

ANNO TRICESIMO

VICTORIÆ REGINÆ.

****

CAP. XVII.

An Act to regulate the Court and Office of the Lyon King of Arms in *Scotland*, and the Emoluments of the Officers of the same.

[3d *May* 1867.]

WHEREAS it is expedient to regulate the Court and Office of the Lyon King of Arms in *Scotland*, and the Emoluments of the Officers of the same:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Lyon King of Arms to have same Rights and Duties as heretofore, except as altered by this Act.

1. From and after the passing of this Act the Jurisdiction of the Lyon Court in *Scotland* shall be exercised by the Lyon King of Arms, who shall have the same Rights, Duties, Powers, Privileges, and Dignities as have heretofore belonged to the Lyon King of Arms in *Scotland*, except in so far as these are herein-after altered or regulated.

Lyon King of Arms to discharge his Duties personally.

2. The Lyon King of Arms shall be bound to discharge the Duties of his Office personally and not by Deputy: Provided always, that in the event of the temporary Absence of the Lyon King of Arms,

Arms, from Illness or other necessary Cause, it shall be lawful for the Lord President of the Court of Session to grant a Commission to some other Person to discharge the Duties of Lyon King of Arms *ad interim*, and such Commission shall not be liable to any Stamp Duty: And provided also, that without any such Commission, in the event of the temporary Absence or Incapacity of the Lyon King of Arms, the Lyon Clerk shall be and is hereby empowered to admit to the Office of Messenger at Arms Persons properly qualified according to the present Law and Practice.

Salary of Lyon King of Arms.

3. The Lyon King of Arms, who shall be appointed by Her Majesty, Her Heirs and Successors, shall receive such Salary, not exceeding Six hundred Pounds *per Annum*, as the Commissioners of Her Majesty's Treasury shall from Time to Time approve, payable quarterly out of any Monies to be voted by Parliament for that Purpose, which Salary shall come in place of the Fees hitherto exigible by him, to which he shall no longer be entitled.

Rights and Duties of Lyon Clerk.

4. The Lyon Clerk shall hereafter have the same Rights and perform the same Duties as heretofore, except in so far as the same are herein-after altered or regulated.

Lyon Clerk to perform his Duties personally.

Salary of Lyon Clerk.

5. The Lyon Clerk, who shall be appointed by Her Majesty, Her Heirs and Successors, shall, subject to the Provision contained in the Twelfth Section of this Act, perform the Duties of his Office personally and not by Deputy, and shall receive such Salary, not exceeding Two hundred and fifty Pounds *per Annum*, as the Commissioners of Her Majesty's Treasury shall from Time to Time approve, payable as aforesaid, which Salary shall come in place of the Fees hitherto exigible by him, to which he shall no longer be entitled: Provided always, that in the event of the temporary Absence or Incapacity of the Lyon Clerk it shall be lawful for the Lyon King of Arms, with the Consent of Her Majesty's Advocate, to grant a Commission to some other Person to discharge the Duties of the Lyon Clerk *ad interim*, and such Commission shall not be liable to any Stamp Duty.

Rights and Duties of Heralds and Pursuivants in Scotland.

6. The Heralds and Pursuivants in *Scotland* shall be appointed by the Lyon King of Arms, and shall have the same Rights and Privileges and discharge the same Duties as heretofore, except in so far as altered or regulated by this Act.

As to filling up Vacancies in Offices of Herald and Pursuivant.

7. No Vacancy in the Office of Herald in *Scotland* shall be filled up by the Lyon King of Arms until the Number of Heralds has, by Death, Resignation, or Removal, fallen to below Three, after

after which Event the Vacancies which may occur in said Office shall be filled up, so that the Number of Heralds shall in Time coming be maintained at Three; and no Vacancy in the Office of Pursuivant in *Scotland* shall be filled up by the Lyon King of Arms until the Number of Pursuivants has, by Death, Resignation, or Removal, fallen to below Three, after which Event the Vacancies which may occur in said Office shall be filled up, so that the Number of Pursuivants shall in Time coming be maintained at Three: Provided always, that no Herald or Pursuivant appointed before the passing of this Act shall in respect of any Vacancy not being filled up be entitled to any larger Share of Fees than he would have been entitled to had there been no such Vacancy.

Salary of Heralds and Pursuivants.

8. No Herald or Pursuivant appointed after the passing of this Act shall be entitled to exact any Fees, but each Herald or Pursuivant so appointed shall receive, in lieu of Fees, such Salary as the Commissioners of Her Majesty's Treasury shall from Time to Time approve, payable as aforesaid: Provided always, that no Herald or Pursuivant appointed after the passing of this Act shall pay or give to the Lyon King of Arms any Consideration for his Appointment, and if any such Consideration shall have been paid or given by any such Herald or Pursuivant his Appointment shall be null and void.

Duties and Fees of Herald Painter and Procurator Fiscal of Lyon Court.

9. The Herald Painter in *Scotland* and Procurator Fiscal of the Lyon Court shall hereafter be appointed by the Lyon King of Arms, and shall respectively perform the Duties, and be entitled to receive the Fees, which the Herald Painter and Procurator Fiscal aforesaid have hitherto been bound to perform and entitled to exact: Provided always, that no Herald Painter or Procurator Fiscal shall have any vested Right in such Fees.

Attendance at Lyon Office.

10. From the First Day of *October* to the Twentieth Day of *December* and from the Fifth Day of *January* to the Twentieth Day of *July* in each Year the Hours of Attendance at the Lyon Office shall be from Eleven o'Clock in the Forenoon to Three o'Clock in the Afternoon, every lawful Day except *Saturday*; and from the Twenty-first Day of *July* to the Thirtieth Day of *September* and from the Twenty-first Day of *December* to the Fourth Day of *January* in each Year the Hours of Attendance shall be from Eleven o'Clock in the Forenoon to Two o'Clock in the Afternoon, and on *Wednesdays* and *Fridays* only: Provided always, that between the Twenty-first Day of *July* and the Thirtieth Day of *September*, and between the Twenty-first Day of *December* and the Fourth Day of *January*, in each Year, the Lyon King of Arms shall not be bound to entertain any Applications for Grants or Matriculations

Matriculations of Arms, or for recording Pedigrees: Provided also, that there shall be provided for the Lyon King of Arms, the Lyon Clerk, and the Herald Painter, such sufficient Office Accommodation as the Commissioners of Her Majesty's Treasury may determine.

Regulating Disposal of Fees payable under the Statutes of the Order of the Thistle, and Grant of Geo. II., dated 19th July 1731.

11. The Fees hitherto payable to the Lyon King of Arms by Knights of the Thistle under the Statutes of the Order of the Thistle, and the Fees payable to the Lyon King of Arms in Terms of a Grant of His Majesty King *George* the Second, under the Great Seal of *Great Britain*, of Date the Nineteenth Day of *July* One thousand seven hundred and thirty-one, shall from and after the passing of this Act be paid into Her Majesty's Exchequer; and after the Death, Resignation, or Removal of any of the Heralds or Pursuivants aforesaid appointed prior to the passing of this Act the Proportion of Fees which but for the said Death, Resignation, or Removal would have been payable to him or them in Terms of the said Statutes of the Order of the Thistle, or in Terms of the before-mentioned Grant of His Majesty King *George* the Second, shall be paid into Her Majesty's Exchequer, so that after the Death, Resignation, or Removal of all the Heralds and Pursuivants appointed prior to the passing of this Act the whole Sums appointed by the said Statutes of the Order of the Thistle and the said Grant of His Majesty King *George* the Second to be paid to the Heralds and Pursuivants aforesaid shall instead be paid into Her Majesty's Exchequer.

Rights of present Lyon Clerk not to be affected by this Act.

12. Until the Death, Resignation, or Removal of the present Lyon Clerk, notwithstanding anything to the contrary contained in this Act, it shall be lawful for him to perform the Duties of his Office as he is authorized by his Commission, and to exact the Fees and Dues hitherto exigible by him.

Fees.

13. Until the Occurrence of the next Vacancy in the Office of Lyon Clerk, the Fees and Dues enumerated in Schedule A. annexed to this Act shall be exigible in lieu of the Fees and Dues hitherto payable to the Lyon King of Arms and Lyon Depute, and shall be paid into Her Majesty's Exchequer; and after the Occurrence of such Vacancy the Fees and Dues enumerated in Schedule B. annexed to this Act shall be exigible in lieu of the Fees and Dues hitherto payable to the Lyon King of Arms, Lyon Depute, and Lyon Clerk, and shall be paid into Her Majesty's Exchequer.

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SCHEDULES.

SCHEDULE A.

	£	s.	d.
On every Patent of Arms with Supporters - - -	29	8	0
On every Patent of Arms without Supporters - - -	13	13	0
On every Matriculation of Arms with Supporters, without a new Patent - - - - - - - -	6	16	6
On every Matriculation of Arms without Supporters, without a new Patent - - - - - - - -	4	14	6
On every Matriculation of Arms without a new Patent of Arms, but with a Patent of Supporters - - - -	22	1	0
On every Genealogy recorded - - - - -	7	17	6
On the Admission of a Messenger at Arms to practise in the County of Edinburgh - - - - -	11	2	3
On the Admission of a Messenger at Arms to practise out of the County of Edinburgh - - - - -	8	6	8
Annual Dues of each Messenger at Arms - - -	0	11	2

N.B.—These Fees are exclusive of Stamp Duties when such are exigible.

SCHEDULE B.

On every Patent of Arms with Supporters - - -	49	12	0
On every Patent of Arms without Supporters - - -	29	18	0
On every Matriculation of Arms with Supporters, without a new Patent - - - - - - - -	15	16	6
On every Matriculation of Arms without Supporters, without a new Patent - - - - - - - -	12	0	6
On every Matriculation of Arms without a new Patent of Arms, but with a Patent of Supporters - - - -	34	13	6
On every Genealogy recorded - - - - -	10	10	0
Additional for each Member of the Pedigree - - -	0	5	0
Certificate regarding Change of Surname - - -	0	15	0
Search in Register of Arms - - - - -	0	5	0
Search in Register of Genealogies - - - -	0	5	0
General Search in Heraldic MSS. - - - -	1	1	0
General Search in Genealogical MSS. - - - -	1	1	0
On every Extract from a Register - - - -	0	10	6
On entering a Caveat - - - - - -	0	5	0

Lyon King of Arms (Scotland).

	£	s.	d.
On the Admission of a Messenger at Arms to practise in the County of Edinburgh	19	14	0
On the Admission of a Messenger at Arms to practise out of the County of Edinburgh	15	14	0
Annual Dues of a Messenger at Arms practising in the County of Edinburgh	0	17	0
Annual Dues of a Messenger at Arms practising out of the County of Edinburgh	0	17	6
On renewal of a Messenger's Bond of Caution	2	10	0
On recording Resignation or Change of Residence of a Messenger	0	2	6
On search for a Messenger's Cautioner	0	2	6
On every certified Statement of Name and Designation of such Cautioner, and Date of Bond	0	5	0
On each Petition or Paper lodged in a Process against a Messenger	0	5	0
On each Interlocutor in a Process against a Messenger	0	5	0
On extracting each Warrant, Decreet, or Precept of Suspension, first Sheet	0	5	0
On ditto, each subsequent Sheet	0	3	0
On affixing Seal of Office to Warrant, Decree, or Precept	0	5	0
On examining Executions of Service and Intimations of Precepts of Suspension, marking them on the Record and giving out Certificate	0	5	0
On lending Process and taking Receipt	0	2	0
On Return of Process and scoring Receipt	0	1	0
On Re-admission of a Messenger at Arms	1	0	6
On the Appointment of a Herald	9	16	4
On the Appointment of a Pursuivant	9	1	0

N.B.—These Fees are exclusive of Stamp Duties when such are exigible.

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