



Collection of Abstracts

Académie Internationale d'Héraldique

XXIInd Colloquium Lund 2023

Baronnet, Marc: Le système héraldique français en 2023: Quel est l'état du droit héraldique en France ? Forces et faiblesses, 230 ans après la suppression révolutionnaire des armoiries.....	2
Basarabă, Drăgan-George: The Legal History of the Coat of Arms of Romania.....	3
Black, Gillian: Succession to Arms in the 21 st Century.....	4
Borne, Jos van den: No regulation, regulation and deregulation. Republican tradition and government interference in Dutch heraldry.....	4
Brull, Gerard Marí: Law against Arms: Obliteration of Seals, Emblems and Coats of Arms by Fernando VII, King of Spain (1808-1833).	5
Bylander, Eric: Heraldic norms as (non-)legal norms from a Swedish perspective.....	6
Bäckmark, Magnus, aih: Symbols of Law in Historical Personal Arms in Sweden.....	7
Delgrange, Dominique, AIH: Deux contestations d'armoiries en Flandre lilloise au XVIII ^e siècle (Lannoy et Massiet).....	7
Durie, Bruce: Scottish Heraldry 1971 – 2017: Changes to Practice and Law	7
Grechylo, Andriy, aih: Municipal and territorial symbols of Ukraine: problems of legal regulation	8
Göbl, Michael, AIH: Die Reichskanzlei des Heiligen Römischen Reiches und die Österreichische Hofkanzlei als Wappenbehörden.....	8
Herrera, Fernando: The heraldry of Spanish America in the 16 th Century: legal process and implications	9
Herzog, Clemens, aih: Inspecting the Coat of Arms Censors in Württemberg 1806-1918.....	9
Khalid, Samy, aih: Création et maintien d'un système héraldique canadien.....	10
Körmendi, Tamás, AIH: Customary law of bearing coats of arms in the medieval Kingdom of Hungary	11
Lofft, Jonathan S.: The Armiger v. X [1901]: Late Victorian Legal Professionals Moot the Right to Bear Arms in the British Colonial and Metropolitan Press.....	11
Marstrander, Lyder: Recent changes in the Norwegian legislation regarding civic arms and flags	12
McEwen, Ross M.: Heraldry in Chief: ... a critical analysis of the Succession of Chiefs of Clan and Families in the 21 st century.....	13
McMillan, Joseph, aih: Heraldic Episodes in American Legal History: Stray Voltage or Saving Remnant?	13
Padberg Evenboer, Klaas, aih: Symbols of law in heraldry.....	14
Patterson, Bruce, aih: The Law as a theme in Canadian grants of arms	14



Pauwels, Cedric, aih: Heraldic law in French-speaking Belgium.....	15
Railaitė-Bardė, Agnė, AIH: Signs of Themis in Lithuanian heraldry.....	15
Roads, Elizabeth, AIH: The law and Scots heraldry.....	16
Robin, Antoine: Signifier et contester en image les droits de justice. Les conflits de bornage h�eralgique aux fronti�eres de la principaut�e bourbonnaise, 1400-1531	16
Romano, Ciro: The Heraldic Commission for the Pontifical Court, history and documentation	18
Rousselot, Simon, aih: The right to bear arms in a fantasy universe: The example of Andrzej Sapkowski's The Witcher	18
Sameiro, Ant�nio Pedro de S� Alves, AIH: Caract�ristiques principales du Droit H�eralgique Portugais selon le Corpus du Droit H�eralgique Portugais (XV - XXI si�cles)	19
Sherrard, Huw: Sir Thomas Innes of Learney (Lord Lyon King of Arms, 1945-1969): a 'Ventilation'	19
Sipavi�iutė, Justina: The Statutes of Lithuania – Seals – Heraldry.....	20
Skov Andersen, Ronny, AIH: The Heraldic Consequences of the passing of a Law – a Case Study	21
Steinbruch, Karl-Heinz, aih: Zur Situation der regionalen und kommunalen Heraldik in den f�nf ostdeutschen L�ndern der Bundesrepublik Deutschland.....	21
Vernot, Nicolas, AIH: Heraldry as "Intangible Cultural Heritage" (UNESCO): a relevant institutional recognition?	22
Watson-Gandy, Mark: The Court of Chivalry: A simple how to do it guide.....	22
Zovko, Davor: Heraldry and the Law: often – but not always – in harmony.....	23
�sklund, Henric, aih: In the Absence of Heraldic Law: Scandinavian Examples of how Registration of Burgher Arms has been Organized by Private Initiatives or Associations.....	24

Baronnet, Marc: Le syst me h eralgique fran ais en 2023: Quel est l' tat du droit h eralgique en France ? Forces et faiblesses, 230 ans apr s la suppression r volutionnaire des armoiries

L'Ancien R gime avait tent , sans succ s, de r glementer l'h eralgique (armorial g n ral de France en 1696 et ordonnance de 1760, notamment). Nous ne nous attarderons pas sur l'ancien droit, que R mi Mathieu a magistralement synth t s  dans son ouvrage de r f rence Le syst me h eralgique fran ais paru en 1946, pour examiner la p riode ult rieure, jusqu'  pr sent peu  tudi e.

La France a h rit  du bref  pisode r volutionnaire, jusqu'  la chute de Robespierre, non seulement de la destruction d'une grande part de son patrimoine h eralgique, mais aussi de deux faux pr jug s : les armoiries seraient l'apanage de la seule noblesse, et elles appartiendraient au pass . De ces pr ventions, il d coule que la France n'a   ce jour ni armoiries nationales, ni autorit  h eralgique unifi e.



Pourtant, nous verrons que malgré ces préjugés, dès Napoléon Ier un droit héraldique a commencé à renaître en France, et que l'héraldique notamment des collectivités territoriales a connu un remarquable essor au long des 19e, 20e et 21e siècles.

Le droit héraldique français actuel est marqué par plusieurs spécificités : il est parcellaire et essentiellement jurisprudentiel ; il définit la nature juridique des armoiries, et confère une grande liberté d'adoption et d'usage à toute personne morale publique ou privée et aux personnes physiques, mais pose aussi des limites qui permettent de les protéger de l'abus et de l'usurpation.

S'il n'y a pas d'autorité héraldique unifiée, nous pourrions examiner en quoi il existe une compétence héraldique « diffuse » : dans plusieurs instances, on « fait » de l'héraldique. Pour autant, cette vacance d'une autorité héraldique soulève des difficultés. Elle a notamment pour conséquence une qualité inégale de la production d'armoiries nouvelles, en l'absence de recours systématique aux experts et aux structures de conseil existantes, et un défaut de réponse à une demande sociale de validation d'armoiries adoptées spontanément.

Pour remédier à cet éclatement préjudiciable à la transmission d'une culture héraldique et à la production d'armoiries nouvelles de qualité, nous pourrions esquisser plusieurs pistes. La reconnaissance officielle de l'héraldique comme « patrimoine culturel immatériel » permettrait de fédérer et de labelliser les acteurs du secteur. Et si la création d'une autorité publique est probablement illusoire, le modèle scandinave d'un registre public non étatique ouvre des perspectives.

Basarabă, Drăgan-George: The Legal History of the Coat of Arms of Romania

This paper examines the creation and evolution of the state arms of Romania and the laws that determined this evolution. Thus, it starts with the Union of 1859, when Alexander John I was elected prince in both Moldavia and Wallachia. During his time, projects were designed for the coat of arms of the United Principalities, with some being made official. However, all of them were based on the old coats of arms of Wallachia and Moldavia.

In 1866, Romanians elected a new prince, Charles I. As this was the start of a new dynasty, arms were again adopted in 1867. Then, in 1872, another coat of arms was designed and made official. This heraldic achievement would also include symbols designed for Oltenia and the sea side. This variant would legally stay the same even after the country achieved independence (1878-1879) and even after it was elevated to a kingdom (1881). Although some changes were made, even in official use, no new version of the arms was ever legislated.

After the Great Union of 1918, a new heraldic identity was needed, one that would reflect the new territories united with the Kingdom of Romania. Thus, under Ferdinand I, new arms were designed and adopted in 1921. This heraldic achievement would also include the arms granted to the Grand Principality of Transylvania in 1765, as well as a newly created identity for Banat. The 1921 model would be in use until the fall of the monarchy, in December 1947.

In January 1948, Romania was declared a republic, under Soviet influence. Thus, everything that had to do with the old regime was censored, and a new emblem was designed, following a Soviet pattern. This emblem did not last long, as it was changed again in March of the same year with another Soviet style emblem, one that would last – with minor changes – until the fall of the communist dictatorship in December 1989.



With the Romanian Revolution of 1989 came a new era of freedom, which could not have been represented by the same totalitarian symbols. Thus, although still a republic, Romania adopted a new coat of arms in 1992, one that closely resembled the shield of the royal arms, alas with some changes. Finally, in 2016, the Steel Crown of Romania was added in the state coat of arms.

In total, Romania officially changed its coat of arms nine times from 1859 to 2016, yet the country's identity was crystalized around the ones adopted by King Ferdinand I in 1921, arms that inspired the current state symbol.

Black, Gillian: Succession to Arms in the 21st Century

Family law has changed beyond recognition in the last 40 years across much of Europe. In Scotland, the legal concept of illegitimacy has been abolished and, for the last 15 years, more children have been born outside of marriage than within it (on average 50% - 54% each year). Likewise, conception has changed, with the law recognising donor conception (using sperm or egg donation, or double donation), IVF, and surrogacy. Same sex marriage is now accepted and legally recognised.

The contrast between the inclusive development of family law in this time stands in stark contrast to the rules in heraldry. Succession to coats of arms is still guided by the principles at the heart of a traditional patrilineal culture, where succession passes from father to eldest son based on genetics and legitimacy. In Scotland, not only are illegitimate and donor-conceived children excluded from the succession to arms, they are also required to add marks of difference to the arms they bear to denote their birth status. Arms will also not transmit to a female heir unless specific provision is made for them, and in all circumstances a son will displace a daughter. The question that the heraldry community must address is whether reform is required, to bring heraldry in line with the legally and socially accepted standards in family law.

I have addressed these issues previously, and continue to advocate for reform in heraldry, to ensure an inclusive, non-discriminatory, and welcoming tradition. However, reform will be most successful if it is supported and endorsed by those active in the field, rather than being imposed from on high. It is therefore imperative that these topics are discussed and debated, so that consensus as to a way forward can emerge. Questions for discussion include:

- Should illegitimacy be a bar to succession to coats of arms?
- Should daughters have equal rights of succession (subject to rules to keep the surname and arms together, as in “name and arms clauses”)?
- Should the legally recognised children of an armiger succeed to his arms, without differencing them, even where those children are not genetic descendants, eg through donor conception or adoption?

Borne, Jos van den: No regulation, regulation and deregulation. Republican tradition and government interference in Dutch heraldry

Heraldry in the Dutch Republic (1588-1795) was common law. Noblemen, citizens and government bodies were not bound by official heraldic regulations, but traditionally adopted their coats of arms without the intervention and permission of any competent heraldic authority.



After 1795, the federal republic gradually evolved into a monarchical unitarian state under French influence and rule. An initial form of government regulated heraldry took place in the Napoleonic Kingdom of Holland (1806-1810) with the establishment of a hereditary 'constitutional nobility'. Its statutes contained provisions relating to coats of arms of noblemen and provided for the establishment of a High Heraldic College. In 1810, however, the Kingdom of Holland was incorporated into the French Empire and the constitutional nobility was abolished. From then on, French laws on heraldry and noble titles applied.

At the end of 1813, the United Netherlands became independent again under the House of Orange-Nassau. The nobility was re-established and given a political role in the government of the state. The registration and de facto recognition of coats of arms, which were related to the grants of nobility, meant a next step in the regulation of Dutch heraldry. Advisory and executive tasks with regard to nobility and heraldry were assigned to the Supreme Council of Nobility, established in 1814.

The government interference with heraldry wasn't restricted to the arms of noble families. In 1815 all local governments and other authorities were also asked to send in their coats of arms. The confirmation of these coats of arms on behalf of the King was entrusted to the Supreme Council of Nobility. Initially, the heraldic duties of the council were limited to confirming and registering existing coats of arms. Over time however, they increasingly extended to the assessment and even design of new coats of arms for government organizations.

This contribution outlines the development from non-regulated heraldry in the Dutch Republic to regulated noble and civic heraldry in the Netherlands in the last two centuries and the role of the heraldic councils. Attempts to extend the tasks of the Supreme Council of Nobility to civil coats of arms and initiatives by genealogical-heraldic societies to set up their own, unofficial armorials will be discussed. More recently, the government is taking a more strict approach regarding official grants of coat of arms. Simultaneously initiatives in the field of a 'living', deregulated heraldry are emerging. These developments will be discussed as well.

Brull, Gerard Marí: Law against Arms: Obliteration of Seals, Emblems and Coats of Arms by Fernando VII, King of Spain (1808-1833).

Heraldists are usually interested in studying the laws that create, protect, or regulate the use of coats of arms. However, the destruction of heraldic emblems is also extremely interesting, as it is proof of historical struggles against some mentality, social order, political structure or ideology. Certainly, these struggles between some human groups also imply a struggle against their symbols and emblems, a struggle intended to erase all traces of the political regime they want to change. These destructive acts are especially violent in the most revolutionary episodes and offer us a view of political changes.

This destruction does not usually leave documentary traces of its legal justification. The aim of this paper is to investigate the legal texts on which is based the total or partial elimination of those heraldic emblems related to the political structure of the monarchy of Ferdinand VII, King of Spain (1808-1833), in a period as complex as the Napoleonic Wars (and the coronation of Joseph Bonaparte as King in 1808), his first restoration in 1814, the constitutional period known as the *Tienio Liberal* between 1820 and 1823, and the second restoration of his power as absolute monarch in 1823, as a result of the expedition of the so-called Hundred Thousand Sons of Saint-Louis. It



has been 15 years of interesting heraldic innovations and repeated returns to traditional designs, depending on the political faction in power.

These legal texts come from King Ferdinand VII himself and his Royal Council, (or from certain institutions that ruled the country in episodes of royal weakness: Government of the Regency, Provisional Government Board of Spain and the Indies, Supreme Governing Board) or his Ministries: Interior, Grace and Justice, Finance, War... And the documentary typology can be called by different names, common in those times: *Reales Decretos*, *Reales Órdenes*, *Reales Cédulas*, *Circulares*, etc.

But I am not only intended to identify the legal texts, but also to verify the actual application of those royal decrees, that is, check if the instructions to destroy certain emblems were actually followed; to what extent this heraldic repression was made effective; what kind of materials were reviewed; how was the cancellation, erasure or mutilation system; which were the institutions the most receptive to following such anti-heraldic provisions; what resources were put in place to verify their compliance ...

Bylander, Eric: Heraldic norms as (non-)legal norms from a Swedish perspective

In heraldry there are many norms that are so well-established that they are frequently referred to in legal terms. However, what is occasionally referred to as the laws of heraldry and similar expressions far from always constitute legal norms. This can lead to uncertainty about the nature of the binding effect of heraldic norms. It may also lead to misunderstandings about the scope and meaning of the legal protection in the strict sense of heraldic arms and related phenomena.

In this paper I examine – on the basis of the Swedish experience and situation – heraldic norms within and outside the legal and heraldic field respectively. An overarching question is what characterises a heraldic norm that is or is not also to be considered a legal norm. The study may be of interest to both jurisprudence and heraldry.

In the investigation that preceded the transformation in 1953 of the Swedish National Heraldry Office (*Riksheraldikerämbetet*) to become part of the National Archives (*Riksarkivet*), the investigator wrote the following (see Government bill, *Proposition*, 1953:75 p. 7, unofficial translation by the author):

As regards the criticism made against the Office for not following the »laws» of heraldic science, it should be pointed out that, if one can speak at all of heraldic »science», this science comprises only a survey of the historical development of arms, and that the »laws» stated are constructed by persons interested in heraldry. A more appropriate expression would be certain »rules» which have crystallised in the course of time as the appearance of the arms has evolved [– –]. A strict adherence to certain »laws» or »rules» valid for all time would not be advisable.

This highly controversial statement is a starting point for the examination of the more or less legal nature of various heraldic norms. Some such norms are certainly also legally recognised. This applies, for example, to parts of the norm that no one may bear the arms of another person or entity. However, when viewed from a more specific legal perspective, there are many well-established heraldic norms that are not acknowledged in law. For example, can the tincture convention in any circumstances be regarded as a legal norm? What would this require? The study



examines these and several other heraldic norms in order to determine their more or less legal character from a Swedish point of view.

Bäckmark, Magnus, aih: Symbols of Law in Historical Personal Arms in Sweden

What symbols did men of law use in personal arms in Sweden from the dawn of heraldry and up to the 19th century to emphasize their legal role and merits?

The range of examples – from paintings of arms for diverse decorative purposes, seals, woodwork, bookplates, china – encompasses everything from governors (*landshövdingar*) and deputy judges (*assessorer*) choosing arms in connection with elevation to noble rank to city court judges (*rådmän*) in cities and district judges (*bäradshövdingar*) and district lay assessors (*nämndemän*) belonging to the country people (*allmogen*).

The scales of Justitia, or the lady of Justice herself, in a range of versions, are the predominant symbols for lawmanship, but more obscure symbols are also used, like the level (*vattenpass*), and heraldic references to areas of jurisdiction.

Delgrange, Dominique, AIH: Deux contestations d'armoiries en Flandre lilloise au XVIIIe siècle (Lannoy et Massiet)

Deux affaires relatives au droit de porter des armoiries éclosent à Lille, capitale de la Flandre française, vers le milieu du XVIII^e siècle. Elles concernent, d'une part, la famille des comtes de Lannoy et de l'autre, celle des héritiers des Massiet, famille noble éteinte dans la voie agnatique.

Elles vont connaître un dénouement différent. La première se traitera « à l'amiable » devant un notaire, l'autre prendra une telle importance, en particulier à cause de la résistance des défenseurs, que le cas sera finalement tranché par une cour supérieure de justice, le Parlement de Flandre à Douai.

Durie, Bruce: Scottish Heraldry 1971 – 2017: Changes to Practice and Law

The period 1971 – 2017 was remarkably fertile for Scottish Heraldry. Arms were granted or matriculated at a rate of almost 100 per year. There was an increase in the rising trend of non-Scots purchasing Scottish feudal baronies (and the associated ability to petition for Arms), the desire for clan and family societies to be accorded Arms, as well as various Bodies Corporate, the new Universities, new Chiefs of Name and Arms, local authorities (reflecting the changes to administration in those years), and even the governance of Scotland. The Scottish system of Arms – in essence always egalitarian – became even more widespread. This period covered the reigns of five Lords Lyon, each of whom added an individual flavour to the practice to the Lyon Court. This paper will also consider the influence of changes in Scots Law which affect the activities of the Lyon Court, including the formation of the Scottish Parliament and Scottish Government in 1999 and the effects of the Abolition of Feudal Tenure etc. (Scotland) Act 2000 on Feudal Baronies and the associated Arms.



Grechylo, Andriy, aih: Municipal and territorial symbols of Ukraine: problems of legal regulation

After the collapse of the USSR, Ukraine inherited the old administrative-territorial division and more than 100 non-heraldic municipal emblems approved by local councils during the 1960s-1980s.

Since 1990 the Ukrainian Heraldry Society has actively conducted research in heraldry and vexillology. In a relatively short span of time a great deal of work has been conducted in archives, a lot of heretofore unknown materials has been discovered, and Ukrainian and foreign heraldry (mainly that of neighboring countries) has been studied. On this basis the main principles and rules of modern Ukrainian municipal heraldry and vexillology have been developed. Wide-ranging discussions on these issues were held at annual heraldic conferences and, as a result, the methodology and basic principles of modern heraldic art have been elaborated. The results of theoretical studies are being implemented gradually by providing free consultations to local authorities, expert evaluations, or preparing designs to order. Through the efforts of society members it was possible to both renew old symbols and to create new emblems and flags for more than 2000 cities, towns, villages, districts and regions in Ukraine.

Ukraine is a unitary state. According to the Constitution of Ukraine, "the system of the administrative and territorial structure of Ukraine is composed of the Autonomous Republic of Crimea, oblasts, raions, cities, districts in city, settlements, and villages." The top level of the administrative division in Ukraine are 24 oblasts (regions or provinces). Raions (districts) are the second level. At the municipal level, there were more than 1,300 cities and settlements (towns) and more than 10,200 village councils, which included more than 28,600 villages.

On 17 July 2020, the Verkhovna Rada (Parliament of Ukraine) approved the administrative reform to merge most of the existing 490 raions, resulting in creation of 136 new raions., 1,469 united territorial communities were created instead of over 11,000 local councils.

Unfortunately, there is still no state authority in Ukraine that would coordinate local symbols. The Ukrainian Heraldry Society coordinates work in these fields and regularly provides assistance to local authorities.

Göbl, Michael, AIH: Die Reichskanzlei des Heiligen Römischen Reiches und die Österreichische Hofkanzlei als Wappenbehörden

Nachdem sich die Adelserhebungen und Wappenverleihungen als Reservatrecht des Kaisers des Heiligen Römischen Reiches im späten Mittelalter durchgesetzt hatte, musste sich parallel dazu ein *Procedere* entwickeln, auf welche Weise die Urkunden von den Verwaltungsbehörden ausgestellt werden können. Die Herolde, die um 1500 in ganz Europa an allen Fürstenhöfen verbreitet waren, kamen dabei nicht in Betracht, da ihr Amt zunehmend einen zeremoniellen Status erhielt und ihre ursprünglichen Aufgaben immer mehr von Beamten der Reichskanzlei bzw. des sich formierenden Hofstaats übernommen wurden. Diese Zeit wird auch als Beginn des Briefadels und der Kanzleiheraldik angesehen. Die Nobilitierungspraxis der Habsburger vom 16. bis 18. Jahrhundert löste eine Ausweitung der Adelsgesellschaft aus und bewirkte eine Titelinflation, die sich auch auf die Rangstufen des Adels auswirkte. Die vermehrt erteilten Wappen- und Adelsbriefe



bewogen die Behörde heraldische Differenzierungen vorzunehmen, die optisch einerseits die Abgrenzung der bürgerlichen zu den adeligen Wappen und andererseits die Abstufungen der Adeligen untereinander erkennbar machen sollten. Das bedeutete, dass der Adel innerhalb seiner Gesellschaft stärker differenziert wurde und weitere Rangstufen gebildet wurden. Die Reichskanzlei schuf dabei ein Reglementierungssystem und bezog auch das Erscheinungsbild der Wappen mit ein. Charakteristische Zeichen wurden hinzugefügt, um aus der Flut der heraldischen Erzeugnisse die entsprechende Stufe ihres Trägers in der Adelshierarchie erkennbar zu machen. Da schriftlich fixierte Regeln für die Gestaltung von Wappen fehlen, kann man die heraldischen Regeln nur im gegenseitigen Vergleich der Wappen in den heraldischen Abbildungen von Wappen- oder Adelsbriefen erkennen. Es wurde auch die Arbeit der Beamten erforscht, auf welche Weise die eingereichten Wappen verändert und welche Formulierungen in den deutschen und lateinischen Wappenbeschreibungen gebraucht wurden. Die Reichskanzlei und später die Hofkanzlei für die habsburgischen Erbländer erließen in ihren Kanzleiordnungen und Taxordnungen Bestimmungen für die Registerführung und den Geschäftsgang bei den Wappen- und Adelsverleihungen. Im 17. Jahrhundert scheint die Heraldik in der Reichskanzlei nicht zum Besten gewesen zu sein. Denn der Kurerzkanzler Lothar Franz von Mainz bestellte 1707 einen Wappeninspektor für die Reichskanzlei: den Irländer Wilhelm O'Kelly. In dieser Zeit tauchen auch die ersten Namen der Wappenmaler auf. Damit im Zusammenhang stehen auch die Verbote und Anmaßungen von Wappen, die vor dem Reichshofrat verhandelt wurden. Das ausführende Organ war der Reichsfiskal, der diese Verstöße untersuchte.

Herrera, Fernando: The heraldry of Spanish America in the 16th Century: legal process and implications

The conquest and the colonization of the American territories in the 16th century allowed the conquerors, indigenous elites, and city councils to request a coat of arms to leave a memory of their heroic deeds, demonstrate their adoption of Christianity, exhibit their nobility, or in the case of cities, their status as local governments endorsed by the monarch. Although, the election of heraldry figures responded to personal choices (so the animals, plants, architecture, and people from the New World enriched the heraldic repertoire) the granting of the coats of arms was an exclusive attribution of the Spanish Crown, materialized in a document called “real provision”, through a peculiar and little-known legal process. This presentation seeks to show the Spanish process to obtain a coat of arms and the actors involved, both authorities and applicants, and also reveal the legal implications of those who obtained them.

Herzog, Clemens, aih: Inspecting the Coat of Arms Censors in Württemberg 1806-1918

In the Holy Roman Empire, the period from the 16th to the 19th century is broadly considered to be a time of decay in heraldry. Assuming a coat of arms had become a means for climbing the social ladder (patent nobility) and, consequently, issuing letters patents a lucrative and thus flourishing business – at the expense of heraldic as well as genealogical standards. With the academization of the humanities throughout the 19th century, however, the tables seemed to turn – so it did for heraldry. The person supposed to watch over said standards through heraldry's ups and downs was the so-called “Wappenzensor” or “Wappen-Inspektor”. On an imperial level and in a number of sovereign states as well, coat of arms censors had succeeded the medieval heralds



as a heraldic authority in the shape of clerks and public officials. Nevertheless, it seems that for the most part their efforts had been of no avail. This leads to several questions: Are they really the ones to blame for heraldic decay? Couldn't they have done better? Would they have allowed or even promoted dubious methods?

Unfortunately, little to no research has been done on the subject. As a matter of fact, the only academically serious account on the subject was provided by Hanns Jäger-Sunstenau in 1984 ("Die Wappenzensoren in den Hofkanzleien in Wien 1707-1918"). Apart from that, the subject has only been brushed in the context of the history of the Heroldsämter, thus focusing on matters of nobility rather than heraldry. Consequently, as little groundwork has been done so far, mostly vague and superficial information on the role of the coat of arms censors are available.

In a first but well-founded approach to the subject, the proposed lecture will provide a pioneering study of the office of the coat of arms censor in the kingdom of Württemberg. It is one of the above-mentioned numerous sovereign states that had its own coat of arms censor from 1806, when Württemberg was promoted to be a kingdom, until the end of the monarchy in Germany in 1918. The lecture will portray the four office holders who served the kings of Württemberg during that time and outline their academical background, their tasks, duties, and rights as a heraldic authority. Special attention will be given to the creation of Württemberg's first royal coats of arms in 1806/1817 and the first Republican coat of arms in 1922. Designed as a bottom-up approach, the case of Württemberg promises to provide valuable insights into the coat of arms censors and their role in the decay of heraldry and its recovery in the 19th century.

Khalid, Samy, aih: Création et maintien d'un système héraldique canadien

Outre la responsabilité concrète de concéder armoiries, drapeaux, insignes et autres emblèmes héraldiques aux organismes et aux citoyens canadiens, le Héraut d'armes du Canada a comme mandat, lui venant de Sa Majesté le souverain, de voir à « la création et au maintien d'un système héraldique canadien ». Ses décisions concernant les pratiques héraldiques au pays, y compris le besoin d'encadrer ou de limiter l'utilisation de certains meubles héraldiques surutilisés, contribuent à l'essor du droit d'armes canadien au jour le jour.

Au cours de la présente conférence, deux exemples seront notamment abordés. En premier lieu, la feuille d'érable, symbole national par excellence, représente un terreau fertile pour la réflexion entourant un emblème trop fréquemment utilisé et qui tend donc à être réservé de plus en plus pour certaines utilisations particulières. En second lieu, les emblèmes autochtones, fort populaires dans l'imaginaire collectif mais trop souvent usurpés à des fins commerciales et sans consultation de leurs créateurs ou des groupes autochtones concernés, sont maintenant restreints grâce à la volonté du Héraut d'armes du Canada de combattre le phénomène omniprésent de « l'appropriation culturelle ». La mise en place de lignes directrices voire de politiques met en lumière un aspect non public du travail de l'Autorité héraldique du Canada et de sa façon de modeler le droit héraldique canadien.



Körmendi, Tamás, AIH: Customary law of bearing coats of arms in the medieval Kingdom of Hungary

The paper is an attempt, on one hand, to draw up a summary of the literature on the topic published in Hungarian and Slovakian (in this regard, our starting point is Iván Bertényi's study published in the proceedings of the XVth International Congress of Genealogical and Heraldic Sciences, held in Madrid in 1982), and on the other hand, a new analysis of the written and non-written sources of the topic. Since the medieval Kingdom of Hungary laid on the eastern border of the European civilization dominated by Western culture, the adoption of coats of arms and certain heraldic customs and trends took place very quickly on Hungarian soil, but the extent of their influence was greatly affected by the bearer's personal contacts to German or French territories, and the expansion of such customs was sort of intermittent and not constant. The most important questions to be discussed include: How was it possible to obtain the right to bear coats of arms if not by royal grant? Has the right to use of coats of arms ever been restricted to certain social groups or was it simply regulated by intellectual and cultural trends which affected certain people more than others? If the coats of arms were initially not linked to any privileges or prerogatives why were they regarded as signs of nobility as early as in the 16th century? Why were the royal coats of arms preferred to their personal emblems on the seals of royal dignitaries in the second half in the 13th and in the first decades of the 14th century — and why do such seals of royal dignitaires always reflect the royal shield barry of eight and not the other royal coats of arms with the double cross albeit the latter is to be seen on each and every royal seal from this period as is dominating the heraldic programme of the royal coins as well? As for the charters granting armorial bearings, what was the case if their text and painted coats of arms showed discrepancies?

Lofft, Jonathan S.: 'The Armiger v. X [1901]: Late Victorian Legal Professionals Moot the Right to Bear Arms in the British Colonial and Metropolitan Press

Canadian lawyer and polymath Edward Marion Chadwick KC (1840–1921) repeatedly dissented from the more influential opinions of leading British heraldist A. C. Fox-Davies (1871–1928), as represented within the pages of *The Genealogical Magazine* and other notable contemporary publications in both the British colonial and metropolitan press. Evidencing an acute conflict in nineteenth-century Canadian thought, between enthusiasm for burgeoning nationalism and the romance of imperial unity, successive moots between the two legal professionals treated questions of cultural continuity across institutional transformation affecting armigers. At their most quarrelsome, Fox-Davies' case for *The Right To Bear Arms* (London, 1899, rev. ed. 1900), published anonymously, famously argued against the bearing of armorials without lawful authority. In marked contrast, Chadwick's *The Armiger* (Toronto, 1901), itself a work equal parts medievalizing antiquarianism and polemical diatribe, marshalling as evidence a wealth of recently disseminated historical documents and even Canadian legal precedent, elaborated the opposing view, replying critically that no exclusive prerogative has ever vested in the Crown over the granting of armorial bearings. In his brief, Chadwick also identified the problem of the right to bear arms as being of especial interest for ascertaining the legal status of armigers in colonial jurisdictions. His work of decentering the law of arms, one effort in support of a veritable cultural revolution then transforming the structures of legal professionalism in the British Empire, has been subsequently identified as a point of departure on the Canadian journey towards heraldic patriation



that culminated in the creation of the Canadian Heraldic Authority in 1988, despite Chadwick's adamantness that arms are not necessarily honours.

Parsing both important texts, as well as unpublished correspondence between Chadwick and Fox-Davies relating to the episode, this paper sheds new light on the cultural historical understanding of heraldry and the law at the apotheosis of Victorian imperialism, revealing complex networks, as well as the considerable literary and scholarly achievements of both authors.

Marstrander, Lyder: Recent changes in the Norwegian legislation regarding civic arms and flags

In 1933 the *Storting* (Norwegian Parliament) adopted an act which decides that on the flag staffs belonging to the local councils or the counties only the Norwegian national flag, the Sami flag and the flag showing the coat of arms sanctioned by the King could be used. The reason for this act was a fear from the *Storting* that "political" flags could be used on these official flag staffs.

The process of getting a coat of arms for the local councils and the counties sanctioned by the King was to send the suggestion to the National Archives who would consider the heraldry of the coat of arms. If considered OK, it was passed on to the Ministry of local councils who suggested it to HM the King in the Council of State and the King signed a royal declaration. This system lasted from 1893 until 2017. A large part of this period the National Archives had a good competence of heraldry, especially Harald Trøtteberg (1898-1987). He set up the principles for the heraldry: simple forms, one motive and that the coat of arms could be blazoned.

In 2017 the Ministry of local council and modernizing sent on hearing a suggestion to abolish the act of 1933, thus enabling the local council to decide the coat of arms themselves without any a royal declaration. The reasons from the Ministry were that this was part of the self-governing of the local councils. At the same time the National Archives decided that they would not handle the applications for the coats of arms anymore. In that hearing *Norsk Heraldisk Forening* played a dominant part on behalf of about 30 cultural organizations in Norway. In their hearing the society was against the abolishment of the 1933 act, but instead suggested some changes, furthermore they were sorry that the National Archives would stop the counselling of coats of arms and maintained that there should be some official recognition of coats of arms. In the proposition for the *Storting* the Ministry accepted the Society's changes in the 1933 act but suggested that the local councils could decide their own coat of arms. This was adopted by the *Storting*.

Three years later, in 2020, the Ministry of Local councils and districts suggested another change in the 2017 act. The point now was to give the local councils and counties the possibility of flying other flags than the three allowed in the 1933 act (the Norwegian flag, the Sami flag and the flag showing the coat of arms) on special occasions for instance the Pride flag on days with a Pride parade. This suggestion created a large popular interest, and more than 3000 answers came to the Ministry. I have been going through the answers and put them in groups to see which group was in favor or which was not. Most answers were against this change; however, the Ministry took no notice of the result from the hearing and suggested the change to the *Storting* which adopted it.

After the changes in the Acts, we can see a new heraldry coming up in the coats of arms of local councils of which some examples shall be shown.



McEwen, Ross M.: Heraldry in Chief: ... a critical analysis of the Succession of Chiefs of Clan and Families in the 21st century

The steady evolution in heraldic practice in relation to Scottish Clans in the last seven decades has ushered in a ‘rebirth’ of Scottish Clan activity. While the power and influence of Scottish Clan Chiefs was rapidly dismantled in the aftermath of the 1745 rising, Scots Heraldic law now stands as the sole method for recognition of Scottish Clan Chiefs. The judge in this case is the Lord Lyon King of Arms, acting effectively as a ‘Chief-maker’.

An established set of rules has been created to identify a new Chief, when a Chiefship were in abeyance or disputed. Lord Lyon Innes of Learney’s initial work to devise a method has been followed by a corpus of judgements; Lyon Sellar simplified and strengthened these processes, through a series of cases endorsed by the Court of Session. The jurisdiction of the Lord Lyon extends strictly to decisions as to who is entitled to the ‘plain undifferenced arms’ of any family or clan. This judgement is made under Heraldic Law, which in the first instance is adjudicated in the Lyon Court. By providing an overview of Scottish Chiefship adjudications, and the recent guidance from the Lyon Court, I shall demonstrate how the Succession of Chiefs is far from an antiquated legal and cultural phenomenon in Scotland, but rather one which has growing participation and cultural ramifications in many parts of the world.

McMillan, Joseph, aih: Heraldic Episodes in American Legal History: Stray Voltage or Saving Remnant?

Given the influence of English doctrine on the study of armorial usage in the United States, it is no surprise that discourse on heraldry’s place in American law has historically focused on the most obvious difference between the British and U.S. heraldic-legal environments: the pervasive role of official regulation in Britain and its absence in the United States. Ever since 1788, when William Barton first proposed creation of the office of “herald-marshal,” discussion of the legal aspects of heraldry in America has focused almost exclusively on how—or even whether—personal heraldry can exist without an official authority to regulate it.

Yet, as is implicit in the theme of this colloquium, heraldry and law interact everywhere, including in many places where regulation does not exist. The United States is no exception. While there seem to be no records of American lawsuits over competing claims to the same coat of arms, state and local courts have frequently found themselves having to address the enforcement of name and arms clauses in wills and similar legal instruments. How do American probate courts, operating in the context of a body of law largely of English origin, handle these issues without recourse to any heraldic authority similar to the College of Arms, which plays a central role in the implementation of such provisions in England?

There are also other types of cases in which courts may be required to rule on issues touching upon the use of arms. How do they treat coats of arms in these contexts? Are they simply graphic symbols, essentially no different from commercial logos, or are they recognized as possessing a different character? In what other ways might armorial bearings have been taken into account in making judicial rulings? To what extent do these decisions rely on or, conversely, diverge from English precedents?

Finally, is the nature of this jurisprudence adequate to permit inferences about the status of armorial bearings in American law more generally? As suggested by the title, are the examples to



be discussed simply exceptional “hard cases,” the legal equivalent of atmospheric background noise, from which nothing significant can be inferred, or do they offer evidence that some sort of heraldic law has survived in the United States, albeit in much attenuated form, despite the absence of English-style regulation?

Padberg Evenboer, Klaas, aih: Symbols of law in heraldry

The county of Waldeck, a principality since 1712, had different legal systems from the Middle Ages. These legal systems had their origins in Saxon and Frankish law. There was the City Court (*Stadtgericht*) for the citizens of a city, a Land Court (*Landgericht/ Burgericht*) for the farmers, and the Ecclesiastical Court (*Sendgericht/ Synode*). In addition, the independent courts *Gogericht* and *Freigericht* were known in the rural areas. The *Gogericht* was presided over by the *Gograf* and the *Freigericht* by a *Freigraf*. They were assisted by alderman (*Schöffen* and *Freischöffen*).

The infamous Vehmische Courts (*Vehmegericht*) developed from the High Medieval *Freigericht*, which had jurisdiction within a “Free County” (*Freigravenschaft*).

In this research I want to discuss the symbols of law in coats of arms and the occurrence of these symbols in the coats of arms of judges, *Gografen*, *Freigraven* and alderman in Waldeck.

Patterson, Bruce, aih: The Law as a theme in Canadian grants of arms

My paper will examine the granting and use of heraldic emblems by federal and provincial Canadian courts of law, other types of legal institutions and members of the legal profession. The country’s highest court, the Supreme Court of Canada, was recently assigned badges and a flag, joining a number of other courts such as the Federal Court of Canada, the Tax Court of Canada, the Court Martial Appeal Court and the Ontario Superior Court. These arms and badges are often used as symbols of authority instead of or in conjunction with the Arms of Canada, and I shall briefly touch on some of the discussions that have taken place about the use of arms of sovereignty (both of Canada and, anachronistically, the United Kingdom) in Canadian courtrooms and the implications posed by the addition of emblems specific to federal and provincial courts.

Over the years a number of bodies that serve Canada’s civilian and legal system, such as the Law Society of Ontario or faculties of law at several universities, have been granted heraldic emblems, as have individuals who are members of the legal profession, namely judges – including several Chief Justices of the Supreme Court of Canada – and lawyers. There are standard symbols associated with the law are employed within such heraldic emblems, such as a sword or the scales of justice; however, in an effort to expand the number of these references, new and different suggestions of ways to express the identity of the legal profession are being advanced. These include symbols taken from other cultures, widening the scope of Canadian legal symbolism beyond its origins in the English legal system, mythological and allegorical figures, and clothing and other articles associated with members of the profession.



Pauwels, Cedric, aih: Heraldic law in French-speaking Belgium. Organisation of the granting or recognition of coats of arms for non-noble persons

The legal protection of non-noble coats of arms in French-speaking Belgium falls within the competence of the Council of Heraldry and Vexillology of the French-speaking Community of Belgium, an organ of the Ministry of Culture. The Council is competent for non-noble natural persons domiciled on the territory of the Community. An institutional presentation of Belgium is essential to understand the distribution of competences in heraldic matters between the different levels of government as well as the organisation and functioning of the Council of Heraldry.

The matter is governed by two decrees, one for municipalities (1985) and the other for individuals and associations (since 2010). The fundamental issue of this legislation is the legal protection and, specifically for non-noble persons, the type of external ornaments that can be adopted.

Before 2010, the registration of coats of arms was purely private. It was carried out by the royal association *Office généalogique et héraldique de Belgique*, which had created a commission that ruled on the registration of a shield without any external ornamentation. By limiting the possibility of registration to the shield alone, the Office had taken the strictest view to avoid any ambiguity in relation to the noble coat of arms. The adoption of a shield was published in the association's magazine. This commission functioned from 1974 to 2010, when the French community of Belgium legislated to exercise the competence.

Since 2010, non-nobles may adopt the following elements: the shield, the helmet, the mantling and the wreath, the crest and the motto. The list is strictly limited, and any other noble ornament is prohibited.

The legislation will be examined through the stages of the procedure from the registration of the request to the publication of the ministerial decree in the *Moniteur belge* and the ceremony for the award of the coat of arms diploma, as well as the case law of the Council since its foundation in 1989.

For natural persons, there are two procedures:

- Registration of new coats of arms: examination of conformity with the rules of heraldry
- Recognition of non-noble coats of arms before 1795: which requires the establishment of a genealogical link in direct line with the bearer of the coat of arms before 1795 and the obligation to provide evidence of public bearing of the coat of arms.

Railaitė-Bardė, Agnė, AIH: Signs of Themis in Lithuanian heraldry

As for the early heraldry of Lithuania, we can hardly talk about the existence of Themis, legal regulation, or strict order in the creation of heraldry. During the period of the Grand Duchy of Lithuania, the legal treatment of heraldry was understood quite freely. Official granters of coats of arms were rulers who issued privileges. However, it is also possible to talk about the personal intentions of the nobles, which were done at their discretion when depicting coats of arms,



changing their charges or other elements. There were also unwritten rules for combining marshalled coats of arms. We notice more clear order in the heraldry of courts and court officials, or more precisely in their armorial seals.

From the middle of the 16th century to the end of the 18th century, the coats of arms of the cities were legitimized by the privileges of the rulers with the coats of arms given to the city painted on them. The same applies to the privileges of indigenisation or ennoblement. They even briefly listed where the granted coat of arms could be used. After the Third Partition of Poland and Lithuania, the Grand Duchy of Lithuania became part of Tsarist Russia. As a result, more than a hundred years of Lithuanian statehood, as well as the development of heraldry and law, were deprived.

Although Lithuania took the lead in Europe by approving the first legal code in 1529, it should be noted that until the interwar period in Lithuania, there were no attempts to provide detailed legal regulation of the procedures for granting coats of arms and other heraldic signs, and their use. Before the start of the Second World War, there were attempts to regulate the state symbols in a little more detail in the law, but when the situation in the world changed drastically, and after Lithuania once again disappeared from the European political map for fifty years, it was not implemented.

After the restoration of Lithuania's independence, the active creation of a legal base affecting various spheres of Lithuanian life began again. It can be said that the legal regulation of heraldry has been quite active in recent decades, although it has faced certain challenges and still has gaps. We currently have the main law directly related to heraldry which regulates the creation, approval, use and maintenance of the coat of arms of the state, coats of arms of cities, towns, villages and heraldic signs of state institutions. The legalized procedure is that the coats of arms of localities are approved by the Lithuanian Heraldry Commission, and officially approved by decree of the President of the Republic of Lithuania. Recently the Lithuanian Heraldry Commission has started to publish decisions that are registered in the register of legal acts. The Commission has the right to adopt legal acts of a normative nature. The legal framework related to heraldry is constantly updated but requires changes that would solve old problems and adapt to today's realities.

Roads, Elizabeth, AIH: The law and Scots heraldry

The uses and customs of heraldry in Scotland are now firmly rooted in the legal system. The paper will look at the Acts of Parliament during the 16th century which endeavoured to put heraldry into a legal context. These Acts failed for a variety of reasons and the paper will discuss the reasons for those failures and also look at the personalities involved heraldically from the mid-16th century to the third quarter of the 17th century when finally Parliament passed successful legislation to regulate the use of arms in Scotland. Following the political upheaval of the first half of the 17th century and the restoration of the monarchy in 1660 many institutions in Scotland and England were established or re-assessed. A new mood was taking hold of the country and the need for clarity in various areas, including heraldry, came to the fore. This new enthusiasm for regulation in the heraldic field culminated in the establishment of the Public Register of All Arms and Bearings in Scotland in 1672 and the effect of that Act is still key today. The early years of the Register were principally concerned with recording existing arms and establishing the rights of junior members of armorial families. From the mid-18th century, however, many wished to establish new heraldic rights, significantly amongst Scots living overseas. The paper will follow this development and then discuss how more recent legal decisions involving coats of arms have shaped the way in which



rights to arms have been determined and how the role of the Lord Lyon has changed in character. Successive Lords Lyon have been faced with increasingly complex decisions and whilst none is bound by the decisions of their predecessors, the principal heraldic cases have influenced the way in which heraldry and the law has become closely intertwined. Many of these cases relate to succession matters but others concern heraldic rights or the mis-use of arms. Some important decisions have been made by the Lord Lyon sitting as a judge in his own court but others have progressed through the courts, some as far as the House of Lords for a final decision. Whilst the paper will concentrate on matters purely armorial it will be pointed out that the Lord Lyon has other functions which have legal consequences, such as the recording of genealogies and recognising change of name.

Robin, Antoine: Signifier et contester en image les droits de justice. Les conflits de bornage héraldique aux frontières de la principauté bourbonnaise, 1400-1531

Dans le cadre de la mise en image de la justice seigneuriale, princière ou royale, les bornes, panonceaux ou brandons armoriés formaient un vaste arsenal iconographique pour signaler les limites d'un territoire ou d'une juridiction. Il est cependant à déplorer que ces images, bien que très présentes dans le paysage rural des derniers siècles du Moyen-Âge, n'aient fait l'objet d'aucune étude spécialisée. Cette intervention entend ainsi répondre à cette lacune et définir la nature de ces marqueurs, principalement connus par l'analyse des riches procès-verbaux réalisés par les officiers ducaux ou royaux à l'occasion des conflits entre les princes.

Cette étude traitera spécifiquement des pratiques du duc de Bourbon, entre 1400 et 1531. Pendant cette période, le duc de Bourbon n'aura de cesse de se quereller avec ses voisins pour la délimitation des frontières de leurs territoires et, plus spécifiquement, pour la délimitation des droits de justice sur les villages frontaliers. Il s'oppose ainsi à maintes reprises au roi sur la frontière sud du Beaujolais, au duc de Savoie sur la frontière de la principauté de Dombes et au duc de Bourgogne sur la frontière charolaise.

Pour manifester ces droits, les grands princes envoyaient leurs officiers faire apposer bornes, panonceaux ou brandons à leurs armes au cœur des villages, sur les champs, sur les chemins, sur le bord des rivières, etc... Nous présenterons l'ampleur de ces campagnes de marquage héraldique au cours desquelles les officiers se livraient parfois à de véritables déchainements iconoclastes, détruisant et remplaçant par dizaines les armoiries des princes adverses. La cartographie et l'étude synthétique de ces trois conflits permettra ainsi une réflexion de fond sur les enjeux « géopolitiques » du marquage héraldique médiéval, sur son importance dans le développement de stratégies de communication visuelle et dans l'expression de l'autorité judiciaire princière.

Enfin, nous insisterons sur les aspects matériels et juridiques de ces pratiques, sur les gestes précis et rituels accompagnant la pose ou le retrait de ces panonceaux et brandons armoriés ainsi que sur la nature des droits qu'ils illustrent.



Romano, Ciro: The Heraldic Commission for the Pontifical Court, history and documentation

In the Vatican Apostolic Archive, in the fund of the Secretariat of State, is kept a small documentation relating to the Pontifical Heraldic Commission, its functioning and its attributions. Today the Prefecture of the Papal Household, structured on the basis of the apostolic constitution *Regimini Ecclesiae Universae* of 1967 and the *motu proprio Pontificalis Domus* of the following year (as well as since the last reform of the curia by Pope Francis with the constitution *Praedicate Evangelium*), has a long history, since it has much older origins.

The current Prefecture, in fact, brings together the skills and attributions that belonged to the “Congregazione del Cerimoniale” and the “Uffici del Maggiordomato e del Maestro di Camera”, in addition to the functions once reserved to the “Maestro di Casa dei Sacri Palazzi apostolici” and of the suppressed “Commissione Araldica per la Corte Pontificia” that is, precisely, the Heraldic Commission for the Pontifical Court.

The purpose of this contribution will be to present the structure and competences of the Pontifical Heraldic Commission and to present archivally the – unpublished – material which concerns and is kept in the Vatican Apostolic Archive.

Rousselot, Simon, aih: The right to bear arms in a fantasy universe: The example of Andrzej Sapkowski’s *The Witcher*

People in the Middle Ages used to attribute coats of arms to historical or imaginary characters (such as King Arthur) without any problem. Today, many authors use medieval references to create imaginary worlds in which the stories they wish to tell will take place (up to the point where this genre is called in French “médiéval-fantastique”). Although the knight in armour or the castle have become stereotypes of this literary genre, the use of heraldry is far from systematic. However, some authors – directly inspired by medieval practices – use coat of arms to fill the space in which their characters will evolve. Their use of heraldry nevertheless remains fairly classic: coats of arms are very often limited to simple marks of individual or collective identification (heraldry and nobility are very often, if not systematically, closely linked). These uses are so limited because heraldry is often used for visual detail and does not contribute to the enrichment of the imagined world.

From this point of view, the case of *The Witcher* series of novels appears to be different. Indeed, the author, Andrzej Sapkowski, has chosen to make heraldry a constitutive element of the societies (mostly humans) that populate his universe and to develop its multiple uses: identification marks of course but also heraldic literature and popular culture, military insignas... In doing so, the heraldry in *The Witcher* universe is much closer to the heraldry we know than many other fantasy works.

The aim of this lecture will be to focus on the right to bear arms in *The Witcher* universe and all the consequences that this may have. The following questions will be addressed: who has the right to bear arms, what process is involved in obtaining arms, which people are involved in this process, what are the social consequences of bearing arms, what sanctions can be taken against the coat of arms and by whom... This will provide a point of comparison with historical (from our real world) rules of heraldry and law in order to understand what elements Sapkowski has retained to enrich the background of his story. It also refers to the image that today people with a little knowledge of heraldry have of this system of signs and how stereotypical it can be.



Sameiro, António Pedro de Sá Alves, AIH: Caractéristiques principales du Droit Héraldique Portugais selon le Corpus du Droit Héraldique Portugais (XV - XXI siècles)

Corpus du Droit Héraldique Portugais is a collection of legal texts from the 15th to the 21st centuries, research that is currently being organized by Pedro Sameiro, which already counts with a total of 228 documents. This compendium does not consider legal doctrine or court decisions.

The author will attempt to construct a theory on the main principles that inspired their creation, especially in the domain of *capacité héraldique*. An introductory framework will be given, as well as a general presentation of the universe of subjects covered by this legislation. Afterwards, we will shed a light on the legal concept of legal symbols, the right to bear them and their modification and transmission. The idea is not to cover only personal or familiar heraldry, but the heraldry in general.

Sherrard, Huw: Sir Thomas Innes of Learney (Lord Lyon King of Arms, 1945-1969): a ‘Ventilation’

Sir Thomas Innes of Learney is often referred to in contemporary judicial opinion with terms like ‘highly authoritative’, and an ‘undoubted modern authority’. However, despite being an indisputably knowledgeable jurist and legal scholar, some of the most notable changes within Scottish heraldic regulation in the past two decades have been departures from developments he championed: from the ‘Noblesse’ to the treatment of feudal baronies. In light of this, should Innes of Learney continue to be viewed as authoritative?

This paper critically examines aspects of Innes of Learney’s heraldic and legal legacy, in order to propose a more nuanced perspective on one of Scottish heraldry’s most influential figures. In doing so, it attempts to conduct the “ventilation” of Scottish heraldry in relation to Innes of Learney called for by John Hamilton Gaylor. The methodology utilised approaches this by: identifying key decisions and precedent that Innes of Learney introduced or supported; where possible, identifying the foundation for these introductions in his writings prior to assuming office as Lord Lyon; and critically assessing these introductions for their basis in law and convention.

Additionally, Innes of Learney’s beliefs regarding the nature of the office of the Lord Lyon King of Arms will be explored – a philosophy which underpins many of his notable actions during his tenure. Among others, examples of developments examined include: the concept of armigery conveying the status of ‘Noble in the Noblesse of Scotland’; the heraldic approach to holders of Scottish feudal baronies; and the introduction of redeemable armorial conveyances.

The paper argues that, largely, the foundation and basis for many of the analysed aspects of Innes of Learney’s legacy can be seen to be at odds with a wider perspective of Scots law and Scottish heraldic scholarship. However, while this avenue of scholarship is valuable – both in addressing the relative lack of existing literature exploring some of these facets of Innes of Learney’s impact, and in potentially providing an alternate view to one often repeated in judicial opinion – the paper on the whole does not dispute the fact that Innes of Learney’s work remains in many ways authoritative and valuable to heraldry and Scots law. Instead, by developing a more nuanced perspective on such an influential figure, his positive contributions to Scottish heraldry



and law as disciplines can be more readily valued and utilised when those that are less sound are identified.

Sipavičiūtė, Justina: The Statutes of Lithuania – Seals – Heraldry

In the 16th–18th Centuries there were three (in 1565–1566, 1764 and 1792) significant administrative and judicial reforms in Grand Duchy of Lithuania, which reformed and changed all administrative distribution and law system. During the 1565–1566 court reform in the Grand Duchy of Lithuania, the following courts were established: land courts (for civil proceedings), castle courts (for criminal proceedings), and chamberlain courts (for land boundary disputes). Land and castle courts also performed a notary function while the castle court also carried out state-related functions within the district. The Supreme Tribunal of Lithuania was established in 1581 (the first session took place on April 30, 1582) to hear appeals from the land, castle and chamberlain courts. These courts reformed the very essence of the legal system in the second half of the 16th century, gradually started their activities and had their stamps (matrix) created and the documents of these courts were certified with seals.

The legislation related to seals and the seals themselves was different in each state and in different historical periods. As Andrea Stieldorf, a German historian, has put it very vividly in her book, by sealing a document a seal holder would assume long-term obligations, but notwithstanding the great significance of a seal, there was no global seal legislation that would be uniformly applied and defined in a written document, a kind of "Constitution of Sphragistics". Some regulations have been found that controlled what kind of documents could have a seal, and by whom and when they could be stamped, although they were period-or region-specific and thus were possibly different. In order to learn about these regulations and norms, the practice of seal use is analysed by looking at documents sealed by a specific group of persons from a specific region over a selected time period. In this paper, the concept of seal legislation is defined by examining the following points:

1. Region: the Grand Duchy of Lithuania.
2. Seals: the seals used in land courts.
3. Period: from 1565 to 1792.
4. Key criterion: the correlation between law and practice. To examine the legal norms of the Grand Duchy of Lithuania that regulated the use of Land court seals and, most importantly, to establish how these norms were implemented in practice. I.e., were legal provisions actually implemented in real life.
5. Law: The Statutes of Lithuania and the Diet Constitutions.

I would like to direct your attention to one of new courts – the land court (which handled civil cases and also performed notarial functions) and especially their seals. The main attention will be to show how these three judicial reforms (1565–1566, 1764 and 1792) changed land court seals heraldry and what interesting information in these court seals can a heraldist and genealogist find.

In my paper you will find really interesting information about the land court seals heraldry: the seals classification from the perspective of visual heraldry, the shapes of shields, heraldic helmet, coronet (wreath), crowns and caps, helmet crest, shield supporters and mantles, other arm



decorations: floral motifs, military attributes and etc. Also I will tell you more why and how land court officials wanted to individualised the coat of arms in their seals.

This paper aimed to confirm that sphragistics, being one of the auxiliary historical sciences, can reveal great amounts of important material not only about the seals themselves, but also about the courts. Specifically, sealed documents served as tools of trade of these institutions. Also how reformation of law works in reality, but also this research analysed issues related to the other auxiliary historical sciences, such as heraldry and to an extent, genealogy. The seals are a really interesting material from pre-modern times to any historian who knows how to make them speak.

Skov Andersen, Ronny, AIH: The Heraldic Consequences of the passing of a Law – a Case Study

In 1776 the Act of Citizenship was introduced in the Danish-Norwegian absolute monarchy. It came after a period where the German-speaking Johann Friedrich Struensee had taken power as the confidant of the mentally fragile Christian VII and the law catered to new ideas of nationalism and patriotism that flourished in the late 18th century. The Act of Citizenship stipulated that in order to obtain employment as an official in the Danish central administration you had to be born in the Danish monarchy - Denmark, Norway or the Duchies. This led to a series of naturalizations of foreign officials and in some cases, a family's heraldic identity was affected. This is the case with the officer Jobst Gerhard von Scholten who in 1776 not only sought to be naturalized as a Danish citizen, but also to be ennobled. In his preparations for the application he discovered that the arms he, his father and grandfather had been using were not the same as the family's original coat of arms from Holland. This paper will examine the heraldic consequences of the Act of Citizenship for this particular family.

Steinbruch, Karl-Heinz, aih: Zur Situation der regionalen und kommunalen Heraldik in den fünf ostdeutschen Ländern der Bundesrepublik Deutschland

Nachdem die Kommunen der DDR mit dem letzten Gesetz über die Kommunalverfassung vom 17. Mai 1990 das Recht auf eigene Hoheitszeichen erhalten haben, legten sich neben den wiedergegründeten Ländern hunderte Gebietskörperschaften von der regionalen bis zur lokalen Ebene auf dem Gebiet der früheren DDR eigene Wappen zu.

Der Vortrag möchte im Vergleich untersuchen, ob und welche Festlegungen zu den Genehmigungsverfahren in den Ländern Brandenburg, Mecklenburg-Vorpommern, Sachsen, Sachsen-Anhalt und Thüringen getroffen wurden und wie diese im Einzelnen ablaufen.

Das schließt Fragestellungen hinsichtlich der Wappenfähigkeit von Regionen, Städten, Gemeinden und Ortsteilen ein, ebenso Fragen der Beratung der Antragsteller, der Begutachtung der Entwürfe, bis hin zur Verleihung der Wappen, deren Registrierung und deren Rechtsschutzes.

In einem statistischen Teil des Vortrages soll die Anzahl der überarbeiteten, neu geschaffenen und außer Kraft getretenen Wappen im Verhältnis zur Anzahl der wappenfähigen Regionen, Städte, Gemeinden und Ortsteile betrachtet werden.



Vernot, Nicolas, AIH: Heraldry as “Intangible Cultural Heritage” (UNESCO): a relevant institutional recognition?

In 2003, UNESCO adopted a Convention for the Safeguarding of the Intangible Cultural Heritage, which aims to inventory, safeguard and promote it in a spirit of international cooperation and assistance. The “intangible cultural heritage” is defined as the set of “practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity”. (art 2-1). By “safeguarding”, the Convention refers to a set of measures forming a chain of treatment to ensure the effective viability of the heritage in question, which includes “identification, documentation, research, preservation, protection, promotion, enhancement, transmission, particularly through formal and non-formal education, as well as the revitalization of the various aspects of such heritage” (art. 2-3).

The purpose of this paper is to discuss the relevance of heraldry as « Intangible Cultural Heritage » and the interest of such a legal recognition, be it at the national, supranational (EU) or international (UNESCO) level.

To date, very few countries have officially included heraldry under this label, and with very different approaches and results. Yet the procedure offers very interesting opportunities for the promotion of quality heraldic practice, especially in states where legislation is deficient. Approaching the institutional recognition of heraldry from the perspective of cultural practice – rather than through the prism of registration of arms – offers many advantages: a better identification and networking of the stakeholders of contemporary heraldry, both public and private; a better understanding of the socio-cultural interest of heraldry by institutions, and thus potentially a wider range of means; the possibility of improving the heraldic culture of the general public, through a better visibility and the labelling of craftsmen or training courses aimed at apprentices, teachers, and even public at large. The approach also allows heraldists to better understand and take into account the representations and expectations of society, officials and institutions with regard to coats of arms, and thus to clarify a certain number of misunderstandings.

Watson-Gandy, Mark: The Court of Chivalry: A simple how to do it guide

The English High Court of Chivalry came into existence in about 1350, deriving its authority from the King’s Council to try cases outside the remit of the common law. In 1954 the Court was finally re-awoken when the Manchester Corporation sought an injunction to prevent the display of its Arms. Since the excitement of *Manchester Corporation v Manchester Palace of Varieties Limited* [1955] 1 All ER 387, and, unlike its busy cousin, Lyon Court in Scotland, the Court of Chivalry has fallen back into slumber.

Not limited to awarding damages and granting injunctions for the misuse of heraldry, Comyn’s Digest explained “The Court of Chivalry has an absolute jurisdiction, by prescription, in



matters of honour, pedigree, descent, and coat armour”. Indeed, its jurisdiction covered anything that might give rise to a duel.

More flexible in design than trademarks (and arguable trumping them), coats of arms present an important protection for branding. Why is Lyon Court busy and the Court of Chivalry apparently mothballed? How would one start a case in the Court of Chivalry? Could anyone stop you? What would the pleadings look like? What form would the evidence take? Who would hear the case and what would the hearing involve?

Zovko, Davor: Heraldry and the Law: often – but not always – in harmony

The study analyzes heraldic legislations in four countries regarding design of the Arms of the State, and describes some implications of that legislation. The sample consists of four countries: Republic of Croatia, Federal Republic of Germany, Kingdom of Sweden and Kingdom of Norway.

Croatian Arms are regulated by the Constitution, with an acceptable but not perfect emblazonment. The Constitution prescribes that no design of the Arms is allowed to deviate from the Original drawing, kept in the Parliament. That means that no artistic interpretations of the Arms exist. It is also unclear if designs that actually differ from the Original are considered as the Arms of the State and, as such, are protected by Law.

The Arms of Sweden are regulated by the National Arms Act from 1982, that stipulates the right to bear the National Arms, contains the proper heraldic enblazonment of the Arms, and regulates that the three crowns without a shield, also are considered to be the National Arms. This legislation results in many beautiful interpretation of the Arms, used even in official contexts. The three crowns of any form are always acknowledged as a symbol of the Swedish Nation.

The Arms of Norway are regulated by the Royal Resolution on the National Arms from 1937. A separate bylaw emphasizes that the Arms have a constant content, while each design could be customized to material, size, context and style. Although the document explicitly emphasizes that the content of the Arms is permanent while the form is free, there are quite few free interpretations Arms. Possible explanation is that few artists took a freedom in their interpretation of the Arms. Another possible explanation is lack of knowledge about the stipulated freedom of interpretation.

The Arms of Germany is regulated by the Proclamation of President Heuss from 1950. The proclamation contains an enblazonment, specifies that the eagle has the same color and position when standing without the shield (except the orientation of the wings), and stipulates that the original drawing of the coat of arms, kept in the Ministry of the Interior, is authoritative for a heraldic display, but free artistic designs are allowed for each special purpose of the Arms. This legislation results in many beautiful interpretation of the Arms, used even in official contexts.

Conclusion. Free artistic expressions do not threaten the integrity of state Arms, they rather enable good artistical interpretations and thereby promote patriotic feelings.



Åsklund, Henric, aih: In the Absence of Heraldic Law: Scandinavian Examples of how Registration of Burgher Arms has been Organized by Private Initiatives or Associations

The only official state-run register of burgher arms in Scandinavia is the Roll of Arms that the Swedish National Heraldry Office kept 1934-1936. The registration ceased after only 23 burgher arms had been accepted and the main reason for this was the lack of a legal foundation. The Heraldic Office realized they could not actually guarantee any legal protection of the arms.

However, the need for some sort of register persisted and in 1950 Arvid Berghman, the driving force behind the official register, privately published “The Burgher Roll of Arms” presenting 100 Swedish burgher arms. Similar initiatives emerged in other parts of Scandinavia and in this talk I will provide an overview and comparison of these registers, with emphasis on how they have dealt with the fact that they are unofficial and not supported by formal heraldic law.

In Denmark, the Danish Society of Heraldry and Sphragistics published a Roll of Arms of approximately 600 armigerous families in Denmark in a series of booklets 1946-1959.

In 1962 the Heraldic Society of Finland launched a register of Finish arms that is still maintained. They accept family coats of arms (not nobility) and also arms for associations and companies. The 1356 first arms were published in a book in 2006 and today the register collects more than 2000 arms.

The Scandinavian Roll of Arms was launched privately by Jan Raneke and Christer Bökwall in Sweden in 1963. It accepts all kinds of coats of arms. The format is booklets with 6-32 arms, printed annually or every second year, and today the number of registered arms is above 800. Since 2011 it is run by Societas Heraldica Scandinavica.

In Norway in 1969 Hans Cappelen published “Norwegian Family Coats of Arms”, where 364 arms are presented. The selection criteria were quite restrictive.

In 2007 the Swedish Heraldry Society, in collaboration with the Swedish National Committee for Genealogy and Heraldry, launched the Swedish Register of Arms. As part of the review and approval process the arms are published twice, as provisionally and finally approved, in a biannual publication. The arms in the register are also published in a series of books. Almost 700 arms have been approved to date.