

### III.

#### NORSE HERALDRY IN ORKNEY. BY J. STORER CLOUSTON, F.S.A.Scot.

The interesting paper by Captain Norton Traill in the last volume of the *Proceedings*, containing references to a couple of earlier papers by myself,<sup>1</sup> calls for little comment from me, since on most points we are agreed. There are, however, one or two matters concerning which I may perhaps be permitted to make a very brief reply.

With regard to the slab bearing the arms of Flett impaling Tulloch, I do not think Captain Norton Traill is correct in reading the central charge as a crescent and not a drinking-horn. Fig. 3 in my first paper shows its shape exactly, and it does not seem possible this can ever have been a crescent. As to the initial letter F, Captain Norton Traill's own drawing (fig. 17) shows an upward curve of the upper arm inconsistent with the hypothesis that it is an altered B; while the position rather to the left of the panel is simply due to the outer ends of the arms having flaked partially away. I re-examined this slab very carefully and feel certain this letter was never anything but F. Moreover, a theory of later alteration ought to have some definite *facts* to prompt it, and I cannot see that Captain Norton Traill really offers anything beyond suggestions as to how a supposititious alteration might conceivably have come about.

<sup>1</sup> *Proceedings*, vol. lii. p. 182, and vol. liii. p. 180.

My reasons for suggesting a date for this slab in the early sixteenth century were, firstly, the absence of any inscription, which points decidedly to a date before the middle of that century; secondly, the presence of the stepped cross, a feature characteristic of early slabs and only infrequently found later; and thirdly (though this indication is less trustworthy), the shape of the shield, which suggested to me a half-way stage between the straight-sided fifteenth-century shields and the more elaborate kind in vogue afterwards. One cannot be perfectly sure, but unless some evidence to the contrary appears, my opinion of its age must remain unchanged.

The question of whether the Fletts actually bore arms at the date of this slab leads to the main point raised by Captain Norton Traill—the origins (other than Scottish) of arms-bearing in the Orkneys. In this matter I am now decidedly inclined to agree with him that the source of authorised arms in the islands was Norwegian. As explained in the previous papers (his and my own), the usage of arms was very definitely confined in Norway to members of the king's "hird," *i.e.* his liegemen, a body who may not inaptly be described as a kind of semi-feudal bureaucracy.<sup>1</sup> They were, however, to be found all over the Norse colonies and dominions, usually holding office of some sort. For instance, in 1307 the *handgengenna menn* (liegemen) and logretta-men of Shetland issued a decree,<sup>2</sup> and the twelve men mentioned by name (including the lawman) may be assumed to be liegemen, since the words "and all the logretta-men" follow this list. Two of their seals survive, and both are heraldic.<sup>3</sup> Again, two grants of arms to men in Iceland, both hirdmen, are recorded in 1450 and 1457.<sup>4</sup>

Coming to Orkney, it is certain that the lawman was a royal official and a member of the hird,<sup>5</sup> and out of over forty different lawmen's seals shown in *Norske Sigiller* (which covers from 1286 to 1377), all are heraldic but four.<sup>6</sup> Of these four, two are very early (1299 and 1304), and show heraldic-looking charges without shields, another is apparently a signet rather than a seal, and the fourth is described as "indistinct and doubtful"; while of five fifteenth-century lawmen about whom I can find definite information, all were armigers.<sup>7</sup> Among the early Orkney

<sup>1</sup> Some of the greater Church vassals also bore arms (*Norges Bonder*, Johnsen, p. 86).

<sup>2</sup> *Records of the Earldom of Orkney (R.E.O.)*, No. XXIX.

<sup>3</sup> *Ibid.*, p. 385, seals Nos. 4 and 5.

<sup>4</sup> *N.G.L. Statens Lovgivning*, 1448-82 (Taranger), Nos. 32 and 75.

<sup>5</sup> *Udsigt over den Norske Rets Historie* (Taranger), part i. p. 42. With regard to Orkney in particular, see also *Exchequer Rolls* for 1476, where the Orkney lawman is described as "legifero domini regis," and his salary is paid out of the royal exchequer. See also *Statens Lovgivning*, 1448-82, No. 103:—a summons in 1466 from the King of Norway to the lawman of Orkney demanding his immediate attendance to discuss certain matters (not specified in the missive).

<sup>6</sup> Nos. 9, 37, 279, and 847.

<sup>7</sup> *N.G.L. Statens Lovgivning*, 1388-1482.

coats of arms shown in my first paper, it may be recalled that one was on the lawman's seal in 1425, and that the armorial family of Paplay seemed very probably to be descended from lawmen. (It may be added that the Orkney lawmen were at the same time always members of one or another of the chief landed families in the islands—with the exception of one Shetlander appointed by the Scottish crown.)

During Norwegian times the bailies or *ballivi* of Kirkwall were also royal officials,<sup>1</sup> and we find John Haraldson described as bailie of Kirkwall in 1438 and as armiger in 1434<sup>2</sup>—a very interesting and decisive bit of evidence with regard to arms-bearing by these functionaries, or at all events by some of them. In 1422 the lawman, two canons, and four citizens of Kirkwall issued a testimonial in favour of James Craigie (also, by the way, a “manu captus” or hirdman of the king), and all seven appended their seals.<sup>3</sup> It may safely be assumed that some at least of these representative citizens were bailies; indeed, as Kirkwall had four bailies, it looks as if they were the four;<sup>4</sup> particularly since the seals appended at Kirkwall from that time onward, till near the close of the sixteenth century, were almost entirely those of the higher churchmen, higher officials (such as justice, lawman, sheriff, etc.), and of the bailies of Kirkwall.<sup>5</sup>

The names of the four in 1422 were John Magnusson, William Irving, Peter Paplay, and Walter Andresson. Three years later the complaint addressed by the community of Orkney to the King of Norway<sup>6</sup> was sealed by the same lawman, Kolbein Flett, John Magnusson, and William Irving; which makes the presumption that these last two were bailies very strong indeed. And if they were, Kolbein Flett, who comes before them, must surely have been too.

<sup>1</sup> *R.E.O.*, No. XXII. See also *Scots. Hist. Review*, January 1923, “The Office of Sheriff in Scotland” (C. A. Malcolm), p. 140, for similar position of town *ballivi* as royal officers in Scotland.

<sup>2</sup> *Ibid.*, Nos. XX. and XXX.

<sup>3</sup> *Ibid.*, No. XVI.

<sup>4</sup> See Royal Charter of Burgh and City of Kirkwall, 1486, printed in *History of the Church in Orkney*, vol. i. (Archdeacon Craven, D.D.). As this charter confirms the ancient Norwegian “privileges, liberties, immunities, and others whatsoever” of the Burgh, and specifically describes itself as “this present confirmation,” it may pretty safely be taken that the four bailies it refers to were the earlier number also.

<sup>5</sup> The “Diploma of the Succession to the Earldom of Orkney,” 1446 (*Bannatyne Miscellanies*, vol. iii. pp. 181-96), is an exception. A considerable number of the seals of representative people were appended to it. Apart from this document, and going both by fifteenth- and sixteenth-century records, it would seem highly probable that all seal appenders (or at least very nearly all) described as burgesses of Kirkwall were actually bailies; even though the designation “bailie” was only occasionally added. For instance, James Redpath, who frequently appended his seal in the sixteenth century, is never styled bailie in the charters, but we know he was from a reference in *Kirkwall in the Orkneys* (Hossack), p. 95. And the same applies to several others whose seals were in constant use; as, for example, John Pearson, John Brown, and David Scollay.

<sup>6</sup> *R.E.O.*, No. XVIII.

Of this collection of five representative men, apparently *ballivi*, William Irving's seal of arms is extant, the Paplays' arms have been noticed,<sup>1</sup> the Magnusson or Manson arms have lately been found on a slab in St Magnus, and the Flett arms appear on the early slab discussed above. And, it may be added, the seals both of John Magnusson and Kolbein Flett certainly had shields, though unfortunately the devices on them are quite defaced.<sup>2</sup>

In view of these facts, and of all the others so far collected—*i.e.* the limited number of families who used arms, the connection of arms in Norway solely with the king's liegemen, the presence in Orkney of liegemen officials, and the direct evidence of arms-bearing by almost all of these whose names are recorded—the probabilities seem very strong indeed that we have here the true source of Norse arms-bearing in the islands. I may add that the lawman and the *ballivi* of Kirkwall by no means exhaust the possible royal officials in Orkney. There were, for instance, large royal estates and other interests,<sup>3</sup> which probably implied chamberlains.

The suggestion that, in addition to authorised arms, "family badges" on shields were also in use scarcely seems to have much justification. On general grounds, the existence of a coat of arms is as much a fact as the existence of a charter, and to dismiss either as probably spurious, without definite reason, is to risk the consequences of neglecting evidence. And in the case of Orkney there are two very good reasons against such a supposition. Firstly, had such a custom existed many more coats would have been in use; the Yenstay family, for instance (referred to both in Captain Norton Traill's paper and mine), would scarcely have been without any device on their shield. And secondly, such quasi-armorial devices, though common in Norway earlier in the fourteenth century, entirely disappeared in the second half, and in the fifteenth century only the "bomærkes" (unheraldic marks or devices) of the bonder and the coats of the armigers are to be found.<sup>4</sup> I have

<sup>1</sup> Both this seal and the Paplay arms were noticed in the first of my two papers in these *Proceedings*.

<sup>2</sup> See Later Note at end.

<sup>3</sup> See *R.E.O.*, No. XI. p. 26, and also No. IX. These crown estates in Orkney are referred to in Professor Taranger's *Udsigt*, II. p. 285, note 1.

<sup>4</sup> In 1342 there are fifteen extant seals attached to an up-country decree at Voss in Norway (*Norske Sigiller*, Nos. 130, 367, 398, and 415-26), the appenders being evidently representative bonder. Of these, six have shields with armorial charges. The first, which was also the first of the whole list, was very probably the seal of a genuine armiger, but the second on the list is non-heraldic, and then come the rest of these apparently heraldic seals, mixed up with the non-armorial (one of them being actually the very last). On such a document the seals of the nobility would certainly have come first, so that five out of these six seals of arms may safely be put down as not genuinely heraldic. But in the next century, out of fifty-three extant seals of representative bonder attached to a number of deeds between 1430 and 1447, every one is frankly non-armorial (*Kirkens Lovgivning og Vedtægter*, 1388-1447, Taranger).

little doubt, personally, that the arms of such families as the Halcros and the Irelands had the same origin in Norwegian authority as the others referred to previously; though the connecting link be not known.

In conclusion, I should like to take this opportunity of correcting or amending one or two statements in my first paper.<sup>1</sup> (The references that follow are to illustrations in that paper, unless otherwise stated.)

Since its publication I have found a seal appended by William Halcro of Aikers in 1567,<sup>2</sup> which shows a shield divided per fess and the upper half, per pale. In base is what no doubt was intended for a mount of three tops, in sinister chief are two stars over as many guttéés, and in dexter chief appears a charge that I think with little doubt may be set down as a helmet. In view of these arms, it now seems likely that the curious charge in the first quarter of Sir Nicol Halcro's shield (fig. 4 in my paper and fig. 11 in Captain Norton Traill's) is also a helmet, and in this case the charge in the third quarter is probably a three-topped mount and not a crown. The stone is very worn, and what I took to be jewels in the crown may quite well be the result of time and the tread of feet. On re-examination only two of these small depressions were visible to the eye, both very faint.

I was certainly wrong in attributing to Mr Magnus Halcro the seal (appended in 1568) shown in fig. 15 of my paper and fig. 12 of Captain Norton Traill's. Since then I have found two of his seals (1560 and 1567),<sup>3</sup> each having a different coat but neither having these arms, and without any doubt this was really the seal of his wife, Margaret Sinclair. It ought to have been her husband's, since his name came second among the three appenders of seals, and this is number two, and, moreover, he actually signed his name above it, even adding the words, "witht my hande apprevis my seile" — two circumstances which misled me completely. I ought, however, to have been more wary, for the remains of two letters, TE, fit her name exactly and do not fit his, nor do the letters CLER (an instance of the disastrous consequences of neglecting evidence; hence I write with some feeling on the subject). The full legend evidently ran:—S. MA(RGRE)TE. (SIN)CLER, and what seems a V at the end is simply an ornamental stop.<sup>4</sup>

With regard to the legend round the seal of William Thurgilsson, lawman in 1425 (fig. 12), I think an amendment can now be made. Closer examination of the seals in *Norske Sigiller* shows not infrequent appearances of both runic and Gothic lower-case letters among the usual

<sup>1</sup> *Proceedings* for 1917-8.

<sup>2</sup> Charters of estate of Brugh.

<sup>3</sup> Barrogill Castle charters and Brugh charters.

<sup>4</sup> The arms may be compared with those of her uncle, Edward Sinclair of Strome, shown in fig. 14 in my first paper (*Proceedings*, 1917-8) and fig. 4 in my second paper (*Ibid.*, 1918-9).

Gothic capitals,<sup>1</sup> especially runic. One whole legend is in runes, besides various odd letters and a number of the "bomærkes."<sup>2</sup> In this particular legend the letter K, which I had supposed to be broken, has actually the runic form  $\text{K}$ , somewhat bent by pressure from above (of which there are clear marks); while the next letter, L, may be read as an undamaged Gothic l. The casts make this clearer than the illustration, and in all probability these are the correct readings.

Finally, the coat with crossed swords (fig. 16), which I had thought very likely to be Rendall, must now be classed among the unknown armorials, for I have since found the actual Rendall arms, as used by the Breck branch of the family, on a seal (fig. 1) affixed to a letter from William Rendall of Breck (undated, but certainly late seventeenth century, though the matrix seems to have been considerably older).<sup>3</sup> This seal shows a shield parted per fess (see illustration). The upper half, partly broken away along the line ab, is apparently vair, and the lower is charged with what I think is undoubtedly a seal. The fin and downward curved

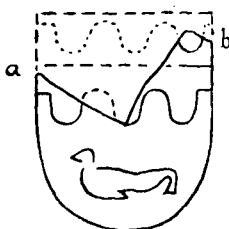


Fig. 1. Rendall Arms.

tail are exactly those of a walrus shown in *Norske Sigiller*, No. 44. The whole seal is very small and the impression not very distinct, but in the enlargement I have drawn the charge exactly as it appears under a strong lens. It is significant that the Rendalls were an old lawman family (Henry Rendall held that office 1438-46), and their singular arms have every appearance of being an ancient coat.

I think it is worth recording that in both the Icelandic grants previously referred to the charge was a white bear; which seems distinctly to indicate that an arctic animal was deliberately selected.<sup>4</sup> On this analogy, the seal in the Rendall arms and the seal's head shown in fig. 5b (the shield being also parted per fess, with the lower half

<sup>1</sup> The terminology used here is that employed by Mr Rae Macdonald in his *Scottish Armorial Seals*.

<sup>2</sup> No. 745 is in runes, and the  $\Sigma$ -shaped S used there is found in several other legends, besides various examples of the runic form  $\text{S}$ . In the legend of No. 255 is a K borrowed from one of the elaborated runes used in early prime staves (see particularly p. 363, *Proceedings* for 1891-2), and another example is probably to be seen in No. 140, where the word Thorleki is written Thorlevi; the V apparently being really a runic K. Of non-heraldic seals with the owners' initials, or single initial, or sometimes the first two letters of his name, in runes, Nos. 83, 337, and 692 are examples out of many. Gothic lower-case letters are most conspicuous in No. 852, which is chiefly composed of them. Elsewhere L and K are the letters most frequently seen in Gothic characters. In fact these two letters, and S, seem the likeliest to be found in some irregular form.

<sup>3</sup> Letter in the author's possession.

<sup>4</sup> As a matter of fact, the first white bears ever seen in Norway were brought from Iceland (*Landnæma Book*, III. v. 9. See also III. xxii. 4 for further evidence of their occasional presence in Iceland).

barry wavy)<sup>1</sup> decidedly suggest a similar Orkney allusion; and if so, one would naturally look for the same source, *i.e.* a royal grant of arms to subjects in the islands; probably, too, at a date not very widely different from the dates of the Icelandic grants (1450 and 1457).

Possibly this may also give a clue to the puzzling Halcro arms. The three-topped mount in base is also found in the arms on the seal of Frederick Newfar, notary public, appended at Kirkwall 11th March 1507-8,<sup>2</sup> and it is difficult to believe that such a rare and remarkable charge would occur in two different coats out of the comparatively few in use in these not at all mountainous islands. Can it originally have been a holm or island with three rounded hills (introduced simply to give it definite form as a charge)? Such a coat might well have been granted to two island families, on the same principle as the Icelandic and Orkney arms just mentioned, and then might readily have come in the course of time to be read as a mount of three tops. Its appearance in one case with a pointed base I personally should attribute simply to its having been copied from a seal in which the charge was in the very base of the shield (the usual position of a mount in Continental arms; see Woodward and Burnett), and the stone-cutter having reproduced the whole outline, point of the shield and all.<sup>3</sup>

With regard to the lion in the Halcro arms, I think Captain Norton Traill is very probably on the right track in suggesting that it signified a claim to descent from the royal house of Norway. Several Norwegian families descended in the female line from King Hakon Hakonson (of Largs fame) introduced the royal lion into their shields.<sup>4</sup>

#### LATER NOTE.

The phrase "*hederligha manna oc ærligha*" (distinguished and honourable men) applied to the four who appended seals to the Complaint of 1425—W. Thurgilsson, lawman, K. Flett, J. Magnusson, and W. Irving—was only used of the nobility (or the clergy). This makes it certain that these were all armigers.

<sup>1</sup> My suggestion of a canting allusion in these arms must be corrected.

<sup>2</sup> *R.E.O.*, p. 388. The upper part of the shield is obliterated, but no doubt would contain some charge distinguishing it from Halcro. Frederick at that period was a purely foreign Christian name, and Newfar would seem to be probably the Scotticised form of a Scandinavian surname beginning with Ny (=new). No other member of the family is found on record in Orkney, so that it is likely they came first in an official capacity and finally returned for good.

<sup>3</sup> Mr Magnus Halcro's 1567 seal shows this charge as three separate hills, each with flames on the top, apparently "wardhills" with their beacons, a characteristic feature of the Orkneys in old days.

<sup>4</sup> *Norges Gamle Vaaben, Farver og Flag* (G. Storm), p. 22. The baronial families of Tolga and Bjarkey, who are mentioned, both used the lion instead of their original arms. *Norske Sigiller*, No. 629, however, shows the seal of Sigurd Hafthorson (member of another royally descended family), which is divided per fess with a demi-lion in chief and half a rose (the family arms) in base.