

VII.

PROCESSIONAL ROLL OF A SCOTTISH ARMORIAL FUNERAL,
STATED TO HAVE BEEN USED FOR THE OBSEQUIES OF
GEORGE, 1ST MARQUESS OF HUNTLY, 1636. BY THOMAS
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(Read October 16, 1943.)

The Society of Antiquaries has invited me to contribute a description of the long and picturesque roll of an early seventeenth century Scottish funeral procession, which came into possession of the Society of Antiquaries through the celebrated David Laing, whose industry saved so many Scottish historical fragments. The roll is referred to in the *Proceedings* of the Society, 1874, p. 245, from which it appears that the procession was the subject of a paper by Laing himself, June 1873, but this was unfortunately held over for printing in a volume of *Archæologia*. This never materialised, and we are accordingly now deprived of that learned antiquary's knowledge concerning the provenance of this most interesting roll, a form of record very popular in the Middle Ages, of which there are still many examples

in England, but in Scotland, as in the case of other records, only too few have survived.

According to the backing the procession is that of the funeral of George, 1st Marquis of Huntly, June 1636. George, 6th Earl and 1st Marquis of Huntly (Pl. XXII, 1) was a minor at the time of his father's death, which took place suddenly at Strathbogie—that is, Huntly Castle—20th October 1576, where the earl took a fit playing football, a circumstance which gives us a pleasant glimpse of the greatest magnate of northern Scotland taking an active part in the local sports of the district. His son and successor, the future Marquis, was educated in France, but, returning soon after 1580, he married, 21st July 1588, Lady Henrietta Stewart (Pl. XXII, 2), daughter of Esmé, Duke of Lennox. Huntly became on friendly terms with James VI., relations which, anyway in private, he seems to have retained throughout his life, though, as a prominent and powerful Roman Catholic, he incurred the deadly enmity of the Reformed Kirk and its adherents. In 1592 he received the King's Commission to apprehend the Bonnie Earl o' Moray, whose "cruel slaughter" brought the Earl into trouble. Though not apparently an unwelcome occurrence to King James, the incident led Huntly into considerable trouble, aggravated by his share in the conspiracy of the "Spanish Blanks," for which he was attainted, 21st July 1593, and excommunicated by the Kirk. The King was more or less obliged to proceed northward and destroy the Earl's castle of Strathbogie, in 1594, where the great tower of the earlier stone castle, of which the foundations have now been disclosed in the courtyard, was apparently completely demolished. In the following year, however, on 3rd October 1595, the Earl defeated Argyll, the King's Lieutenant, at the battle of Glenlivet, and upon MacCailean's crestfallen return to Holyroodhouse, King James is said to have remarked with a chuckle: "Fair fa' ye, Geordie Gordon, for sending him hame looking sae like a subject."

Huntly personally acquitted himself with distinction in the battle where his horse was killed under him, and was indeed saved and re-horsed by Innes of Innermarkie, who, like his predecessor, had been virtually Hereditary Esquire to the Earl of Huntly. Two years later, both the excommunication and the forfeiture were reduced, and the Earl was, on 13th December 1597, with a public and heraldic ceremony (referred to below), restored to his honours as 6th Earl of Huntly, and on 17th April 1599, on the occasion of the baptism of Princess Margaret, he was created Marquis of Huntly, Earl of Enzie, Lord Gordon and Badenoch, the Earl of Arran being at the same time created Marquis of Hamilton. An account of the inaugural ceremonial, then contained in the records of the Lord Lyon, was preserved by Sir George Mackenzie of Rosehaugh.¹

It is interesting to notice that it was Lyon who—formally—"asked His

¹ *Works*, ii. p. 535.

Majesty if His Majesty would be pleasit to promote these Noblemen to further honours," and that in the course of the ceremony, when the Earls had been set down on their knees before the King on velvet cushions, "Lyon made an harangue both to His Majesty and to them." He next took the Earls' oaths of homage to God and the King. Lyon having then got the Marquesses' coronets, delivered these to the King, from whom he received them back, and it was then Lyon's duty to place them on their heads, saying "George, Marquis of Huntley, Earl of Enzy, Lord Gordon and Badenoch"—which the Heralds then, after a fanfare from the trumpeters, proclaimed out of the Palace windows.

In the early years of the seventeenth century the Marquis distinguished himself by his magnificent restoration of the palace-castle of Huntly, but his last years were rendered miserable by the feud with the Crichtons which followed the disastrous "Burning of Fren draught." It was whilst detained in Edinburgh by the litigation arising out of this dispute that the Marquis, then over seventy, was struck by mortal illness, and, wishing to die at home, set northwards "in a bed within his chariot," towards Strathbogie.¹ The journey proved too much for him, and the Marquis died at Dundee in the house and tavern of Robert Murray, burgess, on 13th June 1636. His remains were "lifted frae Dundee to Strathbogie" on 25th June, and, after reposing in his ancestral castle, were taken to the kirk of Bellie, within which parish the Bog of Gight or Gordon Castle was situated, on 26th August, "from which it was convoyit with some friends on the morn, at nicht to Elgin," and on 30th August 1636 was interred by torchlight in Elgin Cathedral. A preliminary statement to this effect is a necessary precedent to an examination of the processional roll, of which a little of the commencement, including, perhaps, the "conductor of the saulies," might seem awanting, and which terminates abruptly just at the point where we should have expected to find the hearse and pall, which was "of black velvet embellished with two silver crosses," and which, along with the chief mourners, should have formed the concluding section of the roll, if it had been the record of that particular funeral. Had it existed, this concluding section might have provided some further and conclusive element identifying the roll with what it is stated to be—the funeral procession of this Marquis of Huntly.

Apart from the long-standing statement, there is, unfortunately, and in spite of the wealth of heraldic display indicated by the artist, not a single emblem which can be relied on conclusively identifying this roll with the funeral procession of either this or any other Marquis or Earl of Huntly, or indeed with anybody at all, a point which emphasises the historical

¹ In view of the statements usually made about the condition of Scottish highways even in the early eighteenth century, it is worth while observing, that in 1636 a chariot could proceed from Edinburgh to Moray.

importance of heraldry, and the unfortunate results of neglecting to depict it with at least a reasonable attempt at accuracy. An artist like that of the present roll, slurring it over with loose suggestion which, even upon careful analysis, leads us nowhere, misses the scientific purpose of the science. The salient feature of his heraldic draughtsmanship is that scutcheons which *ought* to have been the same at different parts of the procession are *not the same*. Consequently, the whole basis of identification collapses, and so far as concerns the armorial delineature which, if properly drawn, would have conclusively settled the identity of the "subject" (if that is the proper term in which to refer to the *defunct* who, although lacking in our present illustration, is the cynosure of such a ceremony), this galaxy of heraldry identifies no one.

On a preliminary examination, and before being shown the second copy of the Roll, with its additional *Notitiae*, I was, though with some misgiving (since the costumes seemed to me at least two or three decades too early), going provisionally to accept the Laing description and presume the Roll was a heraldically clumsy attempt to delineate the funeral of the 1st Marquess of Huntly from observing:

1. The livery-colours on the pincels and the scrollwork on what are called the "standards" are Azure and Or—which indeed are the Gordon liveries.
2. That what is called the "antique shield," the first quarter is Azure three crescents Or, and that the 2nd and 3rd quarters are tinctured in Or and Gules. The crescents should have been boars' heads, and these boars' heads appear elsewhere in this procession as Argent, three boars' heads Gules.
3. That there is a repeated quartering of Fraser, at approximately the place where it should appear in the Huntly arms, *i.e.* in the quarter diagonally opposite the first blue quarter, where boars' heads and not the crescents should have appeared.

The detail further appears in the tabard or coat of honour which is actually blazoned, 1st, Argent a lion rampant Gules (conceivably this is a mistake for the three lions' heads erased of the Lordship of Badenoch, which normally appears in the second quarter of the Huntly arms), 2nd, Azure, 3 crescents Or, the latter being probably the tressured crescents Gules which appropriately belong to the 3rd quarter of the Huntly shield, whereas the first quarter is properly Azure, 3 boars' heads coupé Or and, the 3rd, Azure, 3 cinquefoils Argent, which ought properly to be the fourth quarter, but is here, at least so far, rightly placed above the blue and gold quarter which ought to be, but is not, Gordon. 4th, Argent, 3 boars' heads coupé Gules, which would seem a travesty of the Gordon quarter transferred from the 1st to the 4th and tinctured wrong.

Similar considerations may have weighed with Laing in his attribution, but, as we shall see, they are negatived by other factors.

The heraldry as it stands, in which Argent, a lion more or less rampant Gules, appears frequently, not invariably, as the premier coat, gives an heraldic inference that the funeral is that of a member of the house of Dundas, but no Dundas ever bore the other three quarters, and no Dundas was ever entitled to the particular peerage emblems displayed in other parts of the procession. Even if the lion has been misdrawn and it were possible to suppose that it is an Ogilvie lion passant guardant, the other quarterings are inapplicable to Lord Ogilvie, and also to Lord Banff, who, in any event, was not created until 1642 and did not die until 1683, which is far too late for the costumes worn in the procession. But for this fact, the initials A.B. at the point where the ciphers should be shown on either side of the arms borne by the saulies, might have indicated a Lord Banff, but none existed at the appropriate time, and none bore the quarterings suggested, nor does any other noble appear, with the initial A. and with a *nomen dignitatis* with initial B. to apply to the arms shown. I am therefore brought to the conclusion that the slovenly manner in which the heraldry has been depicted has completely deprived us of the information which, even a reasonable observer and intelligent delineator would have provided, and that from this great display of armory we can draw no more assistance than the three items above mentioned, which, grossly inaccurate as they are, might be very slightly suggestive that the attribution of the procession to the 1st Marquis of Huntly is correct, whilst, on the other hand, no alternative personage is reasonably suggested by the armorial drawings.

Since writing the foregoing two paragraphs, which I have purposely retained for their comparative value, a second copy of the roll has been brought to my notice by the Director of the Museum. This version, though in a more tattered condition, has considerably more writing upon it, but, beyond this and the fact that a few fragments are missing and others are pasted together somewhat out of their places, the two rolls are identical. The writing, upon this secondary version, is, however, sufficient to satisfy me that *the heraldry is deliberately indefinite*, has no reference to any particular person, family or funeral, and that what we have before us are two rolls setting forth the conventional order of funeral procession for a nobleman in Scotland, at or about the beginning of the seventeenth century. This explains why the costumes of the characters suggest a period of at least a couple of decades earlier than Lord Huntly's death in 1636. It is evident that these were rolls in the possession either of one of the Heralds, or, perhaps, one of the deacon-painters who, under heraldic supervision, prepared the trappings of these ceremonies, but I do see no reason to doubt that there is this much truth in Laing's statement, viz. that the principal roll was probably indeed that *sent out and used for marshalling* the obsequies of

the 1st Marquis of Huntly, whilst the more detailed one was evidently that which had been more frequently used, at any rate for reference, and, incidentally, correction, according to different circumstances.

I will now proceed to a description of the procession, which, with certain exceptions, is quite upon the general lines of those of the Scottish nobility in the first half of the seventeenth century, and such officially conducted funerals as those of the Marquis of Hamilton, 2nd September 1625, the Earl of Buccleuch, 20th November 1633, and the Earl of Kinnoull, 19th August 1635, officially vouched by Lord Lyon Sir James Balfour of Denmiln.¹

The procession should have commenced with a *Conductor of the Saulies*, with a black baton in his hand, and, on this occasion, I think that functionary, or two of them, appear back beside the trumpeters (Pl. XVIII, 2), and I can only suppose that at the moment depicted by the artist the Conductor of the Saulies stood thereabouts and had not yet taken his place at the front of the procession. Next follow the 18 hooded saulies, two and two, each carrying the arms of the defunct in buckram hatchments, and mounted upon a staff (Pl. XVIII, 1). The next item (Pl. XVIII, 2) is eight square "brods" intituled *The Branches of the Defunct* (Pl. XVII, 1), and which ought to be the arms of his eight great-grandparents and which, according to the normal practice, ought not to have appeared at this part of the procession. They appear again later on (Pl. XVII, 2 and Pl. XIX, 5), upon banners, in approximately their proper place, and, strange to say, they there appear as somewhat different "achievements" from those here depicted, and I need hardly say that even the most privileged individuals have no business to aspire to more than eight great-grandparents, and, as already indicated, the artist did not draw the heraldic details with any attempt at accuracy.

The second Roll, however, more explicitly states: "His branches, four, eight or twelve, or more, as the desire can justlie (*be conceded?* . . . when . . . borne be saulies tua in rank and of *gentle?*) men, if they like."

Apparently this preliminary display of the branches might be either by *saulies* or *gentlemen*, and the qualifications about numbers would alone make it clear that the Roll was for no specific funeral. It is curious to find the number 12 included. It is, alas, too true that many people have "on sixteen branches" only 12 that can be proved; it is rather novel to find that there was provision for displaying such an "incomplete" proof-of-noblesse. Nowadays many people might have thought those who could not display 16 would have preferred to make a display of 8, but, really, this provision shows a remarkable sense of the scientific value of *preuves de noblesse*, and a corresponding absence of any false pride in the matter.

The two gesticulating men who come next (Pl. XVIII, 2) are (as above indicated) presumably the two Conductors of the Saulies. There were two

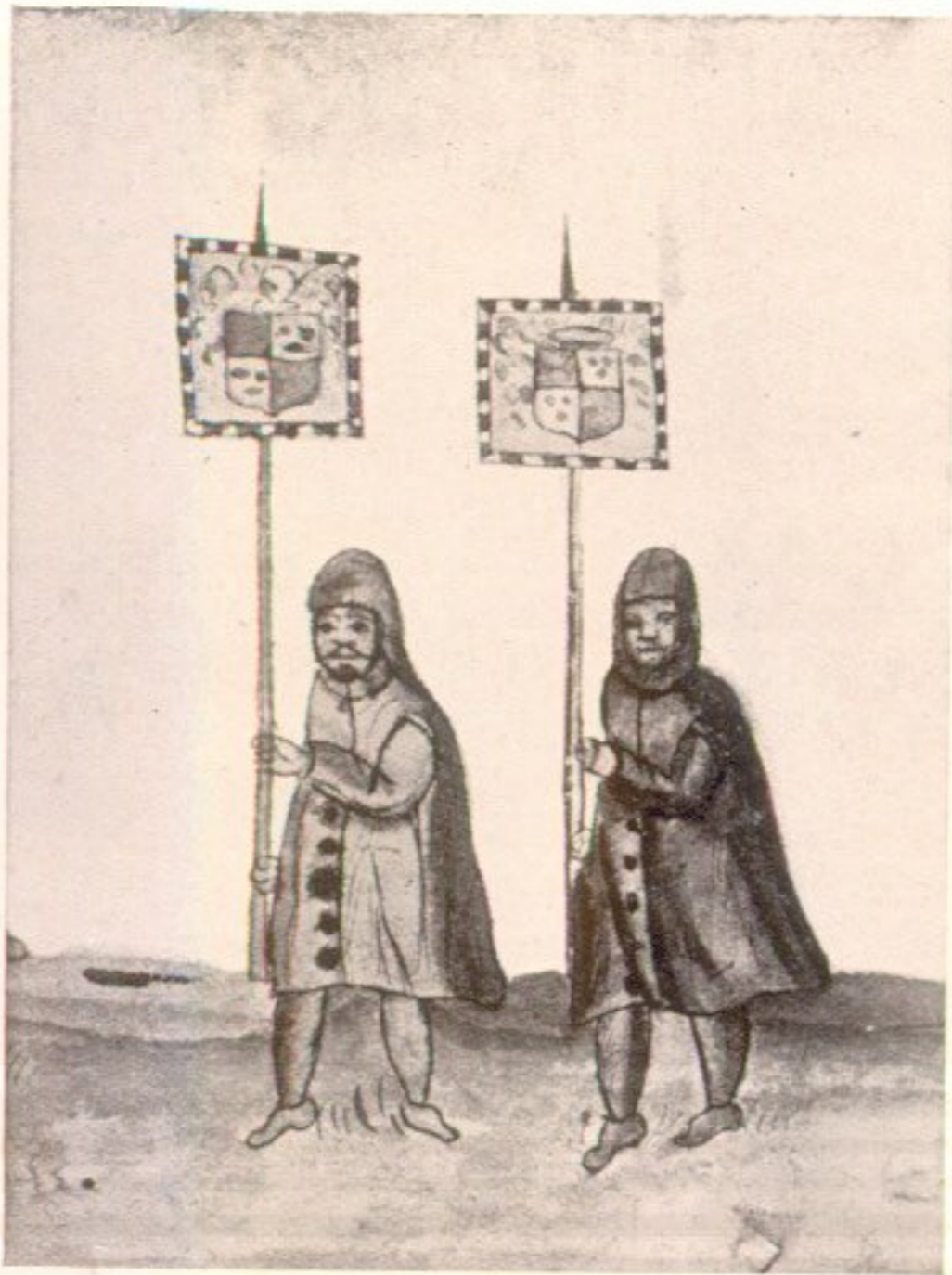
¹ Balfour's *Heraldic Tracts*; Maidment ed., pp. 101-105.

at Lord Kinnoull's funeral, and, from their appearance here, one surmises that the eight men carrying the branches of the defunct on square brods were probably intended to walk, and may eventually have walked, on either side of the pall. The artist may therefore actually have depicted the procession in the course of formation, and before the Conductors of the Saulies had got the bearers of the branches out of a position they would not eventually occupy—save as in awaiting the pall. Next (Pl. XVIII, 2) follow four trumpets, two and two, "the one two to relieve the other two," a thoughtful provision for maintaining constant musical accompaniment for the procession. Next comes "the first gentleman, bearing the funeral Gumphion of taffeta," a phrase which marks the first "gentleman" in the cortege¹ (Pl. XVIII, 3 and Pl. XX, 1). The *funeral gumphion* was a gloomy flag of black, depicting symbols of dissolution, with the motto *Memento Mori*. Next comes a rather interesting flag, the *pinsel en deuil* (Pl. XX, 1), a black pennon with a black-and-white fringe, upon which is depicted a golden circlet emblazoned either with the title or motto and encircling a crest and coronet, whilst there is blue and gold foliage "of the liveries" (*i.e.* armorial livery colours) upon the rest of the "field," and apparently the motto on a scroll amongst it. Then follows the "*standard in mourning*," here (Pl. XX, 1) shown as a black flag with a black-and-white fringe, upon which is depicted the full achievement, shield, helmet, mantling, coronet, crest, and supporters of the defunct, and quite a different flag from the mediæval standard, which is a long tapering flag. It is more properly termed in the Kinnoull funeral procession, *The Great Mourning Banner*. Next (Pl. XVIII, 3) follows "his horse in mourning with his leader," or in more terse and gloomy language in Kinnoull's procession, "the dool horse."

Next follows the tabard (Pl. XVIII, 3), borne aloft upon a pole and here described as "*the Coat of Arms in Colours*." Behind this comes a flag (Pl. XX, 2) which I should describe as a *banner per fess sable and argent*. The artist has not named it, but in the Buccleuch and Kinnoull processions it appears as "a little banner of the defunct's colours," and in Lord Kinnoull's funeral as "*on the point of a lance, the colours of the house*," in each of these cases being borne by a man on horseback. Next comes the "*pinsel in colours*," which is the same flag as the previous pinsel, but with the background in colour, and the motto running into the tail of the pointed flag. In the second copy the pinsel in colours definitely shows a phrase—apparently ORLUCAIDYIA SEVERA—on the chaplet, and another motto, ORDY GANDUN ADVO, on scroll running into the fly of the flag. These are evidently merely conventional letterings, and one may deduce that the pensel showed both the motto and the *nomen dignitatis* of its owner.² This

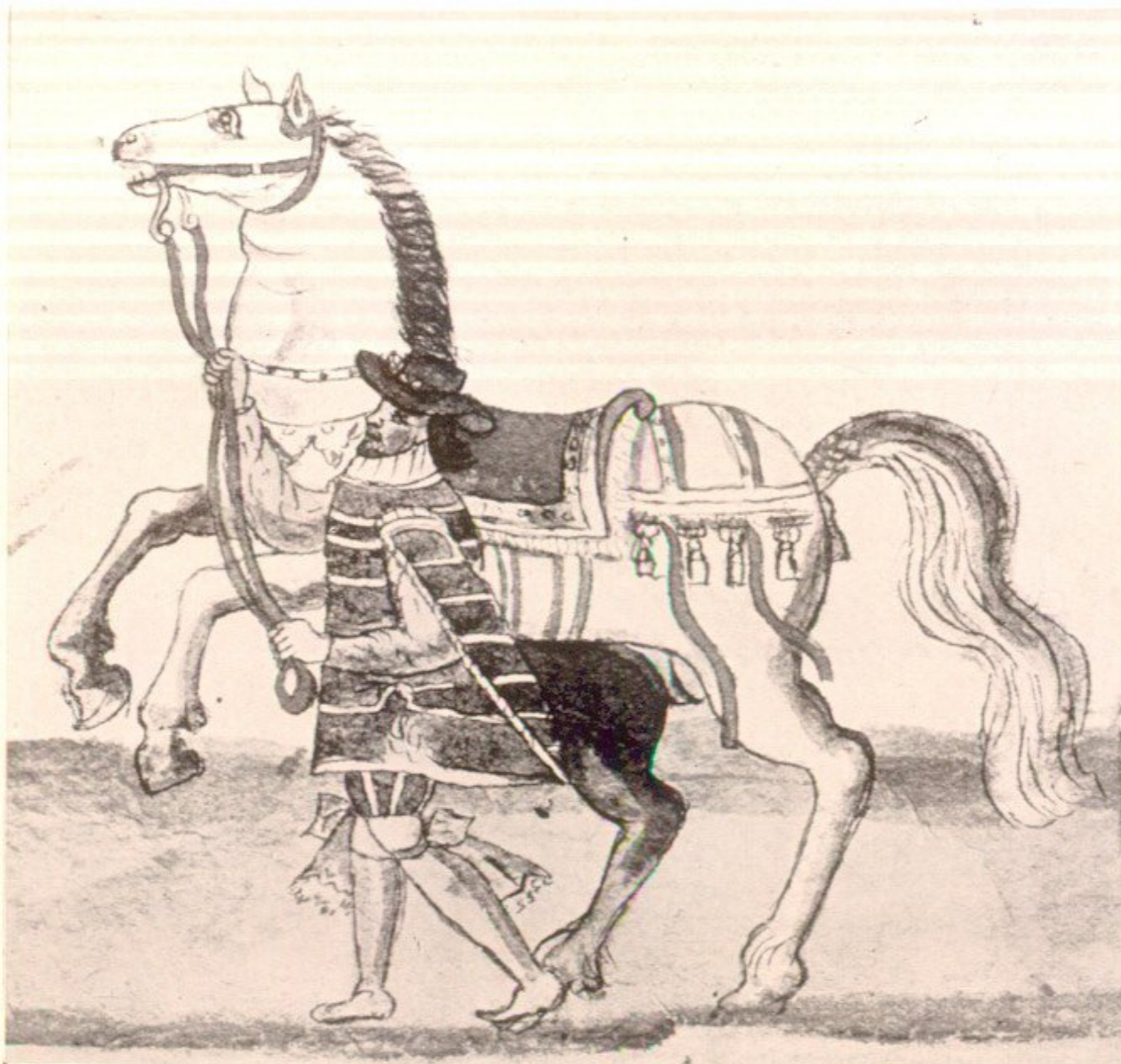
¹ The distinction between the objects borne by "gentlemen" and by other ranks. A careful examination shows that the "gentlemen" are indicated in the drawing by their swords.

² Cf. "sett up their names againe upon standards," at the restoration, 13th Dec. 1597 of the "Popish Earls" (Angus, Erroll, and Huntly) as recorded in the *History of King James Sext*, p. 668.

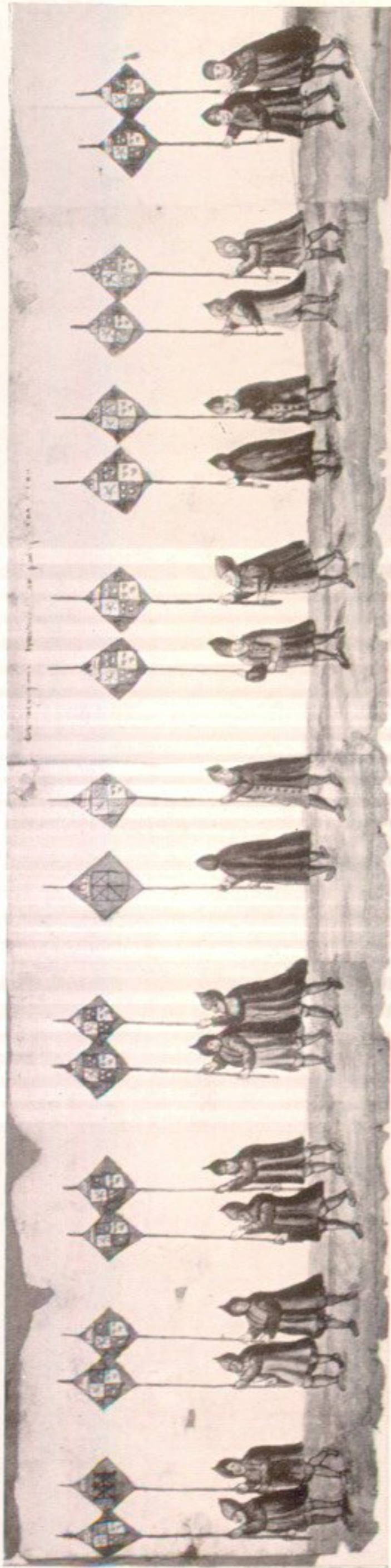


1. "Saulies" carrying "brods" of the defunct's "eight branches."

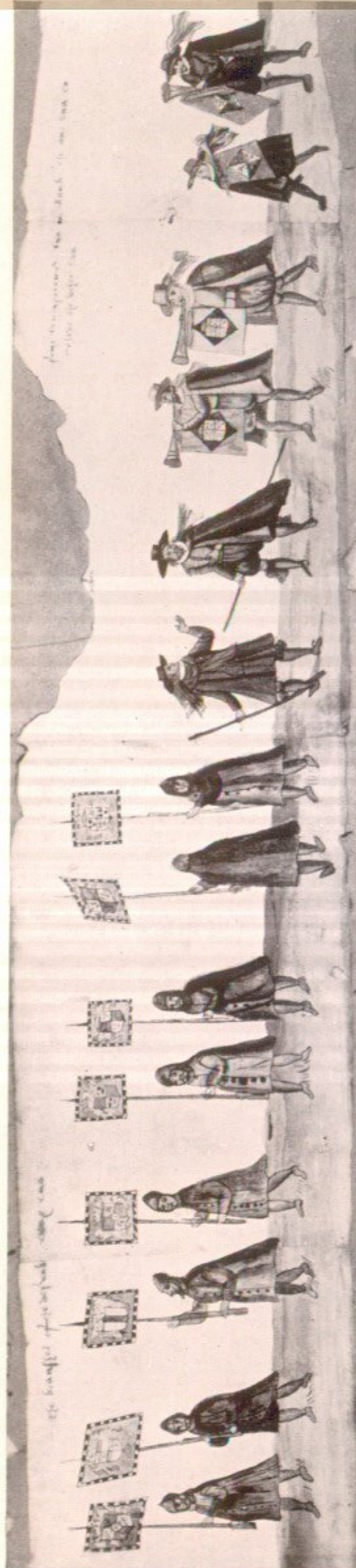
2. Gentlemen carrying flags displaying the "eight branches."



3. A Scottish feudal retainer's livery, as worn at the close of the 16th century.



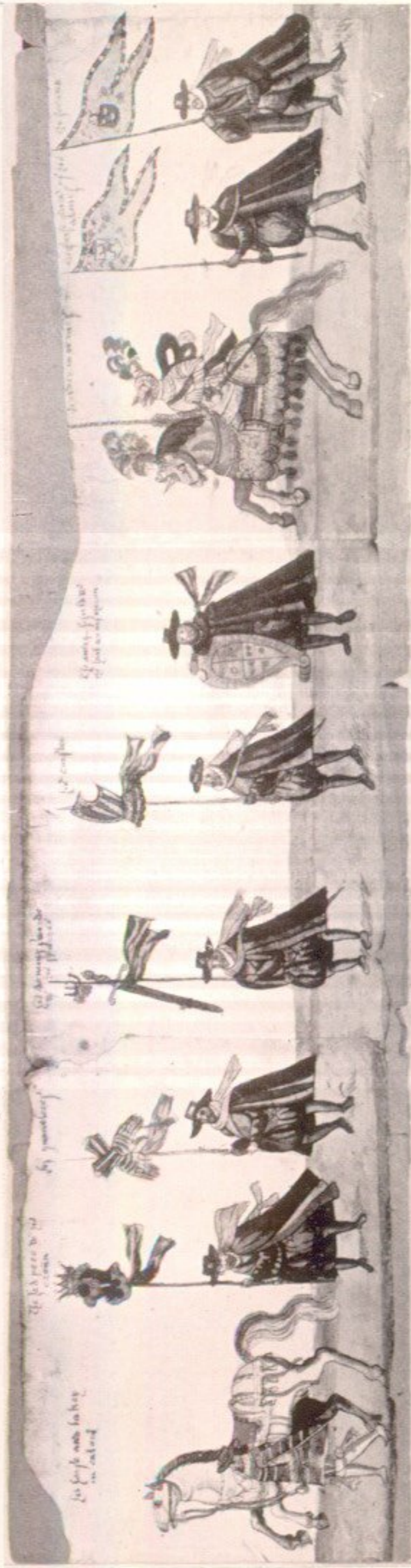
1.



2.



3.



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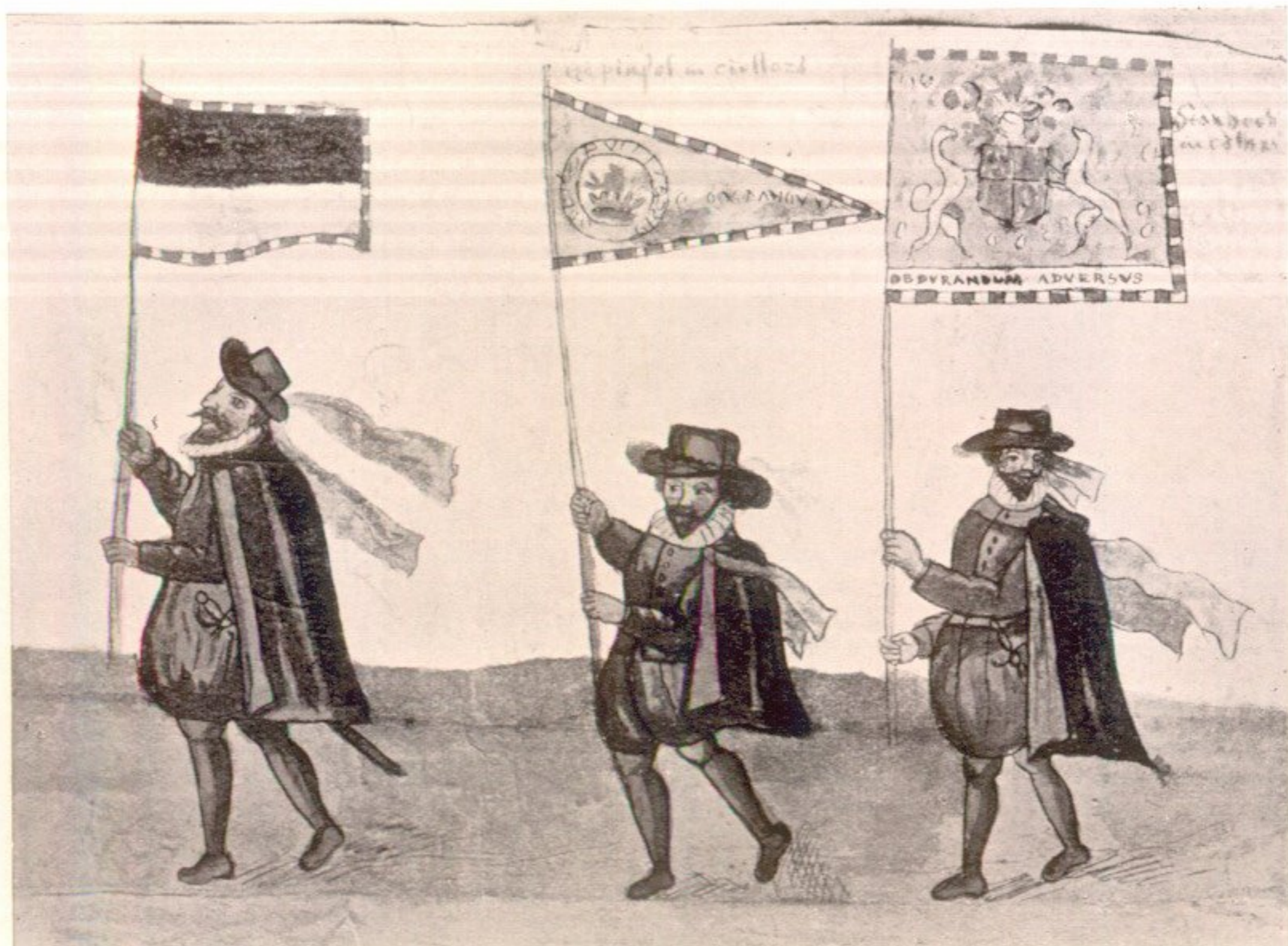


6.

1-6. The Processional Roll, which measures in total length 16 feet 6 inches and 7 1/2 inches in width. It is painted in watercolour.



1. The (A) gumphion, (B) *pinset en deuill*, (C) Great Mourning Banner (here styled the "standard in mourning").



2. The (A) banner of the colours of the house, (B) *pinset in colours*, (C) the "standard in colours."



1. George Gordon, 1st Marquis of Huntly; created 17th April 1599, *d.* 13th June 1636.



2. Lady Henrietta Stewart, Marchioness of Huntly; *m.* at Holyrood, 21st July 1588, *d.* 2nd September 1642.



3. George Gordon, 2nd Marquis of Huntly; beheaded by the Covenanters, 22nd March 1649.



4. Lewis Gordon, 3rd Marquis of Huntly; *d.* December 1653.

The first three Marquises of Huntly, from the creation of the dignity for the 6th Earl. George, 4th Marquis and 9th Earl, was created Duke of Gordon, 1st November 1684. A portrait of Mary Grant, wife of the 3rd Marquis, and afterwards Countess of Airlie, will be found in W. Wilson, "House of Airlie," ii. p. 92.

interesting flag seems a peculiarly Scottish one, and, as we shall see, is referred to by Lyndesay of the Mount.

Next comes the "standard in colours," likewise a *banner* displaying the complete achievement, and in this case with the interesting addition of a compartment along the foot, bearing the motto: *Obdurandium adversus* (Pl. XX, 2 and Pl. XVIII, 3). It is at least correct to distinguish such a flag from a "Banner," because the latter should only display the shield-device. Lyndesay, indeed, refers to all three flags, but apparently they were at the front of the procession:

"Foremost in the front, to beir my pinsel ane wicht campioun" (*Squyer Meldrum*)
(line 95),

then follows a band of nobles,

"Thair capitane with my standart in his hand on bairdit hors"
(line 104).

Lyndesay, it will be noticed, treats the "standard" as a flag distinct from the "pinsel," but does not define whether he meant the long motto-banded standards used in the fifteenth century or the rectangular ones depicted in these rolls. I fancy *he* meant the long standards of the earlier heraldry. He is also clear about the banner, however:

"Amang that band my baner sall be borne
Of silver schene thrie otteris into sabill" (line 106).

This is a clear description of the correct heraldic banner, displaying the shield-charges over its whole surface—what we see most to-day in the form of the Royal quartered Ensign, and tressured lion rampant, flags, but, of course, also in the numerous house-flags flown over country houses and castles. The carrying-banner was, however, of fixed sizes.¹

The next part of the procession is "*His horse and lacquey in colours*," namely, a charger and attendant in livery colours of the "house"—a term which we have seen pointedly used in relation to the banner of the liveries earlier in the procession (p. 160). The detail of the lacquey's dress (Pl. XVII, 3) is decidedly interesting, as illustrating the form of livery-clothes issued to the retainers of sixteenth-seventeenth century Scottish noblemen.² What is shown is a uniform consisting of a skirted doublet with horizontal "guards" of the livery colours, much like the mid-sixteenth century dress of the

Reference in 1644 to "divers utheris pinsellis maid for the barronis" (Spalding, *Memorials of the Troubles*, p. 343) shows these flags related to the feudal baronage, cf. also Mackay's pinsel, *Tartans of the Clans and Families of Scotland*, p. 9, n. 2.

¹ T. Innes of Learney, *Scots Heraldry*, p. 27.

² In Scotland, as on the Continent, the liveried retainers bore their Lords' *arms* embroidered back and breast, a point which the profile drawing in this Roll cannot indicate. For example, in 1661 the Lord Lyon's official lacquey is described as "richlie clad with liveray and armes on breist and bak" (J. Cameron Lees, *St Giles*, p. 233), and the Town Serjeants of Aberdeen likewise bore the City Arms on their ancient livery coats.

Yeomen of the Guard; but with peculiar wide hanging sleeves, from which the close undersleeve protrudes. The hose are of the contemporary slashed style and long gaiters, gartered elaborately below the knee, complete the dress. It should be compared with that of the retainer in armour "crying the slogan," beside the armorial achievement of the Earl of Gowrie, depicted in the Foreman-Workman Armorial Register (Stoddart, *Scottish Arms*, pl. 29). In that case the heraldic design is preserved upon the skirt or "basses" worn below the belt-line of the upper armour.

This horse seems the preliminary item of the "cors present" since he precedes the "harness," and, accordingly, this part of the procession seems that referred to by Lyndesay of the Mount in these lines:

"Syne next my bier sall cum my corspresent
My bairdit hors, my harness and my speir
With sume great men of my awin kynrent.¹
Quhilk salbe ofered with ane gay garment
To Mars, his priest, at my interrment."

This phraseology is somewhat peculiar; the offering being apparently not to Holy Church, but to the god of War. Who represented this pagan deity at a mediæval funeral? The point offers an interesting field for further investigation, and suggests the survival of some very primitive rites in the funerals of even the sixteenth century.

The two "Riders" and the subject of the "corspresent" seem referred to in the primitive code entitled the "MacAlpine Laws" and quoted thus: "Every man shall be buried according to his quality. If he be a nobleman that has done great actions for the commonwealth, he shall be buried after this manner. Two horsemen shall pass before him to the church; the first mounted upon a white horse, cloathed in the defunct's best apparel² and

¹ Does not this word explain the term "Baren-Banrent" in the "ordinary ceremonies" of creation of peers (*A.P.S.*, i. p. 103, ii. p. 15), for *kynrent* is clearly a form of *kindred*, and, applying this form of ending to *Banrent*, one gets *banred*, surely "bannered," viz. the "great barons," i.e. those who displayed square banners in the field—of which we find examples in the print of Carberry Hill (*Scot. Heraldry*, pl. viii and p. 29).

² The rider of the white horse is, in the later heraldic form of funeral, clearly the "great man of my awin kynrent" of Lyndesay. To some extent, at least, "the priest" also had come to be the clergyman, and the custom is that which evidently led to the hanging up of certain of the defunct's armorial honours in the church, over his tomb—as instance the well-known example of the shield, helmet, and surcoat, of the Black Prince, in Canterbury Cathedral (A. C. Fox Davies, *Complete Guide to Heraldry*, fig. 271, p. 174). The practice of hanging a banner of the arms of the Representor of the Family over the Family Pew in the kirk is one of which examples still survive, e.g. that of Lord Linlithgow in the Kirk of Abercorn (G. Scott Moncrieff, *Stones of Scotland*, f. 69). It emphasises the relationship of the "organised family" to the "organised religious institution," a fact duly recognised in Law, as noticed by Erskine, and Bell, s.v. "Heirship Moveables," and the right to protect such armorial honours in the Kirk lay with the *heir* not the executor (J. Dallaway, *Heraldic Inquiries*, 215) because the heir represented the "house and bloud"—and we have seen the "colours of the house" appear in the procession, i.e. of the *mansionata* or organised family (*Old Regime*, p. 5). All of which emphasises, even in the late Middle Ages and beyond, how much the Scottish religious organisation was related to "the family," as indeed Prof. G. G. Coulton observes in *Scottish Abbeys and Social Life*, p. 16. The outstanding feature is the manner in which religious order, civil law, and domestic custom in Scotland combined to emphasise and preserve "the family" as a vital human institution.

bearing his armour; the other shall be upon a black horse, in a mourning apparel; and when the corpse is to be interred, he who is in mourning apparel shall turn his back to the altar, and lamentably bewail the death of his master; and then return the same way that he came: the other shall offer his horse and armour to the priest, and then inter the corpse with all the rites and ceremonies of the Church."¹

Next follow the armorial honours (Pl. XIX, 4), each borne on a pole, viz. the helmet (Pl. XXI, 1) called the *headpiece, with his crown (i.e. coronet)*, and in 1633 none below earls used coronets of rank as distinct from the little strawberry-leaved crest-coronets of the feudal baronage.² Next come the *gauntlets*, and "his arming sword with his spurs," then comes a rather unusual emblem, "*the corslet.*" This, in the Middle Ages, would have indicated the funeral of the holder of a *fief de hauberc* or feudal barony. At a funeral where a sufficient number of heralds were desired to be in attendance, these "armouries" were carried by them.³ I have an impression that the Officers of Arms conveniently deputised for "Mars" to the extent of taking over the "cors-present," or its valuation.

The bearing of these armouries of the defunct is duly described by Lyndesay also:

"Next after them ane campioun honourabill
Sall bear my basnet with my funeralls,
Syne after him in order triumphall
My arming sword, my glaives of plait and shield" (line 110).

Next appears (Pl. XIX, 4) what is described as "*the antique shield with the haill arms thereon,*" and it was from an analysis of the ill-drawn charges upon this badly executed shield that (prior to being shown the second Roll) I inclined to the conclusion that the attribution of the procession to the 1st Marquis of Huntly was probably correct.

In the second copy, immediately after "His antique shield with the hail armes thereon" is inscribed

"Here for ane Knyt entres ane tua Handidt sword
drawn and born by ane gentleman."

It is comments such as this which disclose that the Rolls are not records of any particular funeral, but guides for marshalling funerals according to the rank of the defunct.

The next item in the procession (Pl. XIX, 4) is "*a ryder in arms,*" and this man in armour also appears, at a more advanced point, in the procession of the Marquess of Hamilton, but is not specifically noticeable in those of the Earls of Buccleuch and Kinnoull.

¹ Wil. Guthrie, *General History of Scotland*, 1767, i. p. 155.

² Nisbet, *System of Heraldry*, ii. part iv. p. 39.

³ Cf. the *Roths Funeral Procession* prints, and Sir Philip Sydney's funeral, as illustrated in J. Dallaway *Heraldic Inquiries*, p. 259.

The second copy of the Roll gives "His hors of tourneyment or arms wt his ryder in armes"; terminology which is suggestive of the status of "tournament nobility" which on the Continent was related to ownership of a crest,¹ and which, as an order, Fox Davies does not think existed in England—though I rather think he jumped to a wrong conclusion—but which we here duly find indicated in *Scottish* heraldry, with its closer association with that of France. The horse and rider at this point is evidently related to Lyndesay's item at line 115 of *Squyer Meldrum*:

"Next after him ane man in armour bricht,
 . . . upon ane spear to bear my coat-armour."

If that meant the tabard, we have seen that garment (the armorial surcoat) already carried by a gentleman on foot, but, the more so as the top of the spear here is wasted away, this rider may have carried a spear-bannerol displaying the Arms in a small size, much like the miniature spear-banner in the effigy of Sir Simon de Felbriggé.²

The next four figures (Pls. XIX, 4 and XXI, 2) represent an unusual feature which is not found in the other records of funeral processions, namely, four forked flags each depicting an escutcheon of one of "the quarters of the defunct's coat of arms."

Following this comes (Pls. XIX, 5 and XXI, 2) "*the horse of Parliament, draped with footmantle, and his lacquey*"—the test of legislative rank in the kingdom. The procession of the Lord High Commissioner is to-day the survival of the ancient Riding.³

Next follow "*the eight branches of the defunct*" (Pls. XVII, 2 and XIX, 5), and if the procession had been indeed that of the 1st Marquis of Huntly, the branches ought to have been as follows:—

- 1st Branch—paternal great-grandfather—Lord Gordon, son and heir of 3rd Earl of Huntly.
- 2nd Branch—paternal great-grandmother—The Lady Margaret, daughter of James IV. by Annabella Drummond.
- 3rd Branch—paternal (female line) great-grandfather—William, Lord Keith, son and heir of the Earl Marischal.
- 4th Branch—paternal (female line) great-grandmother—Lady Elizabeth Douglas, daughter of 2nd Earl of Morton.
- 5th Branch—maternal (male line) great-grandfather—1st Earl of Arran.
- 6th Branch—maternal (male line) great-grandmother—Janet Beaton.

¹ A. C. Fox Davies, *Heraldry Explained*, p. 45.

² Giles, *Romance of Heraldry*, fig. 133; and St John Hope, *Heraldry for Craftsmen*, 235; J. Dallaway, *Heraldic Inquiries*, plate at 1, 109.

³ *Juridical Review*, vol. xlv. (June 1932), p. 95.

7th Branch—maternal (female line) great-grandfather—3rd Earl of Morton.

8th Branch—maternal (female line) great-grandmother—Lady Katharine, daughter of James IV.

The “branches” actually depicted¹ are not in the least like these, and the writing next to be mentioned and which occurs only on the second copy of the Roll indicates further the true nature of the rolls and that they do not purport to represent Lord Huntly’s actual funeral. Accordingly, immediately after the “Horse of Parliament” and before the details of the “Branches” comes, in copy second, the following informative *Notitiæ*, which also mark the Rolls as *guides* and not *Records*:—

- (1) If there be ony perfyt achievement (and mony hev of four) they may all be borne her also.

The allusion is probably to a “brod” displaying the later conventional “hatchment” surrounded by the arms of the four, eight or sixteen probative quarters, and, as the scribe truthfully observes, “Mony hev of four” who do *not* “hev” 8 or 16 probative-quarterings. Four (*i.e.* four armigerous grandparents), however, was apparently the normal Scottish *preuve*, at least in the *noblesse minor*, and it is also the proof of “perfect noblesse” in Spain. On the other hand, in baronial and peerage families, eight probative quarterings was the expected *preuve*, and this was requisite for most court purposes in France, Austria, and the North European states.

- (2) The first of his aught branches consisting of the four grandsirs² and four grand-dames on the mothers syde, the four on the mother’s syd ensign.
- (3) the foir-guidsirs and the foir-guid-dames on the fathers side, the four on the fathers syd being in form of pinsell.

¹ Those actually depicted are:

- (1) Argent, three escutcheons Gules (Hay).
- (2) Quarterly, 1 and 4 Sable, three objects Sable. 2 and 3, quarterly, 1 and 4 Sable, three objects Argent. 2 and 3 Argent, a band Gules (possibly for Livingstone).
- (3) Argent, a lion rampant Gules (Dundas).
- (4) Quarterly, 1 and 4, Argent, a lion rampant Gules (Dundas). 2, Gules, three crescents or 3, Argent, several black objects. An escutcheon over all, Argent, three objects Sable.
- (5) Argent, three escutcheons Gules (Hay).
- (6) Argent, a pile Sable (Erskine).
- (7) Quarterly, 1, Argent, three piles Sable (possibly Douglas of Lochleven). 2 and 3, Or, a charge Azure. 4, Argent, three objects Gules. Over all, an inescutcheon Argent charged with an object Sable.
- (8) 1 and 4, Or, a chief Sable. 2 and 3, Argent, three objects Gules. (Looks like Graham of Montrose.)

I have come to the conclusion that these are entirely haphazard. They differ even in themselves from the objects depicted on the previous eight branches, *e.g.* in the coat charged with a pale, the pale is Azure and not Sable.

² In old Scots terminology *guidsir* is grandfather, and *grandsir* is great-grandfather.

The second Note refers to the arms of the four great-grandfathers and four great-grandmothers; those on the maternal side being shown on square shaped flags; those on the father's side on pointed flags.

The third Note is explicated by the inscriptions on the First Roll:

The first of his branches, of the foir-grandschir and foir-grand: dame on the mothers side, square, The foir-grandschir and foir grand dame on the fathers side pincil.

This is the term for great-great-grandparents, and of course relates to the "branches" with which the display would commence on setting forth sixteen probative quarterings, which is a *noblesse* of all one's great-grandparents.

This genealogical display commences with the most remote, the flags being carried in pairs, and, as the degrees become nearer the defunct. The description proceeds under the following description:—

4. The grandschir and granddame on the mothers side.
5. The grandschir and grand dame on the fathers side.

These, of course, are the great-grandparents.

6. The Gudschir and Gud dame on the mothers side and the Gudschir and Gud dame on the fathers side.

These are the grandparents—and it will be recollected that in ordinary course each of these is from what we might call a "step" back along the female line, because (in ordinary course) the arms of the next male progenitor will "appear" in the more proximate couple until one comes to:—

7. The mother.
8. The fathers coat of arms.

These, of course, will give the maternal and paternal lines respectively, unless any adjustment of succession by tailzie or otherwise has varied the progression; and, naturally, the scheme sets forth the normal progress of succession. In the Public Register of Genealogies one finds different arrangements where the succession has devolved otherwise.

Next come the two mace-bearers (Pl. XIX, 6) and these (applicable only to the funerals of certain High Officers of State) would immediately precede the "Honours," viz. the robe and coronet in case of a peer, the chivalric orders, if any, on a cushion, the cap of a Baron, and, according to some instances, the Crest, and, finally, in the hands of the Herald presiding (or in special cases of Lyon Depute or the Lord Lyon in person) the escutcheon of the defunct.

The "Honours," as already indicated, are not depicted as having appeared. The Macers, who also occur in the procession of Lord Chancellor, the Earl of Kinnoull, would (when appropriate) be ready in waiting, and since it would not be clear in what particular capacity the Marquis of Huntly would have been entitled to their presence in 1636, the inclusion

of these officials in the two Rolls is further corroboration of this view that this is a general "form" covering processions in which the defunct might be entitled to the presence of macers. The next figure (Pl. XIX, 6) is unnamed in either roll, but, from his position, and, indeed, from the adjoining paragraphs in the second roll, one has no difficulty in deducing that this person, holding what appears to be an escutcheon of one of our artist's versions of the family arms, ensigned with a coronet, but held upside down—a very extraordinary thing to depict—is none other than the herald presiding over the funeral procession. It is not unlikely that what the artist designed to draw was a tabard of the Royal Arms lying over the arm of the person depicted. That is even more probably the case, since what appears to be depicted is not the procession in motion, but the procession before it started, and in the course of being made up, and what appears to be shown at this point is the termination of a conversation between the herald and the person here described as the "Master of the Ceremonies." I think the omission to draw even the Royal Arms intelligibly is deliberate, since it was presumably regarded as unseemly to depict the Ensigns of Public Authority in their correct form in a document which was a mere scheme for guidance, and not a record.

Next follows a large square buckram "brod," to use the old terminology, emblazoned with the full achievement, and which is evidently intended to come in place of the small hatchment-scutcheon carried by the King of Arms in, for example, the Rothes funeral procession, and referred to in the Kinnoull procession as carried by the Lord Lyon. In the secondary roll, this "brod" is expressly entitled "*the hatchment*," and suggests that in the earlier period this was of a larger size and was carried immediately behind the Lyon or principal herald present, and consequently immediately before "the Defunct." The drawing concludes with two poles surmounted with brods emblazoned with the same gloomy emblems as the gumphion, one a *Memento Mori* and the other a winged hour-glass accompanied by the words *Hora Fugit*.

Certain—considerably defaced—writing just beyond the person whom I have indicated as the Herald or Lyon Depute confirms that the roll intended to denote that one or other of these Officers was here designated. It reads:

"The Maister of Ceremonies, and in his absence . . . in order . . . ilk person wt the nomer of the gentilmen to the herald quha delyvers the same to the gentlemen appoynted yerto . . . also . . . man be descended of the defunct's blood . . . houss and honor."

Clearly the Master of the Ceremonies' function was to have ready the lists of persons to be present, and honours to be displayed, and submit them to the Herald, for allowance and marshalling, and the Herald's duty

included giving out their respective duties and places to the persons submitted, according to their rank, relationship, and technical heraldic considerations. Some of the posts, we see, might be given to anyone (the "friends" of a great feudal magnate), others had to be borne by those of his blood.

We here perceive again the structure of the procession as representing essentially the *mansionata* or conventional feudo-tribal *familia*, and the distinction here drawn between the Gentry or blood-connected members of the House, and the "indeterminate cadets," the *duthaig'n-daine* of the clan, and the "friends" in the sense of feudal neighbours not members of the *mansionata*. As I have already indicated, the "gentlemen" above-mentioned will be noticed in the drawings, from their bearing swords.

Looking to the whole circumstances, *e.g.* the displaced position of the first bearers of the *branches on brods*, and the two "conductors" beside the trumpeters looking backwards, instead of being in front of the saulies; the attitude of the Master of the Ceremonies, as if walking away from the Herald Depute; the facts that the coronet and parliament robe are not in the procession and that the two gumphion-brods are out of their proper position suggest that the roll was drawn to be a guide for the "marshalling" or assemblage of the procession, and before the parliament robe, coronet and corpse came upon the scene, these being probably within the castle or kirk. This leads, naturally, to consideration of the precise date on which—assuming Laing's note to be well founded—the Roll was used in marshalling the procession at Lord Huntly's funeral.

The Marquis, as we learn from Spalding's *Trubles*, died 13th June 1636 in Murray's Change-house in Dundee. Twelve days later his remains were carried north to Strathbogie. It is possible these preparations were made and that this elaborate procession set forth from the tavern for Strathbogie on the 26th June. I hardly think this was the case, and, moreover, what is here depicted is certainly not the torchlight funeral from the Marquis's lodging in Elgin to the interment in the old Cathedral on the banks of the Lossie. Between 26th June, when his remains reached Huntly Castle, and the final progress on 26th August, two months elapsed—ample time in which to prepare the sort of procession here indicated, with its multiplicity of hoods, flags, gumphions, and scutcheons. I am accordingly disposed to consider that the procession indicated, and for guidance in marshalling which the two rolls were either sent out from Lyon Office or taken (or maybe forgotten somewhere by the Herald in charge) by the officer of arms concerned, is the general form in which we may conclude the Marquis's remains were "convoyit from the Bog o' Gight to the Kirk of Bellie" and "from the Kirk to Huntlys lodging in Elgin" on 27th August 1636. Those parts of the obsequies would, we may be sure, have been conducted with all possible ceremony befitting the greatest magnate in the north of

Scotland. Indeed, the terms used indicate a formal feudal progress, so appropriate in the case of a great Scottish peer.

It may be added that the mourners, which in those days included females, followed the defunct, and so do not appear in the formal procession of honours culminating in the corpse itself. What is equally noticeable is the absence of any provision in the procession of the clergy or reference to such in Lyndesay's Order of Procession. I think we may assume that the procession at this stage was still in principle primitive and tribal, and that the clergy, down to the Reformation anyway, met the cortège at the place of interment, and that it was there only that the ecclesiastical rites commenced. That would strictly accord with the evident antiquity of symbolism of the procession itself.

What remains for me to bring under your notice is the social implications underlying these displays of funeral grandeur.

Scotland, as John Riddell observed, had a "marked love of forms and ceremonies" and he emphasises: "We appear to have been a formal people, and addicted—instead of the present loose and anomalous procedure in" (he is referring there to marriage) "to marked rites and ceremonials in contracts and engagements of all kinds."¹

The declension from this stateliness of manners was one which unfortunately supervened during the later eighteenth and early nineteenth century, though, in funeral matters, one might say the conception of formalism survived where it was abandoned too much in other aspects of life. For this, however, there is an interesting explanation. These funeral ceremonies were not, as some people have imagined, meaningless and vainglorious displays of pomp. They were, on the contrary, a formal and indeed spectacular representation of "the organised family"² at a

¹ J. Riddell, *Peerage Laws*, 482, 487.

² Sir Henry Maine says: "The family in fact was a corporation and he (the chief) was the representative or, we might almost say, its public officer. He enjoyed rights and duties, but the rights and duties were . . . quite as much those of the collective body as his own. Let us consider for a moment the effect which would be produced at the death of such a representative. In the eye of the law, in the view of the civil magistrate . . . the person representing the collective body of the family and primarily responsible for its municipal jurisdiction would bear a different (*fore-*) name, and that would be all. The rights and obligations which attached to the deceased head of the house would attach without breach of continuity to his successor" (*Ancient Law*, 1930 ed., 205).

When we pause to consider in such a light Erskine's definition of "the family seal of arms" (*Institutes*, III. 8-18) and the heraldic term "Representer of the Family," as identified with successor to the shield, banner and coat of the deceased Representer, we perceive that the "Noble Family" ordered in "stem and branches" is itself a very highly organised community—as indicated by Brentano—and the "Honours" (heraldic and titular) and seal are really the communal machinery for maintaining and operating the family-group, as a corporate body, with its "seal"—and, indeed, "Family Council"—of which a good deal is heard on sixteenth to seventeenth century documents. Accordingly, when a branch of the Civil Courts recently made a distinctly rash "Finding in Fact" of the somewhat unprovable character (i.e. *universal negative*) that a certain organisation was "the only organised body of X . . . s now in existence" (1914 S.C. 713—reference books show that other "X" Organisations exist overseas), the Finding was regarded in Lyon Office as overlooking the fact that *an armigerous family is, as such, an "organised body,"* and soon after the opportunity was taken in a patent creating arms (1943, *Lyon Reg.*, 34, p. 64) officially to set forth that the Petitioner and his relatives within the

particularly solemn moment in the history of the family organisation—that at which the representation passed from the deceased chief to the new chief, for, at any rate at one (not so remote) period, it was not until the funeral of the defunct peer or chief that his successor formally assumed the honours of the defunct, whilst the presence of the heralds or sennachie whose functions we find equated by Garter Dugdale with the pre-heraldic, indeed pre-Christian, bards¹ and in the inaugural or coronation ceremonies of the king and chiefs, with one branch of what the mediæval chroniclers referred to as “the druids,” it becomes at once apparent that these great processions were the survival in heraldic form, and under heraldic guidance, and in the closest association with the characteristically “familial” church,² of very ancient things indeed. We find, moreover, not only in the directions inscribed on the second roll, but also in the organisation of the other and officially recorded processions, marked distinctions in the offices allotted to different persons in the processions. The eight branches, in particular, are always found, borne by “gentlemen of the defunct’s kindred,” whilst the standard, pennon, and banner are likewise carried either by “kinsmen” or bearers by right of office.³ We have here the distinction between what in the old Gaelic is termed the *duniusail* and the *duthaig’n-daine*, the “family” in the secondary sense, technically the “House” (a term we have seen specifically used above in relation to the flag of the “liveries”), viz. the affiliated cadets and the general body of “the Name” or indeterminate relatives. What is illus-

destination of the patent of Arms were being thereby “organised as a noble family, in stem and branches in terms of the provisions of 1672 cap. 47.” It is necessary to bear this in mind if we are to understand the full import of the heraldic ceremonial—and church-seat ornament—in relation both to such a procession as here illustrated, and to the tombstones and “family burial-ground,” and the legal decisions regarding such referred to in my *Law of Succession in Ensigns Armorial*, pp. 32-44—a subject of very considerable interest both to Antiquaries and clergymen (see also p. 162, n. 2, *supra*, and p. 174, *infra*).

It is also a subject on which some curious local disputes have come under my notice (in references for Opinions), indicating that modern ideas on the “rights” in such burying-grounds are often a peculiar jumble of ideas, which the Laws of Armory, the old decisions of the Court of Session about these grounds, and the investigations of antiquaries upon far more ancient things could with great advantage be co-related for public reference.

¹ I drew attention to the grounds on which the Scottish King of Arms and Heralds are satisfactorily equated with survivance, both in robe and functions, with the pre-heraldic Sennachies of the Scottish Royal line, in *Sources and Literature of the Law of Scotland* (Stair Society), p. 382, and my deductions were duly accepted by Dr John Cameron in *Celtic Law*, p. 197. Since then, Wagner Portcullis, in *Heralds and Heraldry* (1939), p. 3, shows that the celebrated Garter, Sir William Dugdale, had, in about 1686, not only noticed the similarity of the principle and details of *Visitations* to the functions of the Bards, but expressly states that the Kings of Arms did, in matters of Genealogy, do what “the bards did heretofore in Wales, and of late time, if not still in those parts.” Similarly, Sir Alexander Erskine, Lord Lyon, in 1698, expressly states in the official account of his Authority and Functions, in his Birthbrief preambles, that the original function of Lyon’s office was genealogical, and that to this jurisdiction in Armory was added “as belonging to My sphere of duty” (*Juridical Review*, Sept. 1940: p. 194, n. 1).

² G. G. Coulton, *Scottish Abbeys and Social Life*, pp. 16-17.

³ Good instances will be found in the elaborate account of the funerals of the Marquess of Montrose and of Sir William Hay of Delgaty—marshalled and managed by Lord Lyon Sir Alexander Durham of Largo, at the Restoration, and recorded in J. Cameron Lees, *St Giles*, p. 233.

trated is, then, the progress of a personage, of whom it has been aptly said that "the feudal baron was a *chef de famille*, and therefore the whole group of his vassals and tenants was called in the documents of the time his *Familia*."¹

"The family did not remain limited to the father, mother, children, and servants. From the commencement of the tenth century it became enlarged. . . . This enlarged family, which embraced the younger sons and their children, their cousins, the servants, and workmen attached to the house, took the name of *mesnie*, from the Latin *mansionata* or house. The *mesnie* comprised the family, the relations assembled round the head of the principal branch, the servants and all of those living around maintained for the service of the house and supported by it. . . . The members of this enlarged family were united like a corporation. They gave each other mutual assistance, they possessed their tribunal, the tribunal of the seigneur, that is, of the head of the family. They had their own customs, manners, and traditions, their standard and their battle-cry; they had their banner on its staff with gilded point" (*Ib.*, 5).

In this lies the importance of the term *Representative*,² for this feudal *chef de famille* was at once the "representative" in the sense of re-embodiment of the *eponymus* or founder, and also the representative of the *communitas* as an incorporation, and the analogy of a corporation is a very real one, as instanced by our great jurist Erskine's reference to "the family seal of arms" descendable as an indivisible entity to "the heir"—the *representative of the family*, whilst the grant of arms is virtually a patent incorporating the founder, as Nisbet says (with no sense of disrespect), "the first upstart" (he is not using the term offensively) and those called in remainder, into an "honourable family" officially "known" and cognisable as a *communitas*³ in the *Orders* of the kingdom. This *familia*

¹ F. Funk Brentano, *The Old Régime in France*, 75.

² The term *nobilis* means "known," hence the import of the phrase "now known and recognised" in Lyon's Official Recognitions of Change of Name. When a family was ennobled, or confirmed as such, in the person of a "Representer," and made of record in that name, any alteration had to be the subject of "recognition" and entry in Lyon Register. Hence nobiliary "Name" was a subject pertaining to the Law of Arms, and not within the scope of "ordinary courts" as Lord President Inglis laid down in 1880 (see *Notes and Queries*, 3/2/40, pp. 75, n. 3; 76, n. 5; and of the tribal importance of *Name* see H. G. B. Westermarck, *History of Human Marriage*, pp. 110-111).

³ Since there is from time to time discussion as to just what the term *communitas* meant in thirteenth and fourteenth century Scottish State papers, when nothing like the modern conception of a "Parliament" existed, it is worth while referring to P. Fraser-Tytler's *History of Scotland*, Notes, vol. i., pp. 372-74, the *Litera Communitatis Scotiæ* runs in the names of "nous Gardeyns du Reaume, Prelats, Countes & Barones, avaundit, en nom de vous et de tout la Commune, le seel comun que nous usons, en nom de nostre Dame avauntdyte" (The Maid of Norway). Taking the Barons as *capitani tribunalium*, an ascending tribal structure, identifying, in this case, the "Seel Commun" with "Margarete Reyne de Escosse, nostres très chère Dame" in whose name it is used, we perceive the ascending concept of "representation" ending in tribal sovereignty and at each stage operated formally through "the seal"—which *Balfour's Practicks* and Erskine lay down was an hereditary "heirship moveable." Indeed, in *Mure v. Agnew*, 1494, we find the Court holding that where the son and heir subscribed a deed with his father's seal it was "sufficient" and legally "his seal" (*i.e.* the heir's) under the Act requiring every Baron to have a proper "sele of his armys" (*A.P.S.*, ii. 19; *Hereditary Sheriffs of Galloway*, p. 111).

is itself recognised as in the nature of an incorporeal heritable subject,¹ though the feudal family, and of this Professor Brentano says:

“To speak more exactly, Feudalism, for in defining as accurately as possible the real meaning of this word and giving to it its historical sense, we should call it the development, the extension of the family”

is essentially founded on a territorial base, as the Scottish peerage was on the moot hill of the *dominium*¹

“making him the head of the fief, as it was called in the middle ages, the chief of the patrimony . . . in order that each family should continue to possess its central point, its pivot, its retirement.”²

The peculiar interest of Scottish organisations, of which these funeral processions of peers and chiefs formed an important feature, has been the survival into even modern times of the above-mentioned primitive-tribo-feudalism,³ forming a key-point in the family organisation of the realm, and, as an Aberdeenshire laird observes in inviting his chieftain to a county funeral in 1863: “It is one redeeming point in these melancholy occasions that, while they sever our ties with those who are gone, they renew the links of kindness with the living.”⁴ This was, no doubt, even more decidedly the case in the seventeenth century, when the display of heraldry was buttressed with the “funeral baked meats” and accompanying liquid refreshment, whilst the display of armorial colour and liveries

¹ Innes of Learney, *The Law of Succession in Ensigns Armorial*, pp. 25, 35, 39, 47; *Juridical Review*, Sept. 1940, p. 205, n. 1.

² *Old Régime in France*, p. 44.

³ At the time of writing *Tartans of the Clans and Families of Scotland* I had not seen Professor F. F. Brentano's *Old Régime in France*, 1927. trans. 1933; no more had Miss I. F. Grant when she wrote *Social and Economic Development in Scotland*. Brentano's observations on a system which J. Riddell had aptly pointed out, was in many ways so closely analagous to Scottish practice (*Peerage Law*, pp. 448, 1052), are striking. Miss Grant indeed observed: “Feudalism had survived in Scotland when it had become a worn-out institution in all neighbouring countries. It would be interesting to know how largely it did so, because in Scotland, more than elsewhere, into the purely feudal relationship had crept something of the general warmth and fervour of the simpler and more ancient bond of union of the clan” (*Social and Economic Development*, p. 52, and observations in my *Tartans of the Clans and Families*, p. 17; cf. also Earl of Crawford, *Lives of the Lindsays*, pp. 117-119).

Brentano's analysis of Feudalism shows that the Feudal System in Scotland remained essentially the tribo-feudalism of ninth and twelfth century France, which was equally popular there, and also shows just why the system was, as Miss Grant observes (*Social and Economic Development*, p. 198), “a form of social organisation accorded very well” with the social organisation of Scotland (cf. *Tartans of the Clans and Families*, p. 15). Indeed it was the machinery whereby the earlier tribalism was put in legal form, and saved from “the disintegration and anarchy which overwhelmed the tribal organisation in Ireland.” Perhaps the matter of most interest is that in Scotland we still find these things being operated under statutory authority, and applied by our Courts of Law—these heraldic displays and all their inherent implications being based on some of the earliest features of the Feudal Law (including adoption and so forth) which, though noticed by Cameron, as present in Scottish Celtic Law, had fallen from our code of “ordinary law,” but survived, as Lord Justice Clerk Aitchison observed on 27th March 1941, in the “Law of Arms.” The antiquary has thus, in many current matters, material available for observation, which may yet, when deduced backwards and analysed in conjunction with such mediæval records as the Rolls here under examination, throw further light on still more primitive customs and remains.

⁴ Letter amongst the Innes of Edingight Muniments.

counterbalanced the more modern sense of gloom and in the words of Sir David Lyndesay of the Mount¹

“Into that band see no blak be sene,
My lieferay sal be reid and blew and grene (line 130).
My spreit I weit salbe with mirth and joy,
Quhairfore with mirth my corps ye sal convoy” (line 145).

The early conception of a chivalric and primitive ceremony, embodying pride and continuity, not gloom and woe, was evidently tending, by Lyndesay's time, to get infected with the “dule” concept² which the heralds, with a truer sense of the symbolism of both Christianity and the tribal funeral, were very properly combatting, and it was not until after the Reformation that the vulgar concept of hired “mourners” and extravagant weeds began to replace the symbolical and livery-concept which so studiously emphasised the *family* and its *continuity*, not dissolution and despair.

What we have, accordingly, to examine and reconstruct from these ancient rolls is a ceremony embodying the ritual of a great re-union of “The Family,” in the sense of a continuing social incorporation at the juncture of transfer of its representation from the defunct to his successor, accompanied by all the symbolism of heraldry as the machinery for “organisation of the family” in its “stem and branches,” by shield, tabard and seal—machinery still operating under the statutes of 1592, cap. 125, 1672, cap. 127, and 1867, cap. 17, and in which the King of Arms and Heralds remain the Government Department responsible for the organisation and perpetuation, by virtue of powers derived from the old tribal sennachies, of the great *Family-organisation*³ which is still the foundation of the Scottish character and the Scottish nation.

¹ *Squire Meldrum*, lines 130–145.

² Many of the more elaborate mourning customs used in Scotland, subsequent to the mid-sixteenth century, are attributed to the partly French and very elaborately doleful funeral of Queen Magdalene, first wife of James V. The circumstances of her death were exceptional, in that, after being the subject of a great romance, she died within a few weeks of her landing in Scotland, and it was the striking and sudden contrast which led to the unbridled “Deploration.” Had Queen Magdalene died a year later, after the birth of “ane lusty bairn,” and thus, in a sense, fulfilled her function, I fancy her funeral would have been equally ceremonious, but a good deal less doleful. The contrast between her obsequies and those of Squire Meldrum, at the close of a well-filled career, is what is the subject for comparison.

³ Not only Statesmen, but the Church, are again (as indeed always in times of widespread cataclysm) re-emphasising “the Family” and its importance. It is, however, evident that in many cases the full significance of the term “Family,” its structure and its ambit, are not really understood by those who are using the term, nor do they realize the immense sociological power and influence of the Family as a formal institution.

This we now see emphasised in such funeral rolls as those under consideration, but it may be pointed out that in some old families the connection is evidenced by another—and related—feature: that the Family Genealogy was imparted to the children on Sunday mornings before starting for church. In Banffshire this commenced with the question “Who are you?” followed by others, concluding with a deduction of the stem-line from the *eponymus*. In the West Highlands the genealogy was taken back in Gaelic, precisely as the High Sennachie and Lord Lyon declaimed the Royal Pedigree at the Scottish