

# A SOUTH AFRICAN GRANT OF ARMS

Professor Noel Cox

In 1958 the South African Heraldry Society presented a report on heraldry to the South African Government. Partly as a result of this report, the Heraldry Act 1962 (Act 18 of 1962) was passed. This provided for the creation of a Bureau of Heraldry, and a Heraldry Council. The Act provided for the registration and protection of coats of arms, badges, emblems, names, special names and uniforms. The Bureau, based in Pretoria, was established in June 1963, presided over by a State Herald, the first of whom was appointed in 1964.

The State Herald, till 2002 Frederick Brownell, Esq., OMSS SM MMM KStJ KLJ CMLJ, and now Marcel van Rossum, is responsible to the Heraldry Council, appointed by the Minister. The Heraldry Committee, which sits periodically, is a technical advisory group drawn from the Heraldry Council. The Heraldry Council is responsible in turn to the Director of Archives, formerly in the Department of National Education, and now in the Department of Arts, Culture, Science and Technology. The State Archives Service is now styled the State Archives and Heraldic Services.

The State Herald, who has a tabard, which however is not worn, is assisted by a Deputy State Herald, and a Principal Artist. There are several heraldic artists, and clerical assistants.

There are generally some 150 grants of arms a year in South Africa, and the Bureau is perhaps the third busiest heraldry authority in the world. The official *South African Armorial* has been published by the Bureau of Heraldry in the last decade, and records the 2,500 arms registered between 1962 and the beginning of 2002. The register of the Bureau may be consulted by members of the public, at a cost of R5 for every page consulted.

Anyone may apply for the registration of arms in South Africa, nor is there a residency or citizenship requirement. However, before a formal application is submitted, the applicant is well advised to approach the State Herald in order to ascertain whether the proposed heraldic representation, name or uniform does not clash with any existing registration. This does not of course apply where the Bureau of Heraldry will be assisting an applicant in the preparation of the design of a new heraldic representation.

Dr Noel Cox, a law lecturer and barrister of Auckland, decided to obtain a South African grant of arms as an experiment, though such arms have an uncertain legal status in this country, as they are not a grant from the Crown. He wrote to the State Herald with details of his proposed arms on 5<sup>th</sup> December 1995. Unusually in modern grants, his personal preference was not for arms which reflected his own occupation and interests, but which were inspired by ancient kingship, of which he is an enthusiast.

The Cox family, originally from Gloucestershire, migrated to New Zealand in the 1870s. They have remained localised in Auckland. While

many Cox families use canting arms, with the obvious pun of a farmyard cock, the commonest shields include bars. However, unusually in modern grants, the grantee desired arms which reflected not their own occupation and interests, but which were inspired by ancient kingship. In conformity with this desire, a design with an early mediaeval simplicity was chosen.

The basis of the arms was a white cross on a blue shield, with a white border around the whole. This was blazoned as *Azure, a cross moline and a bordure Argent*. The Azure and Argent refer to the University of Auckland, of which he is a graduate, and are traditionally attributed to the Saxon Kings of England. The shield was also inspired by the arms traditionally attributed to the Saxon Kings, and especially those attributed to King Alfred. The arms attributed to King St Edward the Confessor are a cross patonce Or on an Azure shield, with five martlets Or. Dr Cox had checked the major armorial works to ensure that there was no conflict with existing recorded British ordinaries.

The cross with a two-pointed arms was substituted for the three pointed arms as a difference, and the border was introduced for the same reason. The martlets were omitted, both because the arms were intended to be inspired by those attributed to St Edward, and not actually copy them. The choice of Argent for the cross was also inspired by the white cross of St George.

The original crest was intended to be of a more personal nature, and comprised a book expanded proper. This was to mark Dr Cox's connection with the University of Auckland (whose arms include the ubiquitous book), teaching, and membership of a learned profession. It would additionally be symbolic of Dr Cox's interest in, and involvement with, legal historical studies.

The State Herald replied on 22<sup>nd</sup> January 1996. He reported that the shield did not clash with existing registered arms. However, the crest, an open book, was very close to an existing registration. The Heraldry Council furthermore took a policy decision a number of years ago that the use of books (particularly in arms, but also in crests) should be avoided because of over-frequent use in the past.

He suggested, as an alternative, something along the lines of two fern leaves Argent forming a wreath, in allusion to New Zealand. The insignia of the French Order of the "Palmes Académiques" for service to education has a set of palm leaves forming a wreath, so a similar idea, using fern leaves could be seen as conveying a message of learning. It could be combined with a sword of justice erect, which would allude to Dr Cox's profession and also link up with the proposed motto. Interestingly, Major Frederick Brownell has same motto.

Dr Cox sent in a formal application, with redrafted arms, on 8<sup>th</sup> February 1996. The crest was changed to a sword within two fronds of cyathea dealbata proper. The fern has the advantage that it is a symbol of New Zealand. The silver fern (*cyathea dealbata*) has been used in New Zealand as an emblem for well over one hundred years, and although one must be wary of over-use, it is certainly much less commonly seen in heraldry than is the kiwi. That bird has in the past been much used as an emblem for

individuals and corporations, at times almost to the exclusion of other emblems. As a reaction to this, another native bird, the tui, has more recently come into vogue.

However, although many Cox families use arms which include an antelope or goat as a crest (as well as the inevitable farmyard cock), on the whole Dr Cox prefers to avoid the use of an animal or bird on a crest. The sword of justice has the advantage that it can be taken to refer to both the motto, and, indirectly, to the legal profession. Dr Cox chose to portray a sword within an open wreath formed of two fronds of fern. The tree fern, although commonly called silver fern, is properly grey-green in colour, and is often blazoned Proper and painted green, rather than simply rendered as Argent. Green rendering is preferable to Argent, as it is less stylised, and much nearer to reality.

The sword within the fronds of silver fern is a sword of justice, which also allude to the grantee's profession, and also is linked to the motto, "Arma Parata Fero" ("I bear arms at the ready"). This refers to the applicant's position as a senior officer of the Monarchist League of New Zealand and the applicant's commitment to upholding The Queen's position as Sovereign of New Zealand.

Formal applications to the Bureau of Heraldry must include an application form, fully and correctly filled in, and a drawing of the proposed heraldic representation or uniform (unless the Bureau of Heraldry will be assisting with the design). For arms, badges or other emblems the designs should be in colour no larger than A4 size. For uniforms, an example of the blazer material should be sent. However, no articles of clothing will be accepted, and a drawing, showing the precise colours, should be submitted. All measurements must be accurately stated.

Corporate bodies must include a copy of the Constitution of the body, and natural persons must include a copy of their birth certificate. If it is desired that the Bureau of Heraldry assist with the design of arms, comprehensive background information, including colour preferences, should be furnished. Mottoes must be given in translation in English or Afrikaans, if it is in another language, and the name of an institution must be given in full in both official languages on the application form.

The fees tariff current when the application was made, dating from 1<sup>st</sup> April 1995, required R250 upon application for any heraldic representation. For a name, special name or uniform, either separately or jointly, an inclusive full and final amount of R200 was required. These sums are not refundable in the event that an application is unsuccessful, or is withdrawn by the applicant.

Dr Cox received a reply to his formal application on 15<sup>th</sup> March. The State Herald proposed several minor changes. The Gentleman's helmet was to be drawn full-face, as the crest has a forward orientation, in keeping with policy of the Heraldry Council since 1981. The College of Arms had also adopted this policy, so that helmet orientation is now always determined by crest orientation. The motto was to be written in Argent letters on an Azure riband, and the sword pommelled and hilted Azure. The lining of all South African helmets is Gules.

Had the applicant not been satisfied with the counter-proposals of the State Herald, the matter would be referred to the Heraldry Committee. Appeals from a rejection by the State Herald or the Heraldry Committee lies, in writing, to the Heraldry Council, stating the grounds of the appeal, and including a R50 fee, which will be repaid if the appeal is upheld. A six week deadline from being informed of the rejection by the Bureau of Heraldry applies. The Council may uphold or reject the appeal.

Dr Cox wrote to the State Herald accepting his proposed alterations on 27<sup>th</sup> March 1996. On 9<sup>th</sup> April the State Herald sent him a photocopy of the proposed, redrawn, arms.

The Bureau of Heraldry then published notice of the application, in *Government Gazette* 17230 Government Notice 915 of 7<sup>th</sup> June 1996. This included details of the blazon, and a black and white illustration of the proposed arms. This gave a one month period for anyone to object to the registration. Any objections are submitted to the Heraldry Committee for consideration and a decision. From the Heraldry Committee there is a right of appeal to the Heraldry Council.

The State Herald advised the applicant on 10<sup>th</sup> July 1996 that no objection had been received. The balance of the registration fee was now payable. The tariff of fees was applicable as from 1<sup>st</sup> April 1995. This provided that for a badge, flag, pennant, gonfalon, decoration, medal, seals, insignia of rank, any office or order or other kindred representation, excluding a coat of arms, as well as any amendment thereof, the fee was R475.

The registration of arms, consisting of a shield only, as well as any amendment thereof, was R400. The registration of arms with a crest (defined as including a coronet, helm and mantling), and amendments, was R1050. Arms with a crest and supporters, or amendments, cost R1450. Arms with a crest, supporters, and special compartment, and any amendment, cost R1650.

The same tariffs applied for duplicate certificates, although additional drawings of registered items was R225, R200, R465, R615, and R645 respectively. The fee for the correction of any error in any document submitted, or of an entry in the register of the Bureau, where the error originated with the applicant, was R80.

A separate tariff of fees applies for matriculation, or the registration of the arms of an heraldic heir in conformity with the principles and rules of heraldry and the policy of the Council. This would be R100 on application, for entry in the register only. However, where a new certificate of registration is required, it cost R325 for a badge, flag, pennant, gonfalon, decoration, medal, seals, insignia of rank, any office or order or other kindred representation, excluding a coat of arms, as well as any amendment thereof.

The registration of succession to arms, consisting of a shield only, as well as any amendment thereof, was R300. The registration of arms with a crest, and amendments, was R625. The registration of succession to arms which include a crest and supporters, or amendments, cost R785. Arms,

consisting of crest, supporters, and special compartment, and any amendment, cost R840.

As soon as the registration fee has been fully paid, the Bureau of Heraldry gives notice of registration in the *Government Gazette*. The heraldic representation, name, special name or uniform concerned, as the case may be, will enjoy legal protection under the *Heraldry Act* from the date of such notice. Registration occurred 11<sup>th</sup> October 1996.

The certificate of Registration is then issued to the applicant, and the details entered into the register. In the case of a name, special name or uniform, this certificate of Registration be issued shortly after the publication of the second Government Notice. In the case of a heraldic representation however, the certificate may take considerably longer to complete.

The illuminated drawing of an heraldic representation which the artists of the Bureau of Heraldry depict on the certificate will not necessarily be identical to the design submitted by the applicant. The Bureau's graphic interpretation is executed in the contemporary heraldic style in conformity with accepted armorial principles. The Heraldry Council expects applicants to consider this rendition as standard and to take it into use when circumstances permit.

The owners of registered heraldic representations who wish to have the representations reproduced commercially in colour will, on application to the Bureau, be provided with samples of the colours used on the heraldic representation for the guidance of their printers.

The certificate of Registration includes an illuminated drawing of the relevant arms, badge or other emblem, and the registered blazon. Dr Cox received his certificate of Registration, number 2906, dated 19<sup>th</sup> November 1996, on 10<sup>th</sup> December 1996. The accompanying letter was sent 29<sup>th</sup> November, but only arrived 18<sup>th</sup> December 1996.

The certificate of registration included a blazon as follows: Shield – *Azure, a cross moline and a bordure Argent*. Crest – *Within a wreath of silver fern (Cyathea dealbata) proper a sword erect Argent, hilted and pommelled Or*. Mantling and wreath – *Azure and Argent*. Motto – *Arma parata fero* ('I bear arms at the ready').

Unfortunately, the scrivener made an error, and the grantee's name was entered on the certificate of Registration incorrectly. Dr Cox wrote to the State Herald on 12<sup>th</sup> December 1996 to appraise him of this fact. As of 25<sup>th</sup> February 1997 no reply had been received, so he wrote again. On 9<sup>th</sup> April a new certificate arrived, dated 14<sup>th</sup> March. The error had been corrected. This certificate was framed on 26<sup>th</sup> April. The accompanying letter was dated 20<sup>th</sup> March, but only postmarked 14<sup>th</sup> May, and arrived 30<sup>th</sup> May 1997. Dr Cox acknowledged receipt of the new certificate on 18<sup>th</sup> April. The official records of the State Herald record the certificate as having been issued 14<sup>th</sup> March 1997.

After the passage of sixteen months Dr Cox acquired a grant of arms, albeit not one from the Crown. The certificate itself is thick paper, the artwork workman-like though not of outstanding quality. The original certificate has been converted into a very effective library painting.

A comparison of the quality of grants from Garter King of Arms, Lord Lyon, the Chief Herald of Ireland, the Chief Herald of Canada, and the Chief Herald of South Africa would appear to illustrate an important principle. The quality of the grant, both with respect to the artistic quality of the rendering, and the quality of the certificate itself and seal, bears a close relationship to the cost involved. A grant from the College of Arms, whilst the most expensive, is undoubtedly of the highest quality. A South African grant, whilst the least expensive, is also of markedly lesser quality. However, the quality of a grant is of little consequence to the quality of the design, which should be of greater importance to the petitioner.

### **Professor Noel Cox**

*Arms: Azure, a cross moline and a bordure Argent.*

*Crest: Within a wreath of silver fern (Cyathea dealbata) Proper a sword erect Argent, hilted and pommelled Or.*

*Motto: Arma Parata Fero.*

Granted by the South African Bureau of Heraldry, 14<sup>th</sup> March 1997 (2906).

