

## CLANS, FAMILIES AND SEPTS

I reproduce here with permission an edited article Clans, Families and Septs by Sir Crispin Agnew of Lochnaw, Bt. which was printed in The Caledonian September 2002, (Newsletter), of the Royal Caledonian Soc, of SA.

The difference between clans, families and septs is the source of many questions, as is the question phrased in one way or another, which asks: "To which clan do I belong?" There are many definitions of clans and families as there are people, but this article will try to indicate how these matters are viewed in the Lyon Court.

It should first be recognised that a clan or family is a legally recognised group in Scotland, which has a corporate identity in the same way that a company, club or partnership has a corporate identity in law. A clan or family is a "noble incorporation" because it has an officially recognised chief or head, who, being a nobleman of Scotland, confers his noble status on the clan or family, thus making it a legally and statutorily recognised noble corporation often called "the Honourable Clan..."

A name group, which does not have a chief, has no official position in the law of Scotland. The chief's Seal of Arms, incorporated by the Lord Lyon's letters Patent, is the seal of the corporation, like a company seal, but only the chief is empowered by law to seal certain documents on behalf of his clan. A clan as a noble incorporation is recognised as the chief's heritable property - he owns it in law and is responsible for its administration and development.

So far the words clan and family have been interchangeable in this article and this is the position. There is now a belief that the clans are Highland, and families are Lowland, but this is really a development of the Victorian era. In an Act of Parliament in 1597, we have the description of the "Chiftanis and the Chieffis of all clannis.....duelland (*dwelling*) in the hielands or bordouris (*borders*)", thus using the word clan to describe both Highland and Lowland families. Further, Sir George MacKenzie of Rosehaugh, the Lord Advocate (Attorney General) writing in 1680 said: "By the term 'chief' we call the representative of the family, and from the word chef or head in the Irish (Gaelic) the chief of the family is called the head of the clan".

So it can be seen all along that the words chief or head and clan or family are interchangeable. It is therefore quite correct to talk of the MacDonald family or the Stirling Clan, although modern conventions would probably dictate that it was the MacDonald clan and Stirling family. The Lyon Court usually describes the chief of a clan or family as either the "Chief of the Name of Arms", or as "Chief of the Honourable Clan..."

Who belongs to what clan is, of course, a matter of much difficulty, particularly today when the concept of clan is worldwide. Historically, in Scotland a chief was chief of the "cuntrie". He was chief of his clan territory and the persons who lived therein. Although certain the majority of his followers, and his immediate family wherever they lived, would owe him allegiance, those people relatively close to the battle with a particular neighbouring chief might switch their allegiance to the other chief. Thus we find that when Lord Lovat took over a neighbouring glen to his clan territory for the donation of a boll of meal to each family, the family was persuaded to change their name to Fraser and owe him allegiance. To this day they are called the "boll meal Frasers". Another example is a migration of a family of the MacLeans from the west coast to near Inverness, and on moving to Inverness they changed their allegiance from the MacLean chief to the chiefs of the Clan Chattan. Thus the MacLeans of Dochgarroch and their descendants and dependants are properly members of the Clan Chattan and not members of the Clan MacLean, even though they bear a common surname.

A chief was also entitled to add to his clan by the adoption of families or groups of families to membership of his clan, a good example being the "boll meal Frasers". Equally, a chief has, and had, the power to expel or exclude particular persons from membership of his clan and this included blood members of his family. It was his legal right to outlaw certain persons from his clan. This is accepted in the modern sense to mean that a chief is empowered to accept anyone he wishes to be a member of his clan or decree that his clan membership shall be limited to particular groups or names of people. All persons who bear the chief's surname are deemed to be members of his clan. Equally it is generally accepted that someone who determines to offer their allegiance to the chief shall be recognised as a member of that clan unless the chief has decreed that he will not accept such a person's allegiance. Thus, if a person offers his allegiance to a particular chief by joining his clan society, or by wearing his tartan, he can be deemed to have elected to join that particular clan, unless the chief states that he or his name group is not allowed to join the clan.



It should also be said that the various Sept lists which are published in the various Clans and Tartan books, have no official authority. They merely represent some person's, (usually from the Victorian era) views of which name groups were in a particular clan's territory. Thus we find members of a clan described, as being persons owing allegiance to their chief "be pretence of blud or place of thare dwelling (*dwelling*)". In addition to blood members of the clan, certain families have a tradition, descent from a particular clan chief (even if the tradition can with the aid of modern records be shown to be wrong). They are of course, still recognised as being members of the clan.

Historically, the concept of "clan territory" also gives rise to difficulty, particularly as certain names or Septs claim allegiance to a particular chief, because they come from his territory. The extent of the territory of any particular chief varied from time to time depending on the waxing and waning of his power. Thus a particular name living on the boundaries of a clan's territory would find that while the chief's power was on the up, they would owe him allegiance; but if his power declined, then not give allegiance. At some arbitrary date, which the compiler of the list has retrospectively selected a name may or may not appear as a member of the clan. Often the names are Scotland wide and so it is difficult to say that a particular name belongs to a particular clan. Often surnames are shown as potentially being members of a number of clans. Generally speaking, if a person has a particular sept name which can be attributed to a number of clans, they should determine from what part of Scotland their family originally came, and owe allegiance to the clan of that area. If they do not know from where they came, they should owe allegiance to that clan to which their family was traditionally connected. As another alternative they may offer their allegiance to any of the particular named clans in the hope that the chief will accept them as a member of his clan. Equally, as has already been said, with the variations from time to time of particular chiefly territories, it can be said that at one particular era some names were members of or owed allegiance to a particular chief while a century later their allegiance may well have been owed elsewhere.

In summary, therefore, the right to belong to a clan or a family, is a matter for the determination of the chief who is entitled to accept or reject persons who offer him allegiance.