

TO ALL AND SUNDRY WHOM THESE PRESENTS DO OR MAY CONCERN



'STEADFAST'; In Testimony Whereof We have Subscribed These Presents March in the 60th Year of the Reign of Our Sovereign Lady Elizabeth the 4th and Northern Ireland, and of Her Other Realms and Territories Queen, Our Lord Two Thousand and eleven.

WE William David Hamilton Sellar, Lord Lyon King of Arms, send Greeting: **W**hereas considering that under the Provisions of the Lyon King of Arms Act 1672, and others in that behalf made, We are empowered by virtue of Our Office of Lord Lyon King of Arms to visit the whole Arms borne and used within this Realm of Scotland and to distinguish them with congruent Differences and matriculate them in Our Books and Registers and to give Arms to virtuous and well-deserving Persons under Our Hand and Seal of Office and **W**hereas **DAVID ALEXANDER DURIE**, retired Butcher and Shopkeeper, sometime Fleet Air Arm and the Royal Air Force, residing at 27 Strathkenneth Road, Kirkcaldy in the County of Fife having by Petition unto Us of date 11 November 2010 **Sheweth** THAT he, the Petitioner, born Kunglassie in the County of Fife 4 December 1924 (who married Kirkcaldy adoresaid 30 August 1950 Finnes Brouse, daughter of William Richard Cadair and has issue by her an only son and heir apparent (born Kirkcaldy adoresaid 12 February 1954) David John Bruce Durie (who married Margaret Mary Jones and has by her an only son and heir apparent, born Kingston-upon-Thames in the County of Surrey 25 May 1992, David Donald Alexander James Durie) is the eldest son of David Durie, Coalminer, and his wife (married Kirkcaldy adoresaid 11 February 1921) Isabella Gordon, daughter of John AlcGregor; **THAT** the Petitioner's said father (born Methil in the County of Fife 23 August 1898) was the only son of Christopher Durie, Miner, and his wife (married Wemyss in the County of Fife 29 December 1893) Helen, daughter of Thomas Finlay, Coalminer; **THAT** the Petitioner's said grandfather (born Alacuch in the County of Fife 10 April 1862) was the eldest son of David Durie and his wife (married Markwick adoresaid 27 June 1856) Jean, daughter of William Brown; **AND** the Petitioner having prayed that there might be granted unto him such Ensigns Armorial as might be found suitable and according to the Laws of Arms **Know ye therefore** that We have Devised, and Do by These Presents Assign, Ratify and Confirm unto the Petitioner and his descendants with such due and congruent differences as may hereafter be severally matriculated for them the following Ensigns Armorial, as depicted upon the margin hereof, and matriculated of even date with These Presents upon the 84th page of the 89th Volume of Our Public Register of All Arms and Bearings in Scotland. **VIDELICET: Azure a chevron Or between two crescents in chief and a triple-towered abey in base all Argent.** Above the Shield is placed an Helm befitting his degree with a Mantling Azure doubled Or, and on a Wreath of the Linnen is set for Crest a cubit arm vested Azure cuffed Argent the hand Proper holding a crescent Or, and in an Escut over the same this Motto and the Seal of Our Office is affixed hereto at Edinburgh this 6th day of August by the Grace of God of the United Kingdom of Great Britain and Head of the Commonwealth, Defender of the Faith, and in the Year of



David Sellar
Lyon

GETTING ARMS PROPERLY

The Heraldic Authority in Scotland is the Lord Lyon King of Arms, backed up by the full power of statute from the 1500s and still in force. Lord Lyon is three people rolled into one – Head of the Heraldic Authority as a judge in his own court; a Minister of State in the Scottish Government; and the Queen's representative in matters heraldic and ceremonial. The Lord Lyon matriculates existing arms and grants new ones, the details added to the Public Register of All Arms and Bearings in Scotland. The Register in its present form goes back to 1672, although the granting and recording of arms is far older.

Strictly speaking, arms can only be granted to someone within the Lord Lyon's jurisdiction. If you normally live or have property in Scotland, you can apply for a new Grant of Arms in your own right, or re-matriculate those of an armigerous (arms-bearing) ancestor.

If an ancestor of yours had arms granted in Scotland, these can be re-matriculated in your name if you are the lineal descendant, or with a difference if you descend from a collateral branch.

If your ancestor came from Scotland, arms may be granted retrospectively, with a cadet

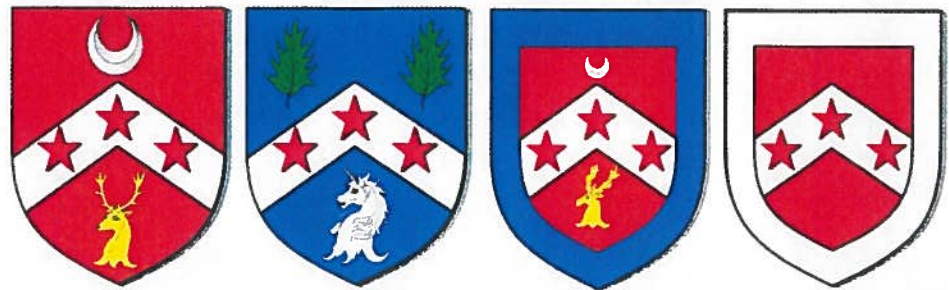
matriculation to you and your heirs; even if not of direct armigerous descent. Foreigners of Scottish descent may have a relative in Scotland (or a Commonwealth country) who can have arms granted by the Lord Lyon and thereafter obtain a cadet matriculation, in which case both parties will have arms.

In all these cases you will require an application to the Lyon Court in Edinburgh, establish a pedigree, and present a properly-constructed set of proofs.

PETITIONING THE LYON COURT

If you decide to petition for arms, it will be necessary to construct a proven pedigree back to someone from Scotland. If you are looking to re-matriculate the arms previously granted to an ancestor, you will have to prove that you are a descendant, and whether in the senior line or a cadet branch. If you wish to have a new grant of arms on behalf of an ancestor, you will have to show the birth, marriage, death and other details of that ancestor, and proofs of your descent.

Proofs are not: 'I found a family tree online...' or 'our family has always said that...' or 'I read it in a book'. You have to prove everything to a judicial standard, and present legal documents to back it up.



Pictures

Above, from left to right: Arms of various Kers/Kerrs – notice similarity and particular differences from those in cadet branches; Ker of Greenhead 1670s; Ker of Knock 1670s; Ker of Chatto 1670s; Kerr of Boughtrig 1787; John Kerr 1880; Walter Talbot Kerr 1913; Fictitious arms of James Kerr's grandfather; Fictitious arms that Walter Kerr might be granted; John Kerr may bear these arms with a label of three during Walter's lifetime.

LET'S TAKE A REAL EXAMPLE

John Kerr was born and lives in California. His grandfather, James Kerr, was born in Perthshire, Scotland, and emigrated to New York in 1921, where he married and had John's father, Walter, in 1934. James died in New York, and it was Walter who moved west, married, and had John in 1950. Walter Kerr is still alive.

John will be applying for posthumous arms for James, in the name of Walter, and so will need:

- *John's own American birth certificate*
- *Walter's American birth and marriage certificates*
- *The American marriage and death certificates of James*
- *James's birth certificate in Scotland, and his parents' marriage certificate*
- *Any other documents that are relevant and provide evidence – wills, etc.*

Other documents may add colour to the story – ships' passenger lists, census records, naturalisation papers, passport applications, evidence of military service and so on – but are not usually necessary if the basics are in hand. However, it is not enough to download images from a website, however official (such as www.scotlandspeople.gov.uk). John has the originals of his own birth certificate, and Walter's birth and marriage certificates (or perhaps visits his local courthouse in California to get copies). He then hires a local genealogist in New York to obtain a legal extract (copy) of the marriage and death certificates of James.

John also needs certified legal copies of the Scottish certificates pertaining to James. He gets these from Register House in Edinburgh – not a complicated or costly process (roughly £10 – 15 / \$15 – 25 per document) but some people find it easier to have a Scottish genealogist obtain these.

As it happens, James Kerr's grandfather did have Arms – so legal copies of the relevant birth, marriage, death and testamentary records, linking James to the original grant of arms, will also have to be acquired the same way.

MAKING THE PETITION

Once the proofs are in hand, John constructs a petition written in a particular format, 'praying' that Lord Lyon will grant (or in this case re-matriculate) arms. This is accompanied by a 'schedule of proofs', listing and describing the documents, plus the documents themselves, which will be returned. While all that is going on, John has made a preliminary request, costing £200 (\$320) as a deposit against the full eventual fee, if arms are granted.

The current statutory fees are given in a reference at the end of this article, but there may be other costs – it is usually a good idea to have someone experienced to amass the schedule of proofs, construct the petition, deal with queries and so on. Therefore, count on spending at least £3,000 (US \$5,000) in total, and be aware the process can take a year or more depending on complexity, the number of requests already in the queue, and so on.



WHAT WILL JOHN RECEIVE?

It transpires that James was not the eldest grandson of the original armiger, his grandfather, so he will get the original arms, differenced appropriately. Ultimately, the Lord Lyon will decide, but is open to discussion about what to include, subject to heraldic law, precedent and matters of taste and propriety – James was a blacksmith, so John might feel a horseshoe would be appropriate, or he may decide on a more conventional indication of cadency (indirect descent) such as a crescent.

Incidentally, it is not obligatory to request a crest and a motto, but most applicants do. Supporters, however, are only granted to certain individuals and corporate bodies.

If John had been starting from scratch (no armiger in the ancestral family), he would get arms incorporating typical Kerr elements, with an appropriate difference. When the arms are granted (and there is no guarantee of that!) John will receive Letters Patent – a vellum parchment, with a beautifully painted depiction of James's arms and accompanying calligraphy.

During Walter's life, John (if the only or eldest son) may bear these arms, with a 'label of three' indicating his father is still alive. On Walter's death, John inherits the arms.

WHAT ABOUT ENGLAND, IRELAND AND CANADA?


If your ancestors are from England, apply to the College of Arms in London in writing

or in person (www.college-of-arms.gov.uk/services/granting-arms). This is more expensive than Scotland, and has extra strictures (which includes demonstrating that you are a person of 'eminence or good standing in national or local life', but that may just be having a university degree, holding political office or being prominent in your community).

Likewise, those with Irish ancestors should apply to the Chief Herald of Ireland in Dublin (www.nli.ie/en/applying-for-a-grant-of-arms.aspx). Canada has its own Heraldic Authority, to which anyone living in Canada, or of Canadian ancestry, should apply there (www.gg.ca/document.aspx?id=79).

THE FIRST STEP

Have your pedigree assessed by a professional genealogist and heraldist in Scotland, who will be able to advise further and pull together the various proofs. You may find you are descended from an armigerous ancestor, or related to someone who has Arms, or that you are starting afresh.

Of course, you could simplify the whole thing by deciding to move to Scotland and live here, or just buy some land – but make sure it's more than five acres, and not some 'souvenir plot'! The Lyon Court website has more information on the process, the current fees and more at www.lyon-court.com. Do also consider joining the Heraldry Society of Scotland, www.heraldry-scotland.co.uk. 

Further Information

www.bruce-durie.co.uk/heraldry.htm

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