

Note on the Petition of John Gerald McDonnell residing at Presteigne, Powys, Wales, LD8 2AT.

FINDINGS AND REASONS

1. The petition was lodged on 18 May 2012. The petitioner seeks confirmation of the Arms of the Clan Donald South, Clan Ian Mor and a grant of Supporters and Standard befitting the rank of degree of Chief of Ian Mor.

2. In considering the petition I have before me the inventory of productions for the petitioner containing items 1-97. There was a series of correspondence with the petitioner from the Lyon Office indicating in essence there were insufficient proofs to establish the petitioner's claim. This correspondence started on or around the 18 May 2012 until the 22 September 2014. In the letter of the 22 September 2014 I indicated to the petitioner that there was insufficient evidence with his proofs to establish his genealogy and his entitlement to the Arms of the Chief of the Clan Ian Mor.

3. I was satisfied that the petitioner had proved his genealogy back to his great-great-grandfather Dr John McDonnell born in Belfast 11 February 1796 who died on the 20 January 1892. His descent from this person has been proved by the certificates and entries in public records submitted with the petition.

4. The petitioner has not been able to prove his genealogy beyond this point. The nature of the proofs such as articles, biographies and pedigrees are not sufficient to establish his claim. This matter becomes more significant because of the nature of his claim which relates to pre-1672 Arms which he seeks to matriculate. In considering the sufficiency of evidence of this petition before me I followed the case of MacDonald of Keppoch Petitioner (No 2) 1994 SLT (Lyon Ct) 2 and Lord Borthwick Petitioner 1987 SLT (Lyon Ct).

5. I have reached the conclusion that the findings in fact in this petition are as follows:-
 - i) That the petitioner lodged his petition on 18 May 2012.
 - (ii) That there was a series of letters between the Lyon Court and the petitioner from 18 March 2012 to 22 September 2014.
 - (iii) That the petitioner has proved his genealogy back to his great-great-grandfather Dr John McDonnell born Belfast 11 February 1796, died 20 January 1892.
 - (iv) That the petitioner has not proved his descent beyond his great-great grandfather.
 - (v) That the proofs relating to genealogy beyond the petitioner's great-great-grandfather are not of a nature that allow them to be probative in this petition.

(vi) That the nature of the proofs contained in the inventory of productions such as articles, biographies and pedigrees is not of a sufficient standard to establish the petitioner's claim within the Lyon Court.

6. I have made the above findings in fact for the following reasons:-

(i) That the burden of proof rests with the petitioner.

(ii) That the proofs relating to the petitioner's genealogy prior to his great-great-grandfather are not sufficient to establish the claim and are not of a probative nature.

(iii) That in a letter of 22 September 2014 these matters were highlighted alongside other steps required by the petitioner to take forward the petition and in the same letter intimation that I would consider the case on the 1 November 2014. No response to this letter or further proofs or procedural requests were received.

(iv) That after consideration of the totality of the evidence before me and the relevant case law, bearing in mind the burden of proof rests with the petitioner; I have concluded that the petitioner has not discharged the burden of proof and that the petition should be dismissed.

7. The petition is dismissed.

Dated: 10th November 2014

Dr. Joseph J. Morrow

Lord Lyon