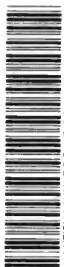


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Reasons for the Regulation of the Use of  
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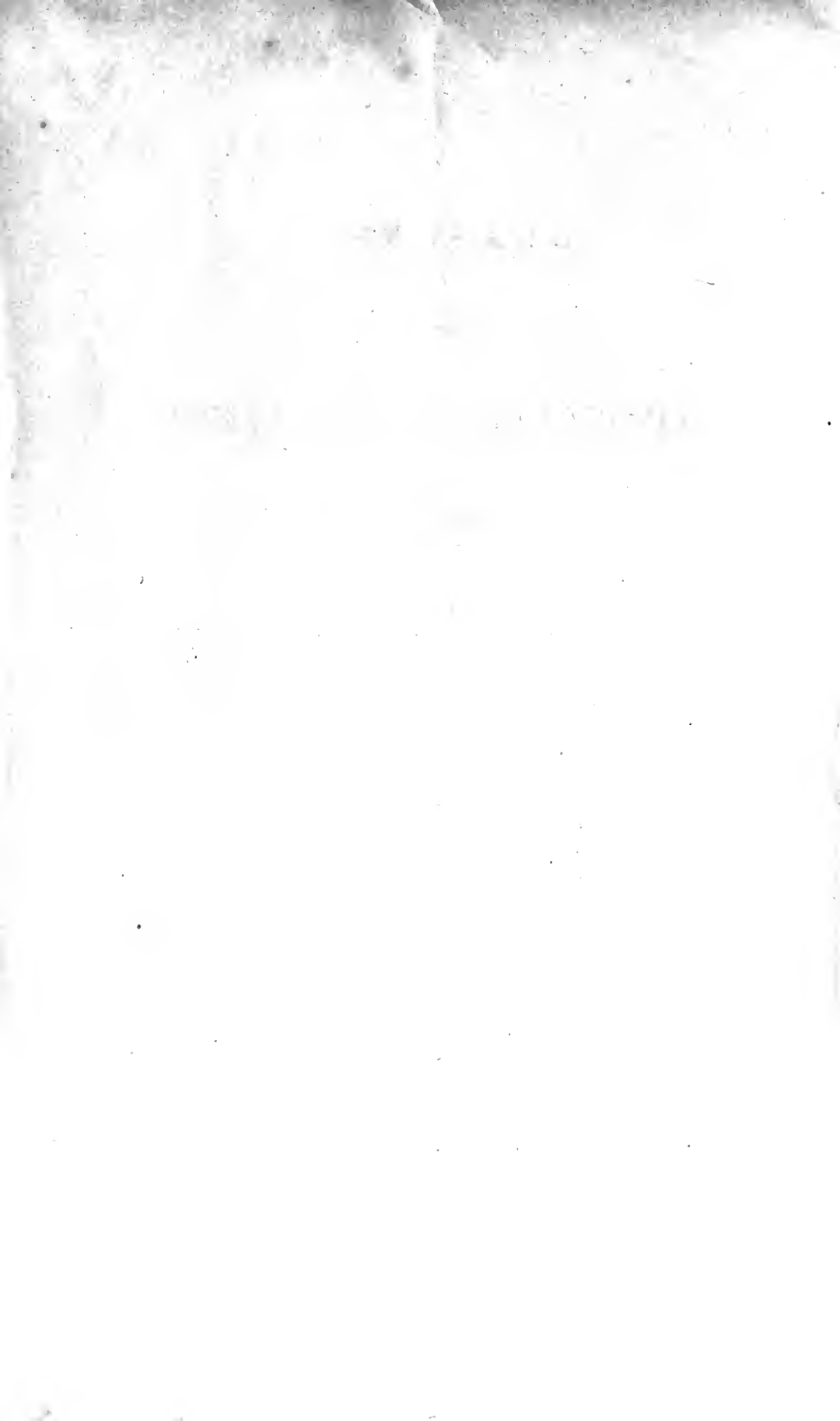
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THE PROPOSED TAX ON COATS OF ARMS.

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REASONS

FOR THE

REGULATION OF THE USE OF COAT-ARMOR

IN THE UNITED STATES,

INCLUDING

A PLAN FOR TAXING THE EMPLOYMENT OF SUCH  
INSIGNIA.

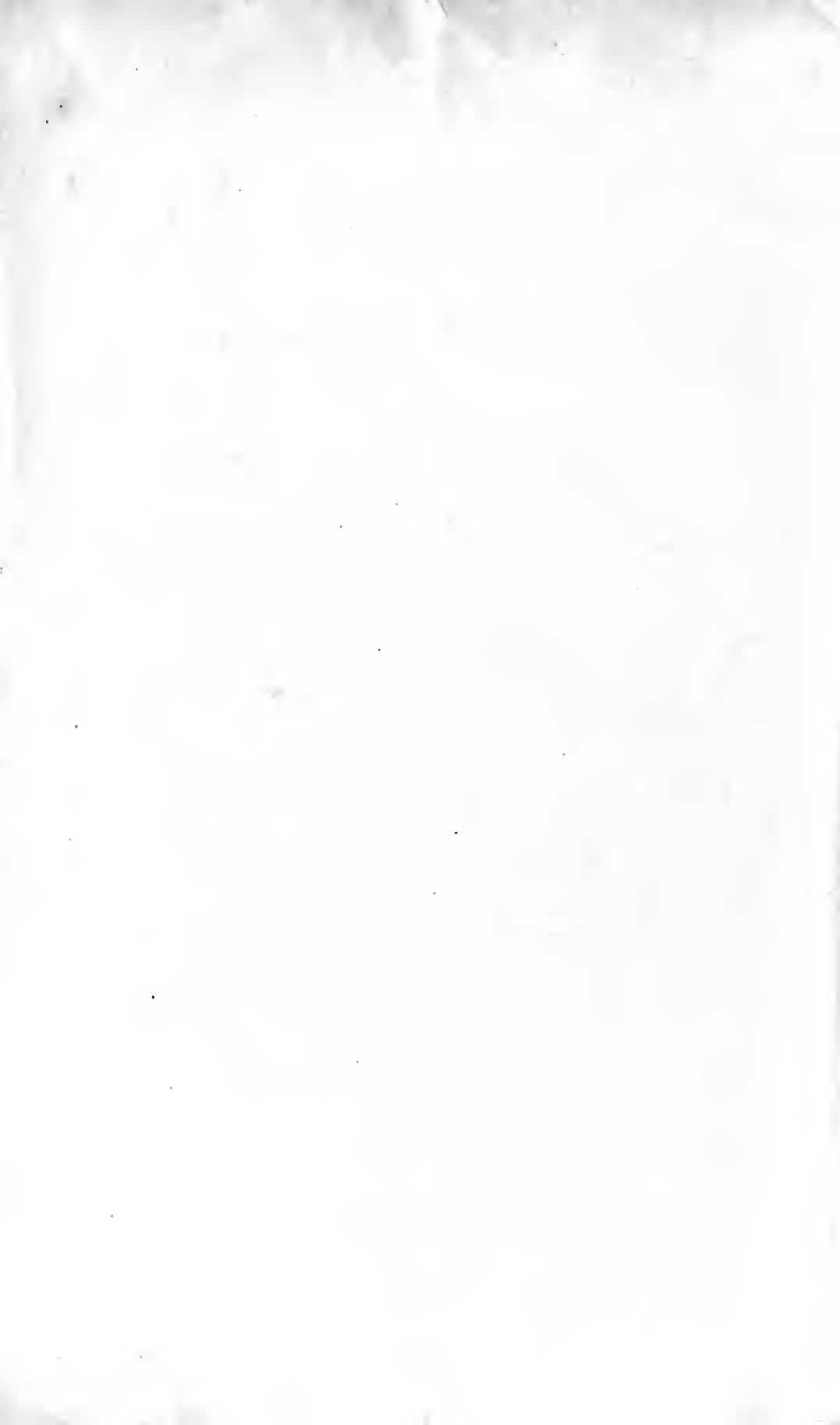
*W. H. Whitmore*  
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1868.

*P. H.*



## THE PROPOSED TAX ON COATS OF ARMS.

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THE proposal of Hon. John W. Chanler in the House of Representatives, to levy a tax upon armorial bearings, has brought the subject of their use to a practical consideration. If the United States can derive any considerable revenue from this source, it is a matter worthy the serious consideration of the Committee on Ways and Means, to which the resolution was referred. If it be possible at the same time to remove from the national character a reproach to which it has been hitherto liable, the opportunity ought not to be neglected. •

It would seem possible to accomplish both these results in a very brief time and at the expense of very little official machinery; and we will attempt to point out one way, not claiming, of course, that it is the only mode.

A simple enactment, that any one who uses a coat-of-arms shall pay an annual tax therefor, if couched in the same terms as that imposing the tax on carriages, yachts, watches and a few other specified luxuries, seems defective, inasmuch as these are well-known articles of merchandize. The use of armorial bearings approaches in its nature more closely to the employment of a profession or business. A man might obtain a license empowering him for one year to use such coat-armor as he pleased, in the same way that he now receives permission to pursue his ordinary business as a merchant or in any profession. Yet the law will not grant a license to carry on any business which in the opinion of Congress is injurious to the interests of the people. It may be added that such a license seems to be a recognition by Congress that the business or profession is one worthy of its protection. In the list of trades or occupations which now require a license are a few which many people hold to be morally wrong, yet

it is not disputed that the majority of Congress holds a different view, and the licensees are protected in their respective employments. Some object to the manufacture of spirituous liquors, others to the managing of theatres, to vending lottery tickets, or to dealing in tobacco; yet the fact that these avocations are licensed removes them from the class of illegal or prohibited pursuits.

It would also be clearly unjust for the government to extort a tax even from the vanity of willing dupes, if it gave no fair equivalent therefor. As titles of nobility are prohibited in the United States, no tax can be levied upon the possessors of them; and it would be unfair and absurd to propose a tax on these purely fictitious titles which various societies confer on their members. Not to cite titles open to verbal criticism, the Free Masons bestow the title of Knight upon certain of their fraternity, and there can be no question that such is the name of a recognized order of nobility. In that it lacks the official recognition of government, however, this honor is defective in its essential point. Every man knows that a Knight is such only so far and so long as his associates choose to give him the name. It would be harsh and unjust, however, for government to single out such nominal Knights, and make them pay for their fictitious titles or abandon their social organization.

The use of coat-armor, however, is not prohibited by the Constitution, and yet, from some unwritten prohibition, it has never been officially allowed. Why should a man be obliged to pay an annual tax for the use of a certain device or combination of figures arranged in a certain way, rather than for the use of a monogram or a non-heraldic device? The answer is, of course, that in nearly all the civilized countries of Europe these few marks and combinations have a certain meaning and value, and that every government which recognizes their use is bound to assent to the general agreement as to their meaning.

We laugh at Soulouque and his sable pegerage, his Dukes of Marmalade and Marquises of Lemonade, because we acknowledge a standard in the pegerage of Great Britain, France or Prussia. Is it not possible that our foreign friends will laugh at a government which gives John Smith a license to display the coat-armor of the Duke of Norfolk, the Earl of Derby, of Prince Metternich or Count Bismarck?



Can any one deny that the government which collects a tax from the impostor has assumed the greater portion of the disgrace?

At this point indeed it might well be said that the wisest course for Congress to adopt would be to ignore the subject; and whatever sum of money might be thus collected, to refuse to entertain the subject in any way. It is not clear, however, that there is no alternative; and if this use of coat-armor be a privilege for which the public will cheerfully pay, we cannot afford to neglect this source of revenue.

One thing is evident; every where in our cities the assumption of coat-armor is daily growing more frequent. We can no more avoid the imputation of being delinquents in this respect, than we can repel the criticisms formerly justly made on our national peculiarities. It is useless for our government to treat the matter as beneath its notice, for the subject of the costumes of its representatives abroad has been acted upon by Congress. It is certainly the wisest plan for our government to take, to prohibit the use or to insist upon proper regulations. Either method is sensible and easy, though we confess a preference for the latter course.

There seems indeed to be one sensible and dignified course of action which Congress can adopt, to which no exception can be taken abroad, and which involves no additional machinery for the collection of the tax. This is to put the use of armorial insignia on the same basis as trade-marks or copyrights. Let it be enacted briefly that as the use of certain devices is common in civilized countries to denote certain facts, and such use is restricted by certain well-known rules, this government prohibits the use of armorial devices except on the following conditions. First, that by the payment of an annual license fee of ten dollars, any one may be entitled to use such armorial bearings as he may have registered at the United States District Court in the district in which he is taxed; and that any one making use of any such insignia on any article without license, shall pay a fine of five hundred dollars, except where such insignia had been engraved or painted on some article of the nature of a monument or heirloom and no personal use was made of the same.

Secondly, that every one intending to obtain such a license should file in the District Court a statement of the armorial insignia he wishes to adopt, and should pay therefor the sum of Fifty dollars. In case he

wished to show that such armorial arms were his by inheritance, the proofs should be cited in his statement, and verified by the oath of the applicant, and such statements should always be accessible to the public for inspection and publication.

Thirdly, that every coat-of-arms thus licensed should be the exclusive property of the applicant and his descendants, according to the rules of English heraldry, and any infringement on his exclusive right should be properly punished.

Fourthly, that every such coat-of-arms used under the license should have an indispensable portion of it, the date of the year in which the application was filed, or the date at which, as the applicant claimed, it was used by some paternal ancestor. The use of a false date in the claim should be punished by a heavy fine.

In this way the government would simply take the position, that admitting the feeling which would prompt a family to possess some peculiar insignia for its exclusive use, it would agree to defend the owner in his property, only insisting that the truth was told as to the mode of acquiring it.

Every one who has studied the science of heraldry will agree that this proviso of the date is perfectly in accordance with the rules, and entirely feasible. The figures may be placed on a scroll beneath or beside the shield, or on any suitable portion of the field; the only indispensable requisite should be that they were plainly set forth.

In fact this system would be entirely in accordance with our political institutions. Certainly we do not desire to prevent any man from distinguishing himself, nor his children from cherishing a proper pride in his acts. Moreover any system which will tend to strengthen the family tie among kindred, widely scattered as families will become throughout this immense country, must be a bond of union and an aid in preserving an identity of interest.

To induce persons to adopt this system and thus to make it a source of revenue, we have provided that any man may take his earliest date at which it can be proved any of his paternal ancestors used coat-of-armor. The fact of the use will remain any way, and by registering it and recognizing it, we offer a sufficient inducement perhaps to have the fashion established.

At all events the point will be simple. If any man has a coat-of-

arms painted on the panels of his coach, let him be told at once that he may continue to use it, but the government insists that he shall also add the date of the acquisition of the property. If he be honest in his assertion that he values it only as an ornament or as a personal device, he will agree to let the date of 1868 stand as a part of it. If it be an heirloom, he will be glad to put the earlier date which will show the fact, and it can injure no one to have it known. The only malcontent will be the man who has hoped that in the lack of all rules and authority, his assumed coat has been believed to be an inheritance.

Lastly, we would propose that any officer of the army or navy who has been promoted for special gallantry in the field or for great ability in the discharge of his duties, shall have the right to substitute for the date, the name of the battle in which he won his promotion, and shall not be obliged to pay the registration fee. We should doubtless in this way meet the want which has been so strongly felt, of some mode by which a meritorious officer could be rewarded. Crosses, ribands, medals and other decorations have been but seldom employed by our government, but here the use of such a reward may be easily made a part of an important system.

The whole plan, in fact, would allow of those gradations which would meet the requirements of every class. Government would have the merit on the one hand of suppressing that ridiculous aping of foreign heraldry now prevalent, and would substitute a mode simple and republican. To the man of wealth it would offer an inheritance for his children, founded on a truth; to the man conscious of a distinguished ancestry, a recognition of the fact; and to the man who had risked his life for his country, an acknowledgment of his services, the more to be prized since it could always be borne without ostentation.

If all these inducements should fail to render the use of coat-armor popular, then surely it is time to prohibit it entirely. As it stands it is but a mockery, and nothing but the breath of authority can give it life. If it be declined after being proffered on such honest and intelligible grounds as those we have named, let us have no more of it, and let the law destroy it.

We incline, however, to the belief that it would prove a financial

success, since it is well known that these insignia are of prime importance in many forms of decoration. Let us have an honest and manly system of American heraldry, and we do not fear that the number of applicants will be too insignificant.

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NOTE.—Memorandum of the plan herein proposed :

1.—The use of coat-armor shall be prohibited to all but those who pay an annual tax.

2.—The description of the arms shall be filed in the District Court, and a fee of at least fifty dollars paid therefor; the record being always open for inspection. Officers now or formerly in the military or naval service of the United States to be allowed to record their arms without paying such fee; and in the case of an officer deceased, his children should be allowed the privilege of entering arms in their father's name.

3.—The date of entry at the Court is in all cases to decide the ownership, if two persons have entered the same arms, unless one party prove inheritance, in which case he shall have the exclusive right. In all cases the person dispossessed may amend his first description, and thus obtain a new coat-of-arms without further charge.

4.—The date of the year when the arms were assumed, to be a necessary part of them, except that the date of an inherited shield may be used instead; or by an officer of the United States, the name of any battle, &c.

5.—These provisions to apply only to personal use, and not to refer to existing monuments or records.

6.—After the record at the Court, the right shall remain although no use is made. The tax is to be only for such years as personal use is intended.

7.—In all cases where persons have paintings of arms, or engraved plate or seals, they must take out a license annually, though they need not file a description nor alter the existing shields by adding the date.



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