



Society of Antiquaries
of **Scotland**

The Scottish Antiquarian Tradition: Essays to mark the bicentenary of the Society of Antiquaries of Scotland 1780-1980

Edited by A S Bell

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Erratum

In the original publication of *The Scottish Antiquarian Tradition* plate 4 'Sir George Steuart Mackenzie, 7th Bt, of Coul' was attributed to Sir John Watson Gordon. However it is now attributed to Sir Henry Raeburn.

The Arms of the Society of Antiquaries of Scotland

Charles J. Burnett

On 13 February 1781 the following resolution was passed at a meeting of the Society: 'Moved by the Earl of Buchan, and agreed to, that the Secretary do construct an armorial Bearing for the Society; when he produced a Painting of one, with a Blazon, or description thereof in writing, which was approved of'. In asking the Secretary, James Cummyng, to produce a coat of Arms, the members were aware that Cummyng was also Lyon Clerk Depute at the Court of the Lord Lyon. At that time Lyon Court had more officials than today. Apart from the Lord Lyon and Lyon Clerk, there was a Lyon Depute, a Lyon Clerk Depute, six Heralds and six Pursuivants; the Deputes actually carried out the bulk of Lyon Court work, and the Lord Lyon and Lyon Clerk held sinecures, Lyon appearing only on ceremonial occasions.

The sequence of events concerning the granting of Arms to the Society is worth recording because it gives an insight into the rather casual manner in which Scottish heraldry was administered during the late eighteenth and early nineteenth centuries.

The Arms which Cummyng devised, lacking any evidence to the contrary, must have been what the Society now uses, i.e. 'Azure, a saltire Argent between an imperial crown in chief and a thistle in base Proper, all within a double tressure flory counter flory Or'. As Lyon Clerk Depute, Cummyng should have been familiar with Arms previously granted in Scotland to national institutions. There were four grants of Arms he might have looked at as models:

(a) The Company of Linen Manufacturers in Scotland. Arms granted 1694, viz: Azure a saltire Argent and in a chief of the second a cross of St George Gules.

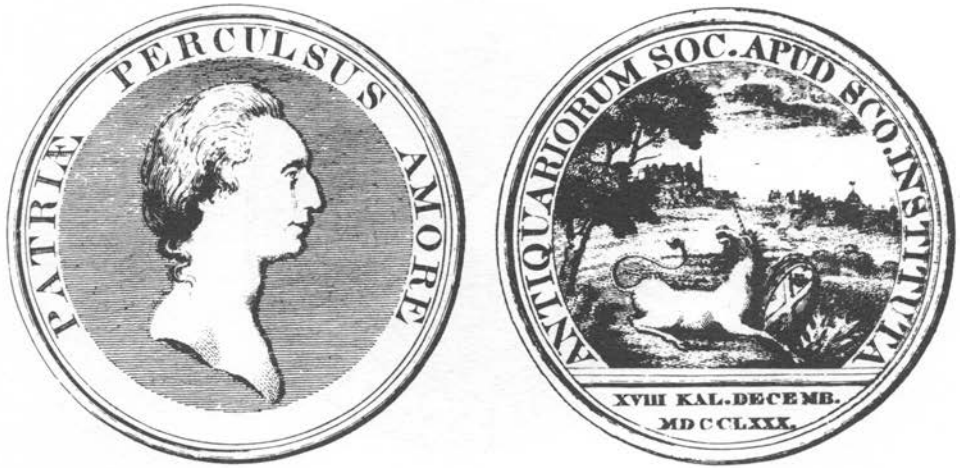


Fig. 1. Medal design by Andrew Bell which appeared on the title page of Smellie's *Account of the Institution & Progress of the Society of Antiquaries of Scotland*, published Edinburgh 1782.

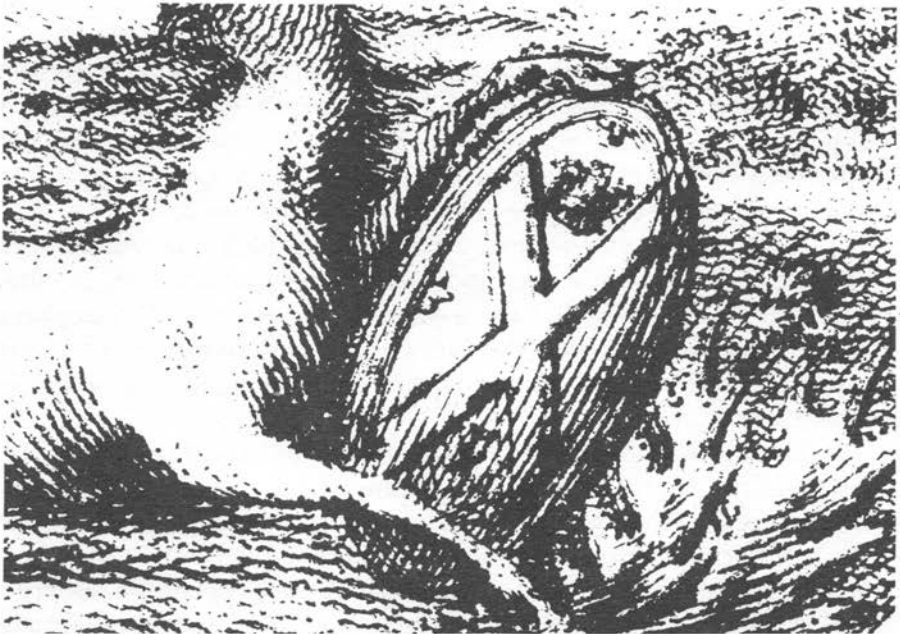


Fig. 2. Detail from the reverse of the medal showing the Arms devised by James Cummyng.



Fig. 3. Version of the Society seal bearing the Arms which was first used on the title page of *Archaeologia Scotica*, Volume One, published in 1831. It is likely that the size and style of this seal was based on the seal used by the Society of Antiquaries of London on the title page of *Archaeologia*.

(b) The Company of Scotland Trading to Africa and the Indies. Arms granted 1696, viz: Azure a saltire Argent between in chief a sailing ship, flagged of Scotland, in base a Peruvian sheep, flanked dexter by a camel and sinister by an elephant, all proper, the first two of these loaded and the last bearing a turret of the second.

(c) The Colony of Caledonia. Arms granted 1698, viz: Azure on a saltire Argent between a ship under sail flagged of Scotland in chief proper, a Peruvian sheep in base, a camel on the dexter and an elephant on the sinister both proper, the first two of these loaded and the last bearing a turret Argent, an escutcheon Gules charged with a thistle head crowned Or.

(d) The Bank of Scotland. Arms in use 1701, recorded 1849, viz: Azure a saltire Argent between four besants.

In each case the saltire or St Andrew's cross forms the main charge with appropriate minor charges to differentiate the Arms. Cummyng followed this precedent and used the saltire as the basis for the Society's Arms. When he considered appropriate lesser charges to differentiate the saltire, his choice of a thistle, the other well-used national symbol, is understandable. However, the other two charges, a crown and the

double tressure flory counter-flory are much more significant, particularly the latter.

The double tressure has always been associated with the Scottish royal Arms; its use in heraldry has been restricted to the Scottish royal house or to those Scottish families with a close royal connection. The double tressure has also been granted as an augmentation, indicating royal favour or gratitude for services to the royal house. This has always been considered the reason why Aberdeen and Perth are the only Scottish burghs with double tressures in their Arms. For Cummyng, an official of Lyon Court, to suggest the inclusion of the double tressure meant that he was hoping the Society would have a close connection with the reigning royal house. The use of the crown, an additional royal symbol, would reinforce this hope.

The office bearers of the Society were anxious to obtain a royal charter of incorporation. This had been discussed by members at a very early stage, and suggested drafts were considered. A letter from Cummyng to Buchan the following month, dated 19 March 1781, is revealing: 'Two things seem to be necessary or desirable in [the Charter]. The one that the Society be designed Royal the other that where power is given as usual to have and use a Seal, that the blazoning or description of the Arms should be particularly mentioned and this which is accounted a very great favour, though of nominal value only, is termed in herauldic language a special concession in contradistinction to a general concession of Arms. The motto is not yet chosen.'

This shows that Cummyng at least hoped the charter would make the incorporation the Royal Society of Antiquaries of Scotland — hence his choice of royal charges for the Arms — and it also shows his disregard of Scottish heraldic law. One of the unfortunate aspects of heraldry through the ages has been the tendency of those engaged in its administration to wrap up the science in mumbo-jumbo to increase their own learned status. Cummyng is guilty of this in his letter; knowing that the Earl of Buchan was no heraldic scholar, he quotes a meaningless phrase. Under Scottish law the Lord Lyon, albeit in the name of the Sovereign, is the only person authorised to grant Arms. To incorporate the grant of Arms in the royal charter was irregular and a deliberate attempt to bypass the Lord Lyon. In 1781 the Lord Lyon was John Hooke Campbell of Bangeston, who did not concern himself with the day-to-day running of Lyon Court. Nevertheless Cummyng and Buchan, on behalf of the Society, should have petitioned the Lord Lyon

for Arms, but it is most unlikely that the double tressure would have been granted. By seeking Arms through the royal charter, Cummyng showed himself conscious of this, and with the best of intentions was anxious to have royal status shown heraldically. The letter also reveals that it was Cummyng's intention to have a motto as part of the Arms, though nothing came of this.

On 3 April 1781 a draft charter was presented to members of the Society, and though no copy is extant it presumably contained the blazon of Arms devised by Cummyng. The Society now regarded the Arms as being as good as granted because in May 1782 William Smellie published his *Account of the Institution and Progress of the Society of Antiquaries of Scotland*. The title page contained an engraving by Artist Associate Andrew Bell of a suggested medal design featuring the profile of the Earl of Buchan on the obverse, and on the reverse a unicorn couchant, set in the Meadows with the skyline of Edinburgh behind, holding an oval shield bearing the suggested coat of Arms. (The Lord Lyon would have been within his rights to confiscate all copies of Smellie's book.)

The problems associated with obtaining the royal charter are dealt with more fully elsewhere in this volume. Suffice it to say that Buchan and Cummyng signed a petition on 21 May 1782 requesting the charter, and no mention of Arms was made. Almost a year later the royal warrant authorising the charter passed the Privy Seal on 29 March 1783, and this contained the blazon of Arms suggested by the Secretary. Unfortunately no authority was given for the word 'Royal' to appear as part of the title, presumably to the disappointment of Cummyng. Ignorance of Scottish heraldic law is again evident, as the various officials should have consulted the Lord Lyon for an opinion on the procedure.

One month later the royal charter was sealed in Edinburgh, on 6 May 1783, and thereafter the Society used the Arms on its official seal. In gratitude for his efforts, members voted that Lord Buchan should be presented with a medal bearing his likeness. The suggestion could scarcely have surprised Buchan, as Bell had produced the design during the previous year. The following year Buchan intimated that he had sat for Tassie in London so that a portrait could be modelled, but the medal was never struck, due to lack of finance.

From 1783 until 1827, the irregularly obtained Arms of the Society were borne on the seal. The earlier connection between the Society and Lyon Court was re-established when Edward Drummond Hay became

Secretary. At that time Drummond Hay was also Lyon Clerk, and the Society's minutes show him using his double role to correct the anomalous heraldic position of the Society.

In August 1827, Drummond Hay had been instructed to arrange for a diploma of membership to be engraved, which was to be sold to members for 5/-. The diploma was to be stamped with the Society seal as proof of its authenticity. In checking the seal the new Secretary noticed that the wording did not correspond with the royal charter. The seal was inscribed 'Antiquariorum Scoticorum Societat[is] Sigillum' instead of 'Scotiae', and on looking through Lyon Court records Drummond Hay realised 'that neither were the Armorial Ensigns given therein Matriculated, *as occurring to the Statues of the Realm*, in the office of the Lord Lyon King of Arms'.

In his minute of the Council meeting of 27 November 1827, Mr Drummond Hay stated that he

had therefore, in his capacity of Clerk to the Lyon Court, entered a Matriculation of the Common Seal of this Society, under its proper title, namely that of The Society of the Antiquaries of Scotland, upon the Public Register of Arms on the 17th of the present month without waiting for further authority than that of the Royal Deed; And having reported thereupon to the Lord Lyon, and communicated with his colleagues in his Lordship's Office with regard to the same, he had now the pleasure to state that no fees are demanded and the writing clerk had also declined to receive any payment for extending the matriculation upon the Record.

Although the Secretary realised that the Arms were unofficial until matriculated in the Public Register of All Arms and Bearings in Scotland, he was as guilty as Cummyng in regarding the charter as sufficient authority. The correct procedure would have been for Drummond Hay to seek an interlocutor from the Lord Lyon, at that time Thomas Robert, Earl of Kinnoull, or from one of his Deputes, which would have been the true authority for matriculating the Arms. Drummond Hay overstepped his duties as a Lyon Court official, and again the Lord Lyon had been omitted from the procedure. The heraldic laws of Scotland were drawn up, outlining who could grant Arms and by what method, to give individuals and incorporations the best possible protection in law. If some other body had used the Arms of the Society between 1783 and 1827, the Society would have been powerless to seek redress in court. As far as the Lord Lyon was concerned, Arms had never been granted.

However, as soon as the following matriculation had been entered, as it was in volume I of the Public Register of All Arms and Bearings in

Scotland, folio 481, the Society at last became the legal owner of Armorial Ensigns:

To the Society of the Antiquaries of Scotland instituted at Edinburgh in the year One thousand seven hundred and eighty and incorporated by Royal Charter on the twenty ninth day of March One thousand seven hundred and eighty three are given under authority of the same the following Ensigns Armorial for the purpose of a Common Seal viz: Azure the Cross of Saint Andrew argent between an imperial crown in chief and a thistle in base both proper all within the royal tressure Or.

Matriculated this 17th day of November 1827.

Edward Drummond Hay Lyon Clerk

By obtaining Arms in this manner the Society never received Letters Patent from the office of the Lord Lyon illuminated with the Arms. It also explains why the premier antiquarian society of Scotland does not possess a crest, motto or supporters to the Arms-heraldic, additaments which would no doubt have been granted if the Society had petitioned the Lord Lyon at the outset.

Once the Arms had been matriculated, the Council decided on 28 January 1828 to avoid confusion by destroying the seal formerly used by the Society. This small seal, engraved by Artist Associate David Deuchar, carried the incorrect title of the Society, and was responsible for motivating Drummond Hay into making the Arms of the Society legal.

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