

IV.

SOME OBSERVATIONS REGARDING THE USE OF ARMORIAL BEARINGS BY THE NATIVE FAMILIES OF ORKNEY. BY CAPT. H. L. NORTON TRAILL, F.S.A. Scot., F.R.G.S.

In a most interesting paper read before the Society of Antiquaries of Scotland on 12th May 1919, Mr J. Storer Clouston summarises his conclusions regarding the early use of arms by the native families of Orkney in the following words:—

“So far as it goes, the evidence indicates, in the first place, that the number of native arms-bearing families in the islands was very limited; and, in the second place, that it is impossible to presume that any given family was or was not among this number until evidence is adduced.”

In support of the above conclusions Mr Clouston adduces evidence which would appear effectually to dispose of any possible claim to coat-armour on the part of three ancient Orkney families, by name Yenstay, Richan, and Fea.

With regard to the first-mentioned of these families, Mr Clouston evidences a certain slab found in the nave of St Magnus Cathedral. At the top of the slab are the initials A.Y.<>G.Y. Then comes a shield, not charged with arms, but having instead the initials E.Y. in chief and the date 1663 in base. Below that is the date 1652. Mr Clouston identifies these initials as belonging to Gilbert Yenstay, his brother Andrew Yenstay, and his daughter Elene Yenstay, and he considers that the second date is a mistake for 1625.

As Mr Clouston points out, while the mere absence of arms is no evidence that a family did not bear them, yet when a shield is introduced and then occupied only by initials and date, it seems most unlikely that arms existed, and one can pretty safely put down the Yenstays as non-armorial. Yet they were Yenstays of Yenstay, and a markedly representative landed family from the beginning of the sixteenth century.

The next case is that of the Richans, who are found as early as 1492 as portioners of Hobbister. In the seventeenth century Robert Richan acquired the estate of Linklater and married Isobel, daughter of Adam Bellenden of Stennis. Their tombstone in St Magnus Cathedral has been described and illustrated by the writer in *Orkney Armorial*s and shows a coat of arms:—quarterly; 1st, a stag's head erased; 2nd, 3rd, and 4th, two crosses joined in pale. This alleged coat of arms is obviously nothing more than a variation of the well-known coat of arms of the Bellendens, which is:—a stag's head erased between three cross crosslets fitchée.

The third instructive case dealt with by Mr Clouston is that of Fea, a family who obtained a feu-charter of the estate of Clestrain in Stronsay in 1592. With regard to this family Mr Clouston writes:—

“A considerable number of seventeenth-century letters from various members of the Fea family are extant, all with non-armorial seals. Then in the early part of the eighteenth century three separate instances of arms purporting to be the Feas are on record, one being a painting (now in the possession of Mrs Bailey, Kirkwall) showing two shields, of which the dexter is Baikie. The sinister has the supposititious Fea arms:—azure three stars in fess argent between as many covered cups or. Below is the inscription:—‘The Bakies and Feaes arms,’ but below ‘Feaes’ can be distinctly read the word ‘Shawes,’ which was therefore the original inscription.”

The above painting (formerly in the possession of the late Miss Ellenor Baikie of Kirkwall) is described in *Orkney Armorial*s, and the sinister coat is there assigned to Shaw. In *The Real Captain Cleveland*, by Allan Fea, the painting is again mentioned and is stated to represent the arms of the Rev. Thomas Baikie and Elizabeth Fea, who were married in 1697. Two other instances there referred to, are a tombstone in Shetland dated 1758, and the seal of William Fea of Milnfield, who is mentioned as flourishing in 1725. The arms, however, were recorded in the Lyon Register, *circa* 1672, for the family of Shaw of Sornbeg, and so cannot possibly have ever belonged to the family of Fea.

I will now proceed to deal with what I think may be regarded as another case of misappropriation by a native Orkney family of a Scottish coat of arms: I refer to the use of armorial bearings by various members of the family of Scollay. In the *Records of the Earldom of Orkney*, edited by Mr J. Storer Clouston for the Scottish Historical Society, there is described the seal of David Scollay, Provost of Kirkwall, appended to a document dated 6th February 1586, as follows: “An ornamental shield, between the initials D.S. bearing arms:—Quarterly: 1st and 4th. A saltire between two ——— in chief and base, and as many ——— in flanks; 2nd, and 3rd. A saltire between two stars in chief and base and as many

crests in flanks (fig. 1). Legend, S. DAVIDIS SCOLA BVRGENSIS DE KIRKVAL. Diam. $1\frac{8}{16}$ in."

The double shield of the Rev. George Tod, who died 3rd November 1687, and of Barbara Scollay his wife, which is carved on their tomb in Holm Church, is described and illustrated in *Orkney Armorial*. This tombstone is interesting as illustrating the influence, in Orkney, of continental heraldry. The arms depicted are those of Tod and Scollay, but instead of being impaled on a single shield, they are displayed on two shields set side by side; moreover, the foxes' heads of Tod, on the dexter shield (in accordance with the continental usage), are turned to the sinister to "respect" the impaled coat:—a saltire between four mullets, in base a heart (fig. 2). This coat is characterised by Mr Clouston as "a modest selection from the exuberant coat of the old provost."

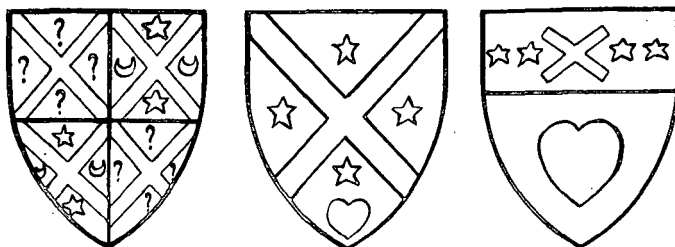


Fig. 1. Scollay, 1580. Fig. 2. Scollay, 1687. Fig. 3. Scollay, 1712.

Finally we come to a painting on glass (described in *Orkney Armorial*) of a shield bearing arms:—or, a heart gules, on a chief of the second a saltire humettée sable between four mullets of the field, two to the dexter and two to the sinister. The shield is surmounted by an esquire's helmet with mantling or and gules, and on a wreath of the colours, is set for crest, a heart gules. Above the shield is inscribed "The Scollay's Arms," and below, "James Scollay is borne anno 1675." "D.N. facit anno 1712" (fig. 3). This would appear to be an adaptation of the Holm coat of arms, put together by a person with a somewhat elementary knowledge of heraldry. The transposing of the saltire, which as an "ordinary" should normally occupy a leading position on a shield, and placing it with its ends cut off, as one of five charges on a chief, is a clumsy device; moreover, the use of colour on colour, if not actually wrong, is certainly to be deprecated.

Now for a possible origin for the supposititious Scollay arms. Over the gateway of Tankerness House, Kirkwall, are two shields: the dexter bearing the arms of Gilbert Fulzie, Archdeacon of St Magnus: the sinister that of Elspeth Kinnaird his wife, together with the date 1574. The Kinnaird arms are:—On a saltire between four crescents, a mullet

(fig. 4). The same arms, but without the mullet, are depicted on a tomb in St Peter's Church, South Ronaldshay, with the date 1684.

In the *Records of the Earldom of Orkney* is described the seal of James Kintore, attached to a process of apprising dated 12th November 1584, as follows:—"A saltire between a star in chief and a crescent in base. Legend, S. James Kintor. Diam. $1\frac{6}{16}$ in." (fig. 5).

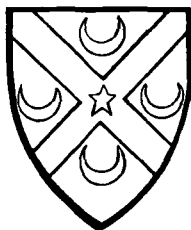


Fig. 4. Kinnaird,
1574.

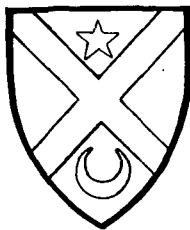


Fig. 5. Kintore,
1584.

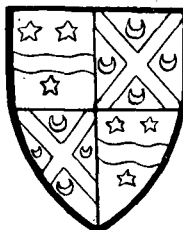


Fig. 6. Baron Kinnaird,
of Inchtute 1682.

Recorded in the Lyon Register are the arms of Baron Kinnaird of Inchtute, County Perth (creation 1682):—quarterly: 1st and 4th, or, a fess wavy between three mullets gules, as a coat of augmentation; 2nd and 3rd, gules, a saltire between four crescents or, the ancient arms of Kinnaird (fig. 6).

A comparison of the three above examples of the undoubted arms of Kinnaird with the three examples given of the supposititious arms of Scollay will, I think, lead irresistibly to the conclusion that the latter

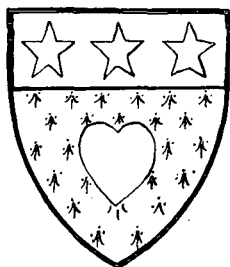


Fig. 7. Wm. Douglas of
Egilshay. From the
tomb, in Elgin Cathedral,
of his grandfather,
Alex. Douglas,
Bishop of Moray in
1606.

are merely an adaptation of the former. Why the heart is introduced it is not easy to determine. A heart appears on an ancient Sinclair tombstone described and illustrated in *Orkney Armorial*s, and also on the tombstone of Sir Nicol Halero, parson of Orphir, who died after 20th April 1545. It is, of course, a leading charge on the Douglas shield, and appears on the tombstone, in St Magnus Cathedral, of George Douglas, who died in 1611. William Douglas, Chamberlain of Orkney, who in 1688 disposed the lands of Egilshay to his eldest son, Alexander Douglas, yr., of Egilshay, was entitled to bear arms:—ermine, a heart gules, on a chief azure three mullets gules (fig. 7). The shield used in 1712 by James Scollay is certainly reminiscent of that of Douglas of Egilshay.

An old tombstone in St Magnus Cathedral containing two shields, one above the other, would appear to furnish evidence of yet another

instance of misappropriation by an Orkney family of a Scottish coat of arms. The upper shield bears arms:—a fess between a cushion in chief and a mullet in base, with the initials A.B. The arms on the lower shield are a bend between two crescents, the initial of the surname being K. This tombstone is mentioned in *Orkney Armorial*, but when seen by me some twenty years ago, it was impossible, owing to dirt, to determine whether the charges on the upper shield were a fess between a cushion in chief and a mullet in base, or a fess between three mullets. Since then the stone has been cleaned and it is now apparent that the former is the correct rendering. The stone is fully described by Mr Clouston in a paper which appears in the *Proceedings of the Society of Antiquaries of Scotland*, vol. lii. p. 190, and the A.B. in question is identified by him as a member of a family of Banks

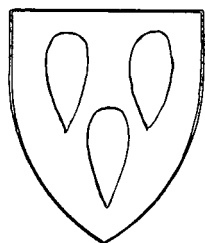


Fig. 8. Paplay,
circa 1300.



Fig. 9. Paplay.

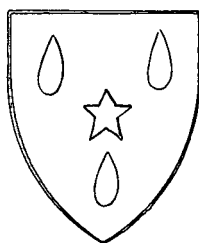


Fig. 10. Steven
Paplay, 1584.

who apparently took their name from the old Hall of Banks in Kirkwall, which at one time they owned; nevertheless, as pointed out by Mr Clouston, the arms are those of the Scottish family of Marjoribanks.

An undoubted example of arms borne by a native Orkney family, previous to the ceding of the islands to Scotland, would appear to be afforded by the shield charged with three guttés reversed (fig. 8), which surmounts a recessed tomb in St Magnus Cathedral to which Sir Henry Dryden assigns the date 1300. On a slab which used to lie below the arch is a shield bearing three guttés with points meeting in fess point (fig. 9). The ownership of these coats of arms was a matter of conjecture until disclosed by one of the seals attached to the process of apprising dated 12th November 1584, described and illustrated in the *Records of the Earldom of Orkney*. This is the seal of Steven Paplay, bearing arms:—three guttés, with a mullet at fess point (fig. 10). It seems obvious that the tomb and slab commemorate two members of the Paplay family; Mr Clouston is of opinion that one of these was Sigurd of Paplay, one of twenty-four arbiters convened in 1369 to settle the quarrels between the Governor and the Bishop of Orkney.

The various coats of arms used by the Halcro family, numbering
VOL. LVI. 20

as they do no fewer than eight examples previous to the end of the first quarter of the seventeenth century, constitute a most interesting group of Orkney shields. The earliest would appear to be that on the tombstone in St Magnus Cathedral, described by Mr Clouston as:—"quarterly, (1) a mount; (2) (a rose of cinquefoil?); (3) a crown; (4) a heart; over all, dividing the quarters, a plain cross" (fig. 11). The charge in the first quarter may be intended for a mount, but personally I think it

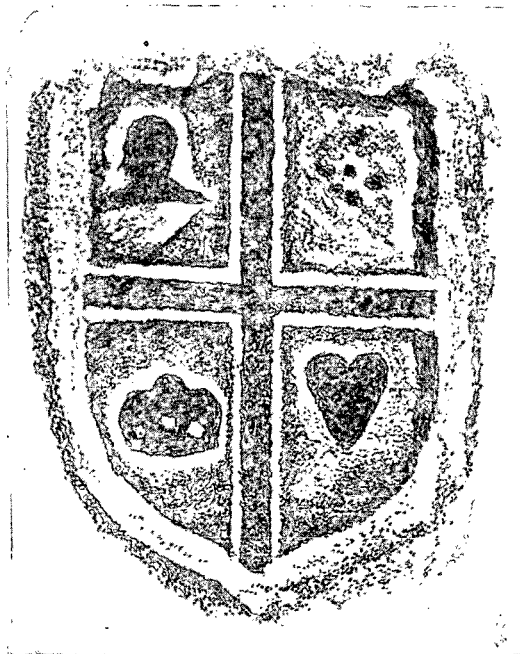


Fig. 11. Sir Nicol Halcro.

looks more like a man's head or a helmet, and it might be meant to represent almost anything on earth. The Nicol Halcro commemorated by this tomb is identified by Mr Clouston as Sir Nicol Halcro, parson of Orphir, frequently on record from 11th March 1507-08 to 20th April 1545. He was son of David Halcro of Thurregar in South Ronaldshay, mentioned in the rental of 1508 and the first Halcro to appear on record. Mr Clouston thinks that the cross on the shield may have been introduced as indicating Sir Nicol's sacred calling; but of course parsons, as such, in the sixteenth century, had no more right to adopt a shield charged with a cross to indicate their sacred calling than they would have to do so to-day.

The above shield is somewhat similar to that which appears on the

seal of Mr Magnus Halcro, Sub-Chantor of Orkney, described by Mr Clouston as follows:—"quarterly: first, a mount of two tops; second, a crescent; third, (a clarion?); fourth, a buckle; over all, dividing the quarters, a cross engrailed" (fig. 12). Regarding this coat Mr Clouston writes: "In the first quarter one recognises the paternal mount (if one knows the arms actually were a mount and not a heart), and what appears to be a clarion in the third probably has allusion to his office of Sub-Chantor." It may be remarked that the uninitiated would certainly put down the charge in the first quarter of this shield as the same heart which appears in the fourth quarter of the preceding shield.

Mr Magnus is identified by Mr Clouston as a natural son of Mr Malcolm Halcro, Archdeacon of Shetland. He was legitimatised in 1545, and married Margaret Sinclair, daughter and heiress of Sir James Sinclair of Sanday and Lady Barbara Stewart. The engrailed cross which appears on his shield is obviously taken from the arms of his wife's family, which he had no right to use, any more than he had a right to display a clarion in allusion to his office of Sub-Chantor. Mr Magnus and the above-mentioned Sir Nicol

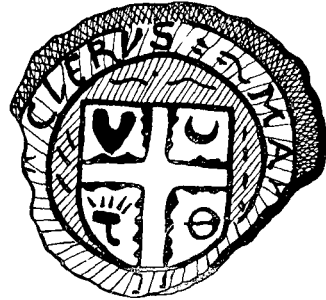


Fig. 12. Seal of Magnus Halcro.

Halcro were contemporaries, and the former may have acquired his seal previous to the erection of the tombstone to the latter; possibly in the year 1545, when he was legitimatised. In that case the shield on the tombstone may be merely an adaptation of that figuring on the seal. This would account for the cross which appears on the tombstone; the fact that it is plain, and not engrailed, might be due either to lack of skill on the part of the carver, or to a desire to avoid the possibility of giving offence to the numerous and powerful family of Sinclair.

On the tomb of Sir Hugh, Rector of South Ronaldshay (1554), is a finely-carved shield (fig. 13), divided according to the Continental usage into three compartments. The two upper divisions are occupied by what I think are undoubtedly intended for two coats impaled, viz. dexter a lion rampant, depicted contournée in order to "respect" the sinister coat, which is two mullets in chief, and as many guttes in base. This latter coat may, I think, be identified without hesitation as that of Paplay (figs. 8, 9, and 10). The long-shaped compartment at the base of the shield is occupied by the initials H.H., and an object which has been described both as a heart with three cusps and as a mount. To my mind it deviates less from the conventional heart of heraldry

than it does from the usually accepted form of the heraldic mount. The Psalmist enquires: "Why leap ye, ye high hills?" but neither in nature nor in heraldry are hills usually to be found balanced like peg-tops upon a pointed base, and I think it more than likely that the charge in the lower compartment of the shield under review, the charge in the first quarter of the shield of Mr Magnus Halcro, and the charge which appears in the fourth quarter of the shield on the tombstone of Sir Nicol Halcro, are all three intended to represent the same thing, namely a heart, a device which may have originally been used as a badge by the Halcro family.

With the sole exception of this heart or mount, Sir Hugh Halcro has certainly made a clean sweep of the miscellaneous assortment of objects displayed by Mr Magnus Halcro and Sir Nicol Halcro, though the former was his nephew and the latter was probably a near relative.

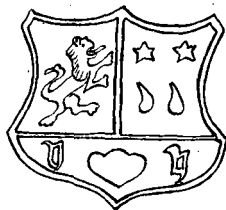


Fig. 13. Sir Hugh Halcro,
Rector of South Ron-
aldshay, 1554.



Fig. 14. Wm. Halcro,
an "oversman,"
1562-63.



Fig. 15. Wm. Halcro
of Aikers, 1584.

Assuming that the family were really entitled to bear a lion rampant, it seems rather extraordinary that neither Sir Nicol nor Mr Magnus (both clerics and men of learning) would appear to have been aware of the fact. If my diagnosis is correct, Sir Hugh Halcro boldly adopted a lion rampant as his coat of arms, impaled the arms of Paplay, and filled up the compartment at the base of the shield of three compartments, displayed by him, with his initials and either his family badge or a conventional ornament.

A clue to the reason of the use by Sir Hugh Halcro of a lion rampant may be found in the traditional origin of the family, stated by Mr Clouston in the *Records of the Earldom of Orkney* as follows:—

"Van Bassan, writing in the early part of the seventeenth century, states that Halcro of that ilk was 'lineally descended of a natural son of King Soerrir of Norway' (1174-1202). Van Bassan's work is largely fictitious and wholly untrustworthy. It is, however, possible that such a tradition actually existed at the time, and if so, it is quite likely to be correct. Another tradition associates the Halcros with Robert the Bruce, and it may at least be taken as certain that they were an ancient and important family in Orkney when they first appear on record."

Now, on the ancient royal arms of Norway appears a crowned lion grasping an axe, and assuming that Sir Hugh Halcro was aware of the above tradition and accepted it as fact, it is conceivable that he actually believed himself to be entitled to display the lion of his royal ancestors, minus the crown and axe.

Next we come to the shield on the tombstone in St Magnus Cathedral of William Halcro (fig. 14), who has been identified by Mr Clouston as William, son of John, who was included in the entail (dated 1544) of the estate of the deceased Andrew Halcro of that Ilk, by his sons the above-mentioned Sir Hugh and Mr Malcolm Halcro. This is simply a faulty copy, executed by an indifferent workman, of the shield on the tombstone of Sir Hugh Halcro, Rector of South Ronaldshay. The shape of the shield is practically identical, and, like the original, it is parted per fess, the upper half parted per pale. The guttes and mullets now appear in the dexter compartment, while the lion (still contournée) has been moved over to the sinister, and rudely turns his back on the coat which originally he "respected." The initials V.H. appear, one on either side of the shield instead of in the base compartment, which is fully occupied by an enlarged edition of the heart or mount, the pointed end of which has been abruptly cut off, seemingly because the stone-cutter had not left himself sufficient room to complete the figure, which, as it appears now, would be described as a triple mount coupé at the base.

The next example to be considered is the seal of William Halcro of Aikers, identified by Mr Clouston as probably a nephew or a son of Sir Nicol Halcro, parson of Orphir. This seal is attached to a process of apprising signed at Kirkwall, and dated 12th November 1584. Twelve seals were originally attached to this document, ten of which are extant. As mentioned in the *Records of the Earldom of Orkney*, Mr Rae Macdonald, Albany Herald, pointed out with regard to these seals, that they are all the same size, and of precisely the same design, down to the ornament and lettering of the legends, the obvious suggestion being that they must all have been specially made for the occasion. One can almost picture the worthy seal-cutter proceeding to the Cathedral to view the shields displayed over the tombs of Sir Nicol and Mr William Halcro, and scratching his head in bewilderment at what he saw. The seal (fig. 15) is described by Mr Rae Macdonald as:—"On a mount a lion rampant with (two) guttes in chief. Legend, S. William Halcro. Diam. $1\frac{6}{16}$ in. (Very imperfect.)" Thus the shield on the tomb of Sir Nicol Halcro has been ignored entirely, as the coat of arms which appears on the seal of William Halcro of Aikers is obviously an adaptation from that on the tombstone of William, son of John Halcro. The curious object in the lower compartment of the

latter shield now becomes an undoubted mount, and occupies the usual position of this charge, namely the base of the shield. On this mount is set the lion, facing the dexter, there being no impaled coat for him to "respect." The two guttes are brought up, and appear in chief. The two mullets are crowded out (fig. 15).

Finally we come to a very beautiful oak panel in St Magnus Cathedral described in *Orkney Armorial*s. This displays two shields, the dexter (fig. 16) being a coat of arms:—a mount thereon a lion rampant, on a chief three mullets, with the initials H.H. which stand for Hugh Halcro

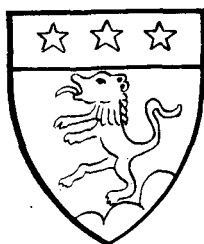


Fig. 16. Hugh Halcro of that Ilk. Died 1644.

of that Ilk who died 12th May 1644. The dexter shield bears the arms of Craigie impaling Halcro as above and commemorates the marriage (contract dated 1624) of Margaret, daughter of the above Hugh Halcro, with William Craigie of Gairsay. Here we find the lion rampant on a triple mount which occupies the whole of the base of the shield, and the two guttes in chief have been replaced by three mullets on a chief, obviously, I think, an adaptation of the mullets in chief which appear on the above-mentioned coats of Sir Hugh and Mr William Halcro. This fine composition, evidently put together by someone versed in heraldry, could well be the work of an official herald. Hugh Halcro of that Ilk was son of Henry Halcro of that Ilk by Barbara, brother's daughter of Robert Stewart, Earl of Orkney. He had married in succession three wives, two of whom (and probably the third also) were daughters of armigers, as was also the wife of his son and the husbands of at least two of his daughters; his third daughter was married to Henry Halcro of Aikers. One can well believe that the whole Halcro family would at this time feel the desirability of acquiring a coat of arms to which an unquestionable title could be shown and that Hugh Halcro did actually receive authority from the Lyon Court of Scotland to bear the arms which he displayed. If so, it is much to be regretted that this coat was not matriculated in the register commenced after the restoration of Charles II. and constituted by Act of Parliament as the sole and unrepealable register of all arms and bearings in Scotland. This, however, may perhaps be accounted for by the fact that Hugh Halcro, younger of that Ilk (only son of the above-mentioned Hugh Halcro of that Ilk by Esther Thompson, his first wife), predeceased his father in 1637, leaving by Margaret Stewart, his wife, an only son, Hugh Halcro of that Ilk, who died without issue in 1666.

The arms—a mount thereon a lion rampant, on a chief three mullets—would seem to have been finally adopted by the Halcro

family, as they appear on a carved oak panel taken from the pew of the Haleros of Coubister and Cava in the old church of Orphir, with a motto, not unsuitable if allusive to the vicissitudes of the Haleros in their search for a safe armorial haven, namely, "We'll put it to a venture."

Mention is made by Mr Clouston of an early seventeenth-century MS. at the Lyon Office, in which the arms of Halcro appear as simply: Argent, a mount vert. In this MS. the mount is depicted as a long-shaped green cone on a white shield. The name "Halcro" is written above the shield, without anything further to identify its user. The MS., which is entitled "Gentlemen's Arms," is by an unknown author and has been dated by Stodart as after 1628. A number of the coats of arms appearing in it are not entered in the official register and many of the authorised coats depicted are assigned to the wrong families. The MS., though interesting, is incorrect with regard to a number of particulars, and is quite without authority.

While heartily agreeing in the main with Mr Clouston's conclusions, I feel compelled, in the interest of heraldic accuracy, to join issue with him regarding one tombstone illustrated and described by me in *Orkney Armorial*, and again by him in the *Proceedings of the Society of Antiquaries of Scotland*. I refer to the stone in St Magnús Cathedral which displays two coats impaled, the dexter bearing three trefoils slipped with what Mr Clouston describes as a drinking-horn (but what I maintain is a crescent) in the centre; the sinister coat is that of Tulloch. When I first saw this stone, some twenty years ago, the central charge of the dexter coat was clearly a crescent, and is so shown in both the sketch and the rubbing which I made at that time. As it happens, I have a very distinct recollection of this particular tombstone and of its position on the floor of the Cathedral, where it lay with a regular pathway across it worn by the feet of pedestrians, and it was this use as paving-stones of ancient sculptured memorials to the dead which so horrified me that I set myself the task of collecting and recording such evidence of the use of coat armour by Orkney families as was then available. I may mention that in the case of one ancient tombstone, described in *Orkney Armorial*, that my apprehension would seem to have been fully realised. On this stone in 1901 were visible three swords in pale, as many mullets, and also a crescent, but in 1917 Mr Clouston failed to find any trace of it, the presumption being that the carving had been trampled out of existence and the stone rendered undistinguishable from the flagstones surrounding it.

I have lately re-examined the stone bearing three trefoils, with Tulloch impaled. It is a slab of old red sandstone, a most unsatisfactory stone

for carving purposes, owing to its softness and the liability of its surface to split and break away in flakes. The carving was originally in high relief, and what I consider has undoubtedly taken place is that the long points of the crescent have flaked away. In its present form the mutilated charge certainly looks rather like a horn without strings (a charge which I believe is unknown in Scottish heraldry), but I think it still retains sufficient of its original shape to enable it to be identified as a crescent. A crescent is wider in the middle than at any other point, while a drinking-horn would naturally be widest at its mouth. I think that a careful measurement of the charge in question will prove that it is still wider in the middle than it is at any other part.

Mr Clouston considers that the stone must be assigned to a date "round about 1500," but gives no reason for his belief. A comparison with certain dated armorial stones discloses similarities with regard to the shape of the shield and the style of the carving, and has led me to form the opinion that it may possibly date from a much later period than Mr Clouston imagines. Somewhat misleading also is, I think, his conclusion that his supposition that the arms in question must be those of Flett, is confirmed by an entry in Burke's *Armoury*, which gives the arms of Flett as:—argent, a chevron between three trefoils sable. Burke in his *General Armoury* made no attempt to differentiate between arms which were borne by authority and arms which were not, and all that the entry proves is that some person of the name of Flett used arms as stated. Now the undoubted arms of the ancient Scottish family of Bothwell are:—azure, a chevron, between three trefoils or. Except for the change of tinctures these arms are exactly the same as the arms which according to Burke were used by a family of the name of Flett. It is safe to assert that no two families in Scotland could ever have been authorised to bear arms so very much alike, and that if the Fletts were actually entitled to use the arms recorded against their name in Burke's *Armoury*, that their authority for so doing must have been derived from Norway and not from Scotland.

The initials on either side of the shield are carved in high relief, within sunk panels. When seen by me twenty years ago the panels were filled with dirt and I read the initials as M:B:. Now that the stone has been cleaned, the letter of the surname would appear to be F., but I am by no means certain that it was not originally a B:. The ends of the transverse limbs of the F: are unfinished and the whole of the groundwork of the left half of the panel appears to me to have been roughly re-cut. The initial M: carved on the left of the stone is correctly centred in its sunk panel, but the F: of the surname,

as it now appears, is set too much to the left of its panel. The base of the letter is lop-sided and out of proportion, and there are three rough chisel marks not in accord with the remainder of the work on the tombstone (fig. 17).

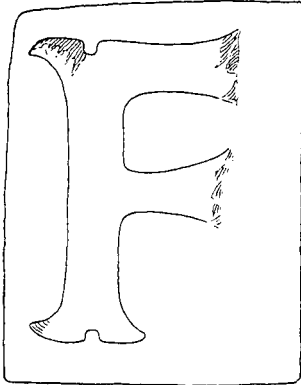


Fig. 17. Initial Letter on Slab.

That liberties were taken with the tombstones in St Magnus Cathedral is certain. In *Kirkwall in the Orkneys*, pp. 55 and 56, Hossack relates how, in 1670, one Patrick Adamson removed his father's tombstone from the Cathedral (some nineteen years after it had been set up), and sold it. This having come to the ears of the Session, Patrick was ordered to restore the stone.

The Session, however, proved more obliging in connection with the erection in 1649 by Robert Douglas, Earl of Morton, of a tombstone to his father, recorded by Hossack on p. 51 of the above work, as follows:—

“My Lord Morton, his brother, Mr John Douglas, presented a desire in my Lord's name unto the Session, That seeing his Lordship had ane purpose to erect ane tomb upon the corp of his umquhile father in the best fashion he could have it: Therefore, understanding that there were some stons of marble in the floore of the Kirk of Kirkwall, commonly called St Magnus Kirk, quhilk would be very suitable for the said tomb; therefore requested the favour of the Session to uplift the said stons for the use foresaid: Whereunto the Session condescended with this provision, that the places thereof be sufficiently filled up agane with hewen buriall stons.”

In recording a tombstone in the Cathedral, carved with a shield of

There is absolutely nothing on the stone other than the impaled coat of arms above a stepped cross fleury, and the two initials (fig. 18). Old tombstones were sometimes acquired in curious ways, and, assuming that the original initial of the surname on this one was either B., R., or P., an alteration which could be executed with a few strokes of a chisel would convert it into a handsome monument for anyone with the initials M.F., provided that the correct display of coat armour was not regarded as a matter of importance.

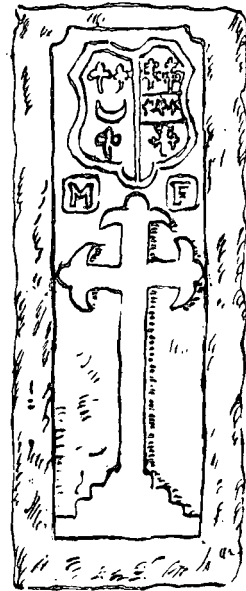


Fig. 18. Cross-slab in Kirkwall Cathedral.

arms—a chevron between three water-bougets—Mr Clouston notes that the sides have been trimmed off, evidently to make it fit a space in the floor, and that the lettering is so fresh-looking as to suggest that it has been re-chiselled.

A plan of the floor of the west end of St Magnus Cathedral dated 1769 shows that practically the whole of this floor space had been apportioned as burial-places to various families. The name of Flett does not appear on this plan, but from another plan dated 1808, to which is attached a list of burials from 1792 to 1824, we learn that three interments were made in or near a vacant space situated between the burial-places assigned on the older plan to the families of Elphinstone and Traill of Quendale. These are William Heddle in the year 1794, and Mrs Flett and John Heddle in the year 1801. The last mentioned may doubtless be identified as John Heddle, Town-Clerk of Kirkwall, who in 1772 married Elizabeth Flett, and “Mrs Flett” was probably his mother-in-law.

Thus between the years 1769 and 1801 a family of the name of Flett would seem to have acquired a right of burial in the Cathedral, and the tombstone under notice may have been set up, with the initial of the surname re-chiselled, to mark this burial-place. The place where it lay in the nave of the Cathedral must have been within a few feet of the spot where the above three interments took place, and it may have been moved slightly out of position in the year 1848, when extensive restorations were carried out in the Cathedral. Assuming that the claim of the Fletts to bear the arms recorded against the name in Burke's *Armoury* (viz. a chevron between three trefoils) is derived from this tombstone, I suggest that the assumption by the family of these arms may be of very recent origin.

In the above-mentioned paper Mr Clouston, summarising from *Udsigt over den Norske Rets Historie*, states very clearly the position with regard to the bearing of coat-armour in Norway in the fourteenth and fifteenth centuries. After referring to the many seals with quasi-armorial devices in use in Norway previous to 1378 he writes:—

“This dubious variety had, however, given place by the fifteenth century to frankly non-armorial seals, and it is a point to be noted that, from the latter part of the thirteenth century, the only true arms-bearing class in Norway was a strictly limited body. It consisted of the barons, knights, and ‘SVENDE AF VAABEN’ (armigers), who totalled in all about 300 in the year 1309, and formed the upper rank of the king's ‘hird’ (i.e. the whole body of his vassals, officials, and men-at-arms). By that period the whole conception of nobility had become confined to the hird, and the use of arms (or, at least, the admitted right to use them) to its upper rank.”

Mr Clouston then goes on to suggest that in Orkney, the ancient earls also had their hird, which included certain greater vassals and captains of companies; and in all probability one should look in this direction for the source of the early native armorials. Surely, however, he himself has made it clear that within the Kingdom of Norway (as in Scotland) the use of coat armour was regarded as an indication of rank and a matter of honour. In both countries the Crown was the "sole fountain of honour" and one of the most jealously guarded of the prerogatives of kings has always been the exclusive right to bestow titles and badges of rank upon their subjects. The ancient Earls of Orkney did not enjoy the status of independent sovereigns, and that their own coat of arms, as recorded in the manuscript of Sir David Lindsay (azure, a lymphad with sails furled or), was borne by virtue of the authority of the Norwegian Crown and not by their own mere motion may, I think, be presumed from the appearance of the Royal Arms of Norway on the Common Seal of Orkney attached to a document dated at Kirkwall 28th March 1425. Moreover, the shield of "the Earl of Orkney of Auld," which appears in the register of Sir David Lindsay (compiled *circa* 1542 and authenticated by Act of Parliament), is surmounted by the coronet of an ordinary nobleman and not by the crown of a monarch. It appears inconceivable that any Norwegian Sovereign could ever have delegated to a vassal, no matter how powerful, the right to confer titles and the badges of hereditary rank upon subjects of the Norwegian Crown, and previous to the ceding of the Orkney Islands to Scotland, such of the native Orkney landowning families as were rightly entitled to bear arms would naturally derive their authority for so doing from the Crown of Norway.

Mr Clouston comments on the fact that in Scotland the terms "gentleman" and "free holder" are used synonymously in old statutes, and that each member of this class seems to have been expected to have "the seale of his armes" ready for use when required, and he comes to the conclusion that what were styled in sixteenth-century Scottish documents the "gentlemen athellers" of Orkney were evidently differently situated. The reason for this would appear to be due to the fundamental differences between the feudal and the odal land tenures. The free holders of Scotland held their land on the condition of rendering military service to the Crown. They were practically officers of the feudal army and as such were obliged to possess actual shields of arms. The odallers were under no such obligation; consequently they did not require armorial shields for military purposes, and for a seal to authenticate a signature a badge surrounded by a legend was all that was necessary.

Mention has already been made of the multitude of "quasi-armorial" seals attached to documents in Norway previous to 1378, which later on gave place to frankly non-armorial seals, the bearing of true arms being confined to a strictly limited class. These quasi-armorial devices were, I take it, family badges, even though they were sometimes improperly borne on shields. Certain of the seals attached to Orkney documents which are reproduced in *Norske Sigiller* and described in the *Records of the Earldom of Orkney* would appear to come within this category, as for example the seal of the Gunni of Gnipum:—"in a beaded circle a rose of six petals. Legend, Sigillum G(V)N.NAR (1)," and of Hogue of Reidarfiord:—"a fleur de lys seeded. Legend illegible."

The use of a seal engraved with a badge in lieu of a coat of arms, far from denoting that its owner claimed the right to bear coat armour, might well be taken as establishing a presumption that he did not. The bearing of coat armour being a matter of privilege and human nature being what it is, one would naturally expect to find instances of badges unwarrantably displayed on shields in imitation of coats of arms by individuals whose social aspirations soared beyond their station in life. There was bogus heraldry even in the fourteenth century.

To sum up: until the year 1471 the Orkney Islands were included in the Kingdom of Norway and formed a part of that kingdom. The common seal of Orkney displayed the Royal Arms of Norway, and such of the native families as were entitled to bear coat armour would naturally derive their authority for so doing from the Crown of Norway. As we have already seen, the true arms-bearing class in Norway was a strictly limited body, consisting of barons, knights, and "SVENDE AF VAABEN" (armigers), who totalled in all about 300 in the year 1309, and formed the upper rank of the king's "hird." Having regard to the remoteness of the islands from the Norwegian Court one would hardly expect to find very many of the native land-owning families entitled to bear genuine coats of arms. The Paplay family may have been armigers, and doubtless there were others, but previous to the ceding of the Orkneys to Scotland such of the native odal proprietors as used seals would ordinarily have them engraved with family badges or other non-armorial devices. Though certain of them may have displayed their badges on shields, in imitation of coats of arms, it seems improbable that, but for the influx of Scots, there would ever have been any general desire to possess coat armour on the part of the native families of Orkney.

The early Scottish settlers in Orkney would appear to have been regarded by the Orcadians as undesirable aliens. In an article contributed by Mr Clouston to *Old-love Miscellany*, fol. 5, published for the

Viking Society for Northern Research, reference is made to the complaint "that Scottish subjects in Orkney are ill-used and not treated in the friendly way in which Norwegian subjects are treated in Scotland," inserted in the articles of a treaty made at Inverness in the year 1312 by King Robert Bruce of Scotland, with the ambassadors of the King of Norway. In 1321 this complaint is repeated, and by 1369, Scotsmen had arrived in such numbers in the bishop's train that it was stipulated he should in future employ "good native men." After the ceding of the islands to Scotland in 1471, the position of Scottish settlers in Orkney would naturally improve, until under the rule of the Stewart earls they would appear to have established a definite ascendancy.

The principal members of the entourage of the Scottish Earls and Bishops of Orkney were cadets of Scottish landowning families. As such they arrived in Orkney fully equipped with coat armour and doubtless having their own opinion regarding persons who were not. "Baseborn" and "ignoble," terms generally used in these rude days by armigers to designate the remainder of mankind, would deeply offend the susceptibilities of insular freeholders long accustomed to rate themselves as good as the best. Nor would the presence in Orkney of a sprinkling of native families in undoubted right of genuine coats of arms derived from Norway, tend to improve the standing of the remainder, in the estimation of the intruding Scots. Hence the ambition to acquire coat armour displayed by members of the leading native families, particularly by such of them as had married Scottish wives or had daughters desirous of taking unto themselves Scottish husbands. Unfortunately, few if any of these would appear to have adopted the only proper means open to them of satisfying their perfectly legitimate aspirations, namely to procure a Scottish grant of arms, for, with the single exception of Baikie of Tankerness, no representative of a native Orkney family obtempered the Act of the Scottish Parliament passed after the restoration of King Charles II., which called on all persons claiming the right to bear coat armour to submit their claims to the Lord Lyon King of Arms, in order that their arms might be matriculated in the new register then ordered to be commenced, as the sole and unrepealable register of all arms and bearings in Scotland. The reason why the coat of Hugh Halcro of that ilk above mentioned does not appear in this register may be due to the fact that the last of his direct male issue died in the year 1666; that is, previous to the commencement of the register.

With the efforts of some of the native families of Orkney to acquire devices which seemingly they imagined would pass muster locally as coats of arms I have already dealt. The Yenstays of Yenstay hopefully

provided themselves with a shield, and finding nothing with which to embellish it, they filled up the "aching void" with initials and a date. Certain families, as, for example, Banks and Fea, frankly hoisted the black flag and pirated the arms of Scottish families. Richan of Linklater methodically divided a shield into four quarters, each of which he filled with a charge taken from the arms of his wife's family. Under what system, or lack of system, the miscellaneous assortment of objects displayed on some shields were assembled, it is probably now too late to determine with any certainty, but seemingly the genuine coats of armigerous relations were first laid under contribution, next old family badges were furbished up and made to do duty as heraldic charges, then marks of cadency such as crescents and mullets came in useful to fill up spaces, and finally spurious charges were devised, as, for example, the clarion of Mr Magnus Halero, the Sub-Chantor; surely as complete an heraldic exemplification of the ancient art of blowing one's own trumpet as could readily be imagined.

Regarding the illustrations, figs. 11 and 12 have already appeared in the *Proceedings*, vol. lii. pp. 184 and 187, and figs. 13 and 14 preserve generally the outline of the shields appearing on the two Halero tombs, fig. 17 is a drawing to scale, and fig. 18 is a free-hand sketch. The remaining illustrations do not profess to be actual representations, but are mere diagrams intended to make clear the various propositions put forward in this article.