who for many years was chairman of the **Committee on Heraldry of the New York Genealogical and Biographical Society**.³⁶ His mother was Mary Coleman Livingston, descended from Robert Livingston (1654-1725), Lord of Livingston Manor, and his wife Alida Schuyler, and on 24 October 1916 he matriculated for her with the Lord Lyon in grand quarters the Livingston and Callendar arms, the whole differenced by a mullet gules. His paternal grandmother was Julia Livingston (1801-1882), descended from 'the Nephew' Robert Livingston (1663-1725), son of James Livingston (1646-1700), the elder brother of the aforesaid Robert Livingston. For her on 21 April 1917 he also matriculated the Livingston and Calendar arms, differenced by a bordure engrailed azure and at the fess point of the escutcheon a crescent gules. Then he obtained in 1917 a Delafield grant of arms with special remainder to the descendants of his New York ancestor John Delafield (1748-1824) (NER 170). He got as well grants for other ancestors, the Halletts (John Delafield married Ann, daughter of Joseph Hallett, a Revolutionary War officer) (NER 171), the Beekmans (Margaret Beekman was Julia Livingston's great-grand-mother) (NER 95), and the Vanbrughs (Katherine Vanbrugh was the great-grandmother of Mary Coleman Livingston) (NER 184). For his wife Violetta Susan Elizabeth White (1875-1949), who was the daughter of John Jay White and his wife Louisa Laura Wetmore, daughter and coheiress of Prosper Montgomery Wetmore, he got grants for the Whites (NER 172) and the Wetmores (NER 422).³⁷

³⁵ HUGUENOT SOCIETY OF AMERICA, *Quatercentenary Celebration of the Promulgation of the Edict of Nantes April 13, 1598*, New York, 2002, pp. 35-36, 99-111.

³⁶ The New York Genealogical and Biographical Society was established in 1869 to collect and make available information on genealogy, biography, and history, particularly as it relates to the people of New York State. Since 1870 it has published *The New York Genealogical and Biographical Record*, a leading scholarly journal.

³⁷ WOODCOCK and ROBINSON, at n. 5 *supra*, p. 163; The Delafield arms are blazoned *Sable on a cross flory Gold a lion Gules*, the Hallett arms, *Silver two bars wavy Azure between three eagles displayed proper*, Beekman, *Azure a bend wavy Silver between two roses Gold*, White, *Gules a bend between two boar's heads couped Gold on the chief part of*

All of this flowed like a river into his magnificent armorial bookplate, engraved in 1927 by William Phillips Barrett (1861-1938). It shows Delafield's quartered arms impaled with those of his wife. His arms included quarterings for Delafield, Hallett, Livingston, Schuyler, Livingston, and Beekman. The Vanbrugh arms, confirmed only in 1932 to his ancestress Katherine Vanbrugh, daughter of Colonel Peter Vanbrugh of New Amsterdam, did not appear in the 1927 bookplate. This Delafield coat of six quarterings was then impaled with the quartered arms of White and Wetmore of his wife. Beneath the shield were the badges of the Legion of Honour, the Distinguished Service Medal, and the Society of the Cincinnati.³⁸

the bend a scallop fesswise of the field, and Wetmore, Silver a bordure and overall a chief Azure on the chief three martlets Gold. Mary Coleman Livingston or Delafield matriculated for the first and fourth quarters of the first and fourth grand quarters the Livingston quartering within a bordure quarterly Azure and Or, and in the first and fourth quarters of the second and third grand quarters the same coats within a bordure engrailed Azure. For the second and third quarters of the first and fourth grand quarters the Callendar quartering was borne within a bordure quarterly azure and Or, and in the second and third quarters of the second and third grand quarters the Callendar quartering within a bordure engrailed azure. The grand quarters perhaps recall that the grandfather of Mary Coleman Livingston, Robert L. Livingston, had married Margaret Maria Livingston, daughter and coheir of Chancellor Robert L. Livingston (1746-1813). At the centre of the first and fourth grand quarters for difference was a mullet gules. By contrast the arms matriculated for Julia Livingston were the quartered Livingston and Callendar coats within a bordure engrailed azure and with a crescent gules at the fess point of the shield. REID OF ROBERTLAND, at n. 26 supra, pp. 23, 24, 97, 98. Robert Livingston was the third surviving son of The Rev'd John Livingston of Ancrum, Scotland, the great-great-grandson of Sir William Livingston, 4th Lord Livingston of Callendar. Robert 'the Nephew' was the son of James, his second surviving son and, hence, the crescent and mullet. Cuyler REYNOLDS (ed.), *Genealogical and Family History of Southern New York and the Hudson River Valley*, 3 vols., New York, Lewis Historical Publishing Co., 1914, III, pp. 1301, 1319, 1337. The Delafield and White coats are also depicted in Arthur Charles FOX-DAVIES, *Armorial Families: A Directory of Gentlemen of Coat-Armor*, 2 vols., Rutland, VT., Tuttle, 1970, I, p. 525 and II, p. 2077. That source has the first Livingston arms as quarters—not grand quarters—within a bordure quarterly azure and Or with a mullet Gules for difference while the second Livingston quarter is within a bordure engrailed Azure also with a mullet gules for difference. Fox-Davies notes that Delafield was, in addition to being an officer in the Legion of Honour, an officer of the Order of the Crown of Italy.

³⁸ N. L. TAYLOR, 'The Delafield Quarterings (English Arms for Americans)', in *A Genealogist's Sketchbook: Reflections on Genealogy and Memory* at <http://nltaylor.net/sketchbook/archives/221> (accessed 2/4/09) shows the bookplate, the letters patent for the Delafield arms, and a photograph of John Ross Delafield. Interestingly, the Vanbrugh arms, confirmed to Delafield's ancestress, were also those of Sir John Vanbrugh (1664-1726), Clarenceux King of Arms. Son of Giles Vanbrugh and his wife Elizabeth, daughter and coheir of Sir Dudley Carleton, Sir John bore quartered arms exemplified to him in 1713, viz., *Quarterly, first and fourth, Gules on a fess Or three barrulets Vert in chief a demi-lion Argent issuing*

Individual Americans meanwhile continued to evince an interest in armory, and their number included a number of Presidents of the United States and other leading public servants. In 1945, upon his admission to the Danish Order of the Elephant, General of the Army Dwight David Eisenhower (1890-1969) (NER 565) was assigned canting arms, a blue anvil on a golden field. In 1961 John Fitzgerald Kennedy (1917-1963) received a grant of arms from the Chief Herald of Ireland, and three decades later the Chief Herald made another grant of arms to William Jefferson Clinton (1946-). In 2004 the Lord Lyon presented arms to the United States Secretary of State, General Colin Powell (1937-).³⁹

Members of the New England Committee on Heraldry have also, not surprisingly, been armorial enthusiasts. Dr. Arthur Adams (1881-1960) (NER 23) had an honorary grant from the College of Arms in 1923. Dr. Harold Bowditch (1883-1964) (NER 22), for thirty-nine years Secretary of the Committee, was the scion of an armigerous family. George Andrews Moriarty, Jr. (1883-1968) (NER 118), also received in 1929 an honorary grant of arms from the English Kings of Arms, as did Henry L. P. Beckwith, Jr., (1935-) (NER 588), who was Dr. Bowditch's successor as Secretary.⁴⁰

from the fess (for Vanbrugh), and, second and third, Argent on a bend Sable three voided lozenges Argent (for Carleton). GODFREY and WAGNER, at n. 14 supra, pp. 90-91.

³⁹ John J. FITZPATRICK KENNEDY, 'The Arms of the Presidents of Ireland and the United States', *Heraldry in Canada* (September, 2000), pp. 10-12; Edward L. GALVIN, 'The Kennedys of Massachusetts', *NEHGR* 137 (1983), pp. 221-224; Peter DRUMMOND-MURRAY OF MASTRICK, 'General Colin Luther Powell', *The Double Tressure* (2004), p. 18. The arms granted to President Kennedy (and to the other descendants of his great-grandfather Patrick Kennedy (c. 1823-1858), and so the arms are available also—suitably differenced—to the President's brother Senator Edward Moore 'Ted' Kennedy (1932-2009), K.B.E., were blazoned: *Sable three helmets in profile Gold within a bordure per saltire Gules and ermine*. The arms granted to President Clinton were blazoned: *Or a lion rampant Gules charged with three bars Argent grasping in the dexter forepaw a branch of olive proper between in dexter chief and sinister base a cross crosslet fitchy Sable and in sinister chief and dexter base a shamrock slipped Vert*. The arms of General Powell, KCB, are blazoned: *Azure two swords in saltire points downwards between four mullets Argent on a chief of the second a lion passant Gules*. Hugh BROGAN and Charles MOSLEY, *American Presidential Families*, New York, MacMillan, 1993, p. 674, notes that Joseph Kennedy (1888-1969), father of John Fitzgerald Kennedy, was created a Knight Grand Cross of the Order of Pius in 1939 at a time when it conferred on the recipient personal nobility and that Rose Kennedy (1890-1995), the President's mother, had been created for life a papal countess.

⁴⁰ These arms are blazoned as follows, Adams, *Azure a crescent Or on a chief of the second three fleurs de lis of the first*; Bowditch, *Silver a fess wavy between three bows palewise Gules stringed Or*; Moriarty, *Silver a two-headed eagle within a border Sable on the border eight bull's heads couped Gold*; Beckwith, *Sable fretty gold a cross couped the point of intersection encircled by an annulet both Gules on a chief ermine a three-headed eagle displayed Sable beaks and legs Or*. The Committee collectively bear arms, *Argent on a sea composed of six barrulets wavy Azure and Argent a ship Sable the sail unfurled and a banner at the stern both charged with a cross of Saint George*. A depiction of a woodcarving of the arms by its member Colin Campbell of Inverneill, yngr., can be

1.4. Heraldic and Pro-heraldic Activities in British America before 1776

Some of the provinces of British North America also used, or attempted to use, heralds as well as heraldic emblems. In 1648 the General Assembly of Rhode Island appointed William Dyer (c. 1609-1676), a sometime member of the Fishmongers Company of London, as a **herald pro hac vice** to undertake one of the ceremonial, rather than armorial, duties of a herald. Perhaps better known was his wife Mary Barrett Dyer (c. 1611-1660), the famous Quakeress who was hanged for heresy on Boston Common. In any case, he seems to have had no successors in his office.

A few years later, after the Restoration of Charles II in 1660, Sir Edward Walker (1611 - 1677), Garter Principal King of Arms, petitioned unsuccessfully for letters patent constituting him '**Principall and only King of Arms of all his Majesties Plantations in America**'. Had he been successful, heraldry might well have been implanted in British America two centuries earlier than it was.

In the meantime one of the lesser English officers of arms, Colonel William Crowne (c. 1617-1683), sometime **Rouge Dragon Pursuivant**, had actually come to America. He wore his tabard from 1638 until 1657 when he resigned his office, having received a grant of land in Nova Scotia, and sailed to Massachusetts. At the Restoration he resumed his tabard and was present at the coronation of Charles II, but he resigned his office again the following year, and returned to Massachusetts, where he received a grant of 500 acres in Mendon. His son John was educated at Harvard and returned to England, but *his* son Henry (NER 328) — who bore *three silver wolves passant in pale collared gold on an azure field with a crescent for difference* — settled in Portsmouth, New Hampshire, and left descendants. It is thought that William brought to America the manuscript *Promptuarium Armorum* by William Smith (d. 1618), an earlier Rouge Dragon, which was one of the sources of the Gore Roll of Arms.⁴¹

John Gibbon (1629-1718) (NER 136), later **Bluemantle Pursuivant**, and a kinsman of the more famous Edward Gibbon, the historian, was born in London, the son of a citizen and draper there who descended from a Kentish family, who bore a lion guardant between three escallops all silver on an azure field. Educated at Merchants Taylors' School and Jesus

found in Carl-Alexander von VOLBORTH, *The Art of Heraldry*, London, Tiger Books International, 1991, p. 158.

⁴¹ Harold BOWDITCH, 'Heraldic Intelligence', NEHGR, 95 (1941), p. 95; 'Dyer, Mary', DAB 3, p. 584; 'A King of Arms for America', *The Curio*, 1 (1888), p. 140. The draft petition printed there proposed to grant Sir Edward and his deputies authority 'to record the Names Armes Matches Issues Descents of all Gent. Inhabiting in any of the sayd Plantations with power likewise to him and his successors to graunt Armes unto any person or persons of worth & merit inhabiting any of the sayd Colonies and Plantations. GODFREY and WAGNER, at n. 14 *supra*, pp. 52, 188, 222-223; William H. DAVIS, 'Colonel William Crowne and His Family', NEHGR 57 (1903), pp. 406-410; Anthony WAGNER, 'The College of Arms and America', NEHGR, 96 (1942), p. 95.

College, Cambridge, he served as tutor to Lord Coventry, and later travelled and saw military service on the Continent before voyaging to Virginia in 1657, where he served as estate manager to Colonel Richard Lee. At the Restoration in 1660 he returned to London, and in 1671, through the patronage of Sir William Dugdale (1605-1686), was created Bluemantle Pursuivant. A few years later looking back on his triennium in America he wrote 'I love Virginia, being a most goodly country'. He is most remembered for his 1682 publication, *Introductio ad latinam blasoniam*. A public supporter of the Duke of York, while he took the oath of allegiance after the Glorious Revolution of 1689, he saw no further preferment at the College of Arms.⁴²

In 1705 His Excellency, John Lord Granville, Palatine of Carolina, along with the Right Honorable Lords Proprietor of Carolina, created the office of **Carolina Herald** for their province which encompassed the present states of North Carolina, South Carolina, Georgia, (part of) Florida, Alabama, Mississippi, and Tennessee. The first Carolina Herald was **Lawrence Crompton**, whom they presented with letters patent, creating him for life 'President of our Court of Honour and principal Herald of our whole Province of Carolina, by the name of Carolina Herald'. In the language of the Roman law tradition Crompton was given both voluntary and contentious jurisdiction. That is to say he was given both executive or administrative and judicial power. The letters patent in fact conferred three main powers.

Carolina Herald was authorized to 'grant and assign...such arms and crests as you shall think most fit and proper to all such inhabitants of our said Province' of Carolina and to keep a register of the same. Second, Carolina Herald was authorized to bestow distinctions of honour and to regulate precedence in the province. These were executive powers. Finally, he was authorized to hold a Court of Honour and to cite and cause persons to appear before him to hear and determine controversies regarding coats of arms. This judicial power could be exercised in civil cases where two parties disputed the right of one or the other to the use of armorial bearings, or it might be exercised in criminal or 'office' cases where Carolina Herald initiated enforcement action *sua sponte* against a party for improper use of armorial bearings.

Lawrence Crompton, the only incumbent appointed to the office of Carolina Herald, was no tyro in matters armorial. He had long been a member of the College of Arms in London, incorporated in 1484 by Richard III. In 1689 Crompton, as Portcullis Pursuivant, entered the ranks of the College's officers of arms. Eleven years later he was promoted to the office of York Herald. He had thus been an officer of arms in England for sixteen years before being appointed Carolina Herald, an office he held until his death in 1715.⁴³

⁴² 'Gibbon, John', *Oxford Dictionary of National Biography*, 22, p. 19; GODFREY and WAGNER, at n. 14 *supra*, pp. 199-200.

⁴³ Joseph I. WARING, 'The Carolina Herald', *South Carolina Historical Magazine*, 72 (July, 1971), p. 161; MARK NOBLE, *A History of the College of Arms and the Lives of the*

Lamentably his death proved untimely. While the Peace of Utrecht had in 1713 put an end to the War of the Spanish Succession, the next year saw the death of Queen Anne and the accession of the new Hanoverian dynasty with the consequent Jacobite Rising in 1715. In Carolina matters were also in turmoil. The political situation in the Province was delicate and there was a movement afoot to sever the province in two. Furthermore, the Lord Proprietors were tiring of the burdens of governance and were considering the surrender of their charter to the Crown, which in fact — thanks to a revolution in 1719 — they did. Nor was the economy of the province more encouraging. Beginning in 1712 the Tuscarora and Yamasse Indian wars devastated the province.⁴⁴ In short, the times were not auspicious for filling the office of Carolina Herald, vacant after the death of Crompton in 1715.

Lacking heralds at home, British Americans went abroad for them. Samuel Cranston (1659-1727) of Rhode Island (NER 27) in 1724 had resort to the Lord Lyon and matriculated his arms in the office of the Lord Lyon. He was the son of Governor John Cranston (c. 1625-1680), the son of The Rev'd James Cranston, a chaplain to King Charles I. Samuel's mother was Mary Clarke (c. 1641-1711), the daughter of Captain Jeremiah Clarke and his wife Mary Weston, whose brother Richard had been created Earl of Portland in 1633. In 1776 John Gordon of Florida (NER 480) likewise had resort to the Lord Lyon.⁴⁵

The Robinsons were a very prominent Virginia family who in 1712 recorded their pedigree with the College of Arms. Christopher Robinson I (1645-1691) (NER 474) immigrated to Virginia about 1666 and became a

Kings, Herald, and Pursuivants, from the Reign of Richard III, Founder of the College, Until the Present Times, London, 1804, p. 359; GODFREY and WAGNER, at n. 13 *supra*, p. 182.

⁴⁴ Robert M. WEIR, *Colonial South Carolina: A History*, New York, KTO Press, 1985, pp. 50, 85, 101. Doubtless the partition of the Province of Carolina had the most deleterious effect on the prospects of the office of Carolina Herald. One need but consider the effects that the partition of Ireland in 1922 had on its ancient heraldic office. Ulster King of Arms had enjoyed heraldic jurisdiction throughout the thirty-two counties of Ireland. With the advent of the Irish Free State came a partitioning of heraldic jurisdiction by the appointment in 1943 of a new Chief Herald of Ireland. For the six counties of Northern Ireland the office of Ulster Kings of Arms was continued and united with that of Norroy King of Arms, an officer of the English College of Arms. The (*soi-disant*) MAC CARTHY MOR, 'Ireland, Law of Arms', in Stephen FRIAR (ed.), *A Dictionary of Heraldry*, New York, Harmony Books, 1987, pp. 201-202.

⁴⁵ PAUL, at n. 14 *supra*, pp. 95, 101, 188, 241. Charles Albert DUBOSQ and William JONES, 'Descendants of Gov. John Cranston of Rhode Island', in Gary Boyd ROBERTS (ed.), *Genealogies of Rhode Island Families From the New England Historical and Genealogical Register*, 2 vols., Baltimore, Genealogical Publishing Co., Inc., 1989, I, pp. 278-280. The Cranstons bore *Gules three cranes and a border embattled Silver*. Gordon bore a quarterly coat: 1 (for Gordon) *Azure on a fess between three boar's heads couped Gold a wolf's head couped Sable*; 2. (for Badenoch) *Gold three lions's heads erased Gules*; 3 (for Seaton) *Gold three crescents with a tressure flory and counterflory Gules*; 4 (for Fraser) *Azure three fraises Argent*.

member of its House of Burgesses and Secretary of the Colony. His son John was President of the Council of Virginia and bore *Gold on a chevron between three stags trippant Vert three cinquefoils of the field*. His grandson, also John Robinson (1704-1766), was Speaker of the House of Burgesses and Treasurer of Virginia and it was said, after the Governor, the most powerful man in the province. At the Revolution the family remained loyal to the Crown, and Col. Beverley Robinson became the chief of intelligence for the Imperial Army. Christopher Robinson III served in the Queen's Rangers under Simcoe, and having surrendered to Washington at Yorktown, became one of the founders of Upper Canada and its capital of York, now Toronto. His son Sir John Beverley Robinson (1781-1863) became Chief Justice of the province (now Ontario), was given a baronetcy, and was for many years leader of the 'Family Compact' there.⁴⁶

Another early armiger, Sir William Pepperrell (1696-1759), was a prominent business and military leader in Massachusetts. He would undertake rather different business with the College of Arms in London. The chief of his family already bore arms in the form of a red chevron between three green pine cones on a silver field (NER 28). In 1745 he led the New England forces at the British capture of Louisbourg on Cape Breton, and for his services he was granted (as well as a baronetcy) an augmentation of honour consisting of a silver fleur de lis on a red canton on his arms, and a crest blazoned as *an arm embowed proper grasping a staff thereon a flag Argent issuing out of a mural crown proper with three laurel leaves between the battlements*.⁴⁷ On the next level down, George Rome, an armigerous merchant of Newport, Rhode Island, recorded his pedigree with the College of Arms in London, and in 1772 received a grant and confirmation of arms. The coat granted was version of his patrilineal arms duly differenced with a pean fess, as the patent said, in view of 'the Distance of his Residence from is Mother-country and a variety of incidents and frequent immigration from different part of the British dominions which have occurred to his father, grandfather and other of his ancestors'.⁴⁸

⁴⁶ Conrad SWAN, *American Heraldry and the College of Arms*, Dallas, Texas Division of the National Society of Magna Carta Dames, 1965, p. 5; 'Robinson, John', *DAB*, 8, p. 46; 'Robinson, Sir John Beverley', *Dictionary of Canadian Biography*, University of Toronto Press, 1976, 9, pp. 668-678.

⁴⁷ Henry L. P. BECKWITH, Jr., 'The Armorial Honors of Sir William Pepperrell', in Samuel NILES, *New England's Victory at Louisbourg in 1756*, n. p., Society of Colonial Wars in the State of Rhode Island, 1994, pp. 41-42. Beckwith notes that the fleur de lis, drawn from the French royal arms, was a symbolic reference to Pepperrell's victory at Louisbourg. The crest was likewise of that character. Mural crowns are commonly granted to victorious military leaders. A plain white flag was used by French land and sea forces. The laurel leaves were doubtless a reference to a hero's laurel chaplet. An engraving of the Pepperrell arms *sans* crest can be found on a teapot made by the noted Boston silversmith Jacob Hurd (1703-1758), in the Mabel Brady Garvan Collection of Yale University Art Gallery. WARD and WARD, at n. 12 *supra*, p. 146.

⁴⁸ SWAN, *American Heraldry*, at n. 42 *supra*, p. 5. Rome may have embellished the vicissitudes of his ancestors to gain a confirmation of arms from the Kings of Arms.

Some British American armigers were of the newly-minted sort. With no Carolina Herald after 1715, the South Carolina Huguenot Daniel Huger (1742-1799) (NER 243), who owned a barony there, and would later serve in the Continental Congress, and later still in the first and second Congresses after the adoption of the Constitution in 1787, likewise went to London in 1771 to secure a grant of arms from the College. His fellow South Carolinian Thomas Heyward (1746-1809) (NER 455) of Saint Luke's Parish, South Carolina, had similarly been granted arms in 1768: viz., *Azure a chevron party Gold and ermine between three sheaves Gold*. He read law at Middle Temple, and later was a member of the Continental Congress and a Signer of the Declaration of Independence. The noted American composer George Gershwin a century and a half later would write the music for his opera *Porgy and Bess*, that was based on the best-selling novel *Porgy* by the armiger's descendant DuBose Heyward, who with George's brother Ira wrote the opera's libretto.⁴⁹

Still other British Americans resorted to **substitutes for heralds**. The heraldic funeral had long been an important aspect of the ceremonial work of the heralds, and an important part of what they called their 'occasional' income. The solemnity and pomp of the funeral varied with the degree of the armiger. Heralds not only attended such funerals in person expecting fees and expenses on such occasions, they also supplied armorial items. In the case of a knight bachelor it might be a standard, pennon, helm and crest, and coat-of-arms. At the funeral of Archbishop Juxon of Canterbury in 1663, Garter King of Arms, together with Lancaster Herald, Windsor Herald, and York Herald, had to journey from London to Oxford for his lying in state and funeral, together with 'the streamers, scutcheons and other matters'. For reasons of cost, there was naturally a

Helen M. MORGAN, *The Stamp Act Crisis: Prologue to Revolution*, Williamsburg, VA, 1995, p. 48, describes Rome as 'an agent sent by the English firm of Champion and Hayley to collect debts owed them in Rhode Island. Rome had come to Newport only in 1761, but other members of the group [seeking the appointment of a royal governor in Rhode Island] were residents of long standing'. Rome (NER 160) bore, *Silver a fess pean and in chief a lion passant Gules*.

⁴⁹ SWAN, *American Heraldry*, at n. 42 *supra*, p. 5; WOODCOCK and ROBINSON, at n. 5 *supra*, p. 157, p. 163. Huger was granted *Argent between two flaunches Azure each charged with a fleur de lis Or a heart enflamed and in chief two laurel branches crossed saltirewise and in base an anchor erect all proper*. The crest was a Virginia nightingale upon a sprig all proper. The prescient motto read, *Ubi Libertas ibi Patria*. Daniel Huger, father of Congressman Daniel Huger, had in 1713 purchased 3,415 acres of Cypress Barony, one of four baronies of 12,000 acres granted in 1683 to Thomas Colleton, who had been created a landgrave of Carolina on 28 May 1681 and was the second son of Sir John Colleton, one of the original lord proprietors of Carolina. HENRY A. M. SMITH, 'The Baronies of South Carolina', *The South Carolina Historical and Genealogical Magazine*, 11 (January, 1911) p. 7. Thomas Heyward's Charleston town house survives and since 1929 has been a house museum operated by the Charleston Museum. The letters patent granting Heyward arms are on display there. The neighbourhood surrounding it was used by Dubose Heyward as the setting for *Porgy and Bess*. 'The Heyward-Washington House, 1772', at <http://www.charlestonmuseum.org/topic.asp?id=21> (accessed 1/23/09).

tendency to bypass the heralds and go to alternative sources for such 'streamers, scutcheons and other matters', and herald-painters began to absorb much of this business. Undertakers of funerals also got into the business. When in 1751 the heralds were informed that the funeral of Frederick, Prince of Wales, would be 'private', it was clear that only for great state funerals (and a few others) would the heraldic funeral continue to be used.

Like their English cousins, British Americans perforce found in **herald painters** substitutes for heralds for many of their needs. There is mention of coat-armor borne at funerals in Boston in 1698, 1704, 1707, 1711, and 1713. In 1752 the executors of William Lynde reported that they had paid £6 for eight escutcheons for the funeral of the deceased to one such American herald-painter. He was James Turner (d. 1759), a Boston engraver. Funeral hatchments, furthermore, are not unknown in America, and a number of them survive.⁵⁰ Thus it is not surprising that many arms used in New England (and elsewhere) are to be found in the Gore Roll, a record of some 99 coats of arms apparently assembled by John Gore (1718-1796), a Boston carriage painter.⁵¹ The Gore Roll is mute evidence that British North Americans, like others in the more remote provinces of the British Empire, also tried to use substitutes for heralds.

1.5. Pro-heraldic Activities in the United States after 1783

The Revolution severed the citizens of the new republic from the heraldic authorities of the mother country, but as we have seen, it did not entirely destroy their interest in matters heraldic, and some attempts were made to establish some sort of authority in this area. Congress in 1776 appointed a committee, which included Benjamin Franklin, John Adams and Thomas Jefferson, who had produced the Declaration of Independence to design a coat of arms for the United States of America. Their design, more *impressa* than armory, depicted Pharaoh pursuing the Israelites through the parted Red Sea. Six years and two committees later and after consulting with with

⁵⁰ Harold BOWDITCH, 'The Gore Roll of Arms', *Genealogies of Rhode Island Families from Rhode Island Periodicals*, Baltimore, Genealogical Publishing Co., 1983, II, pp. 716; 'Heraldic Notes and Queries', *The Heraldic Journal*, 2 (1866), p. 94; William Lynde's grandfather was Simon Lynde (NER 211) who bore *Gules in chief gold three mallets erect Gules*. William Lynde's lineage is set for in J. Orton BUCK and Timothy Field BEARD (eds.), *Pedigrees of Some of the Emperor Charlemagne's Descendants*, Baltimore, Genealogical Publishing Co., 1988, pp. 198-201; Julian LITTEN, 'The Heraldic Funeral', *The Coat of Arms*, (Spring, 2005) pp. 47-51; John E. TITTERTON, *The Development and Use of Hatchments, Together with the Hatchments of Ireland and Former British Colonies*, Chichester, UK, Phillimore, 1994, pp. 59-63.

⁵¹ D. Brenton SIMONS, 'The Gore Roll: New England's Roll of Arms', *New England Ancestor*, 4 (Holiday, 2003), pp. 23-25; The Roll is now owned by the New England Historic Genealogical Society and can be viewed at its web site www.newenglandancestors.org. It was published in BOWDITCH, 'The Gore Roll of Arms', at n. 46 *supra*, pp. 707-808, reprinted from the *Rhode Island Historical Society Collections*, 29 (1936), 30 (1937), and 31 (1938).

Francis Hopkinson, armiger, and William Barton, armiger and heraldist, Congress approved a design for a coat of arms for the American union consisting of paleways of thirteen pieces Argent and Gules a chief Azure. This shield was then supported by an eagle and crested by a cloud surrounding a constellation of thirteen stars.⁵²



Thomas Reynolds (d. 1795), a Philadelphia engraver and silversmith, was among the first citizens of the United States to make a bid to serve as a pro-herald, or substitute for a herald. Echoing the dictum of the famous *De insignis et armis* of the great civilian Bartolus of Sassoferrato (c. 1313-1357) *arma sunt distinguendi causa*, he explained to the gentlemen and ladies of Philadelphia 'The principal use of Coats of arms is to serve as marks of insignia, and to distinguish the different families of a country, and to distinguish between those families of the same name but different family'. Writing in June, 1785, and adverting expressly to 'the present infant state of this independent empire', he declared in the *Pennsylvania Packet* that 'if its inhabitants were to pay attention to the attaining and preserving of their family arms, they might be made subservient to the valuable purpose of ascertaining descents, perpetuating the memorial of kindred by marriage, and pointing to the various branches of the same family, however numerous or remote'. To this end he offered to do family research and provide engravings of family arms. His chief research tool it appears was the two-volume tome by Joseph Edmonson (d. 1786),

⁵² Richard S. PATTERSON and Richardson DOUGALL, *The Eagle and the Shield : A History of the Great Seal of the United States*, Washington, U.S> Government Printing Office, 1976, pp/ 6, 33, 48, 84.

Mowbray Herald Extraordinary, *A Complete Body of Heraldry*, published in 1780.⁵³ Reynolds apparently saw no need for citizens of the new Republic, 'this independent empire' as he phrased it, to eschew coat armor.

An even more influential pro-herald was **William Barton** (1754-1817), a Philadelphia lawyer and the scion of a good Pennsylvania family (NER 530), who had actually studied armory under Garter King of Arms Sir Isaac Heard. He had served as consultant to the committee of Congress charged with designing the arms for the Great Seal of the United States, and had in fact produced the design finally selected, and still in use today. Doubtless knowing of Reynolds' work, in 1788 Barton endeavoured to render even more notable service. He had produced a manual on heraldry and now proposed to General George Washington the creation of an American Heraldic Institution. Its function was to be the 'examining, adjusting, registering, and also duly certifying the Armorial Ensigns' of American citizens. Inasmuch as the new United States Constitution forbade the United States to grant titles of nobility,⁵⁴ the Philadelphia lawyer's plan would have skirted that problem, for there was no proposal for grants of arms or titles. It would merely have examined and registered claims to existing arms and would have duly certified pedigrees of armigers and their descendants. In the case of cadets perhaps it would also have 'adjusted' their arms by assigning marks of cadency. But rather than resorting to an engraver who might merely copy from Guillim or Edmondson the arms of a family with the same name without any pedigree research, it seems that Barton envisioned the American Heraldic Institution as an office of state with the task of maintaining a sort of *libro d'oro* or Golden Book of American armorial families. It would presumably

⁵³ *Pennsylvania Packet*, Philadelphia, 1-15 June 1785, cited in Alfred Coxe PRIME, *The Arts and Crafts in Philadelphia, Maryland, and South Carolina, 1721-1785: Gleanings from Newspapers*, Philadelphia, The Walpole Society, 1929, pp. 39, 105. Reynolds charged four dollars for his research and engraving and it seems he was from Dublin; he worked on occasion in Baltimore as well as Philadelphia. Alfred Coxe PRIME, *The Arts and Crafts in Philadelphia, Maryland, and South Carolina, 1786-1800: Gleanings from Newspapers*, Philadelphia, The Walpole Society, 1932, pp. 72, 137. Like John Gore of Boston, Joseph Edmondson was a carriage painter and he apparently worked up a good business painting coat armor for clients, and in 1764 was co-opted into the College of Arms as Mowbray Herald Extraordinary and the following year granted arms, viz., *Azure a fess ermine cotised engrailed Or in chief two swans respectant and in base a lion all Argent*. The 'white lion' was a reference to his office. GODFREY and WAGNER, at n. 14 *supra*, pp. 283-284.

⁵⁴ U.S. Constitution, Art. I, § 9, cl. 8: 'No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State'. Regarding the use of coat armor by Americans on Chinese export porcelain—which some of their compatriots might have regarded as 'undemocratic', MUDGE, *Chinese Export Porcelain for the American Trade*, n. 20 *supra*, p. 178, notes: 'They were satisfied to be part of this country's gentry and have that fact affirmed on the china ware'.

have functioned—much like the *libri d'oro* of the Italian republics of Venice and Genoa—by inscribing officially the names, pedigrees and arms of the American republic's gentry.

For this proposal Barton sought the endorsement of General Washington who had presided over the Constitutional Convention the previous year in Philadelphia and who seemed likely to be elected the nation's first president. Washington replied with his customary courtesy and prudence to Barton, telling the American heraldist that he was impressed with Barton's heraldic expertise. At the same time the General professed the personal conviction that there was 'nothing in heraldry unfriendly to the purest spirit of republicanism'. Nevertheless, he did caution Barton against proceeding with his proposal at that time, given the hue and cry that had been raised against the Society of the Cincinnati as anti-democratic. Washington was referring to the storm of controversy occasioned by the establishment of the Society of the Cincinnati. The Society, established in 1783 at the close of the American War for Independence in part to secure veterans benefits for its members, was restricted to officers of the Continental Army and their male descendants by right of primogeniture.

Since the medieval rule of land tenure by primogeniture had generally been abolished in the train of the Revolution as 'undemocratic', the Cincinnati were seen by some as a reactionary element subversive of the new order and as an attempt to establish in America a *noblesse d'épée*. In the storm that followed many other practices of a supposedly 'feudal' origin were tarred with the same brush. Accepting Washington's paternal note of caution, Barton let lapse his project for the American Heraldic Institution. Lamentably, his armorial treatise was never published and the manuscript was apparently lost. Nevertheless, so highly did Washington think of Barton that in 1789 he offered the Philadelphia lawyer a federal judgeship. This, however, Barton declined.⁵⁵

Other citizens of the new republic resorted to other expedients. In England a clause in a will sometimes required a beneficiary to assume the **name and arms** of the testator, as a condition of inheritance. To effect the required change of name and arms, one petitioned the monarch for a royal license via the Home Office. Once the royal license is received and published in the *London Gazette*, it is recorded in the College of Arms.⁵⁶ Americans adapted this procedure to their new circumstances. Charles Carroll of Annapolis died without issue and left his estate to the issue of his sister who had married Charles Maccubin. An act of the Maryland Assembly of 1793 thereupon permitted Charles' nephews, Nicholas and James, to bear the maiden name of their mother and use the arms of Carroll. Similarly, three years earlier Charles Carman (and his son) and their heirs male had secured from the same source a private bill to take and name and

⁵⁵ Duane L. C. M. GALLES, 'American Heraldic Authority', *Heraldry in Canada* (Fall, 1986), p. 30, and GALLES, 'Washington's Armorial Heritage Today', at n. 27 *supra*, pp. 25-26.

⁵⁶ 'Name and Arms Clause' and 'Name, Change of', in FRIAR, at n. 40 *supra*, p. 254.

‘to use and bear the coat of arms and armorial bearings of the family of Ridgely’, which was his mother’s family.⁵⁷

Even after the Revolution, however, some citizens of the United States continued to resort to heralds across the water, especially those of the English **College of Arms**. In 1790 a grant was made to John Simon Farley (NER 324), Captain of the 68th Regiment of Foot, with extended remainder to the descendants of James Parker Farley, who had died in Virginia in 1777, so as to include his Farley relations then living in Virginia. In 1820 the Russells of Charlestown, Massachusetts, similarly got their English cousin James Russell (NER 267) to secure a grant of arms with a special extended remainder to all descendants of a common ancestor that included them. As we have seen, General John Ross Delafield also made use of this route to the English heralds.⁵⁸

Other Americans had yet different approaches to securing their rights as armigers, including another Carroll. Charles Carroll of Maryland (NER 234) was an ancestor of the Signer of the Declaration of Independence Charles Carroll of Carrollton (1737-1832), and a kinsman of the Signer of the Constitution Daniel Carroll (1730-1796), and of Daniel’s brother, America’s first Catholic bishop, The Rt. Rev’d John Carroll (1736-1815). The Carrolls bore *Gules two lions combatant silver supporting between them a sword erect silver hilted and pommel gold*. In 1826 Charles Carroll of Carrollton obtained from **Ulster King of Arms** a confirmation of these arms. Many others did likewise. In 1920 Patrick Toomey (1850-1922) (NER 667) of Saint Louis, Missouri, secured a confirmation of Irish arms, and in 1931 so did the descendants of Joseph Cooke (NER 209), whose son Robert Cooke had in 1841 come to Montgomery County, New York. Later yet in 1946 a similar confirmation was secured by the descendants of Robert Barber, who was born in the parish of Cappagh, County Tyrone, Ireland, about 1700 and settled in Worcester, Massachusetts, and in 1950 by the descendants of Hugh Bowden (NER 437) of Dromore, County Down, Ireland, who had emigrated to Carlisle, Pennsylvania, about 1765.⁵⁹

⁵⁷ Harry Wright NEWMAN, *Heraldic Marylandia*, Washington, 1968, pp. 15, 42. The Ridgely arms, a coat apparently not on the New England Roll, are blazoned *Argent on a chevron Sable three mullets pierced of the first*. Ibid., p. 134.

⁵⁸ Conrad SWAN, *American Heraldry*, at n. 42 *supra*, p. 6.

⁵⁹ Conrad SWAN, *Heraldry: Ulster and North American Connections*, Belfast, Ulster-Scot Historical Foundation, Sir Walter Scott Memorial Lecture, 1968, p. 9, citing Grants E.4 (12 July 1826). Sir Conrad calls the Carroll patent a ‘grant’, yet a confirmation seems more likely, especially since he adds, ‘there is some doubt as to the nationality of the grantee’. Nevertheless, he does cite grants to Hoey of South Carolina and Devlin of New York, citing Grants F.440, and Grants G.259. The Barber arms (Ireland III.68) are blazoned *Ermine on a saltire Gules a cross crosslet fitchy Argent*. The Bowden arms (Ireland III.116) are blazoned *Quarterly Sable and Or in the first quarter a lion passant and in the dexter chief a crescent also gold*. On the Carrolls, see Michael GLAZER and Thomas J. SHELLEY (eds.), *Encyclopedia of American Catholic History*, Collegeville, Liturgical Press, 1997, pp. 222-226. The Toomey arms are blazoned *Per chevron Gold and Gules in chief two lions issuant and in base a rose all counterchanged*. The Cooke arms are blazoned *Gules a fess Silver*

Still other Americans resorted to the **Lord Lyon**. In 1921 Lt. Col. Edgar Erskine Hume matriculated in the Public register of All Arms and Bearings in Scotland the arms of his ancestor George Hume (1697-1760) of Wedderburn, Berwickshire, (NER 14), who had emigrated to Culpepper County, Virginia, in 1721. In 1975 the descendants of James Steele (1761-1836) (NER 656), who had emigrated to South Carolina about 1787, likewise had arms matriculated to him in the Lyon register.⁶⁰

Access to heralds across the water was considerably facilitated with the appearance on 8 December 1919 of an **honorary grant of arms** from the London College of Arms to an American citizen, George Gordon King, of New York City. Such honorary grants eliminated the need for active cooperation by an agnate who was a British subject. Later the essentially similar **devisal of impersonal arms** to municipal and other corporations also made its appearance. Honorary grantees have included in 1933 Myron C. Taylor (1874-1959) (NER 225), lawyer, financier and later personal representative of President Roosevelt to Pope Pius XII, and in 1955 to Winthrop Williams Aldrich (1885-1974), G.B.E., financier and sometime American ambassador to Britain. Aldrich was the son of Senator Nelson Wilmarth Aldrich (1841-1915) of Rhode Island and uncle of Nelson Aldrich Rockefeller (1908-1979), forty-first Vice President of the United States. In 1957 the descendants of Minneapolis merchant miller and millionaire George Alfred Pillsbury (1816-1898) (NER 547) secured an honorary grant of arms, crest, badge, and standard.⁶¹

The **Chief Herald of Ireland** also makes grants to foreigners of Irish descent. John J. F. Kennedy, then of New York, in 1965 received a grant

charged with a crosslet Sable, and the Cooke lineage is set forth in BUCK and BEARD, at n. 46 *supra*, p. 209. On Irish confirmations, see Micheál Ó COMÁIN, 'Confirmations of Irish Arms and the Myth of Armigerous Ancestors', in FLOYD and BURNETT, at n. 10 *supra*, II, pp. 609-615.

⁶⁰ This matriculation included three quarterings, Hume, *Vert a lion Argent armed and langued Gules*, Pepdie, *Argent three popinjays Vert beaked and membered Gules*, and Sinclair of Polworth, *Argent a cross engrailed Argent and included a crescent Gules in the fess point of the escutcheon for difference*. REID OF ROBERTLAND, at n. 26 *supra*, pp. 109, 252, 345. Edgar Erskine Hume (1839-1952) took a medical degree at Johns Hopkins University in 1913 and was commissioned a lieutenant of the United States Army Medical Corps in 1916, ending his career there as a major general. He has been called the most decorated soldier in United States Army history and he was a Fellow of the Royal Society of Edinburgh and a Fellow of the Society of Antiquaries of Scotland. *Who Was Who in America*, Chicago, 1960, p. 428. The Steele arms are blazoned *Azure on a fess Silver three mascles Gules in dexter chief a mullet and in sinister chief a shamrock both silver*.

⁶¹ SWAN, *American Heraldry*, at n. 42 *supra*, p. 8. The Taylor arms are blazoned, *Sable a standing lion within a border engrailed Argent on the border four roses Gules and four fleurs de lis Azure*. The Pillsbury arms are blazoned *per fess Gules and Sable overall an eagle displayed Argent within an orle of millrinds Or*. The crest granted to this sometime New Hampshire family was a pine tree proper issuant from a circlet of bezants conjoined. The badge was a mill-bill the blade gold the haft sable enfiled by a circlet of bezants conjoined.

from the Chief Herald, and in 2001 Nettie E. Mealman of Minneapolis likewise received such a grant.⁶²

U.S. **corporations** have also had resort to heralds for arms. The George Washington University in Washington, D.C., began in 1821 under a congressional charter as Columbian College and acquired its present name in 1904. As a cant on its name, the George Washington University in 1997 received from the English Kings of Arms a devisal of arms which was a differenced version of the Washington arms, *Argent two bars and in chief three mullets Gules*. The University arms included three mullets in pale between two wavy bars. The bars were blazoned as 'of two troughs and one wave invected of one point on the upper edge and engrailed of one point on the lower edge'—these were intended to represent the pages of a book lying open and viewed on the side. The crest bespoke Washington and was in fact the cupola of his nearby home of Mount Vernon on the south bank of the Potomac River. The supporters were General George Washington himself attired in his Continental Army uniform and his wife, Martha Dandridge Custis Washington, clad in a fashionable dress of the period. Other examples of impersonal arms are those of the Saint George's Society of New York, a social and charitable organization established in 1770, which in 1995 received a devisal of arms from the English Kings of Arms, and in 2002 the Canadian Club of New York, Inc., received a devisal of arms from the Chief Herald of Canada.⁶³ In 2005 the Saint Andrew's

⁶² The Irish Genealogical Office, of which the Chief Herald of Ireland is head, claims succession from Ulster King of Arms, an office established in 1552 by English King Edward VI, so it is Ireland's oldest office of state. On 1 April 1943 the Irish Government changed the office's title to Genealogical Office, while the Chief Herald of Ireland replaced the King of Arms as principle officeholder. Susan HOOD, *Royal Roots Republican Inheritance: The Survival of the Office of Arms*, Dublin, The Woodfield Press, 2002, p. xiii. The Kennedy arms, mentioned here with the permission of the grantee, a Knight of Malta in Obedience, are blazoned *Sable a lymphad with sails furled and flags flying Or in chief a demi-eagle displayed of the second between two helmets Argent*. Royal Heraldry Society of Canada, 'Members' Roll of Arms', at http://www.heraldry.ca/top_en/top_rollx.htm (accessed 3/20/2009). The Mealman arms are blazoned *per fess urdy Argent and Vert three garbs counterchanged*; the crest, *an arm embowed vested Azure cuffed Or the hand proper holding a broad axe Gules*; the badge, *two broad axes in saltire Gules surmounted by a garb Or*; the standard, in the hoist the arms and in the fly *per fess Vert and Argent two bends Argent charged in black letter with the motto, Nec ferro nec auro*, and between them a representation of the crest and two of the badge. Duane L. C. M. GALLES, 'The Arms of Two Ladies: Recent Grants by Canada Herald and the Chief Herald of Ireland', *Heraldry in Canada* (2006), pp. 73-93.

⁶³ GALLES, 'Washington's Armorial Heritage Today', at n. 27 *supra*, pp. 33-34; Duane L. C. M. GALLES, 'New Arms for Saint George', *Heraldry in Canada* (June, 2000), pp. 15-18; Duane L. C. M. GALLES, 'On the Sail of a Windmill', *Heraldry in Canada* (Autumn, 2003), pp. 28-32. The Saint George's Society bears on its shield a Saint George cross cotised by blue demi-garbs intended to symbolize the bounty and benevolence of the Society. Its badge is a hurt charged with a golden windmill sail between four silver stars, all within a chaplet of Tudor roses. The

Society of the State of New York, established in 1756 and incorporated by the State of New York in 1826, received a grant of arms from the Lord Lyon.⁶⁴

A unique patent from the College of Arms is that to the Diocese of Connecticut. In 1924 the American Episcopal Diocese of Connecticut had—uniquely—‘assigned and registered’ (but, *semble*, not granted) to it arms, which encapsulate its early history. The arms are blazoned, *Azure a saltire Argent in chief two swords points upward saltirewise of the second pommels and hilts Or on an Inescutcheon Sable a Key and a Pastoral Staff in saltire of the third and on a Chief also of the third three Grape Vines fructed and issuing from Mounds proper*. The key and crosier are taken from the arms used by The Rt. Rev’d Samuel Seabury, who was consecrated the first Bishop of Connecticut in 1784 in Scotland, by bishops of the Scottish Episcopal Church. The saltire further alludes to the event in Scotland, the swords to the Diocese of London to which the church in Connecticut had hitherto been subject, and the chief to the arms of Connecticut.⁶⁵

The letters patent to the Diocese of Connecticut are unique not only in their text but also their context. No other diocese in the United States seems to have approached the College in quest of arms. But most dioceses — both Anglican and Roman Catholic — have assumed arms, and many now possess quite beautiful arms, designed by American expert heraldists acting as pro-heralds. Perhaps the best-known of these was Peter Ross, better known by his assumed name **Pierre de Chaignon LaRose** (1874-1941). Educated at Philips Exeter Academy and Harvard College (A. B. 1895), he taught English there between 1895 and 1902 before launching into an armorial career which spanned three decades until his death. During that period he supplied coat-armor for the colleges, houses, and schools of Harvard and Yale Universities as well as for numerous less prestigious institutions. He also designed arms for dozens of the Episcopal dioceses of the United States and for about half of the Roman Catholic dioceses and bishops of the United States. Arthur Charles Fox-Davies had said that

Canadian Club bears *Vert the sails of a windmill in saltire Argent a plate overall in fess point between four maple leaves Or*. A useful list of English grants to American corporations is in Henry BEDINGFELD, ‘English Grants of Arms in North American’, *Heraldry in Canada* (Autumn, 2005), pp. 11-13

⁶⁴ Duane L.C.M. Galles, “Arms for Saint Andrew in New York,” *Tak Tent: Newsletter of the Heraldry Society of Scotland* (July, 2010), pp. 14-15. The arms are blazoned, *a tall ship under sail hull Sable, sails Argent encircled by five mullets Or, on a chief Azure a saltire Argent charged with a red apple Proper*. For crest is « *an Eastern Bluebird statant proper*. Supporters include at the dexter a native American Proper and sinister a merchant attired in the style of the eighteenth century Proper holding a balance Or and resting his dexter foot on a barrel, proper. For badge, *a saltire Argent between four thistles leaved each pointing outward from the centre of the saltire Or, within a belt and buckle Azure fimbriated Or bearing the Motto ‘In Societate Benefice Docte’*.

⁶⁵ Robert Hale SYMONDS, *Ecclesiastical Shields for the Interior of Churches: How the Coat of Arms and the Seal of the Diocese of Connecticut were Obtained*, Milwaukee, Morehouse Publishing Co., 1926, p. 37.

‘American heraldry is beneath notice’,⁶⁶ and LaRose seemed dedicated to proving this dictum wrong.

The **Episcopal Church** in the United States (as the national branch of the Church of England was called after the Revolution) has a long history going back to the founding of Virginia in 1607, where it was the established church. The Anglican College of William and Mary, created in 1693 in the Virginia capital of Williamsburg, was one of the first British American institutions to receive a grant of arms. Not surprisingly, part of its mission was to train Anglican clergy for the colonies. Thanks in great part to the Society for the Propagation of the Gospel in Foreign Parts, between 1701 and 1776 some 300 Anglican missionaries were sent to America and, by the latter date, the Church of England was the second largest religious denomination in America, although several attempts to secure a resident bishop for what would become the Episcopal Church had failed, and the provinces of British North America all remained subject to the Bishop of London. The Revolution, however, proved devastating for American Anglicanism south of the Partition Line, which one Episcopalian thereafter described as ‘a piece of baggage left on the shores of the retreating British troops’. But in the course of the 1780s Anglicans in the United States organized their General Convention, drafted an American version of the *Book of Common Prayer*, secured bishops for the dioceses of Connecticut, New York, Virginia, and Pennsylvania, and began a slow recovery from the cataclysm.⁶⁷

Part of that recovery included the twentieth-century revival of an interest in arms and armigery.⁶⁸ LaRose designed arms for several dioceses of the Episcopal Church. A good example of LaRose’s work for the Episcopal Church is the coat he designed for the Episcopal Diocese of Pennsylvania, the bounds of which originally were coterminous with those the state. The Diocese was established in 1785 with The Right Rev’d William White as its first bishop, and Philadelphia as its seat. The design for the arms of the Diocese of Pennsylvania began with an Anglican reference, the cross of Saint George, which was then charged with three golden crowns in pale taken from the Swedish royal arms to recall the Swedish settlements, made along the Delaware River in 1644—the first European settlement in what is today Pennsylvania which were later merged into Penn’s colony. These charges were then placed all within a black bordure charged with eight Penn plates as a further geographical reference to Pennsylvania.⁶⁹

⁶⁶ Harry Downing TEMPLE, *Heraldry and the Diocese of Virginia*, n. p., 1971, p. 6.

⁶⁷ David I. HOLMES, ‘Episcopal Church, United States’, in Hans J. HILLERBRAND (ed.), *THE ENCYCLOPEDIA OF PROTESTANTISM*, 4 vols., New York, Routledge, 2004, II, pp. 67-677.

⁶⁸ Pre-revival usage of the Episcopal Church is noted in H. W., ‘The Official Seals of American Bishops’, *Notes and Queries*, 5th series, VII (1883), pp. 484-485, 502-504.

⁶⁹ DEKAY, *Heraldry in the Episcopal Church*, at n. 28 *supra*, p. 58. Of the Episcopal dioceses for which LaRose designed arms, DeKay mentions the Dioceses of Quincy, Illinois, p. 36, Lexington, Kentucky, p. 39, Washington, DC, p. 43, Massachusetts, p.

LaRose was also a prolific designer of arms for perhaps half of the dioceses and prelates of the **Roman Catholic Church** in the United States, which in colonial days was subject to the Vicar Apostolic of London. In the year following the Treaty of Paris of 1783, which recognized the independence of the United States, the Holy see erected the American states into an autonomous mission and appointed Fr. John Carroll as superior of mission. Five years later the Diocese of Baltimore was created and Carroll was elected its bishop, and in 1808 Baltimore was raised to metropolitan rank as the dioceses of Philadelphia, New York, Boston, and Bardstown (now Louisville) were erected and made suffragan to Baltimore in a new ecclesiastical province.

Baltimore is America's premier Catholic see, and, since 1858 the Archbishops of Baltimore have enjoyed a formal precedence over all other Catholic bishops in the United States. For this reason some writers have regarded them as quasi-Primates of the U. S. Catholic Church. With this in mind one heraldist took his inspiration for arms for the see of Baltimore in the arms of the primatial see of Canterbury (and Armagh) and suggested as arms for the Catholic see of Baltimore a silver pall ensigned with four black crosses paty, and placed on a green field.⁷⁰

But the first Catholic Bishop of Baltimore, The Rt. Rev'd John Carroll, had been a member of an old Maryland colonial family, as had many of his clergy and people. All of this goodly Maryland heritage would have been ignored had the Catholic see of Baltimore adopted the green 'primatial' coat based on the arms of Canterbury. And so for the Baltimore archdiocesan coat LaRose looked elsewhere for his inspiration, and seized upon the quartered cross botony of the Crossland coat of Lord Baltimore's arms. He placed it (now with the red and silver tinctures reversed for difference) on a blue and silver quartered field and in canton placed a silver star of Our Lady who was titular of the Archdiocese's then Cathedral of the Assumption. This venerable church had been designed in 1815 by Benjamin Latrobe (1764-1820), who had been one of the architects of the United States capitol in Washington, which then still lay within the Archdiocese of Baltimore. The heraldic result was a red, white and blue coat that looked very American in its tinctures as well as impeccably Catholic in the heraldic charges it employed, while at the same time resonating deeply into Maryland history with the references to the Crossland quarter of the Baltimore (and Maryland) arms, for Maryland had been founded in 1634 as a Catholic colony and named for England's Catholic Queen Henrietta Maria. The star was doubly symbolic, referring

43, Western Massachusetts, p. 44, Michigan, p. 44, Western Missouri, p. 47, New Hampshire, p. 49, Central (Syracuse) New York, p. 52, Albany, p. 53, Rochester, p. 53, Oregon, 57, and Spokane, p. 71.

⁷⁰ On Baltimore's precedence, see Duane L. C. M. GALLES, 'Baltimore's Failed Bid for the American Primacy', *Sacred Music* (Fall, 1996), pp. 5-14. On the arms of Catholic missionary prelates see IDEM, 'Armorial Ensigns of Catholic Missionary Prelates', *The Coat of Arms* (Winter, 1994), pp. 107-111.

to Maryland's republican heritage and to Baltimore's Cathedral of the Assumption.⁷¹

LaRose again revisited the Baltimore coat when he designed arms for the Catholic University of America. The University was incorporated in the District of Columbia in 1887, and received its pontifical charter in 1889. It was intended to become a national Catholic university much like comparable nineteenth-century foundations in Europe. One would guess that LaRose started with his Baltimore coat and then did some blending. The arms of Oxford University are well known: viz., an open book inscribed *Dominus illuminatio mea* between three gold crowns of Saint Edmund the Martyr, the last East Anglian king, on a blue field. In the case of the Catholic University of America we have an open book with the rather similar inscription *Deus lux mea est* resting, not between the Anglian crowns, but on a silver and red quartered cross and on a field, not blue, but quarterly blue and silver, as in the Baltimore archdiocesan arms — for until 1939, when the Archdiocese of Washington was erected, the University lay within the Archdiocese of Baltimore. In the canton is set, not the star as in the Baltimore archdiocesan arms, but rather a silver crescent. The allusion is similar, but distinct. In the Baltimore case it was a reference to the Virgin under the title of her Assumption. Here it again refers to her, but under the title of her Immaculate Conception. Under the latter title she is Patroness of the United States and titular of Catholic University's campus chapel, the vast Basilica of the National Shrine of the Immaculate Conception, first planned in 1911 and completed only in 1955.⁷²

LaRose also designed arms for another type of Catholic institution, the Basilica of Saint Mary in Minneapolis, Minnesota. Catholic **parishes** are individually incorporated in Minnesota under a special incorporation law enacted in 1879. Under canon 515, §3, of the *Code of Canon Law*, moreover, parishes are juridical persons or legal entities with most of the rights of natural persons and so *wappenfähig*, as the Germans would say. The Basilica coat of arms is a handsome coat with LaRose's typical simplicity and readability. Since 1783 the popes have conferred on certain architecturally magnificent or historically significant churches the title of **minor basilica** and assigned to them certain special privileges. Besides the name, minor basilicas created before 1968 enjoyed the use of the red and yellow silk *ombrellone*, a large umbrella carried half open today but once

⁷¹ Duane L. C. M. GALLES, 'The Reform of Ecclesiastical Heraldry Revisited', *The American Benedictine Review*, 43 (Dec., 1992), p. 418. As it happened, the client, James Cardinal Gibbons of Baltimore, was also an ecumenist and proudly American-born. He had delivered the opening prayer at the World Parliament of Religions in Chicago in 1892 and, when an Episcopal bishop offered to give precedence to him, inasmuch as Gibbons was an archbishop, the diplomatic Gibbons declared, 'Brother, we go together'. Furthermore, in the wake of *Apostolicae curae*, Leo XIII's 1896 declaration on Anglican orders, Baltimore's use of the 'primatial' coat to some would not have seemed an exercise in irenicism.

⁷² Gerard BRASSARD, *Biographical and Heraldic Dictionary of the Catholic Bishops of America: Armorial of the American Hierarchy, The South Atlantic States*, Worcester, MA, 1960, p. 185.

used to protect the pope from inclement weather during processions to the stational churches of Rome. Basilicas could also make use of the *tintinnabulum*, a bell mounted on a pole and used formerly to signal the approach of the papal procession. The *ombrellone* might be also used armorially and occasionally one finds the *tintinnabulum* in heraldry as well.

The Basilica of Saint Mary, the first in the United States, was given this status in 1926, and its coat of arms is blazoned *Azure in fess embattled in chief between a crescent and in base three bars wavy all Argent*. Behind it in pale is the *ombrellone*. Its symbols can be 'read' from top to bottom to say 'Basilica of Saint Mary of the City of Minneapolis'. Beginning with the *ombrellone* behind the shield this betokens 'basilica'. The crescent is the emblem of Our Lady under her title of Immaculate Conception and it recalls that the Basilica parish had been established in 1868 as the Church of the Immaculate Conception. The embattled fess suggests the battlements of a city. The three wavy bars recall that 'Minneapolis' is a compound name derived from '*Minne*', the Dakota word for 'water', and '*polis*', the Greek word for 'city'.⁷³

Another prolific pro-herald or designer of American ecclesiastical arms was **Dom Wilfrid Bayne** (1893-1974), a monk of Saint Gregory's Abbey in Portsmouth, Rhode Island. He began work as a heraldist in 1941, immediately after the death of LaRose, and produced an American Benedictine Armorial of the arms of all twenty-six Benedictine abbeys and priories in the United States. He also designed arms for many prelates and canonical institutions. An early client was Richard James Cardinal Cushing of Boston. For his personal arms in 1944 Bayne placed the emblems of Saint Richard of Chichester (as staff and a book) and Saint James of Compostella (a shell) on a cross of Saint George. For Bishop (and later Cardinal) John Wright he designed in 1947 a memorable coat, again using emblems of the armiger's name saint, an eagle and a cauldron, along with two fleurs de lis taken from a Wright family coat. The same year he designed arms for his confrere, Ansgar Nelson, O.S.B., who was made Bishop of Stockholm, Sweden. For him Bayne placed a (Benedictine) silver cross Moline on a red field to which he added three (Swedish) gold crowns on an azure chief (presumably *cousu*).

For Regina Laudis Abbey in Bethlehem, Connecticut — a monastery of Benedictine choir nuns and a daughter house of the Abbey of Jouarre, France — he gave in the same year arms bearing a psaltery and in chief three fleurs de lis all gold on a blue field. For the abbey *nullius* of Saint Peter in Muenster, Saskatchewan, LaRose had taken the gold fess on a blue field of the German diocese of Muenster, changed the tincture of the fess to silver and charged it with three (Benedictine) crosses moline sable, and placed it between two silver keys of Saint Peter fesswise. Bayne

⁷³ Duane L. C. M. GALLES, 'A Prince Edward Islander, a Basilica, and its Arms', *Heraldry in Canada* (2005), pp. 24-29.

‘augmented’ this coat by adding a chief per pale gold and vert with a red lion passant guardant to the dexter and three golden barbs to the sinister.⁷⁴

In the twentieth century, after a hiatus of more than a hundred years, an interest in the use of heraldic emblems of various types finally revived in certain divisions of the federal government of the United States. Predictably, it was military necessity that brought about the revival. In 1919, immediately following the end of World War I, the United States War Department created a **heraldic office** to design badges for Army units.⁷⁵ During World War II the volume of business increased greatly, and in 1957 it was put on a statutory basis and today it is the **Institute of Heraldry, United States Army**. This federal government agency, though technically part of the Army, has been authorized to provide heraldic services not only to the United States Army itself, but to the other armed forces, and to federal governmental agencies of all kinds and on all levels.⁷⁶ This agency (which bears its own arms: viz. *Or a chevron Gules on a chief Sable a label Or*) has among other things designed the Presidential Medal of Freedom,⁷⁷ which serves a function comparable to those of the Order of the British Empire, the Legion of Honour, and the Order of Canada.

⁷⁴ Dom William Wilfrid BAYNE, ‘An American Benedictine Armorial’, *Liturgical Arts*, 31 (November, 1962), p. 10. GALLES, ‘The Reform of Ecclesiastical Heraldry Revisited’, at n. 65 *supra*, p. 420; John C. HAGERTY and Alan WEAVER-HAZELTON (eds.), *No. 1 Heraldic Monograph Series of the American Society of Heraldry*, 1967, pp. 16, 18, 20, 22. Bayne himself bore *Azure a wolf’s head erased Or on a bordure of the second eight crescents of the field*, a coat granted and confirmed by the College of Arms to the descendants of his grandfather. Bayne also designed arms for the Canadian dioceses of Charlottetown and Antigonish and their bishops, and even for Saint Andrew’s Benedictine Priory, Carlkemp, North Berwick, Scotland. *Ibid.*, pp. 12-13.

⁷⁵ For a more extensive treatment of the history of this office, see the article by David BOVEN in this issue of *Alta Studia Heraldica*.

⁷⁶ GALLES, ‘American Heraldic Authority’, at n. 50 *supra*, p. 31; 10 U.S.C. §4594 authorizes the Secretary of the Army to establish an authority to design flags, insignia, badges, medals, seals, decorations, and guidons, and further states that: ‘Upon request the Secretary of the Army may advise other departments and agencies of the United States on matters of heraldry’.

⁷⁷ The Medal of Freedom was established by Ex. Ord. no. 9586 (July 6, 1945), 10 Fed. Reg. 8523, and amended by Ex. Ord. no. 11085 (February 22, 1963), 28 Fed. Reg. 1759, and Ex. Ord. no. 11515 (March 13, 1970), 35 Fed. Reg. 4543. It may be awarded to any person who has made an especially meritorious contribution to the security or national interests of the United States, or world peace, or cultural or other significant public or private endeavors. The history of the Medal is set forth in Lawrence M. WATSON, ‘The Presidential Medal of Freedom’, *Journal of the Orders and Medals Society of America*, 59 (September-October, 2008), pp. 19-29.

2. Possible Legal Structures for Creating Heraldic Authorities in the United States

Unfortunately, this institute has not been authorized to grant, register, or regulate heraldic emblems of any kind either to individuals or to entities of any kind not forming part of the federal government. As it is the only such body with a national jurisdiction in this area (or indeed, any jurisdiction of this kind), those who would like to see the creation of such an institution in the United States have naturally wondered if the Institute of Heraldry, United States Army, might not be transformed into one, and, like the Canadian Heraldic Authority, be authorized to perform these functions. The real obstacle is not that which so often raised, viz., that the United States government is forbidden to grant titles of nobility.

Again unfortunately, the answer to this question is an unequivocal No. The problem is that, despite the seeming omnipotence of the United States government, it is, constitutionally, a government of limited powers and those powers either not granted to it or not necessary or proper to those granted to it, are reserved to the several states. Coming after the destruction wrought by the U. S. Civil War, the British North America Act of 1867 (since the Canada Act, 1982 known as the Constitution Act, 1867), while reserving some powers to the provinces, wisely entrusted residual governmental powers to the Canadian federal government.⁷⁸ That constitutional situation enabled the Queen in 1988 to entrust that part of her prerogative which includes the granting of arms to the office of her Governor General. By contrast, Congress, because of its limited powers,⁷⁹ could not grant to the Institute of Heraldry, United States Army, the power to grant arms to private citizens throughout the United States.

The upshot, then, would seem to be that the power to grant arms resides in each of the fifty United States. This power retained by the states might in practice, however — by use of the compact clause of the United States constitution — be exercised otherwise. In what follows I describe

⁷⁸ Peter W. HOGG, *Constitutional Law of Canada*, 3d ed., Toronto, The Carswell Co., Ltd, 1992, pp. 101-110. Noel COX, 'Commonwealth Heraldic Jurisdiction With Specific Emphasis on the Law of Arms in New Zealand', *The Coat of Arms* (Autumn, 2005), pp. 145-162, argues that in settlement colonies like New Zealand (and Canada), the law of arms is part of the laws of England that followed settlers to the new land and the authority to grant arms is part of the royal prerogative the exercise of which may be delegated to an English agent and exercised by that agent with respect to New Zealand subjects, absent express provision otherwise — as in the case of Canada since 1988. A similar argument was made by Christopher Mackie in an article in *ibid.*, of which a revised version was published as 'The Law of Arms in Canada. Part I, English Origins', *Alta Studia Heraldica* 2.1 (2009), pp. 71-86.

⁷⁹ U.S. Constitution, Art. I, §8, sets forth the legislative powers of Congress, while Art. I, §10, sets forth certain limitations on the powers of the states. Amendment X states, 'The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people'. Logically, this means that a power not granted to the federal government nor prohibited to the states belongs to the latter.

how the American states, with the consent of Congress, might establish a small number of *regional* armorial authorities with the power to register arms to private American citizens and legal entities within their respective regions, which would then be recognized as valid throughout the country.⁸⁰

2.1. Carolina Herald⁸¹

The first such armorial authority might be that of Carolina Herald, an office which, as we have seen, was created in 1705 by the Lord Proprietors of Carolina. By an interstate compact it might be called out of abeyance by the successor states to that Province, viz., North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and Tennessee.

The enabling instrument for the revival of the office of Carolina Herald was not created until many decades after the death of Lawrence Crompt in 1715 and its adaptability to that end did not become clear until the twentieth century. This instrument is the compact clause of the United States constitution of 1787. During the first century and a half of its existence its potential was under-used. From 1789 to 1900 only twenty-one interstate compacts were entered into, and until 1921 compacts were used only to settle boundary disputes. In that year occurred the first significant new departure for the compact clause, its use to create an interstate public authority. This was the Port of New York Authority Compact. This compact, entered into between the states of New York and New Jersey, created an interstate agency to develop, construct, and operate transportation facilities in the New York port area. The agency proved a signal success and this injected new life into the compact clause. A number of other compacts followed in quick order. The Colorado River Compact, for example, was notable for its geographic reach. Concluded by seven western states, it settled the thorny problem of the allocation of the waters of the Colorado River. Today there are said to be some 192 operative compacts in the United States.⁸²

⁸⁰ U.S. Constitution, article IV, section 1, provides: "Full faith and credit shall be given in each state to the public acts, records and judicial proceedings of every other state." Given the maxim of agency law, *qui facit per aliam facit per se*, whoever acts by another acts by himself, the public acts of the agent public authority should under this clause be entitled to full faith and credit.

⁸¹ This section is a revised version of Duane L. C. M. GALLES, 'A Southern Call to Arms: An Armorial Compact', 16 *William Mitchell Law Review* (1990), pp. 1281-1291.

⁸² Kevin J. HERON, 'The Interstate Compact in Transition: From Cooperative State Action to Congressionally Coerced Agreements', *St. John's Law Review*, 60 (1985), pp. 1, 2, 7; Richard H. LEACH, 'Interstate Authorities in the United States', *Law & Contemporary Problems*, 26 (1961), p. 665; Sidney GOLDSTEIN, 'An Authority in Action, An Account of the Port of New York Authority and its Recent Activities', *Law & Contemporary Problems*, 26 (1961), p. 715; JOSEPH F. ZIMMERMAN, *Interstate Cooperation: Compacts and Administrative Agreements*, Westport, CT, Praeger, 2002, pp. 41, 42, 78-81. The classic study on compacts is Felix FRANKFURTER and James M.

The compact clause by its term prohibits any state, without the consent of Congress, to 'enter into any agreement or compact with another state, or with a foreign power'.⁸³ While expressed as a prohibition, the clause has always been interpreted as an affirmative grant of power to the states, with the consent of Congress, to enter into **compacts** or inter-state agreements. Long considered the legislative instrument for the resolution of interstate disputes, Mr. Justice Brandeis declared that it 'adapts to our Union of sovereign States the age-old treaty-making power of independent sovereign nations'.⁸⁴ The United States Supreme Court has determined that 'where Congress has authorized the States to enter into a cooperative agreement, and where the subject matter of the agreement is an appropriate subject for congressional legislation', 'congressional consent transforms an interstate compact within this [compact] clause into a law of the United States...'.⁸⁵ Its construction, therefore, is a federal question. Given their status as federal law, under the supremacy clause of the United States constitution, compacts supersede otherwise valid state restrictions, including restrictions that are part of a state constitution.⁸⁶

Interstate agreements begin with the states interested in a particular measure. The terms are concluded and stated in the form of an agreement which is then consented to by act or joint resolution of Congress. This act or joint resolution of Congress must be approved by the President. Once the federal consent is given, compacts then acquire the status of federal law.

How ought a compact reviving the office of Carolina Herald to be structured? Administrative law, the history of public authorities created by compact, and traditional heraldic law suggest an answer. Using the model of the compact between New York and New Jersey establishing the Port Authority of New York Authority, a public authority could be established. As an administrative body, Carolina Herald might wield both legislative and adjudicative authority without trenching on the separation of powers doctrine. Public agencies traditionally do both through rulemaking and adjudication of contested cases.⁸⁷

LANDIS, 'The Compact Clause of the Constitution—A Study in Interstate Adjustments', *Yale Law Review*, 34 (1925), p. 695.

⁸³ U.S. Constitution, art. 1, §10, cl. 3.

⁸⁴ *Hinderlicher v. La Plata River & Cherry Creek Ditch Co.*, 304 U.S. 92, 102 (1938).

In the second half of the nineteenth century there appeared for the first time the inter-governmental international organization with the creation by treaty of such bodies as the International Telegraph Union, the Universal Postal Union, and the International Copyright Union. D. W. BOWETT, *The Law of International Institutions*, 2d ed., London, Stevens & Sons, 1970, pp. 6-7; Giuseppe SCHIAVONE, *International Organizations: A Dictionary*, New York, Stockton, 1997, p. iv. Doubtless the existence of such bodies suggested the creation by compact of public authorities, like the Port of New York Authority.

⁸⁵ *Cuyler v. Adams*, 449 U.S. 433, 438 (1961).

⁸⁶ *West Virginia ex rel. Dyer v. Sims*, 341 U.S. 22, 34 (1951).

⁸⁷ See Federal Administrative Procedure Act, 5 U.S.C. §§ 551(5), 551(7) (2006).

The governing body of the public authority could be a commission or council, called the 'Carolina Heraldic Authority', composed of one councilor appointed for a fourteen-year term by the governor of each of the (seven) compacting states. The terms of the initial councilors could be for periods of two, four, six, eight, ten, twelve, and fourteen years, chosen by lot, to provide staggered terms and greater continuity of membership on the council. Like judges in England, a councilor might be removed by the appointing authority upon address by the legislature of the state making the appointment.

The council would have authority to appoint for a fourteen-year term the public authority's administrator, known as Carolina Herald. To be appointed Carolina Herald one would need to be learned in the law and in matters armorial. Carolina Herald would enjoy basically the same powers granted to the first Carolina herald, revised, however, to suit contemporary American legal norms as well as the peculiar structure of the agency.

Carolina Herald would have authority to grant to public and private persons coats of arms, badges, and other distinctions of honour. This raises immediately the question of what law would govern such grants. Because Carolina Herald was at the same time an English armorial officer with the title of York Herald, it might be presumed that English heraldic law had been incorporated into the law of the province of Carolina. Yet the patent of 1705 in no way made Carolina Herald subject to the English heraldic establishment. There was no provision, for example, for appeals from the provincial herald to a metropolitan authority. Rather, like Ulster King of Arms in Ireland, Carolina Herald appears as an autonomous heraldic authority. In fact, the Irish heralds did follow English heraldic law but they felt themselves free to adapt it to Irish circumstances. This seems the appropriate approach for Carolina Herald. Blackstone had taken the view that in a palatine jurisdiction—such as that of Carolina—the king's writ did not run. And so by analogy one should not presume English armorial law to have been incorporated into the heraldic law of Carolina. Nevertheless, Lawrence Crompton may well have deemed it an apt source of law and his successors, once the office has been called out of abeyance, might do likewise.⁸⁸

⁸⁸ Joseph I. Waring, 'The Carolina Herald', at n. 38 *supra*, p. 161; THE MAC CARTHY MOR, 'Ireland, Law of Arms', in FRIAR, at n. 39 *supra*, p. 202; V. T. H. DELANY, 'The Palatine Court of the Liberty of Tipperary', *American Journal of Legal History*, 5 (1961), 95, at p. 97 notes a palatine 'had the same courts and officers as the King...and, indeed, he could create nobles'; TIM THORNTON, 'The Palatinate of Durham and the Maryland Charter', *American Journal of Legal History*, 45 (2001), 235-255, provides a recent update on the scholarship of palatine jurisdictions and takes the view that palatine jurisdictions even in the seventeenth century retained many of their ancient liberties. Sir William BLACKSTONE, *Commentary on the Laws of England*, 9th ed., London, W. Strahan, 1783, section 7, III, p. 79, referring to the counties palatine of Chester, Lancaster, and Durham, states: 'In all these...the king's ordinary writs... do not run; that is, they are of no force. For, as originally all *jura regalia* were granted to the lords of these counties palatine, they had of

Arguing by analogy with admiralty jurisdiction would produce a similar result. Like the Court of Chivalry of the Earl Marshal in England, that of the Lord High Admiral was one of those English courts which followed, not English common law, but civil or Roman law. Both courts, along with the ecclesiastical courts which administered among other things probate and divorce law, looked to Roman or civil law for much of their substantive and procedural law. It has been held that by vesting admiralty jurisdiction in the United States federal courts, the United States Constitution 'took over the traditional body of rules, precepts and practices known to lawyers and legislators as the maritime law, so far as the courts invested with admiralty jurisdiction should accept and apply them'.⁸⁹ Thus, what looks in practice like a mere grant of jurisdiction was in effect an adoption of substantive law. Furthermore, the federal admiralty courts have power, not only to 'accept and adapt' maritime law, but also to 'continue the development of this law within constitutional limits'.⁹⁰

Similarly one may look to the *ius militaris* and note that Article I, section 8, of the United States Constitution grants Congress power 'to make rules for the government and regulation of the land and naval forces'. One might expect military law therefore to be entirely statutory, but treatise writers have long observed that 'Military Law...is in great part derived from the rules of discipline which prevailed in the British Army', adding that 'the unwritten military law, made up of customs of service...is in substance a form of customary law developed from usages of the military service'. For this reason, 'formal abandonment or long-continued non-usage will operate to destroy a particular custom'.⁹¹ In sooth, at work here is a broader principle well-known to jurists before the national codifications of the nineteenth century. While statutes and custom might provide the particular law of a place, canon law and Roman law were commonly thought available as suppletive law in most of western Christendom and so therefore know as its *ius communis* or 'common law'.⁹² It was in fact this suppletive law that Lord Mansfield (1705-1793) used to

course the sole administration of justice, by their own judges appointed by themselves and not by the crown. It would therefore be incongruous for the king to send his writ to direct the judge of another's court in what manner to administer justice between the suitors'. Anent palatine nobility, Ralph Hilton (1710-1753) (NER 688), who emigrated to New York City in 1741, was a member of a family holding perhaps the greatest of the Palatine Baronies of the Bishopric of Durham. The family bore *Silver two bars Azure*.

⁸⁹ O'Donnell v. Great Lakes Dredge and Dock Co., 318 U.S. 36, 40 (1943). On the civil law branches of Anglo-American law see Duane L. C. M. GALLES, 'The Civil Law', *The Jurist*, 49 (1989), pp. 241-248.

⁹⁰ Romero v. International Terminal Operating Co., 356 U.S. 354, 361 (1950).

⁹¹ George B. DAVIS, *A Treatise on the Military Law of the United States together with the Practice and Procedure of Courts-Martial and other Military Tribunals*, New York, John Wiley & Son, 1906, pp. 1-2, 10-11.

⁹² Manlio BELLOMO, *The Common Legal past of Europe, 1000-1800*, Washington, Catholic University of America, 1995, pp. 71-74.

enrich English commercial law in the eighteenth century.⁹³ By analogy to maritime and military law, the vesting of armorial jurisdiction in Carolina Herald in 1705 arguably took over the 'traditional body of armorial law and rules' so far as Carolina Herald and his successors should 'accept and adapt' them. Furthermore, Carolina Herald would have authority to 'continue the development of this law within constitutional limits'.

Coats of arms and related armories are species of property akin to incorporeal hereditaments.⁹⁴ Traditionally in the armorial law of the English-speaking world they descend from the grantee upon his death to his eldest son lawfully born of his body. Younger sons and adopted and illegitimate issue can only use the paternal arms if it is 'differenced' or distinguished by the addition of a distinctive mark or 'charge'. If there are no sons, daughters inherit the undifferenced paternal arms. In England an adopted child's coat of arms is differenced by the addition of two interlacing chain links, in Scotland by the addition of a voided canton. Bastardy is generally denoted by a special border about the shield.⁹⁵ This bias in favour of the eldest legitimate male heir of the grantee may raise 'equal protection' questions. The traditional system favors the eldest son over younger sons, male issue over female issue, legitimate over illegitimate children and biological over adopted children.⁹⁶ Scots law, however, is different and favourably treats illegitimate offspring.⁹⁷

Yet similar preferences are upheld in other areas of law. At common law family burial plots do not pass under the residuary clause of a will but rather, as in intestate succession, to the children of the decedent.

⁹³ C. H. S. FIFOOT, *Lord Mansfield*, Oxford, Clarendon Press, 1936, describes in his chapter on Mansfield's work in English commercial law Mansfield's resort to civil law precedent. He concludes, at p. 117, by quoting Mansfield's colleague, Mr. Justice Buller who said Mansfield 'may be truly said to be the founder of the commercial law of this country'. C. S. T. MACKIE, 'The Reception of England's Armorial Law into Canada', *The Coat of Arms* (Autumn, 2008), p. 141, argues that the English Court of Admiralty law is the 'twin brother' of the High Court of Chivalry and so the reception of English maritime law in Canada argues for the reception of the law of arms, and add 'so too was the law merchant'.

⁹⁴ David M. WALKER, *The Scottish Legal System: An Introduction to the Study of Scots Law*, 7th ed., Edinburgh, W Green/Sweet & Maxwell, 1999, p. 282, notes that appeal lies from the Court of the Lord Lyon to the Court of Session and the House of Lords 'since arms are incorporeal heritable property'.

⁹⁵ Malcolm INNES, 'The Role of Heraldry in the Organization of the Family', *Heraldry in Canada*, 21 (Dec., 1987), pp. 40, 44; 'Adopted Children', 'Bastardy', 'Cadency', and 'Women Bearing Arms', in FRIAR, at n. 39 *supra*, pp. 13, 48, 75-76, 377.

⁹⁶ In recent years most of these questions have been resolved. See C. G. W. RHOADS, *Arms and the Woman, The Double Tressure* (1996), pp. 6-10 and M. D. DENNIS, 'The Lyon and the Ladies: A Proposed System of Female Brisures and Cadency for Scotland', *The Double Tressure* (2004), pp. 4-14; GALLES, 'The Arms of Two Ladies', at n. 59 *supra*, pp. 73-93.

⁹⁷ Sir Thomas INNES OF LEARNEY, *Scots Heraldry: A Practical Handbook on the Histoircal Principles and Modern Application of the Art and Science*, p. 108.

In one state — Minnesota — it is even provided by statute that a family burial plot passes to the eldest child of the decedent.⁹⁸ Similar preferences are found in those states where land tenure held in fee tail persists, for it is often provided that the entail is limited to the grantee and the grantee's immediate successor.⁹⁹ In any case, since in Canada the Charter of Rights and Freedoms posed similar difficulties, it was proposed that the Canadian Heraldic Authority end invidious distinctions based on sex, illegitimacy, and adopted status, and this seems happily to have occurred. In 'adapting' traditional armorial law, Carolina Herald might prudently find the Canadian precedent persuasive.

To avoid running afoul of the constitutional clauses proscribing titles of nobility, grants of arms might be defined as personal distinctions of honour which confer no special legal status or privileges and are merely the non-assignable, intangible personal property of the grantee for life.¹⁰⁰

⁹⁸ The American common law rules on the descent of cemetery lots are collection in 26 A.L.R. 3d 1425 (1989). In Minnesota, absent a surviving spouse, a cemetery lot descends to the decedent's eldest surviving child. MINN. STAT. 525.14(2) (2007).

⁹⁹ Richard R. POWELL, *The Law of Real Property*, New York, Matthew Bender & Co., 1990, II, p. 81.

¹⁰⁰ U.S. Constitution, Art. I, §10, cl. 1, states: 'No state shall... grant any title of nobility'. In creating Crompton Carolina Herald, the Carolina Proprietors also in 1705 empowered him to invest the landgraves and caciques with a distinction, a 'purple ribbon or gold chain with the Sun in its Glory pendent at the same, with this motto about the face of the said sun, *Videt quae Deus hanc lucem esse bonum*, 'and God saw that this light was good'. The patent went on to confirm to the landgraves and caciques of Carolina 'and their Heirs for ever all the above-mentioned Honorable Distinctions of Nobility'. Duane L. C. M. GALLES, 'American Orders of Chivalry', *The Coat of Arms* (Spring, 1993), p. 3. It would, one supposes, be open to the successor states of the old Province of Carolina under the Carolina Heraldic Authority compact also to revive that Order of the Sun, perhaps in two divisions, one of justice composed of landgrave and cacique companions, being persons who can show descent from and succession to a dignity of landgrave or cacique created by the Proprietors of the Province of Carolina, and a division of merit. Thus, the states would not be 'granting' any title of nobility. They would merely be providing a tribunal to determine succession to existing titles granted by a predecessor. To the latter merit division each compacting state would be entitled to appoint a proportionate number of the members, much as overseas members of the Commonwealth might make recommendations for British honours. The merit division of the revived Order might be divided into classes of members, much like those of the federal Legion of Merit, viz., grand commander, grand officer, commander, officer, and member, with the governor of each compacting state enjoying *durante munere* the degree of grand commander with collar, and a governor of one of the compacting states, in a rotation determined by lot, serving successively for a calendar year as Principal Companion and appointing authority. The allotments could be revised periodically after each federal decennial census. The total number of members in each class would be fixed, however, and, being a division of merit, it would be a non-political honour with candidates being selected by the governor of each compacting state upon presentation by an advisory council in each compacting state composed in a fashion similar to that of the Order of Canada. Christopher MCCREERY, *The Canadian Honours System*, Toronto, Dundurn Press, 2005, p. 58. Legislators, heads of executive departments,

The right would be akin to the legal right in trade marks and trade names, except that in the case of armorial ensigns there would be absent the requirement of use in commerce. Within the territory of the compacting states and to the extent not governed by federal statute, Carolina Herald might also be authorized to regulate precedence.¹⁰¹ To accomplish all these ends Carolina Herald would be authorized to make bylaws and rules, including procedural, interpretive and legislative rules, in the manner of the Federal Administrative Procedure Act.¹⁰²

Besides regulatory powers, Carolina Herald would also enjoy adjudicatory powers. Like the first Carolina Herald, the agency official would be authorized to hear and determine controversies between claimants to armorial bearings. The official's status in such cases would be that of an 'Article I court', like the courts martial, but enjoying subject matter jurisdiction where the controversy arose out of a grant of Carolina Herald or where the defendant to an armorial controversy is an inhabitant of one of the compacting states. Carolina Herald would have power to order persons to cease and desist from the improper use of armorial bearings. Enforcement of these orders could be sought in the relevant federal court of appeal. Appeals from the decisions of Carolina Herald might also be to such federal court of appeal.

Like the first Carolina Herald, the head of the revived authority would be authorized to initiate enforcement action *sua sponte* and summon or cite persons to attend and defend their actions and to mete out punishment to wrongdoers. The grant of subpoena power would be appropriate, too. Punishment would have to be defined with specificity in

and judges whilst in office would be ineligible for membership. Foreigners might be admitted in numbers outside the totals up to half that of a state's allotment of members. Carolina Herald could serve as chancellor and secretary, and Carolina Herald would be judge of the qualifications for membership in the justice division.

¹⁰¹ Ashton v. Jennings, 3 Keb. 462 (1675) decided that cases involving questions of precedence were subject to the Court of Chivalry, and not within the jurisdiction of the common law courts. See G. D. SQUIBB, *Precedence in England and Wales*, Oxford, Clarendon Press, 1981.

¹⁰² 5 U.S.C. §§ 551-559 (2006). In rule-making and in establishing policies, it would be well for Carolina Herald to remember that heraldic law stems in large part from the Roman or civil law tradition. Thus, Carolina Herald's usage and procedure, like that of the admiralty courts, might reflect this distinct tradition. In the Court of Chivalry the sovereign was represented, not by the Attorney General, but by the King's Advocate. Practitioners came not from the common law Inns of Court but from the civil law Doctors' Commons. 'Civilians', as the civil law practitioners were styled, bore titles derived from the Romano-canonical tradition. They were not called 'barristers' and 'attorneys' ('solicitors' were the practitioners in the court of equity and equivalent to the attorneys of the common law courts) as in the common law courts, but rather 'advocates' and 'proctors'. The defendant was 'cited', not 'summoned', interlocutory decisions of the court were not 'orders', but 'decrees', and the final decision of the court was not a 'judgment', but a 'sentence'. G. D. SQUIBB, *The High Court of Chivalry: A Study of the Civil Law in England*, Oxford, Clarendon Press, 1959, pp. 132, 133, 199, 211.

the compact, perhaps incorporating by reference federal statutory penalties or state statutory penalties of one of the compacting states. Appeals in such cases would again lie to the federal court of appeals, which could issue injunctions and use its contempt powers to enforce the orders of Carolina Herald. The expertise of Carolina Herald would be entitled, like that of any administrative body, to deference by the court, if supported by substantial evidence.

From the administrative point of view, Carolina Herald would be authorized to execute contracts, to hire pursuivants and other assistants, and to provide for the monetary compensation of the authority's officers and staff. Its budget would be presented annually by Carolina Herald to the council of the Carolina Heraldic Authority, which would have authority to approve it and authorize expenditures. Any profits of the authority, after a reasonable reserve had been established for contingencies, would be distributed annually to the compacting states on the basis of populations, based on the most recent federal decennial census. Should the agency be dissolved, its assets would be liquidated and distributed to the compacting states at that time on the same basis. Carolina Herald would in addition make an annual report to the council of the Carolina Heraldic Authority and copies would be forwarded to the governor of each compacting state.

Carolina Herald would be authorized to sue and be sued, to adopt arms and a seal, to fix a seat and establish an office there, to purchase and hold property, including such books and records as might be reasonably necessary for the execution of the agency's authority. Hopefully, the office of Carolina Herald would be fixed in Charleston, South Carolina, the seat of the proprietary government, and maintain there a Public Register of Ensigns Armorial granted by Carolina Herald. But there would be nothing to prevent the establishment of branch offices, each headed by a pursuivant—perhaps in each compacting state.

And so we have limned out a sketch of how the office of Carolina Herald might be revived today by means of a compact or interstate agreement. The Port of New York Authority so far has been the most signally successful use of the compact clause to establish an interstate public authority. That agency's practical success and subsequent federal case law have served to demonstrate the potential of the compact clause and laid a foundation for its use to revive the office of Carolina Herald.

2.2. New England Herald

We noted above that in 1648 Rhode Island appointed a public officer to serve *pro hac vice* in the office of a herald. We noted as well the Gore Roll and its private use among armorial enthusiasts and the work since 1864 of Committee on Heraldry of the New England Historic Genealogical Society. Of course, other regions besides the American southeast are free to avail themselves of the compact clause. In New England, in view of the region's peculiar armorial history, it might be well to create an armorial registration mechanism that would be a public-private partnership and take advantage

of the armorial expertise of the Committee on Heraldry and piggyback on it. The former Dominion of New England—rather like the territory of the earlier Plymouth Company—stretched from the Saint Croix River to the Delaware River and encompassed the six New England states of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, as well as the states of New York and New Jersey.

New England, thus defined, might wisely follow this different course in designing an armorial compact. Because of the varied armorial heritage of this region, it might couple the Committee on Heraldry's expertise with the public notice and comment procedure adopted in South Africa's *Heraldry Act* of 1962.¹⁰³ South Africa—like Quebec, Louisiana, and Scotland—has a mixed legal system with some elements of Roman civil law and other elements inherited from the English common law system. Its armorial heritage is similarly mixed. Hence, the more open and flexible procedure which provides for publication of notice of the proposed arms in the official government gazette, opportunity for members of the public to object to the registration of the proposed arms, and a mechanism for the resolution of disputes to arms and the perfection (or rejection) of the registration. The New England Armorial Compact would set up a similar regime in the states which once formed the Dominion of New England, with the Committee on Heraldry serving as the private partner and undertaking most of the roles which, in the South African act, are filled by the Heraldry Bureau, the State Herald, the Heraldry Committee, and the Heraldry Council.

To make use of a venerable private institution and enter into a public-private partnership to supply heraldic services to their citizens it would be provided that an applicant for the registration of arms would approach the Committee, which, for a reasonable fee, would work with the applicant to provide an acceptable new coat of arms or register an existing coat. Publication of the arms determined registrable by the Committee would then, upon payment of the exigible fee, be effected in the *Massachusetts Register* by the Secretary of the Commonwealth of Massachusetts in Boston. Those wishing to object to the registration of the proposed arms would then have sixty days, for example, from the date of publication to file objections with the Secretary. If objections were received, they would be forwarded to the Committee for determination, and the determination in writing would be sent to all interested parties. If either the applicant or the objector took exception to the Committee's determination, that party would then have sixty days within which to file a notice of appeal with the Superior Court of Boston. In order to secure publication of a proposed registration or to file an objection, a party would have to file with the Secretary of the Commonwealth a document appointing the Secretary agent for the service of process in any dispute arising out of the filing. The Court would then have both subject matter

¹⁰³ South Africa's *Heraldry Act* of 1962, no. 18 of 1962, can be found at the web site of the South African Bureau of Heraldry, whose web address is: <http://www.national.archives.gov.za/heraldryact.pdf> (accessed 27 Oct. 2008).

and personal jurisdiction to hear the case, which it might then do, perhaps after appointing a special master to take evidence on the facts and the law.

If no objections to the registration was received or if no notice of appeal was filed within the time limit after the Committee had made its determination following the filing of an objection, or if, upon appeal, a court gave judgment for the applicant and the time for further appeal had lapsed, the Secretary of the Commonwealth would, at the request of the interested party, publish notice in the *Massachusetts Register* that the registration was perfected, and, upon payment of the exigible fee, the applicant would be entitled to a certificate from the Secretary of the Commonwealth that the coat of arms described in the document was registered pursuant to the New England Armorial Compact. If an objection was filed and the Committee made a determination that the registration should not be perfected, and no timely notice of appeal was filed, or if no appeal was timely pursued by the applicant or if a court gave judgment for the objector, then the Secretary of the Commonwealth would, at the request of the interested party, publish notice in the *Massachusetts Register* that the registration not was perfected. There might also be a procedure by which an applicant might for a fee and by contract secure from a herald painter a painting of the proposed arms and, if the painting were approved by the Committee as an accurate representation of the proposed arms, the Secretary of the Commonwealth would be authorized to include the painting along with the certificate of registration in a suitable folder designed somewhat along the lines of those commonly used on the Continent for armorial registrations.

It might, moreover, be desirable to establish by compact a New England Heraldic Authority composed of a council formed by a councilor appointed by each of the compacting states. The Authority could then, as a legal entity, contract with the New England Historic Genealogical Society, also a legal entity, for the services of the New England Committee on Heraldry. The Authority, funded by a tax on applications for the registration of arms, could also make arrangements for the establishment of an archive and the creation of a Public Register of all arms registered under the New England Armorial Compact. Its arms, registered under the Compact, might appear on the folder just mentioned. The Authority might also be authorized to intervene *sua sponte* in disputes between private parties to arms registered pursuant to the Compact.

2.3. Golden Horseshoe Herald

In 1716 the Governor of Virginia, Alexander Spotswood (1676-1740), created the Knights of the Golden Horseshoe, or Tramontine Order, to commemorate an expedition he had led across the Appalachian Mountain to find a pass through those mountains to the Ohio Valley. Governor Spotswood was concerned that the French in Quebec and Louisiana would advance into this region and preempt the British move there, thus creating a formidable empire athwart North America which would leave

the British isolated in Rupert's Land and in her thirteen seaboard colonies.¹⁰⁴

While no new knights beyond the original ones seemed to have been appointed,¹⁰⁵ the *Drang nach Westen* initiated by the trek westward which led to the creation of the Order remained alive in the memory of Virginians, who could never forget that the 1609 charter of the Old Dominion gave it a claim to a vast wedge of land extending due west along the thirty-fourth parallel from sea to sea, and northwest toward Rupert's Land, and so including the entire Ohio Valley. In 1720 Spottswood was still memorializing the Board of Trade in London that Virginia included 'most of the [Great] Lakes and a great part of the head branches of the Mississippi'.¹⁰⁶ Virginia was seen to include not only the present Commonwealth of Virginia, but also what are now the states of West Virginia, Kentucky, Ohio, Indiana, Illinois, Michigan, Wisconsin, and the part of Minnesota east of Minneapolis and the Mississippi River. In the earliest days it also included what were later carved out as Pennsylvania, Maryland, Delaware, and the District of Columbia.¹⁰⁷

Virginia's claims to this region were of paramount importance during the negotiations for the Treaty of Paris of 1783. Without these claims, fostered by Virginia's *Drang nach Westen* after Spottswood's 1716 expedition with the Knights of the Golden Horseshoe, and the capture of Vincennes in 1778 by the Virginian commander George Rogers Clark, the country assigned to Canada by the Quebec Act of 1774 may never have been included in the borders of the United States. At the same time Maryland refused to ratify the Articles of Confederation until Virginia (and others) had relinquished their claims to the Ohio Valley. Once those claims were relinquished and the Articles were ratified, Congress then had authority to make the Treaty of Paris of 1783. Congress then took possession of the Ohio country, provided by the Northwest Ordinance for the government of this region, and made provision for the admission of its parts to the American Union on an equal basis with the original states. This compromise prevented territorial squabbles among the American

¹⁰⁴ GALLES, 'American Orders', n. 91 *supra*, pp. 4-5, and in BROGAN and MOSLEY, *American Presidential Families*, n. 35 *supra*, pp., 758-759.

¹⁰⁵ Lee E. BISHOP, JR. and J. Robert ELLIOTT II, *American Society Medals: An Identification Guide*, Santa Monica, CA, Bishop and Elliott Publications, 1998, p. 42, notes an Order of the Golden Horseshoe of Tramontane, a. k. a. Knights of the Golden Horseshoe, a private membership society composed of descendants of the sixty knights created by Spottswood in 1716. Perhaps founded in 1916, the authors thought it to be 'defunct for some time'. At page 104 they also note an American Society of the Golden Horseshoe established in 1966 to provide books, candy and cigarettes to veteran's hospitals and 'now defunct'.

¹⁰⁶ Walter HAVIGHURST, *Alexander Spottswood, Portrait of a Governor*, Williamsburg, Colonial Williamsburg, Inc., 1961, p. 91.

¹⁰⁷ Franklin K. VAN ZANDT, *Boundaries of the United States and the Several States: With Miscellaneous Geographic Information Concerning Areas, Attitudes, and Geographic Centers*, Washington, U.S. Government Printing Office, 1976, p. 93.

states from dissipating their energies and, as in South America, fueling interminable wars and border disputes among the young republics there.

Recognizing the importance of Virginia's claim, the work of the expedition of 1716 and the Order of the Golden Horseshoe in furthering those claims, and the importance of the peaceful relinquishment of those claims for the orderly legal and economic development of the United States, the states once encompassed in that original Virginia territory might wish to join by compact and perpetuate the memory of the Golden Horseshoe Order by creating, by interstate agreement, a Golden Horseshoe Heraldic Authority headed by Golden Horseshoe Herald.¹⁰⁸ Orders of chivalry often included among their officers a herald or other officer of arms. This was the case with Toison d'Or King of Arms of the Order of the Golden Fleece, Garter King of Arms and the Order of the Garter, and many others.¹⁰⁹

The office of Golden Horseshoe Herald could be constituted much like that of Carolina Herald with a public authority created by compact and consisting of a council composed of a councilor from each compacting state. Golden Horseshoe Herald, for historical reasons, might be located in Williamsburg, Virginia, the Commonwealth's colonial capital, where Governor Alexander Spotswood was the first resident of the Governor's

¹⁰⁸ It would also, one supposes, be open to the successor states of the old Province of Virginia under the same compact to revive the Order of the Golden Horseshoe as an order of merit, with each compacting state being entitled to appoint a proportionate number of its members, much as overseas members of the Commonwealth might make recommendations for British honours. The revived Order might be divided into classes of members, like those of the federal Legion of Merit, grand commander, grand officer, commander, officer, and member, with the governor of each compacting state enjoying *durante munere* the degree of grand commander with collar, and a governor of one of the compacting states, in a rotation determined by lot, serving successively for a calendar year as Principal Companion and appointing authority. The total number of members in each class would be fixed and, being an order of merit, it would be non-political with candidates being selected by the governor of each compacting state upon presentation by an advisory council in each compacting state composed in a fashion similar to that of the Order of Canada. MCCREERY, *The Canadian Honours System*, at n. 91 *supra*, p. 58. Golden Horseshoe Herald could serve as chancellor and secretary. Legislator, heads of executive departments, and judges whilst in office would be ineligible for membership. Foreigners might be admitted in numbers up to half a state's allotment of members.

¹⁰⁹ Peter J. BERGENT and Hubert CHESHYRE, *The Most Noble Order of the Garter 650 Years*, London, Spink, 1999, pp. 122-131; Peter GALLOWAY, *The Most Illustrious Order: The Order of St. Patrick and its Knights*, London, Unicorn Press, 1999, p. 30. See also Peter GALLOWAY, *The Order of St Michael and St George*, Lingfield, Surrey, UK, Third Millennium Publishing, 2000, p. 21 and Peter GALLOWAY, *The Order of the British Empire*, London, Central Chancery of the Orders of Knighthood, 1996, p. 24. By happy coincidence the territory of the compact would also embrace two of the three great horse races, which form the United States Triple Crown of Thoroughbred Racing, the Kentucky Derby, run at Churchill Downs in Louisville, Kentucky, and the Preakness Stakes, run at Pimlico Race Course in Baltimore, Maryland.

Palace there and where a Public Register of all Ensigns Armorial granted by Golden Horseshoe Herald might be maintained.

2.4. New Mexico Herald

In the states of the trans-Mississippi west of the United States there are a number of states which in their legal order have elements of civil or Roman law. Perhaps the best known of these civil law institutes is the family law regime known as 'community property'. Typically this means that with a married couple one half of the property acquired by each spouse during the marriage, except by gift or inheritance, belongs to the community and, should the marriage end, this community property is then divided equally by the spouses or their heirs. There are nine such community property states: Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, Washington, and (east of the Mississippi) Wisconsin. Moreover, Alaska is an opt-in community property state; property is separate property unless both parties agree to make it community property through a community property agreement or a community property trust.¹¹⁰ Louisiana, moreover, is well-known for its civil code, based on French but also Spanish civil law which in 2008 marked its bicentenary. New Mexico and Texas also have notable legacies from Spanish civil law.¹¹¹

This common civil law legal heritage plus the fact that the entire area was once claimed by Spain and large parts of it were ruled by her as part of the *communitas hispanica*, being part of the Viceroyalty of Mexico and the Province of Louisiana, would provide justification for the creation by compact of a public authority and thereby an office of New Mexico Herald. New Mexico, moreover, over which in 1598 don Juan de Oñate (1552-1630) was made governor then encompassed then all of North America north of the Rio Grande River. The New Mexico armorial authority might be constituted, rather like Carolina Herald or Golden Horseshoe Herald, under a council composed of councilors appointed by each compacting state, which would then appoint New Mexico Herald, who might be resident in Santa Fe, New Mexico—first settled by Spain in

¹¹⁰ 'Community Property', 15A Am. Jur. 2d (2000) 593.

¹¹¹ See Joseph W. MCKNIGHT, 'The Spanish Legacy to Texas Law', 3 *American Journal of Legal History* (1959), 222. McKnight at p. 312 notes important Spanish civil law influence on Texas civil procedure law and that the institute of the universal executor has been adopted from Spanish civil law into the probate law of not only Texas, but also Arizona, Idaho, and Washington. In a review by Adam J. KOSTO of *Las Siete Partidas: Medieval Law: Lawyers and their Work*, Samuel Scott (trans.), Philadelphia, University of Pennsylvania Press, 2001, found in the *American Journal of Legal History*, 45 (2001) at 493, it is noted that this thirteenth century Spanish legal code has been cited in judgments of the United States Supreme Court some twelve times, most recently in 1984, and that it is frequently cited in states' courts, especially in California and Texas, and particularly in reference to the law of marital property, natural resources law and waterfront ownership rights.

1610 — where he might maintain a Public Register of all Armorial Ensigns granted by New Mexico Herald.¹¹²

2.5. Hawaii Herald

Hawaii was never part of the *communitas hispanica*, nor did it come under American rule until 1898. It was an independent kingdom until the overthrow of the monarchy in 1893, and thereafter an independent republic until annexed by the United States in 1898, as part of the Spanish-American War. Members of the Hawaiian royal family still live in Hawaii and something of a restoration movement has been mounted in recent years. While the monarchy bore arms, no officer of arms seems to have been appointed. However, some five orders of chivalry were created, including the Order of Kamehameha (1865), the Order of Kalakua (1875), the Order of Kapiolani the Great (1881), the Order of the Crown of Hawaii

¹¹² In 1843 President Sam Houston of the Republic of Texas created a small number of Knights of San Jacinto. GALLES, 'American Orders', at n. 95 *supra*, p. 7. This order of merit appears to have fallen into abeyance after the annexation of Texas by the United States in 1845. In 1941, however, the Sons of the Republic of Texas, a private lineage society composed of men lineally descended from one who had settled in Texas before the annexation, began to confer the title of 'Knight of San Jacinto' on active and honorary members who had made significant contributions to the State of Texas. Ralph Malcolm PAPST (ed.), *The Hereditary Register of the United States of America*, Phoenix, 1976, pp. 159-162. One might have expected that, inasmuch as most of the territory of the old Republic of Texas became part of the State of Texas, that that state would have succeeded to the Republic's rights in the Order rather than a merely private group created under Texas state law. In any case, one supposes that, with the agreement of the Sons of the Republic of Texas, the State of Texas, and perhaps the other states which include territory once part of the Republic of Texas (Oklahoma, New Mexico, Kansas, Colorado, Wyoming, and Louisiana), it would be open to the compacting states of the New Mexico Heraldic Authority compact also to revive that Order of the San Jacinto, perhaps in two divisions, one of grace, composed of persons given that dignity by the Sons of the Republic of Texas, and a division of merit, with each compacting state being entitled to appoint a proportionate number of the members of the latter, much as overseas members of the Commonwealth might make recommendations for British honours. The merit division of the revived Order might be divided into classes of members, much like those of the federal Legion of Merit, viz., grand commander, grand officer, commander, officer, and member, with the governor of each compacting state enjoying *durante munere* the degree of grand commander with collar, and a governor of one of the compacting states, in a rotation determined by lot, serving for the calendar year as Principal Companion and appointing authority. The number of members in each class would be fixed, however, and, being a division of merit, it would be a non-political honour with candidates selected by the governor of each compacting state upon presentation by an advisory council in each compacting state composed in a fashion similar to that of the Order of Canada. MCCREERY, *The Canadian Honours System*, at n. 91 *supra*, p. 58. Legislators, heads of executive departments, and judges whilst in office would be ineligible for membership. Foreigners might be admitted in numbers up to half that of a state's allotment of members. New Mexico Herald could serve as chancellor and secretary.

(1882), and the Order of the Star of Oceania (1886). These orders have been in abeyance since the fall of the monarchy in 1893.¹¹³

With respect to Hawaii, the modest proposal is not to become part of an armorial compact, but rather to amend the Hawaiian constitution to restore the Hawaiian monarchy by substituting for the office of governor a monarch elected for life by the legislature who would govern with the advice of ministers responsible to the legislature. It would, in short, be an elective monarchy with a democratically-elected parliamentary government. To make this system work the monarch would need the authority to dissolve either house of the legislature upon the advice of ministers, and ministers would have to be able to be elected to a seat in the legislature. These amendments would transform the office of governor into that of a monarch, elected for life by the Hawaiian legislature from among the extant Hawaiian Royal Family. While it is true that article 4, section 4, of the United States Constitution includes a clause whereby the 'United States shall guarantee to every State in this Union a Republican Form of Government', this clause in a venerable case, *Luther v. Borden*,¹¹⁴ has effectively been emasculated. In that case the United States Supreme Court held that the meaning of the clause is a political question left to Congress. In a later case adjudicated under the same clause the court held that the clause does have in view representative government.¹¹⁵ But later

¹¹³ GALLES, 'American Orders', at n. 91 *supra*, pp. 7-11, and in BROGAN and MOSLEY, *American Presidential Families*, n. 35 *supra*, pp., 758-759. It would appear that the heir presumptive to the last monarch of Hawaii was Edward D. Kawānanakoa formally Edward David Kalākaua Kawānanakoa (1904-1953). He was head of the Royal House of Kawānanakoa after the death of the last monarch in 1917, and since his death in 1953 there has been a dispute to the succession to the headship of the royal house. See <http://en.wikipedia.org/wiki/EdwardDavidKaw%C4%81nanakoa> (accessed 10/14/08).

¹¹⁴ 7 How. (48 U.S.) 1 (1849).

¹¹⁵ In *re Duncan*, 139 U.S. 445 (1891). It seems President Franklin Roosevelt and members of Congress contemplated invoking the Guarantee Clause to overturn the autocratic rule of Huey Long in Louisiana. Mr. Long was elected Governor of Louisiana in 1928 and quickly built up a political machine which enabled him to control the executive, the legislature, the courts, and local governments. His chosen officials supervised elections and counted the ballots and so perpetuated his control. Through special taxes on newspaper advertisements and control of government printing contracts he also muzzled the press. Elected to the United States Senate in 1930, he continued to serve as Governor, and, even after his term as Governor had expired, he continued to control the state through his placemen. In the radical and etymological sense of the word, he was monarch of Louisiana until his assassination on 8 September 1935. Gerald N. MAGLIOCCA, 'Huey P. Long and the Guarantee Clause', *Tulane Law Review*, 83 (2008), pp. 1-44. It is noteworthy that the federal Department of Justice, drawing on James Madison's essay no. 39 in *The Federalist*, in a memorandum to the President concluded: 'the distinguishing feature of a republican government is the right of the people to choose their own officers for government administration, and pass their own laws in virtue of the legislative power reposed in representative bodies'. *Ibid.*, at p. 31.

still, when the clause was invoked to overturn state initiative and referendum provisions, the Court refused to see the clause as a constitutional obstacle to direct democracy.¹¹⁶ Given this case law, it seems likely that the constitutional question might be successfully skirted by creating an elective monarchy with a parliamentary form of government responsible to a democratically-elected legislature.

Once the monarchy has been restored,¹¹⁷ it would be in order to restore at least some of the orders of chivalry in abeyance. As we noted in the case of Golden Horseshoe Herald, that would then give rise to the usefulness of an officer of arms to assist the revived orders and so raise the need for a Hawaii Herald, who, along with the Public Register of all Armorial Ensigns granted by Hawaii Herald, might be lodged on the grounds of Iolani Palace, the old royal palace in Honolulu—once it is restored as a royal residence.

2.6. Conclusion

This, then, is a sketch of a modest proposal for the creation of a group of American armorial authorities, five in number, which could encompass all fifty American states and the District of Columbia¹¹⁸ and draw their authority from the plenary powers of those jurisdictions. Four of them would be created by interstate agreements and one by statute after certain constitutional amendments. By resort largely to regional authorities, except in the case of the last which has strong historical claims to existence within a single state, one would benefit from economies of scale while at the same time adhering to strict constitutional and legal theory. At the same time, it

¹¹⁶ *Pacific States Telephone and Telegraph Co., v. Oregon*, 223 U.S. 118 (1912). The history of the clause is told in William M. WIECEK, *The Guarantee Clause of the U. S. Constitution*, Ithaca, Cornell University Press, 1972.

¹¹⁷ Even if Hawaii should decide not to revive the monarchy, it would still be possible, by agreement with the Hawaiian Royal Family, to revive the Order of the Star of Oceania as a Hawaiian state order of merit, using the membership classes suggested in note 86 *supra* for the revived Order of the Golden Horseshoe. This would wisely be constituted on a non-political basis as suggested there with the governor as Principal Companion acting on the advice of an advisory council like that of the Order of Canada. MCCREERY, *The Canadian Honours System*, at n. 91 *supra*, p. 58. Legislators, heads of executive departments, and judges whilst in office would be ineligible for membership. Foreigners might be admitted in numbers up to half that of a state's allotment of members. The post of Oceania Herald might also be created by statute and this officer might also be authorized to make grants of armorial ensigns with powers similar to those set forth for Carolina Herald, as well as serve as chancellor and secretary of the Order.

¹¹⁸ Given the death in 2005 of the last Cronista de Armas of Spain who claimed armorial jurisdiction throughout the *communitas hispanica*, the Commonwealth of Puerto Rico, which as noted *supra* in the text at note 5 in 1976 resumed its 1511 coat of arms, might wish to provide by statute for the appointment of a San Juan Cronista de Armas. On Spanish heraldry, see 'Spanish Heraldry', http://en.wikipedia.org/wiki/Spanish_heraldry (accessed 2/23/11).

might be possible for the autonomous but new Carolina Herald, Golden Horseshoe Herald, New Mexico Herald, and Hawaii Herald, by means of contractual arrangements, to have access to and benefit from the demonstrated (and by now two decades of accumulated) armorial expertise, practical wisdom, and artistic skills of the Canadian Heraldic Authority or of its emeritus staff.

Sommaire français.

M. le maître Galles présente ici premièrement une histoire assez détaillée de l'armigérie personnelle et impersonnelle dans les treize provinces britanniques de l'Amérique du Nord dont les gouvernements ont supporté la Déclaration d'Indépendance et la Guerre civile et révolutionnaire des années 1776-83, et dans les 'états' de la nouvelle république qui s'est dit 'Les États-Unis de l'Amérique' jusqu'au présent. Galles considère aussi l'histoire de l'emploi par les habitants des provinces du sud et de leurs successeurs les états, des services soit des hérauts d'armes officiels d'Angleterre et d'Écosse, soit d'un héraut provincial (l'Héraut Carolinie), soit de pro-hérauts de toutes sortes. Après ces discussions historiques, Galles tourne à la question centrale de son article : considérant que toute autorité qui puisse se trouver aux États-Unis sur l'administration des matières héraldiques, devrait résider dans les gouvernements des états, et non dans le gouvernement fédéral, comment pourrait-on consolider cette autorité en moins de cinquante bureaux distincts ? Il propose deux solutions à ce problème : l'une, l'utilisation de la devise légale dite 'interstate compact' pour former quatre groupements d'états et quatres autorités ; l'autre, l'amendement de la constitution de Hawaii pour en permettre l'établissement d'une cinquième.