

SOMERSET HERALDRY SOCIETY

A New Garter for 2010

Journal No 15 August 2009

Thomas Woodcock, LVO, DL, FSA has been appointed Her Majesty's Garter Principal King of Arms. He was born in 1951 and educated at Eton, going on to University College, Durham and Darwin College, Cambridge. Woodcock was called to the Bar at the Inner Temple. He began his heraldic career in 1975 as a research assistant to Sir Anthony Wagner, Garter King of Arms. In 1978 he was appointed Rouge Croix Pursuivant, and in 1982 promoted to Somerset Herald. Woodcock held this office until his appointment as Norroy and Ulster in 1997. He was made a Lieutenant of the Royal Victorian Order (LVO) in the Queen's Birthday Honours List of 1996. In December 2005 Thomas Woodcock was named Deputy Lieutenant (DL) for the County of Lancashire. In that capacity he assists the Lord Lieutenant, Lord Shuttleworth, in representing the Queen in the county. Thomas Woodcock has been appointed Garter Principal King of Arms with effect from 1 April 2010, when Peter Gwynn-Jones will retire on reaching the age of seventy.

This was the first time that the post of Garter has been advertised. Previously the new Garter



emerged by a mysterious process known as natural selection. There were a number of others who put their names forward this time, but Thomas Woodcock had always been expected to succeed Peter Gwynn-Jones and this expectation was realised. As Norroy and Ulster, he was the next most senior officer of arms, given that Hubert Chessyre, Clarenceaux King of Arms, was due to retire. Thomas Woodcock has built up a reputation as a man of books and he owns a fine library of ancient and modern classics on heraldry, which are housed in the College. There was some concern that in the recent fire at the College these might have suffered, but that was not the case. He is married to Lucinda, a niece of our member Hermione Hobhouse, and oscillates between the sophisticated life of a London scholar and that of the more romantic but less glamorous Lancashire hill farmer. Perhaps we may expect from him some twenty-first century Georgics.

We are fortunate to have secured Thomas Woodcock as the Guest of Honour at our dinner this year. This will be an interesting opportunity to meet the next Garter in a relaxed atmosphere. Some of you will no doubt remember that he was called upon by his aunt to meet her when we visited the College of Arms in October last year. We are grateful to her for having persuaded him to visit us in Somerset.

SOME SOMERSET DRAGONS Ralph Brocklebank

Not only in the arms of the County Council, but throughout Somerset, dragons are to be found aplenty. An excellent guide is the book *Somerset Dragons* by Brian Wright (Tempus, Stroud, 2002) which starts with a clear account of the origins and characteristics of these fabulous beasts, and then goes on to give a thorough and well-illustrated description of their occurrence in the county, covering arms and monuments in churches, stately homes and street signs, inn signs and roof ornaments as well as dealing with various legends and re-enactments. Several of the places that are mentioned have been visited on our travels, including Dunster, North Cadbury, Halse, West Bagborough and Bishop's Lydeard.



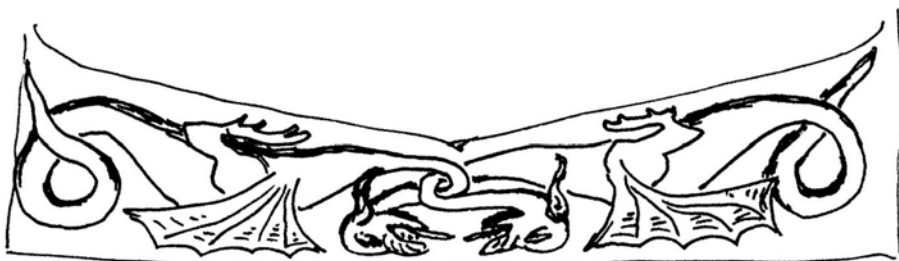
Those who were on our visit to Halse may remember that Brian came to see us there, with some specimens of alleged dragon fossils (cleverly made) and a “dragon skull” that looked a bit like a sheep’s skull with teeth inserted on its nose and forehead, that he said he had acquired in a market in Bristol.

Here is a sketch of one of the pews in the church of St James at Halse, showing a sea-dragon that was carved by one of the parishioners, Janet Smith, early in the twentieth century, and illustrated in Brian’s book.



This is one of a pair of gilded dragons on the rood screen in St Mary's Church, Bishop's Lydeard, not shown in this book.

Another example missing from the book is this pair of intertwined dragons from a carving over the door of the Old Butcher's Shop in Axbridge.



Finally, Brian also missed a splendid set of twenty-two carved wooden dragons in the triangular spaces between the beams, the kingposts and the roof rafters in the Parish Church of Saint Michael and All Angels in Somerton. In style, they are not unlike the rood screen dragons shown above. This church is most unusual, with its octagonal tower rising from the south transept, and the inside of the roof covered with hundreds of small carved wooden panels. Perhaps its main glory is the great west window, showing Christ in Majesty supported by all nine of the Hierarchies of the Heavenly Host – Angels, Archangels, Principalities and Powers, Might, Dominions, Thrones, Cherubim and Seraphim – each represented by a great winged figure. The central place naturally goes to Saint Michael, for the Archangels, dressed in armour and holding a sword, but with no dragon at his feet. However, there are plenty to be seen in the roof.

This has prompted me to arrange a visit to Somerton for the date of the Annual Dinner (Guest of Honour Norroy King of Arms) on 14th October. AJMF



DAMAGED, PARTIAL SHIELDS IN THE APEX

The glass, made by Francis Eginton of Birmingham, is painted, using yellow, orange and red stain, blue enamel, and frosted white.

TOPMOST:

On a lozenge, 1. quarterly, azure a ship at anchor within a double tressure flory counter flory or [Orkney]. 2. quarterly i and iv gules three cinquefoils ermine [Hamilton], ii and iii argent a ship sails furred sable [Arran]. 3. argent a human heart ensigned with an imperial crown proper, on a chief azure three mullets of the first [Douglas]. 4. gules, three lions passant in pale or [sic for O'Bryen. Should be 'per pale argent and or'.]



The lower part of the upper tracery has shields attenuated to fit quatrefoils, hence much mutilated and scarcely worth reproducing. The dexter one, is divided quarterly; the first quarter contained the Bagot arms viz: ermine, two chevronels azure; in chief in an inescutcheon argent, a baronet's hand gules.

The three-light window below has four shields in the centre, three each in the right and left. Only a few of them can be blazoned here. The second down in the left light is quarterly of forty-two (Sir Watcyn Williams-Wynn, fifth baronet).



By contrast the lowest arms on the left are fairly simple.



Party per pale: 1. argent on a bend vert three wolves' heads erased argent langued gules [Myddleton]. 2. sable two lions in pale or within a bordure engrailed of the second [Rushout]. Sir Richard Myddleton of Chirk married a Rushout, whom he predeceased (1795).

Only two shields from the middle light will be mentioned here, those of the bishop and the earl of Powys. The first is that of Bishop Bagot, the second of George earl of Powis.

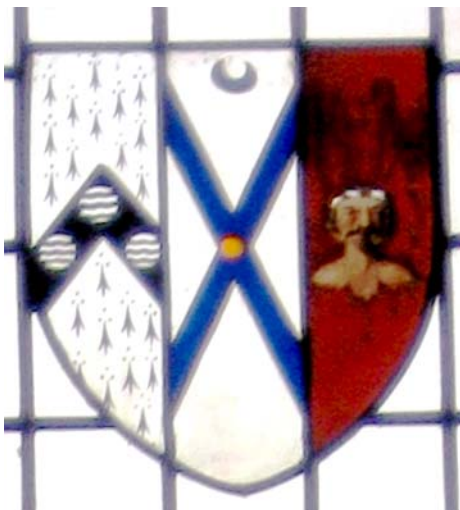


Party per pale, 1. sable a key in bend dexter surmounted (?) by a crozier in sinister argent [bishopric of St. Asaph]. 2. ermine two chevrons azure [Bagot], all ensigned with a mitre.



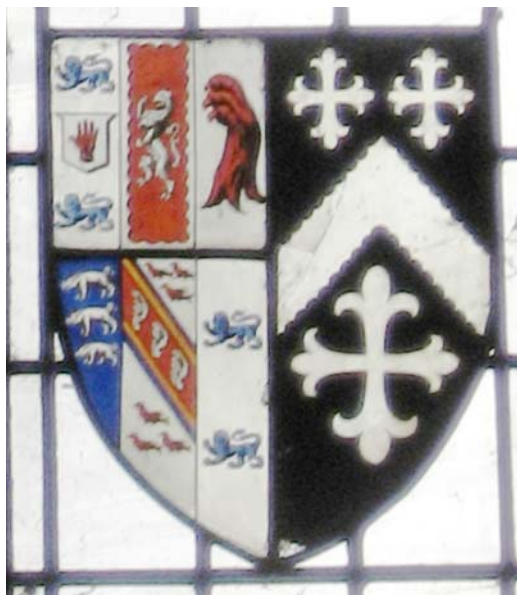
Party per pale azure and gules, 3. lions rampant argent ensigned with an earl's coronet [Herbert]. George, second and last Earl of Powys (d. 1745).

From the right-hand light I have selected two coats, the first and third. The first is of particular interest on account of one of the charges, and the double marriage, as will be readily noticed.



Ermine, on a chevron sable three fountains [Cust]. 2. on a saltire azure a bezant; in chief a crescent of the second for cadency [Yorke of Erdigg—now a Nat. Trust property]. 3. gules a Saracen's head erased proper wreathed argent and sable [Marchudd ap Cynan for Wynne of Dyffryn Aled].

Philip Yorke of Erdigg married 1) Cust 2) heiress of Wynne of Dyffryn.



Per pale: quarterly of six, 1. argent two lions passant guardant azure, overall, on an inescutcheon of the field, a baronet's hand gules [Hanmer]. 2. gules a lion rampant within a bordure engrailed argent [Gray of Hartsheath, Flint?]. 3. argent a lion's gamb gules [Graham of Holbrook Hall]. 4. azure three boars in pale argent [Bacon]. 5. argent on a bend gules cotised or and azure between six martlets of the second, three wings of the first [Walden]. 6. argent two lions passant guardant azure [Hanmer]. 7. (sinister) sable a chevron engrailed between three crosses flory argent [Kenyon].

Sir Thomas Hanmer bart. (his mother a Graham, grandmother a Walden) married a Kenyon.

The author gladly acknowledges his heavy indebtedness to the article by Mostyn Lewis, *Stained Glass in North Wales up to 1850* (1970), pp. 88-90, particularly for the identification of families, and to a lesser extent the pamphlet compiled by Dr. Malcolm Seabourne, *A Guide to the Stained Glass in St. Asaph Cathedral* {1998, rev. 2006}. The photographs are entirely his own and were taken in September 2008.

In the Courts

Alex Maxwell Findlater

David Sellar, the new Lord Lyon, has not been inactive. Lyon Blair left two appeals against his rulings outstanding. The first was in relation to barons and the second in relation to territorial designations (TDs), Cameron "of Lochiel", for example. Both of these appeals have been finalised now and David Sellar has defended the position of Lyon and in fact that position has been somewhat strengthened by the judgement in the TD case.

The first to come to court, in November 2008, was the long awaited baronial case, which had been much delayed. Here Brian Hamilton, who is a successful broker of titles, wished Lyon to grant a chapeau and a mantle to barons, something which Blair had, after some changes of mind, refused to do. The chapeau and mantle had been innovations of Sir Thomas Innes of Learney as recently as the mid-twentieth century. Hamilton also objected to Lyon Blair's decision not to grant Scottish arms to foreigners who had no connection with Scotland, other than that they had bought a Scottish barony title.

While Scottish baronies were in the 1200s analogous to English baronies, their later developments diverged and in Scotland the barony came to refer to a court which a land-holder held for those who lived on the lands, or strictly within his barony. The advantage to the land-holder was that the sheriff could not interfere in the barony. However as a result of the Act for the Abolition of Feudal Tenure of 2000, which mainly affected land, the vestigial jurisdiction which had remained to barons was finally abolished – most of it had gone in the 1746 Act for the Abolition of Heritable Jurisdictions, which was a result of the 1745 uprising.

This hearing was before the Outer House of the Court of Session, the court of appeal of first instance. The Judge, sitting alone, suggested that it might be possible for the two parties to arrive at a compromise and allowed them time to do this. The compromise was easily achieved and resulted in a statement issued by Lyon, which was made public the following week after the Judge had approved it. The statement was posted on the Lyon Court website and reads:

The Lord Lyon King of Arms wishes to advise as follows regarding Petitions for the Grant of Arms:

'In respect of future Petitions for Grants of Arms by persons owning a dignity of baron which has been acquired post the appointed day (that is, 28 November 2004), provided that the Lord Lyon determines that the dignity of baron exists, that the petitioner is a virtuous and well deserving person and determines to exercise his discretion in their favour to grant arms the Lord Lyon will, (1) if so required, officially recognise the petitioner as "Baron of [the barony]" and (2) grant them ensigns armorial with a helmet befitting their degree, namely the helmet assigned to the barons.



Achievement of David Ayre, Baron of Kilmarnock, to show the mantle and the chapeau above the shield

When a petitioner has no connection with Scotland that otherwise brings the petitioner within the jurisdiction of the Lord Lyon, Lyon accepts that subject to other relevant considerations he will accept the ownership of a dignity of a barony as sufficient to bring the petitioner within his discretionary jurisdiction to grant arms to that person as a person who will require to bear arms in Scotland by reason of his ownership of the dignity.'

What has been achieved here is the abandonment of the Blair refusal to grant arms to foreign holders of Scots barony titles, but also the abandonment of the granting of the chapeau and mantle to barons. The former position might have been difficult to argue and has little practical effect for Scots heraldry, although it will affect the workload of the Lyon Court. The second was always considered to have been in Lyon's discretion, as not being a statutory right of barons, and was a practice which reflected in theory the status of barons as holders of a judicial franchise, which now no longer existed, although the barons claimed that these additaments had been granted for so long, about 40 odd years, that they were now entitled to them by right.

The original decision of Lyon Blair on this point must be seen against the increasing trade in Scots baronies and the high profile which holders of these titles assumed. There was a feeling that they were almost taking over Scots heraldry, or at least appeared to be, and also that it showed Scotland in a rather Ruritanian light. He had seen, probably rightly, that, without anything beyond the bare "dignity of baron", as preserved by the Act, there was really no basis for the additaments without the lands and jurisdiction.

The second case came to court in July 2009. Here Lyon appealed against one of the most muddled and internally inconsistent judgements to have been issued in the Outer House. The hearing was therefore before three judges in the Inner House, which acts as equivalent to the English Court of Appeal.

Lyon Blair had refused to recognise the TDs of three petitioners, on the basis that each was based on a feudal superiority and did not comprised ownership of the lands. Therefore there was not a sufficient nexus between the lands and the person. Unfortunately he had recently done this very thing for a Mr Lashbrooke and so the petitioners were not unnaturally aggrieved. In the Outer House the judge had discussed the right of a man to call himself what he wished and held that Lyon was obliged to call the man by the name which he gave himself, or this is what the judgement seems to boil down to. David Sellar, as the new Lyon, had to decide whether to accept this judgement, overturning as it did about 1000 years of the legal use of the Territorial Designation as an additional territorial name. Fortunately for us, but to the grave discomfort of the three appellants, who now had to oppose his appeal, he did so decide.

Essentially the three judges concurred that a TD was indeed a name, but not a surname

or part of a surname, and that “there should be a substantial ‘nexus’ or connection, past or present, between the applicant or his predecessors and the lands in question.” There was also a claim under European Human Rights legislation that the rights of the person to their choice of name was infringed, but this was not accepted by the Judges when compared with a similar 1997 decision with reference to Article 8 of the Convention. The other plank of the case of the three was that they had a legitimate expectation from the Lashbrooke decision, but it transpired that there had been over the years a pattern of inconsistency in recognising TDs, so that Lashbrooke could not be considered in isolation. In the course of the judgement, the Judges stated that “Lyon does indeed enjoy a wide discretion in deciding whether or not to accept a change of name”, which would seem to put him in an even stronger position than he was previously. They also opined that “the decisions of Lyon are reached in individual cases and are not binding on either him or his successors so far as future applications are concerned.” So, while decisions in the Court of Session may be treated as precedent, Lyon’s decisions may not, which gives him considerable latitude.

Meanwhile, David Sellar’s first overt act as Lyon was to abandon the so-called “noblesse clause” in grants of Scottish arms. This clause was introduced, based on English precedents from the fifteenth century, in the last days of Sir James Grant and the first days of Sir Thomas Innes of Learney. It reads as follows:

“and we declare that by demonstration of these Ensigns Armorial he and his successors in the same are, amongst all Nobles and in all places of Honour, to be accounted, taken and received as Noble in the Noblesse of Scotland.”

As a form of quid-pro-quo he instead recites at the start of the letters patent his authority,

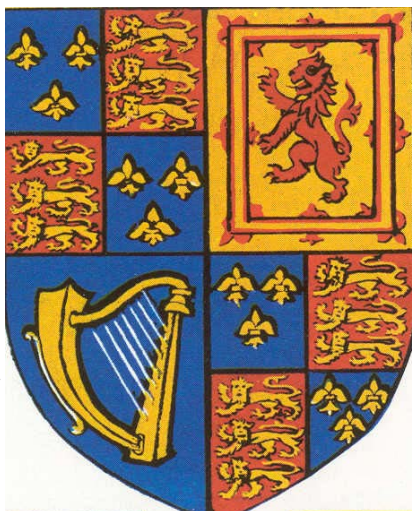
“TO ALL AND SUNDRY WHOM THESE PRESENTS DO AND MAY CONCERN We David Sellar etc send Greeting: Whereas considering that under the Provisions of the Lyon King of Arms Act 1672, and others in that behalf made, We are empowered in virtue of Our Office of Lord Lyon King of Arms to visit the whole Arms borne and used within this Realm of Scotland and to distinguish them with congruent Differences and matriculate them in Our Books and Registers and to give Arms to virtuous and well deserving Persons under Our Hand and Seal of Office; and Whereas ...”

So Lyon Sellar has successfully negotiated two hearings before the Court of Session and has marked his reign by a return to basics, though whether he would use that well-worn phrase of politicians is another matter. This suggests that there is now a steady hand on the tiller after the rather adventurous approaches adopted during the last two reigns. We may perhaps look forward to further demythologising of Scots heraldry, bringing it back to a pristine simplicity, which it probably never enjoyed.

THE ESCAPE OF KING CHARLES FROM WORCESTER

Dr Roy Haimes

On 3 September 1653 Charles, son of the executed Charles I, was defeated by Cromwell's Model Army and forced to flee ignominiously from the city. Thanks to numerous helpers, some of them officers from his army, others nobility or local gentry, yet others humble farmers from the Boscobel estate—the Penderels, he was able to find his way across southern England to the coast at Charmouth, whence he escaped to the continent. Colonel (or Major) Careless, Carlis or Carlos, as he is variously termed, is probably his best-remembered helper. Threatened by a band of soldiers looking for escapers from the battlefield he hid Charles in an oak tree, a descendant of which still survives at Boscobel House. Much later the former fugitive related his story to Samuel Pepys, whose account has come down to us.



Arms of the Stuarts 1603-1685

The king made his triumphant return in 1660: his accession is dated 29 May (oak apple day) in that year, but one of the two royal coats of arms in St. Cuthbert's church, Wells, has an inscription 'this armes set up when King Charles the Second was proclaimed in the 12 year of his raine 1660', that is counting from the death of his father, 30 January 1649.



Arms of Charles I, St Cuthbert's, Wells



Arms of Charles II, St. Cuthbert's, Wells

Charles rewarded his rescuer, Careless, with a coat of arms:

Or, on a mount in base vert, an oak tree proper, fructed or, surmounted by a fess gules, charged with three imperial crowns of the third. The crest on a wreath of the colours is a sword in sinister surmounted by a staff in bend tipped with a fleur de lis, encircled by an oak wreath. The motto translates as 'Faithful subject of the king and saver of the realm'.

John Gregory Carlos and his wife, Anne Chesell née Buckler, had one daughter and seven sons. The eldest son, John Buckler Carlos (1880-1951), bore these arms with a rose on the fesse for difference in place of the central crown.



Bookplate in a copy of Haines, *Manual of Monumental Brasses*, 2 vols. 1861

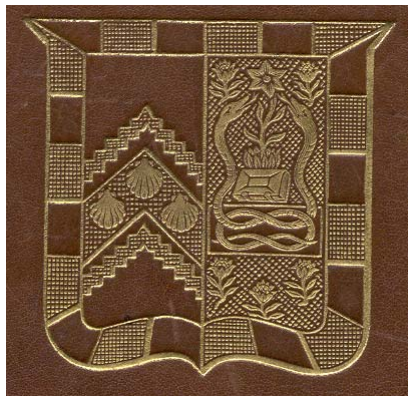
On another, this time one-volume, copy of Haines (no relation, so far as is known), this intriguing coat of arms is embossed on both the back and front of the leather-bound volume.

The binding of these volumes is attractively embossed with the well known arms of the University of Oxford, the publisher, a practice long since discontinued.

Two of the younger Carlos brothers, Edward Richard Carlos F.R.C.O. and Robert Chesell Carlos were twins, the former being organist of Leominster Priory Church between 1943 and 1967. They are commemorated by a plaque in the church. One of them at least used the oak tree as a badge on his notepaper.



Dominus Illuminatio Mea



Can anyone in the Society enlighten me as to the owner of this achievement? It is not among the numerous illustrations in A.C. Fox-Davies, *Armorial Families*, 1902, which purports to include all those bearing arms 'legally' at that time. Moreover, Fox-Davies does not mention the Carlos or Careless arms, although he details the arms of one Rosamund Carless Attwood which quarter those of a Carless of Birmingham, including *or, on a mount in base an oak tree proper over all a fess gules, thereon three cinquefoils of the field*, an intriguing variation.

Visit to Nynhehead Church and Court

Richard Jones

On Saturday 18th April, twelve people attended the visit on a bright and breezy day to Nynhehead church where we were given a very informative tour by the churchwarden, Tony Lock. The church itself is a treasure trove of heraldic delights, almost every wall has heraldic monuments on it.

In the south aisle chapel is a huge monument to Edward Clarke and his two wives, all in its original 17th century colours. Edward Clarke died in 1679 and it has the arms of Clarke impaling Lottisham of Shipley, (for Elizabeth Lottisham his second wife), and also impaling Warre for Mary, daughter of Edward Warre, his first wife. This monument is very unusual in that it shows three crests and associated helms for Clarke, Lottisham and Warre. On the side of the monument are the arms of Clarke impaling Cuff and Warr impaling Walrond.

In 1868 the Sandford family added



a chapel to the end of the north transept. In here all the Sandford monuments were rearranged from around the rest of the church. There is heraldic glass dating from the 17th century. One dated 1643 is to Martin Sandford, *Barry wavy argent and azure*, who married Susanna Sydenham of Combe Sydenham, *Argent three rams sable*, and the rest date from the 17th to the mid-19th century, all showing Sandford and their alliances.



In the same chapel there is also a floor slab of Sandford impaling Ayshford. The Ayshford arms are depicted several times in the church all slightly different and all slightly unusual; this caused great comment amongst the gathering. Burke's armory solves this, listing: *Argent between two chevrons sable three Asher Keys vert.*



There is also a wall monument of 1720 with the arms of William Sandford impaling Mary Clarke (left). Amongst other large monuments is a memorial (above in marble) to Henrietta Sandford who died in 1837, a large free-standing kneeling angel with below a large hatched coat of arms. She was the first wife of Edward Ayshford Sandford and the arms of Sandford impale Langham, Pevell, Gooding, Musgrave and Langham.

After leaving the church we had a brief walk in the grounds of the adjacent Nynehead Court before adjourning to the Court for very enjoyable cream tea. A very pleasant time was enjoyed by all. Thank you to all who arranged the visit.

PROGRAMME OF EVENTS **Autumn 2009**

Sat 3rd October

2.30 pm **Visit to St Mary's Redcliffe**

This lovely and very complete church includes some of the best of church architecture and a full complement of the arms of the Bristol worthies. lunch at the church cafeteria at 12.30 pm

Wed 14th October

Annual Dinner

Guest of Honour Thomas Woodcock, LVO, Norroy and Ulster King of Arms and Garter designate (Cost £25, the Old Wharf, Langport)

3.30 pm visit to Somerton Church, then tea at Alex's

5.45 pm Drinks before the talk

6.30 pm Talk by Norroy

7.30 pm Dinner

Wed 11th November

7.30 pm **Military Heraldry of Alaska
Stephen Slater**

a previously unexplored subject in the capable and amusing hands of the ever-green Mr Slater
The Grammar House, meet for supper 6.30 pm.

DIRECTIONS: THE GRAMMAR HOUSE, THE HILL, LANGPORT

Coming from Taunton: after the town square, when the road does a sharp left turn, go straight ahead up the Hill.

Coming from the East or the North: come into Langport and after Tesco, LOOK OUT. At a sharp right-hand corner, turn left round the Post Office, up the Hill;

Both: Park; walk back down until you come to the first house on the left (coming down) on the incline of the hill. Go down the alley next to the house and knock!

SOMERSET HERALDRY SOCIETY

Officers

Chairman	Ronald Gadd, MBE, RD
Hon Secy	Alex Maxwell Findlater
Hon Treasurer	Anthony Bruce
Committee Member	David Hawkings

Objects

The aims shall be to promote and encourage the study of heraldry especially in the historic county of Somerset.

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Annual Subscription

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