

**Mottoes in the Manchester Case in the High Court of Chivalry.** *Richard d'Apice writes:* I was particularly interested in Dr Stephen Humphreys' paper on the last decision of the High Court of Chivalry [CoA no.236 (2019) pp. 98–108] in which he castigates Lord Chief Justice Goddard at large, but particularly for enjoining the use of the motto of the City (previously Borough) of Manchester by a light entertainment company. In particular, Dr Humphreys criticises Lord Goddard for that decision made “despite the fact **that the laws and usage of arms in England had never before** – over centuries of practice – **taken any regard of mottoes**”. He goes on to say that “Unlike other components of armorial bearings, mottoes, it is usually acknowledged, are not granted by any legal process in England” and that “the decision ... has the hallmarks of being made in error.”

I respectfully disagree and contend that the position is the reverse of that asserted by Dr Humphreys. That sovereigns have been untroubled by any such perceived limitation on their heraldic powers is evidenced by the many Royal Warrants assigning arms in which a motto is granted. The sovereign is the font of honour and the source of the authority exercised by the Kings of Arms of England in their grants. Arms (and mottoes) granted by Royal Warrant are certainly granted by a “legal process in England”.

But it suffices to refer to the grant under consideration in the present case (**Figure 1**). The case report (*Manchester Corporation v Manchester Palace of Varieties Ltd*, P 133; [1955] 1 All ER 387 referred to in footnote 1 to Dr Humphrey's paper) records at p. 140 that “*Squibb*, for the plaintiffs, formally exhibited the grant of arms.” The report references the relevant parts of the grant which reads “... *we the said Garter, Clarenceux and Norroy ... do by these Presents grant and assign unto the said Mayor Aldermen and Burgesses of the incorporated Borough of Manchester the arms following ... together with the motto CONCILIO ET LABORE to be borne and used for ever hereafter ... according to the Law of Arms.*”

Whatever opinion their successors may have, it seems that in 1842 Garter Sir William Woods, Clarenceux Joseph Hawker and Norroy Francis Martin were content to take regard of mottos and did not acknowledge that mottoes “are not granted by any process in England”.

Extensive practice and the specific terms of the grant under consideration contradict both limbs of Dr Humphreys' criticism of the learned Lord Chief Justice on the subject of mottoes.

*Stephen Humphreys responds:* Mr d'Apice takes issue with my contention “that the law and arms in England had never before...taken any regard of mottoes” and claims that the legal report of the Manchester case which I had referenced proves me wrong because the grant of arms was read out and it evidently grants “the arms... together with the motto.”<sup>2</sup> Whist Mr d'Apice interprets this phrasing as granting a motto, I read the grant as assigning the arms and crest only: the arms and crest which have been granted are illustrated in the margin, together with the motto decided upon by the Council.

<sup>2</sup> *The Lord Mayor, Alderman and Citizens of Manchester v Manchester Palace of Varieties Limited* (The Heraldry Society, 1955).

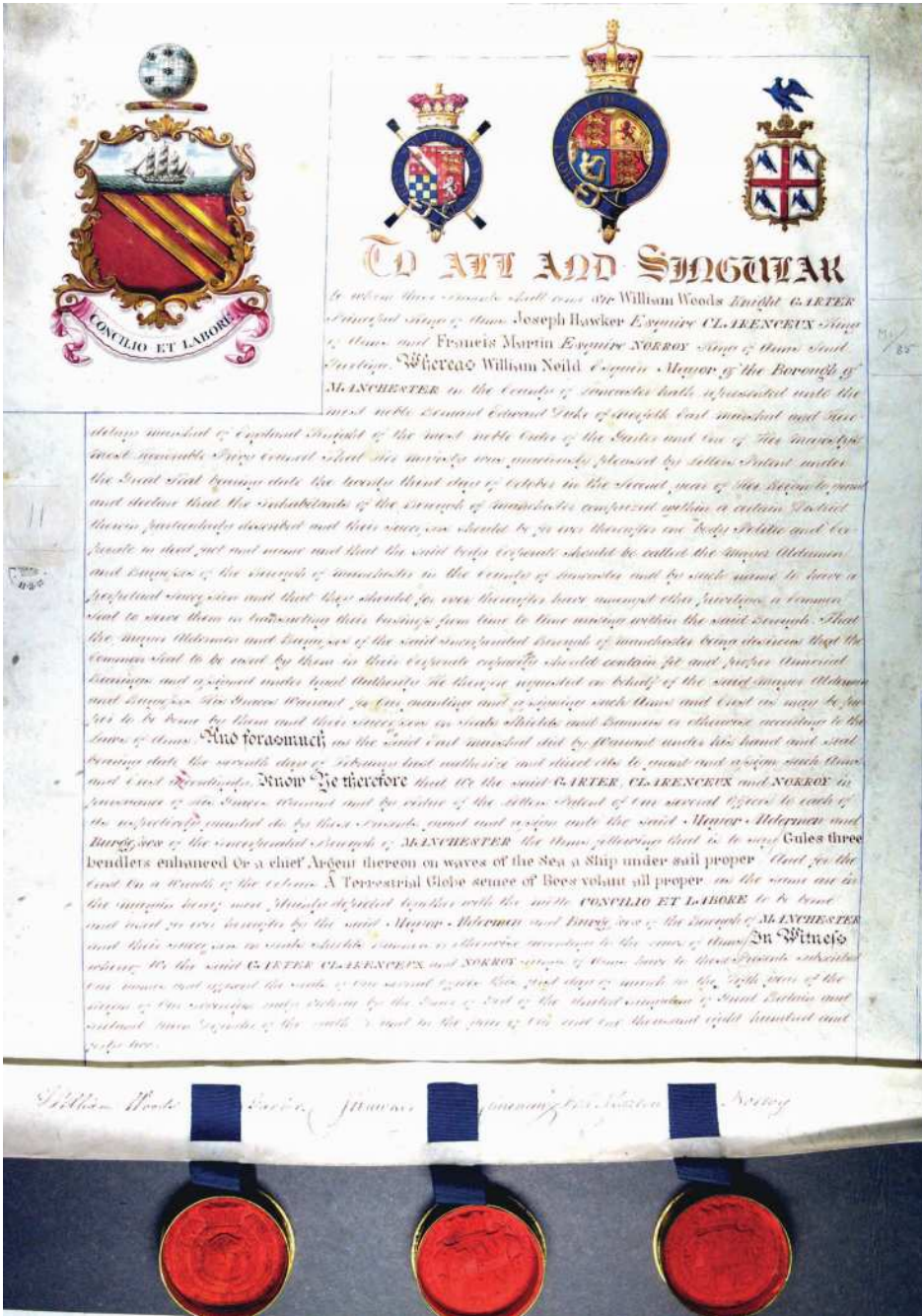
## CORRESPONDENCE

I believe this to be the orthodox view, and note the remarks given by the current Garter King of Arms: “Mottoes also [often] appear but are not indexed in the College of Arms records, presumably because they are not technically considered something over which you can have legal rights... Under the English law of arms mottoes have always been regarded as personal because kings of Arms do not have power to grant legal rights over a group of words.”<sup>3</sup> The English situation thus contrasts with that in other jurisdictions where mottoes can be part of the grant. However, such grants only associate the motto with a coat of arms and do not give more general rights over the words.

If Goddard LCJ interpreted Manchester’s grant of arms to also grant the motto, as Mr d’Apice would contend, then this was surely at variance with conventional English heraldic understanding and practice.

<sup>3</sup> Thomas Woodcock & John M. Robinson *Heraldry in Historic Houses of Great Britain* (London, 2000) pp. 23, 25.

THE COAT OF ARMS



d'Apice Figure 1: Grant of Arms to the Mayor, Aldermen and Burgesses of the Incorporated Borough of Manchester, 1842. Courtesy of Manchester Libraries, Information and Archives GB127.M797/1/8.

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*Membership Secretary*

Jane Tunesi of Liongam

e-mail: [membership@theheraldrysociety.com](mailto:membership@theheraldrysociety.com)

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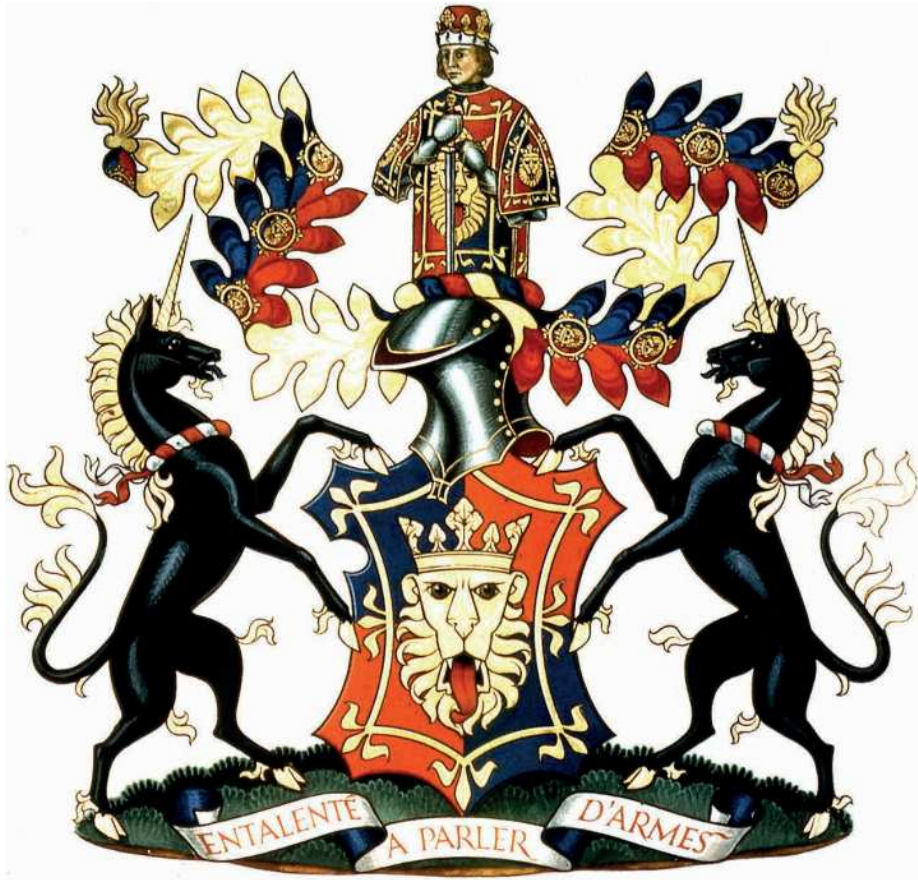
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