

Journal
of the
Sydney Society for Scottish History



Volume 16 September 2016

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Published by The Sydney Society for Scottish History
4/415 Glebe Point Road, GLEBE NSW 2037

ISSN 1320-4246

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THE HERALDRY OF THE MACLEAYS AND THEIR KIN: SCOTTISH HERALDRY AND ITS AUSTRALIAN CONTEXT

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Introduction

ALEXANDER MACLEAY (1767–1848) was but one of many Scottish-born or Scottish-descended immigrants who contributed enormously to the development and success of colonial New South Wales and Australia. His primary official role was that of Colonial Secretary, a position he served in from 1826 until 1837, when he was forced from office with much acrimony. He was to live another eleven years and, having become a substantial landowner during his time in office, continued to develop his properties. He was also involved with various agricultural, scientific and cultural organisations during his life in NSW, serving in leading roles in some of these. He was elected to the Legislative Council in 1843, having previously served as an appointed member of the Executive Council and the Legislative Council. He was chosen as Speaker of the Legislative Council, and served in this role until May 1846. Having struggled, like so many others, in the depression which hit the colony in the 1840s (although Macleay's troubles had begun earlier), his financial affairs in the last decade of his life were managed by his eldest son, William Sharp Macleay. Alexander died on 18 July 1848 in Sydney, following injuries received in a carriage accident two years earlier.¹

¹ The biographical details in this paragraph are largely drawn from 'McLeay, Alexander (1767–1848)', *Australian Dictionary of Biography*, National Centre of Biography, Australian National University, <http://adb.anu.edu.au/biography/mcleay-alexander-2413/text3197>, published first in hardcopy 1967, accessed 12 July 2016. The first book-length biography of Macleay was only published four years ago, being Derelie Cherry *Alexander Macleay: from Scotland to Sydney* (Kulnura

One aspect of Alexander Macleay's life which has been neglected is the use of heraldry by Macleay and his kin. This present paper gives some general background of the origins of heraldry and its development in Scotland, and briefly examines early use of Scottish heraldry in colonial Australia. The lecture on which this paper is based went on to show examples of heraldic use by Alexander Macleay and his kinfolk, and it is the author's hope that, once further research is undertaken, these can also be discussed. While not all of the arms that can be connected to Alexander Macleay via ancestry or marriage are Scottish in origin (in particular those of his Harrington, Dumaresq and Onslow sons-in-law), they are worthy of as much analysis as those that are (including Barclay, Innes and Campbell) in what they might tell us about identity, aspiration and kinship in the Scottish diaspora in colonial New South Wales.

Heraldry and its Uses

To begin, one might ask: 'What is heraldry?' It is a system of visual identification² around which a series of conventions or rules have grown regarding their design and use. This system had precursors, as symbols had been used by tribes, cities and nations for centuries as a means of identification, but the use of symbols by individuals and their kinship groups in what became an heraldic form had its roots among the nobility of Western Europe in the twelfth century.³

NSW: Paradise Publishers, 2012). The latter will be referred to more extensively in subsequent contributions.

² (Sir) Anthony Wagner described it thus: 'True heraldry I would define as the systematic use of hereditary devices centred on the shield.' Anthony Wagner, *Heralds and Heraldry in the Middle Ages: An Inquiry into the Growth of the Armorial Function of Heraldry* (Oxford: Oxford University Press, 1960), p. 12.

³ One dissenter from the generally accepted view of the origins of heraldry is Beryl Platts, who has published a number of books including *The Origins of Heraldry* (London: Proctor Press, 1980), *Scottish Hazard: The Flemish Nobility and their Impact on Scotland* (London: Proctor Press, 1985), and *Scottish Hazard: The Flemish Heritage* (London: Proctor Press, 1990) in which she details her arguments. Platts,

Initially it seems that arms were simply assumed. That is, a noble decided that they liked a particular pattern or design that could be portrayed on a shield and began to use it. In these early phases it was rare for arms to pass from one generation to the next unchanged, and a nobleman might even change the arms he used within his lifetime. However, as real estate passed from one generation to the next, so too arms came to be passed unchanged, as these symbols of continuity served both practical and emotional purposes. By about 1250 one could confidently define heraldry, or at least armory, as being hereditary, with some further rules concerning design and other matters evolving over the next century and a half. These are the essential elements of heraldry: the use of a shield shape as the starting-point, the decoration of the shield with geometrical shapes or stylized animate or inanimate objects arranged and coloured according to certain rules, and the passing of those arms to one's heirs.

As the system of heraldry became more elaborate, and knights travelled across Europe to participate in tournaments, disputes began to arise when two people were found to be using the same coat of arms. The position of heralds began to develop, as individuals who followed the tournament circuit would draw up rolls of arms, identify owners of arms, and design new coats of arms. They also developed expertise in the conduct of ceremonial events.

Kings and princes began to grant arms as marks of favour, and for a time the system of assumed and granted arms existed side-by-side. Eventually the sovereigns of various countries reserved the power to grant arms, making it illegal for people to assume arms. This was the case in Scotland, England and also in Ireland, where the power to grant arms was assigned to individuals known as Kings of Arms. The monarch would still grant arms personally from time to time, but mostly it was left to the Kings of Arms to grant arms to those who desired them, usually described as 'virtuous and well-deserving

among other things, argues for a Carolingian (early ninth-century) origin of heraldry, a view which has been generally dismissed.

persons' (Scotland), or as those who had reached 'the port of gentility.' (England).

A body of international law developed around heraldic practice and related matters which was based on civil law, which itself derived from Roman law. While there were some variations between states in these matters, there was also much common ground. Heraldry in Scotland was introduced from outside, but over the centuries evolved in a particularly Scottish fashion.

The Development of Heraldry in Scotland

Heraldry came early to Scotland, particularly in the Lowlands with the influx of new settlers of Continental origins. As elsewhere, the system of appointing heralds was followed, and a herald called Lyon Herald, later 'promoted' to become Lyon King of Arms, was first known of in the fourteenth century. The duties of Lyon evolved over time, and as well as being responsible for various ceremonial and diplomatic matters, he exercised the Royal Prerogative by granting arms to 'virtuous and well-deserving' persons.⁴

Initially relying on tradition, the Scots eventually placed heraldry on a firm legal footing, with Parliament passing a law in 1592 that confirmed the powers of Lyon King of Arms to grant arms and correct heraldic abuses. A further Act concerning heraldry was passed in 1672, which 'not only reiterated that of 1592, but in order to render it more effectual, provided for the establishment of a single *Public Register of All Arms and Bearings*.'⁵ This Act was enforced with greater success, and the *Public Register* continues to this day as the sole legal record of Scottish arms.

One of abuses cited by the Act of 1672 was that many 'have assumed to themselves the Armes of their cheiff without

⁴ Charles J. Burnett and Mark D. Dennis, *Scotland's Heraldic Heritage: The Lion Rejoicing* (Edinburgh, The Stationery Office, 1997), pp. 57–58.

⁵ Sir Thomas Innes of Learney, *Scots Heraldry* (London and Edinburgh: Johnston and Bacon, 1978), p. 43.

distinctions'.⁶ This was contrary to the purpose of heraldry as a system of identifying individuals without confusing them with others. The Scots take the rule of 'one man, one coat of arms' very seriously. Within this system kinsmen may bear arms with a common starting point that are 'differenced' by the use of different coloured borders and borders with different lines of division, which show the degree of kinship. It is a fairly complex but workable method of identification.

A myth promoted by Scottish heralds in the nineteenth and twentieth centuries, and inherent in the clan system, is that all people of the same surname are related. If the relationship to the clan chief or to someone already armigerous cannot be genealogically proven, the new armiger, while considered part of the clan, is an indeterminate cadet. He will have the basic elements of the chief's arms incorporated in his own arms.⁷ To give but three examples, all Campbells bear somewhere in their coat of arms *gyronny of eight Or and Sable*⁸, all Gordon arms will include boar's heads, and all Stuarts will have *a fess chequy Azure and Argent*.

Later History and Development of Heraldry in Britain

By the sixteenth century, personal heraldry became decreasingly important on the battlefield, although it remained an important part of the pageantry of tournaments, which continued until the early seventeenth century. Its importance as a signifier of social status remained unabated, and anyone who considered himself to be a gentleman used arms, whether acquired by grant, inheritance or, increasingly from the late seventeenth century onwards, simply by usurping those of another family of the same name. Arms were used on bookplates, dinner services, silverware and plate, carriage doors, servant's livery buttons, and on funeral monuments as markers of

⁶ Innes, *Scots Heraldry*, p. 123.

⁷ Burnett and Dennis, *Scotland's Heraldic Heritage*, p. 41.

⁸ See Figure 1 for an example of Campbell arms.

property and of status. While the vast majority of the population were ignorant of the finer nuances of heraldry, such as the marshalling of marital arms, the acquisition of additional quarterings, and the types of helmets and coronets used to indicate rank, it was sufficient to know that people who used arms were considered (or considered themselves) to be of some importance and standing.

The Act of Union in 1707 saw no changes to the role and duties of the Court of the Lord Lyon, which continued as a distinct office in the Kingdom of Great Britain. It has to be said though that both the College of Arms in London and the Court of the Lord Lyon in Edinburgh did little throughout the eighteenth and early nineteenth century to defend or promote good heraldic practice, and the various offices in both establishments were subject to being bought and sold, often seen as mere enhancements to the holder's social status rather than actively performing any significant function.

Scots who had settled in England sometimes, quite properly, sought grants of arms from the English Kings of Arms in London. Others, despite their English domicile, still looked to the Court of the Lord Lyon for their grants. However, even among those Scottish families where the head of the family sought a grant, it seems that English practice was followed, and the arms granted were not rematriculated with any marks of difference, but simply used by all members of the family.⁹

Heraldry in Australia

When the first European colonists settled in Australia, they brought their culture with them. This included heraldry. Several Scotsmen who arrived were from armigerous families, and others, once they had done well for themselves, took their place among the 'virtuous

⁹ In the English heraldic system junior members of the family were, in theory, supposed to use marks of difference, such as stars, crescents, and other small symbols, to indicate their junior status, but in practice this was rarely done.

and well-deserving' by obtaining arms through what they perceived as the proper channels.

The first such example of the latter was Robert Campbell,¹⁰ who had arrived in New South Wales in 1805 at the age of sixteen. Robert Campbell was the first-born surviving son of William Campbell of Duntroon and Ashfield. He had been in the colony for three decades and had prospered considerably, so perhaps he sought to mark this prosperity by matriculating arms in 1837. The arms that were matriculated can be seen at Figure 1.

An example of the situation of members of an existing armigerous family using arms in Australia is that of the Scott family. In 1811 arms had been granted to Dr Helenus Scott, then residing in Great Britain. His sons, Robert (of Glendon in the Hunter Valley) and Helenus had clearly been using the arms granted to their late father (who died in 1821), as seen in the bookplate at Figure 2. It was quite appropriate for Robert to do so, but Helenus should, properly speaking, have matriculated these arms for his own use with some mark of difference. However, it was Robert who sought a rematriculation in 1838. The arms remained the same, but the crest *of a Dove holding in its beak an Olive branch both proper* was replaced in the rematriculation by *a Stag passant armed with ten tynes all proper*. Robert died some six years later without issue, and younger members of the family continued to use the arms granted to Dr Scott.

While heraldic display was, quite understandably, not a significant feature in the early years of the colony, it still formed part of the cultural furniture of life, with items incorporating heraldic features being imported from Britain and elsewhere. The arrival of artisans such as engravers, silversmiths and coach painters saw an increase in heraldic wares being produced locally, and arms began to be incorporated into buildings, especially once the Gothic Revival in architecture began in the 1840s. Those who were members of the social class who saw themselves as gentlemen (and presumably gentlewomen) took note of these signifiers of identity, and evaluated

¹⁰ Stephen Michael Szabo, '19th Century Armigers: Robert Campbell—Australia's First Armiger', *Heraldry News* 33 (July 2003), pp. 22–24.

those who used them accordingly. It was such a social and cultural milieu that Alexander Macleay and his family found themselves entering when they arrived in Sydney in 1826.



FIGURE 1:
The arms of Robert Campbell, granted in 1837, with the *gyronny of eight Or and Sable*, a feature common to many Campbell arms, in the first and fourth quarters (*illustration by the Reverend Denis Towner*).



FIGURE 2:
The armorial bookplate used by the Scott brothers, engraved by the Sydney-based Raphael Clint. These arms were granted to their father, Dr Helenus Scott, in 1811.

