

Territorial Designations

By

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Territorial Designations, what are they and how do they fit in heraldry? A Territorial Designation is used to distinguish landholders living in the same geographic area and bearing the same surname from each other. Each landholder is known by his/her “property” name, *i.e.*, a ‘personal’ territorial designation as opposed to a ‘hereditary’ territorial designation. This practice eventually was recognized in Scots law, and the *Act of 1672* recognizes the practice in the following terms: ^[1]

“Ans his Maiestie with consent forsaied Declaires, that it is onlie allowed for Noblemen & Bishops to subscribe by their titles; And that all others shall subscribe their Christian names, or the initial letter therof with there surnames, and may, if they please, adject the designations of their lands, prefixing the word “Of” to the saids designations. And the Lyon King at Armes & his Brethern, are required to be carefull of informeing themselves of the contraveiners heiroyf,”

It is also necessary to understand the important legal difference between the words 'of', 'in' and 'at' when associating Scottish surnames and place names. These are significant in relation to land tenure or residency. 'Of', meant the person named owned a heritable interest in the land, 'In' signified a tenant and 'At' signified temporary residence in a place. ^[2]

Even today, the territorial designation performs a useful function. Innes of Learney stated that: ^[3]

These “titles”, so common in Scotland, are not only part of the feudal system, but also one form of the Celtic *bun sloinn*, or genealogical second surname,[1] by which the various branches of a clan, or house, are distinguished, and the “designation” is (like a peerage title) legally regarded as *part of the name itself*, when “ordinarily used” as such, and the parties “adject the designation” to their signatures in terms of the Statute 1672, cap 47. ^[4]

[1] David Stewart of Garth, *Highlanders of Scotland*, p. 261, and Appendix XXXV.

[2] *Encyclopaedia of the Laws of Scotland*, vol. X, par. 300.

In discussing the usage of these territorial designations, Sir Crispin Agnew of Lochnaw Bt. QC, Rothesay Herald of Arms (1986-), Unicorn Pursuivant (1981-1986) noted that: [3.]

Any person in Scotland, who owns the *dominium utile* of a named piece of land, usually an estate, farm, house and policies, outwith a burgh, may and should be encouraged to add the territorial designation to his name. Where a person owns more than one piece of named land, they are able to use any of the lands named as their territorial designation. In the past you will find one person using different territorial designations when dealing with each separate estate and this can lead to

genealogical confusion. Although it is not essential, it is wise to have the territorial designation normally in use recognized by the Lord Lyon either by recording it as a change of name or by incorporating it in a matriculation or grant of arms. Once a surname with territorial designation has been recorded with arms in the Lyon Register, then the whole surname acquires the nature of a *nomen dignitatis* relative to the arms.... In fact cases under these acts [The Treason Acts^[5]] have established that once a territorial designation has been consistently used over a few generations (and probably recorded in the Lyon Court books), then it becomes separable from the land and continues as that family's proper surname.

If you purchase a named piece of land, *i.e.*, estate, farm, house or policies, outwith a burgh, you may append its "name" to your surname to create a 'personal' territorial designation if the land conveyance documents do not prohibit you from using its name as a territorial designation. If the piece of land is not named, you may create a suitable name for the property so as to create a territorial designation.

There are specific requirements (*i.e.*, land size,^[6] ability to support a dwelling, location, *etc.*) that must be established, and procedures that must be followed in order for the Lord Lyon to recognize a "property name" as a territorial designation in the grant or matriculation of process.

If you sell the property, you and your heirs may lose the right to use your 'personal' territorial designation. It appears that for the territorial designation to become a permanent (heritable) part of the surname after the property has been sold, the property must have been held by the family for at least three generations or about 81[6.] to 100 years.^[7] It should also be noted, that "Though one may call themselves anything they wish in Scotland, the 'of' in a name would indicate a noble title and therefore to be recognized by the Crown must be approved by Lyon Court".^[8]

On 5 January 2010, David Sellar, Lord Lyon King of Arms issued the following guidance regarding Territorial Designations.

A territorial designation proclaims a relationship with a particular area of land. The classic case where a territorial designation is appropriate, where recognition is sought from the Lord Lyon in connection with a Petition for Arms or for change of name, is where there is ownership of a substantial area of land to which a well-attested name attaches, that is to say, ownership of an "estate", or farm or, at the very least, a house with policies extending to five acres or thereby, outwith a burgh. In such a case recognition of a territorial designation should not present a problem. Nor should there be a difficulty when a new owner obtains possession of the named property. Difficulty may arise, however, when a new owner has bought property to which no generally recognised name attaches. In such a case some years of ownership under a suitable name would seem appropriate before a territorial designation can be recognised. In this last case there will usually be a residence on the property, or the possibility of obtaining planning permission for such a residence.^[10]

Based on this guidance, it is suggested that you should contact the Lord Lyon before purchasing land in order to acquire a territorial designation.

Friday, February 24, 2012

End Notes:

1. Seton, George, *The Law and Practice of Heraldry in Scotland*, Edinburgh: Edmonston and Douglas, 1863, Appendix IV, page 499.
2. Peter A. MacRae, "The Macraes of Strathglass", www.yacc-uk.freemove.co.uk/macrae/strath3.htm, London 1998.
3. Innes of Learney, Sir Thomas, *Scots Heraldry*, Edinburgh: Oliver and Boyd, 1956 (2nd edition), page 203.
4. Sir Crispin Agnew of Lochnaw, "Territorial Designations" *The Double Tressure* vol. 4, pp 11-12 (1982).
5. *Act for Improving the Union of the Two Kingdoms*, 1708.
6. Lyon Blair stated that the minimum property size would need to be in the three to five acre range.
7. Skene, William Forbes, *Celtic Scotland: A History of Ancient Alban*, (Edinburgh: David Douglas, 1890), Volume III (Land and People), page 175. "Nine times nine years."
8. (a) Frank Adam's *The Clans, Septs, and Regiments of the Scottish Highlands*, revised by Sir Thomas Innes of Learney, Edinburgh: Johnston and Bacon, 1970 (8th Edition), page 403.
(b) Sir Thomas Innes of Learney's *The Tartans of the Clans and Families of Scotland*, Edinburgh: Johnston and Bacon, 1971 (8th Edition), page 33.
9. (a) Randal Ray Massey of Dunham telephone conversation with Lyon Blair on 27 Oct 2004.
(b) See for instance, David Paul Hunter who changed his name to David Paul Hunter of Montlaw, *Lyon Register*, 27 July 1993, vol. 73, page 116 and Martin Stephens James Goldstraw who changed his name to Martin Stephens James Goldstraw of Whitecairns, *Lyon Register*, 22 Nov 2002, vol. 74, page 69.]
10. <http://www.lyon-court.com/lordlyon/616.html>