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THE BARONETS OF NOVA SCOTIA AND THE KNIGHTS OF THE THISTLE

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Secretary of the Thistle



Left, *Figure 1*: arms of Sir William Alexander, earl of Stirling, from the Kings and Nobilities Armorial, Vol II Lyon Office MS 21; right, *Figure 2*: panel of Nova Scotia Baronets, Menstrie Castle.

For Scotland the seventeenth century was a period of great change politically and religiously, and these changes altered the face of Scottish life around the time when the Scottish king King James VI had succeeded to the English throne. His accession followed the death without issue of Queen Elizabeth I in 1603 which had brought to an end the Tudor dynasty. The two countries and their parliaments were to remain distinctly separate for a further century; and even after that certain aspects of life were preserved as individual in the treaties of Union, amongst them the preservation of Presbyterian worship in Scotland, and the legal system.

King James's succession was not definite until almost the last moment of Queen Elizabeth's life. On hearing that almost with her dying breath she had nominated him as her heir, he travelled south immediately, and although he had promised to return to Scotland every two to three years, he did not do so until 1617. Moreover, this was to be his only visit before his death on 27 March 1625. He did, however, have strong lieutenants in place in Scotland to ensure the governance of his northern realm, and he kept closely in touch with what was happening north of the border. He was not what might be thought of as an absentee landlord with no interest in his Scottish possessions and people.

James was responsible for the creation of the baronets of England in 1611¹ and those of Ireland in 1619, so the idea of a Scottish order of baronets was firmly in his

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mind. He had promoted the thought the year before his death. On 18 October 1624² he wrote from Royston that “*we were pleased to erect the honour of Knights-Baronet within the Kingdome of England, so We doe desire to confer the like honour within that our Kingdome of Scotland.*” The Privy Council responded to this letter on 23 November 1624³ and a proclamation relating to the institution of the order of Nova Scotia baronets was made by the Privy Council on 30 November 1624. It was ordained that this proclamation be given by the heralds, pursuivants and messengers at arms at the Mercat (market) cross in Edinburgh giving the new baronets their precedence before all knights and setting out their entitlement to land in the colony.⁴ The creation of this order was confirmed in an Act of the Scottish Parliament in 1630⁵ and ratified by a similar Act in 1633.⁶ The three orders of baronets were a distinctly Stuart creation which lasted until the Union of the Scottish and English Parliaments in 1707, when baronets who were designated specifically as Scottish or English ceased to be created. New baronets created thereafter were baronets of Great Britain from 1707, while from 1801 when the union of Great Britain and Ireland took effect the baronets created from then on were designed as baronets of the United Kingdom. The old orders ceased to have new members, but continued as distinct orders held by the heirs of the original baronets. Thus today there can be baronets of England, baronets of Nova Scotia, baronets of Great Britain and baronets of the United Kingdom. There are no longer baronets of Ireland.

The aim of these creations of orders of baronets was partly to raise funds for the Crown, but also to allow King James to follow his desire to colonise, firstly Ireland, and later Nova Scotia. He did so by making land grants with a title in exchange for finance. Thus, the money obtained from those who took up the offer of grants of lands was not, at least initially, to fill the royal coffers, *per se*, but to finance settlement schemes. Indeed, as narrated in the Acts of the Parliament of Scotland, the order of baronets was established to advance plantation in New Scotland.⁷ It is stated in the Acts that the baronets offered to undertake plantation on their own charge without honours.⁸

Things had been set in motion when the King signed a Charter on 10 September 1621 granting “*the lands and islands within the promontory of Cape Sable, westward to the roadstead of St. Mary, crossing its entrance or mouth of that roadstead to the St. Croix River, following to its remotest source, from that indefinite place, direct north to the St. Lawrence; eastward along the south shore of that river to Cape Gaspé, then south-southeast to the right of the Bacalaos Isles, onward to the mouth of the Gulf at the northernmost point of Cape Breton and from there southward to and including Sable Island, and to the starting point of that Cape.*”⁹ This land between New England and Newfoundland, known to the French as Acadia and to the Scots as New Scotland, was to be central to the creation of the Nova Scotia Baronets.¹⁰ Since 1612 the idea had been mooted and the colonisation of Nova Scotia as a Scottish colony appealed to King James. Plots of 16,000 acres were drawn up to be the bait to attract people to the idea of baronetcies.

A key figure in the Nova Scotia plantation was Sir William Alexander (d.1640) who in 1601 made a useful marriage to Janet, the only daughter of Sir William Erskine, a family which had been closely involved in the lives of successive Scottish monarchs. Sir William began to receive honours from as early as 1614, when he became the English

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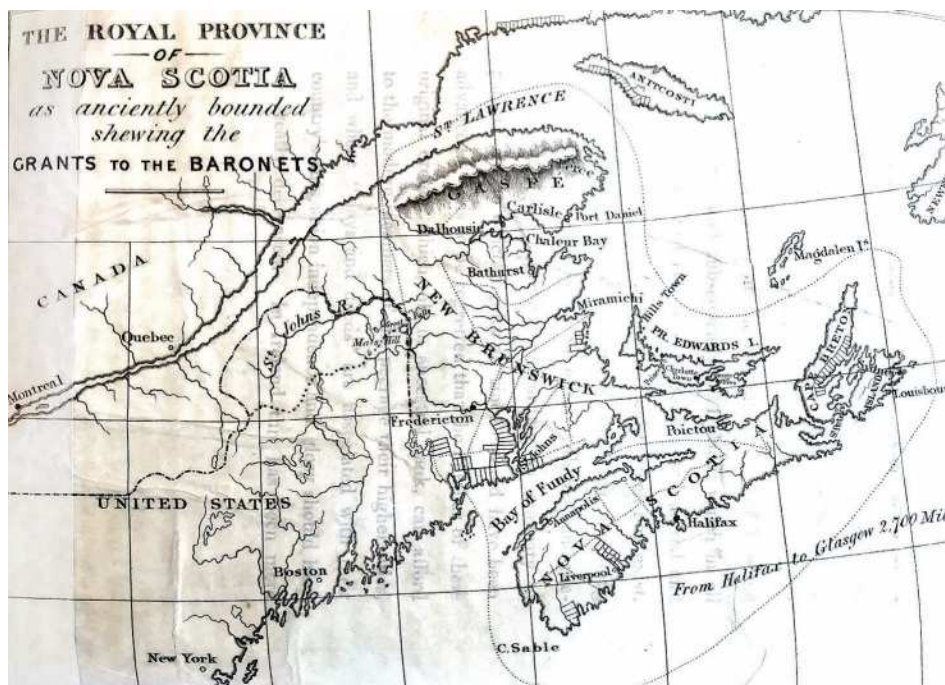


Figure 3: land distribution to the baronets of Nova Scotia from John Mortimer, Memoranda, Opinions, Extracts and Notes relating to the Nova Scotia Question (London, 1845).

Master of Requests. In 1621 he was appointed Lieutenant of New Scotland with the power to do anything necessary to establish the colony.¹¹ King Charles I created him Viscount Stirling in 1630, promoting him three years later to Earl of Stirling and Viscount Canada (Figure 1).¹² In 1639 he received the additional title Earl of Dovan. Sir William's lands in Scotland were based around Menstrie Castle in what is now the county of Clackmannan in central Scotland. In what were originally the cellars of Menstrie Castle is a small display giving the background to the Nova Scotia baronets. A wall displays the shields of 110 baronets, although one, presumably for Gordon of New Embo, is blank. Many of the early baronets had territorial designations which included the word 'New' (Figure 2).

Colonisation was not an easy task and was not successful during King James's reign. It was not until 1628 that sufficient people arrived safely in Nova Scotia to start the colony. Whilst raising finance was a driver, it was also the need for the new colony to be settled which led to the creation of what was originally to be 100 baronets, later increased to 150 (and later again still further). The issue of the costs associated with the creation of baronets and paid to the heralds was addressed by King Charles when he specifically addressed a document to Lyon on 28 July 1626 in which the king stated "*since their creation within that our Kingdome is for so good a cause whereby a Colonie is making readie to sett forth this next Spring to beginne a work that may tend so much to the honour and benefite of that Kingdome. We wold have them everie way to be encouraged*

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and not (as wee wrote before) put to needlesse charges and our pleasure is that none as Baronet be bound to pay fees, but what they salbe pleased to do out of their own discretion to the Heralds or to any such officer of who they have use."

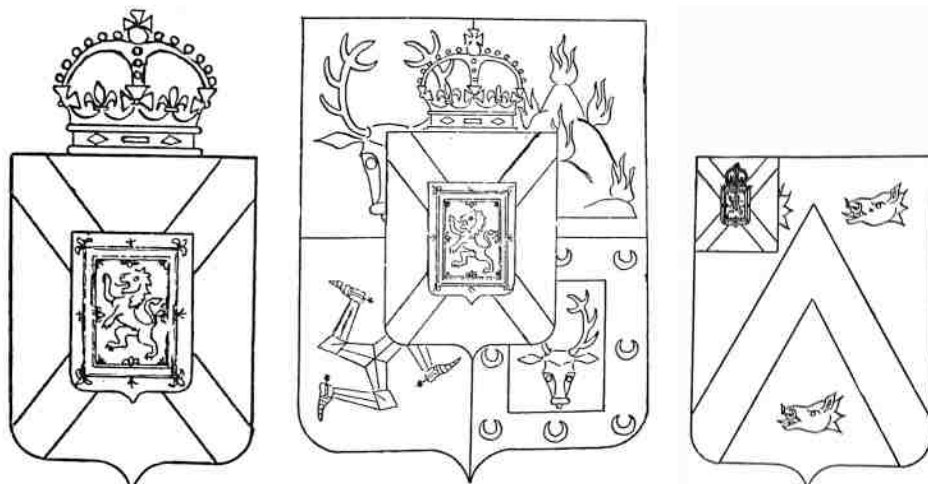
Each baronet was to support two settlers for two years, or pay the equivalent to do so, and give 1000 marks to Sir William to cover his expenses. Sir William did not make any money from the exercise and was always in considerable debt. In return, however, the baronet would receive 16,000 acres of land. A map shows the areas of land to be distributed (**Figure 3**).¹³ Although King James died before the first baronet was created it was only two months following his death that Robert Gordon (who had already been granted land in Cape Breton, and had been involved in the earlier attempts at colonisation) was created the first baronet.¹⁴ By 1638 a further 109 baronets had been created with lands on mainland Nova Scotia, in New Brunswick, Anticosti and Cape Breton. Nine of these were English and Irish rather than Scots. The grants of land ceased in 1638, not least because Nova Scotia was by then held by the French. The award of baronetcies from 1639–1707 ceased to be concerned with physical colonisation, and they were given instead as a reward for services rendered.

The order of baronets of Nova Scotia had one distinction which the other two orders did not: there were visible attributes. On 17 November 1629 King Charles directed the Privy Council of Scotland to note that he had authorised Nova Scotia baronets to wear around their necks an orange tawny ribband with a pendant badge showing an escutcheon *Argent, thereon a saltire azure with overall an escutcheon of the Royal Arms of Scotland with a crown above the scutcheon and the motto Fax Mentis Honestes Gloria* - Glory is the torch that leads on the honourable mind.¹⁵ This reverse of the St Andrews cross with the inescutcheon of the royal arms form the arms of the province of Nova Scotia. There was obviously some confusion about which escutcheon was to bear the crown, and thus the arms when they appear on shields show the crown above the inescutcheon of the royal arms, whereas on the physical badge to be worn around the neck it appears above the shield (**Figure 4**). The award of a badge to the Nova Scotia baronets led to the other baronets seeking the same honour, and although they made several petitions to the crown it was not until 1929, 300 years later, that King George V granted by Royal Warrant a badge for the other baronets, be they of England, Ireland, Great Britain or the United Kingdom. Thus the insignia for a baronet of Nova Scotia is unique.

There are differing lists naming between 205 and 315 people who were created baronet between 1625 and 1707. About 100 of these baronetcies are still extant. The first was Gordon of Gordon. Of the first eight created on 28, 29 and 30 May 1625, six are now dormant or extinct, the two survivors being Innes of New Innes, now held by the Duke of Roxburghe, and Wemyss of Wemyss, now held by the Earl of Wemyss. As noted above it was only those created between 1625 and 1638 who were awarded grants of land. The sasine, which means taking up title to the lands, took place at Edinburgh Castle, where a plaque commemorates this connection. This arrangement avoided the new baronet in a hazardous journey to the new world.

The *Public Register of All Arms and Bearings* was established in 1672, 350 years ago, in obedience to an Act of the Scots Parliament. It is very rare for a pre-Union Act to still be in force, and unique in being an act implemented almost every day. The first volume of the *Register* contains few illuminations of grants, although a few were added

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Left, *Figure 4*: badge; centre: augmentation; and right: canton, of a baronet of Nova Scotia, drawn by Ruth McQuade in 1976.

later. The additions include some for baronets, such as Sir Harry Wardlaw of Pitreavie (created in 1631) where the inescutcheon can be seen at the centre of the shield (*Figure 5*).¹⁶ A portrait of the baronet shows the badge from its ribbon around his neck.



Figure 5: entry for Sir Harry Wardlaw in the *Public Register of All Arms and Bearings in Scotland*, Courtesy of the Court of the Lord Lyon.

In 1630 Lord Lyon Sir James Balfour of Denmylne, who was one of those anxious for a Register of Arms to be created (and who later himself became a baronet), wrote that baronetcies were to be conferred on men of weight and standing, such as chiefs and barons, and they were created not for money but for settlement.¹⁷ One of those created, in 1629, was Patrick Agnew of Agnew whose descendant, the 11th baronet, is Sir Crispin Agnew of Lochaw, sometime Rothesay Herald, whose arms, painted by the remarkable artist and herald Don Pottinger, show the badge pendent therefrom (*Figure 6*). Sir Crispin is chief of the Agnews and since the first baronet was also a feudal baron he fulfilled the criteria suggested by Sir James. The order was not originally a huge success since although Scottish barons had rights, baronets did not. Furthermore, many saw no need to support the colonisation of lands far away. In 1639 the association with the plantation of New Scotland ceased completely, although baronets continued to be created.

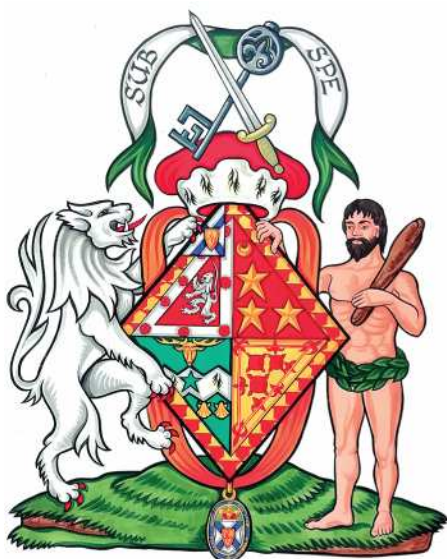


Left, *Figure 6*: arms of Sir Crispin Agnew of Lochaw; right, *Figure 7*: arms of Sir George Pretyman Tomline. Both paintings from the *Public Register of All Arms and Bearings in Scotland*, Courtesy of the Court of the Lord Lyon.

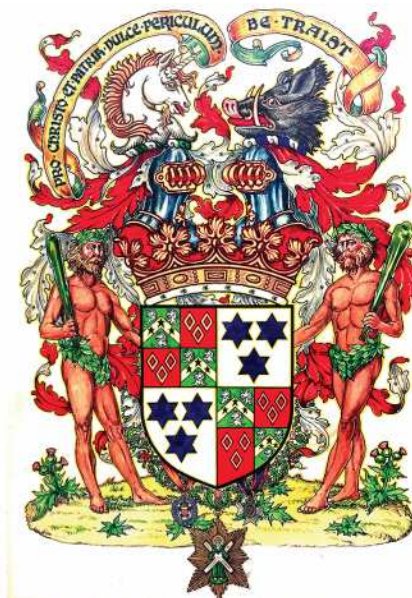
A long list of baronets was compiled by Sir Edward Mackenzie Mackenzie, baronet, which contains far more names than the lists more generally deemed accurate. Amongst those names is one Sir John Pretyman of Lodington, said to have been created in 1641, whose descendant Sir George Pretyman Tomline matriculated his arms in Scotland in 1824, even though the family appears to have had no connection to Scotland at all (**Figure 7**).¹⁸ It appears that patents of baronetcies were given to Sir Alexander to confer on whom he wanted, no doubt to try and ease his precarious financial state. Patents appear to have been for sale, and false assumptions of genuine titles occurred. However, the arbiter became the Lord Lyon, and as Sir John's arms are recorded in Lyon Register as a Nova Scotia baronet he must have been such even if the name does not appear on some lists. If Mackenzie's list is accurate 315 baronets were created between 1625 and 1707, the vast majority after 1650.

Only one lady was ever created a baroness: Dame Mary Bolles of Osburton, in 1635. She was a widow and the designation being to her heirs male ironically she could not be succeeded by a woman, although there were creations which have permitted female succession. Dame Maureen Dunbar of Hempriggs was recognised in 1965 by the Lord Lyon as the lawful successor to a baronetcy created in 1706, one of the last handful of baronetcies to be created (**Figure 8**).¹⁹ Dame Maureen was followed in 2005 by Dame Anne Stirling Maxwell of Pollok, who succeeded to a 1682 baronetcy, one with a 1707 extension which allowed her to petition to be the heir. Dame Anne was 99 when she succeeded, and she died at the remarkable age of 105. Thus what might be thought a revolution is the creation of hereditary knights and using them as a means of colonising

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The Arms of LADY DUNBAR OF HEMPRIGGS



Left, *Figure 8*: arms of Dame Maureen Dunbar of Hempriggs; right, *Figure 9*: arms of the Duke of Roxburghe. Both paintings from the *Public Register of All Arms and Bearings in Scotland*, Courtesy of the Court of the Lord Lyon.

Nova Scotia. Poor Sir Alexander, later Earl of Stirling, did not make much from the 1000 marks each baronet was to give him, and he died in relative poverty in London in 1640.

The oldest baronetcy still extant is that of Innes of Innes, one of the initial eight. His arms as Duke of Roxburghe shows not only the baronet's badge on the left, but also the collar of a Knight of the Thistle (**Figure 9**), which links him to the second theme of this paper. There are in fact many baronets who have also become Knights of the Thistle over the last 335 years.

The Order of the Thistle

King Charles I was executed in 1649, and although in Scotland his son was proclaimed king almost immediately, the full restoration of the monarchy did not happen until 1660. King Charles II died in 1685, to be succeeded by his brother as King James II & VII, and it was he who was instrumental in the organisation of the Order of the Thistle.

The Most Ancient and Most Noble Order of the Thistle, to give it its full title, has a foundation which is far from clear. While myths abound, it is certain that earlier Scottish monarchs had used the idea of bestowing the collar as an order of chivalry to eminent people. Although it did not become a formal order with statutes until 1687, we know that, at least pictorially, its collar was well known long before that, and public records from fifteen years earlier most certainly refer to such an order. The opening pages of the *Public Register of All Arms and Bearings in Scotland* give details of the royal arms of Scotland, and of royal badges and insignia. Amongst these are included the arms of King Charles II as King of Scotland surrounded by a collar of thistle and rue. On folio 16 there is given

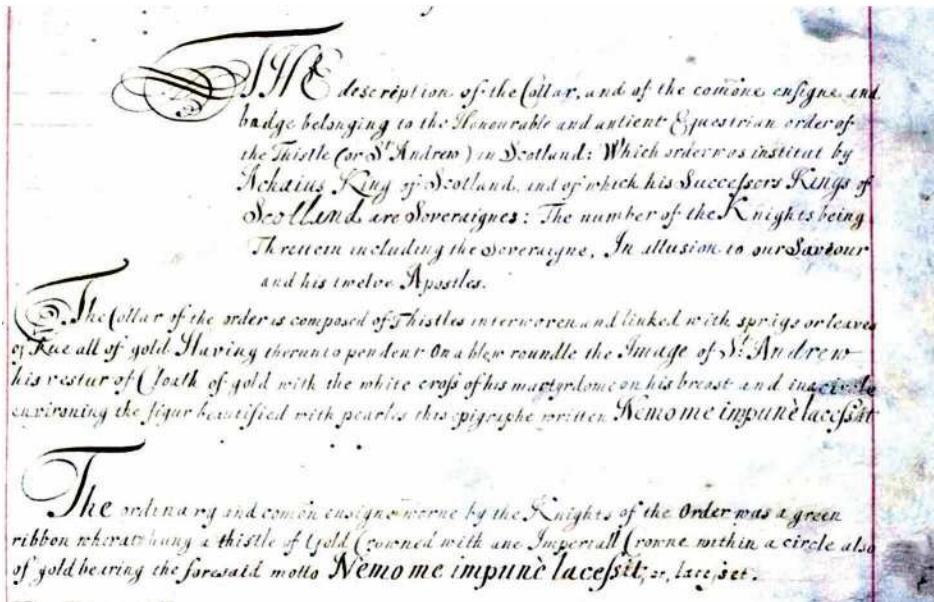


Figure 10: first ordinances for the Order of the Thistle from the Public Register of All Arms and Bearings in Scotland, Courtesy of the Court of the Lord Lyon.

a description of the collar and of the insignia and badge of the Order of the Thistle or St Andrew, and a record that there were to be thirteen knights including the Sovereign. There follow three instructions or ordinances. The first describes the collar of thistles and rue all in gold with a pendent badge of St Andrew and the motto *Nemo Me Impune Lacessit* - no-one provokes me with impunity. The second describes the badge, which is to hang from a green ribbon, and to be a thistle crowned within a circler bearing the same motto. The third designates 30th November as the feast day, when a service is to be held in the Cathedral at St Andrews (**Figure 10**).

The writing is in the same hand as on the earlier pages, and the three ordinances are different from those promulgated in 1687. There is no reason to suppose these three were not written in the very early years of the Register in 1672–5. They stipulate a green ribbon with a pendent thistle, whereas the 1687 Statutes stipulate a purple-blue ribbon with pendent St Andrew which has a thistle only on the back of the badge. As to the service in St Andrews on 30th November, the Statutes are silent about any service; although a second statute does designate 30th November as a collar day.

By 1687 the royal chapel at the Palace of Holyroodhouse had been nominated as the chapel of the Order, from which it is clear that the idea of services in St Andrews had been forgotten. Some of the stipulations made in the 1687 Statutes in their turn also sadly fell by the wayside. For instance, the original mantle was of green velvet powdered with green thistles, and one of these survives, but this was abandoned by the Statutes of 1703, to be replaced with a plain green velvet mantle.

King James's arms on his great seal, in common with those of his predecessors, show a collar of thistles surrounding the shield (**Figure 11**). This pattern has continued

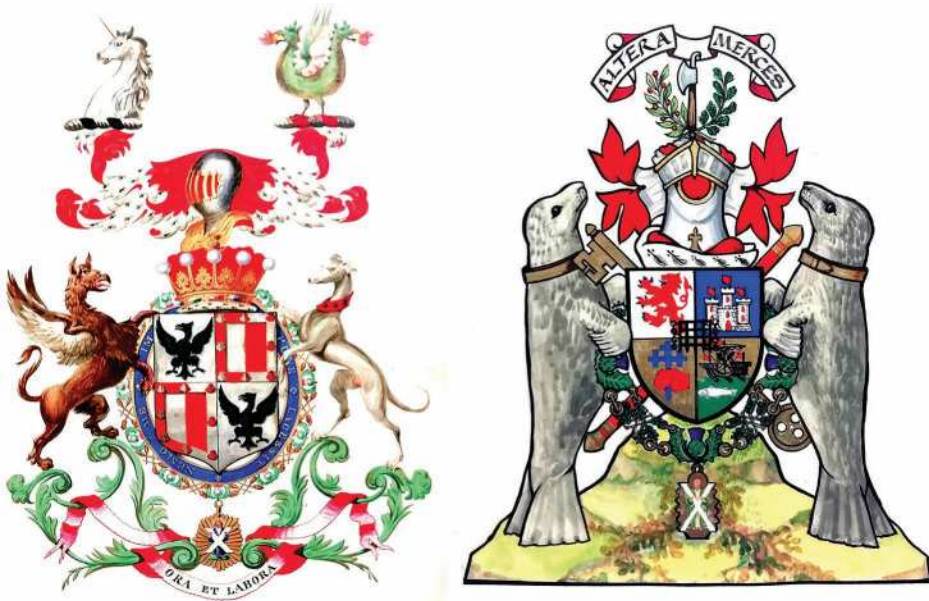


Figure 11: Great Seal of King James VII with the chain of the Thistle and the ribbon of the Garter.

into modern times. King William III and Queen Mary II, who succeeded to the thrones following the so-called ‘Glorious Revolution’ of 1688 which saw King James VII going into exile, took no interest in the Order. It is considered that William III had little interest in Scotland at all, although his seal for Scotland does show the arms surrounded by a collar of thistles.

Queen Anne succeeded her sister and brother-in-law on the throne in 1702, and it was she who reigned over the two kingdoms when the parliaments of Scotland and England were united in 1707. However, in 1703 her attention was drawn to the Order of the Thistle. Much that was contained in the revised 1703 Statutes very closely follows the dictates of 1687, but with two notable exceptions: as already noted, the mantle was to lose its golden thistles, whilst the ribbon of the Order was to be changed to green. The Queen also instituted a medal which was missing in 1687, and it is that design which today forms the badge suspended from the green ribbon. The jewel mentioned in the early Statutes seems to have been quietly forgotten, probably because it was not conferred, but had to be made and purchased by the knight himself.

The first knight to be created by Queen Anne was John, 2nd Duke of Argyll, and he was also the first whom she later created a Knight of the Garter. Whilst in the present day only members of the royal family can receive both of these dignities, it was the case that between 1703 and 1911 thirteen people received both collars, and of these nine resigned the Thistle collar on becoming Garter knights, but four did not. These included the 8th Duke of Argyll, who became a Thistle knight in 1856, and a Garter knight in 1883.



Left, *Figure 12*: arms of the Earl of Dalhousie; right, *Figure 13*: arms of Sir Fitzroy Maclean of Dunconnel. Both paintings from the *Public Register of All Arms and Bearings in Scotland*, Courtesy of the Court of the Lord Lyon.

But what happened when King James VII abdicated, against his will? He fled abroad together with many of his supporters, and so he retained a form of court. He felt the need to reward this loyalty. He and his successors continued to bestow peerages and baronetcies, and he also made some Knights of the Thistle. James, titular Earl of Perth and Marquess of Drummond was a loyal Jacobite and son of the first person to be made a Thistle knight in 1672. In 1705 he became a Jacobite Thistle knight.

Curiously, there was one individual who was a knight both of what one must term the legitimate Order of the Thistle, and also of the Jacobite Order, namely James, 5th Duke of Hamilton. He held Jacobite opinions and was said to have been made both a knight of the Thistle in 1722 and of the Garter in 1723 by James VII. However, he seems to have abandoned those politics and was in 1726 made a Knight of the Thistle by Queen Anne. He changed his politics again and appears to have been a Jacobite Knight of the Thistle in 1740, so it must be assumed that the first appointment in 1722 was never finalised. Clearly a somewhat mercurial man.

Turning once more to the Public Register it seems that the first specific mention therein of a Knight of the Thistle is in 1719 when John, Earl of Sutherland recorded his arms. He is described as a Knight of the Most Ancient and Most Noble Order of the Thistle, but there is no mention of his arms being surrounded by a collar of Thistles.

We need to move forward in time before we find depictions of the arms of Thistle Knights surrounded by the collar, as in the arms of the Earl of Dalhousie (**Figure 12**) which seems to be the earliest depiction of the collar for a knight in the Public Register.²⁰ Since 1861 the collar has appeared in the Register only in the case of those who have

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Figure 14: two variants of the arms of Lady Marion Fraser, that on the right being the design for her Thistle stall plate. Both paintings courtesy of the Court of the Lord Lyon.

recorded arms subsequent to becoming Knights of the Thistle. There are no instances of arms being drawn with two collars.

If one looks back at the category of person whom in 1630 Sir James Balfour of Denmylne said was to be created baronet, we see that it was those who although not peers were still of considerable influence. In the case of those who were to be made Knights of the Thistle, the emphasis was very much on those who were peers. Indeed, the first person of non-peerage rank to be made a knight was not until 1876, when a baronet of Nova Scotia, the grandfather of the baronetess Dame Anne Stirling Maxwell of Pollok, was made a knight. The next knight of non-peerage rank was his son in 1929. From then on, however, the appointment of those not of peerage rank has been frequent, and the award is now very much one to reward merit and service, with the conferring of the Order being in the personal gift of the sovereign. For this reason we do not know, although we may hazard a guess, just why the distinction is conferred. This might be construed as a modern revolution or reformation.

There are those who were neither born in Scotland, nor indeed are obviously Scottish who have become Knights, including Sir Robert Menzies, Prime Minister of Australia

and Lord Patel who came to this country from Tanzania as a student and has devoted his life to medicine within and outside Scotland. Other famous Knights are Sir Charles Maclean of Duart, Chief of the Name of Maclean, a former Chief Scout and Nova Scotia baronet. Sir Fitzroy Maclean of Dunconnel was also a baronet, but not a Nova Scotia one. He had been both a spy and a diplomat, and according to some was the model upon whom James Bond was based (**Figure 13**).

And whilst now we take it for granted that there should be no suggestion that women should not be treated equally with men, it was not always so, and it was not until 1987 when the revived Order was 300 years old that women, other than royal ladies, were admitted to its ranks in the same manner that they were to the Order of the Garter. To date there have been only two non-royal ladies, Lady Marion Fraser, in 1987 (**Figure 14**), and Lady Elish Angiolini, who was installed in June 2022.

The creation of hereditary knights as baronets of Nova Scotia with distinctive insignia and heraldic additaments was a revolution in terms of non-peerage hereditary titles even to the extent of including one woman grantee, together with a few destinations which allow for female descent; a concept already established, although infrequently, in the Scots peerage system. The statutory establishment of the Order of the Thistle by King James VI in 1687 can be seen as a re-formation of an existing practice, and was followed by a restoration in 1707 by Queen Anne. The idea of women Knights would at both dates have seem revolutionary in the extreme.

¹ Letters Patent under Great Seal of England 22 May 1611.

² *Register of the Privy Council of Scotland*, vol. XIII, p. 616.

³ *Ibid.*, p. 633.

⁴ *Ibid.*, p. 649.

⁵ Act of the Parliament of Scotland 16 July 1630, *Acts of the Parliament of Scotland (APS)*, vol. V, p. 223b.

⁶ Act of the Parliament of Scotland 1633 Act XXVII, APS, vol. V, p. 43b.

⁷ APS, vol. V, p. 223b.

⁸ APS, vol. V, p. 184b.

⁹ *Register of the Great Seal of Scotland (RGSS)*, vol. VIII, p. 226; *Royal Letters, Charters and Tracts relating to the Colonization of New Scotland*, etc. (Bannatyne Club, 1867).

¹⁰ *Register of the Privy Council of Scotland*, vol. XII, p. 570.

¹¹ *Ibid.*, p. 226.

¹² RGSS, vol. VIII, p. 2173.

¹³ John Mortimer, *Memoranda, Opinions, Extracts and Notes relating to the Nova Scotia Question* (London, 1845).

¹⁴ RGSS, vol. VIII, p. 790, 28 May 1625.

¹⁵ *Register of the Privy Seal of Scotland*, vol. III, p. 392, 24 December 1629.

¹⁶ *Public Register of All Arms and Bearings in Scotland*, vol. 1, f. 222.

¹⁷ *Annals of Sir James Balfour of Denmylne*, vol. II, p. 117.

¹⁸ *Public Register of All Arms and Bearings in Scotland*, vol. 3, f. 7.

¹⁹ *Ibid.*, vol. 49, f. 1.

²⁰ *Ibid.*, vol. 6, f. 46.