

Arms and the Law in Scotland



The Lord Lyon: David Sellar, 2008

Heraldry was a pictorial statement of an individual in an age when the majority of the populace were illiterate and accordingly evolved out of the need to recognise who was who in war and in peace.

In Scotland, heraldry is regulated by an Official, The Lord Lyon, who is aided by Heralds. He is appointed by the King or Queen of the Scots to deputise for him or her in the granting and regulation of arms. Sir James Balfour Paul, a past Lyon, averred that the Lyon King of Arms and the Heralds attended the Coronation of Robert II at Holyrood on the 23rd May 1371.

An Act of the Scottish Parliament of February 1400 required every landowner to possess a coat of arms for legal and other requirements. Many burgesses and tradesmen, quite apart from the Crown and the nobility, have left examples of their arms chiselled in the stonework of old buildings and elsewhere.

In 1540 a further Act of Parliament ordained that the use of a Seal which was affixed to all legal documents had to be augmented by written description to avoid the possibility of use of such a specific seal by an unauthorised person, or by post-dating a deed by a later attachment of a seal to an earlier document. Seals were a blob of wax affixed to documents when warm and viscous. These were impressed with perhaps a ring incised with representations of the arms of the signatory. When cold, the incised mark or arms set, and could not be readily tampered with. Such seals that have survived give some early information on the identity of the person and the use and development of Arms.

In 1592, an Act was passed authorising The Lord Lyon and his heralds "to hold visitations throughout the kingdom in order to distinguish the arms of noblemen and gentlemen and *their after to matriculate thame in the buikis and registeris*. Again a similar Act was passed in 1662, but repealed in 1663. Finally in 1672 a further Act was passed, which has continued to be actively administered to the present day.

Arms pertain solely to an individual and each Coat of Arms is different in a specific way for each individual.



The Armorial Seal of John Davidson of Newlands, Peeblesshire, dating from 1536