



Court of the Lord Lyon,

H.M. Register House,

Edinburgh, 2, 26th December 1950.

Dear Madam,

Mrs. Macleod, of 149 Maryland Street, Winnipeg, has been writing to me regarding the claim of your son, J. W. Mactavish, to be Chief of the Clan Mactavish, and from what she tells me there should not be much difficulty in making out this claim. What you should do is to make out a table or tree something like the enclosed, showing the connection by males up to the common ancestor and down again from William Mactavish, the last known Chief, who, I understand, died in 1870, putting in, so far as you know them, occupations, residences and dates of birth, death and marriages, and the names of the wives of each member. You should then put a number against each man in the pedigree beginning with William as No. 1, and upon separate sheets of paper numbered to agree with the name of each male member of the tree give me a list of the evidences for the facts so far as you know them in relation to each of the numbered men in the pedigree. Primarily the evidence would be birth, marriage and death certificates or Wills or Marriage Contracts, but I know that these are expensive to get, take a long time to find, and indeed are unobtainable in many parts of Canada for a period like a hundred years. I am, however, quite ready to accept other documents, such as family letters, of which Mrs. Macleod has some, entries in family Bibles, and the signed statements or declarations of any old members of the family, uncles, aunts, great-uncles, great-aunts, old cousins and so forth if you have got them, and if any of them are in a position to make a statement as to what some previous member of the family said to them, I could take such statements into consideration.

The legal position, as repeatedly affirmed by Lyon Court and laid down by the House of Lords, the ultimate tribunal of the whole Empire, is that the unquestionable evidence establishing a person so be chief of the clan is succession to the undifferenced arms and relative flag, which is evolved by depicting the shield device upon the banner or rectangular flag of the chief. In this case the test for being Chief of the Mactavishes is to establish a right to the arms recorded in the Public Register of All Arms and Bearings in Scotland on 17 April 1793 by Lachlan Mactavish of Dunardry.

The fees due to the British Government and payable to the Lyon Clerk for behoof of H.M. Exchequer upon making up progress of title to the arms of the Chief of the Mactavishes is £12.-.6. There is no reason why this should not be paid by the Clan Mactavish or the Clan Mactavish association, as the British Government is not interested in who pays the fees, provided they are paid. On the other hand the petition must come from the person who claims to be the Chief, that is your son J. W. Mactavish, and the Lyon Court will pay no attention to anything done by anyone else, such as the clan or clan society, because everything depends upon the Chief himself, who stands in the shoes of the patriarchal father of the Mactavish community.

There is nothing derogatory in having the fees paid, indeed in a recent instance, where the Gordon Clan's Aboyne Highland Gathering wished the Chief to have his standard properly worked out and recorded as an addition to his existing registered armorial bearings, the Chief of the Clan, the Marquess of Huntly, made the petition and the standard appropriate to him was duly awarded by decree of Lyon Court, but it was the Aboyne Highland Gathering Committee that paid the cost of the Government dues upon the confirmation of the standard. In that case the cost was about seventeen guineas because there were supporters involved, but, as already indicated, £12.-.6. will be the sum exigible in the case of the Chief of the Mactavishes' matriculation.

The £12.-.6. only covers the verbal decree and record with an unilluminated Extract of Matriculation on parchment. To include the smallest form of shield would involve a painting charge of two guineas extra, and a fully illuminated



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The £12.-.6. only covers the verbal decree and record with an unilluminated Extract of Matriculation on parchment. To include the smallest form of shield would involve a painting charge of two guineas extra, and a fully illuminated parchment would involve a painting charge of eight guineas extra.

In the meantime the armorial bearings of the Chief of the Mactavishes includes no supporters. I should be quite ready to make a grant of supporters to the Chief of the Mactavishes, but that would involve payment upon Letters Patent /



Patent making the grant of supporters, and the proceedings would cost about £51 instead of £12.-.6. - £18. I do not know if either you or the clan society will wish to pay so large a sum, but of course if it is desired, I shall be quite happy to make a grant of supporters, though it is not necessary for a Chief to have supporters unless he wants them. The shield and the flag arising out of the shield are the basic machinery by which a Chief operates his clan, both in peace and war, and as we see, all that is necessary to make up progress of succession to those arms into the person of the present Chief is to get them rematriculated into his own name in Lyon Register, so that (a) his character of Chief may be legally and unquestionably determined and officially received, (b) he may be legally placed in possession of the machinery for operating, by seal and banner, the position of Chief of the Clan.

Since Dunardry is now gone, I would propose to recognise your son in the name of "Mactavish of Mactavish and Dunardry" and he would thereafter sign himself "J. W. Mactavish of Mactavish," and use the words "Mactavish of Mactavish" as his surname in all documents or lists where "surname" has to be inserted.

I do not think your son should attempt to come over to Scotland for the Clan Rally next summer. In his state of health it would be a risky and painful journey, which I do not think would have any commensurate result. The ~~better~~ course would be for him, once he has got his position legally established, to execute a commission in favour of your younger son, his junior brother, to appear for him as "Commander of the Clan Mactavish," and to display his banner. I can easily send in due course a draft of a suitable commission for your son to issue in favour of his brother, and such a thing was frequently done in the past in the case of Chiefs who were in bad health, or old men. The proper term for the commissioner is, as I have said, "Commander of the Clan."

I am sending a copy of this letter to Mrs. Macleod, who I think will be able to help you in many ways in putting together the evidence, and indeed supplying some of the material, and she knows a lot about William Mactavish, the Chief in 1845 and 1870. I do not think, therefore, that much expense will be involved in establishing your son's claim.

Yours faithfully,



And Lynn King of Mrs.

Mrs. Mactavish,  
207 London Street,  
Sherbrooke, Quebec,  
Canada.