



Sir Crispin Agnew of Lochnaw Bt.,

Clans, Families and Septs

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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 important 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 used interchangeably in this article and this is the position. There is now a belief that clans are Highland and families are Lowland but this is really a development of the Victorian era. In an Act of Parliament of 1597 we have the description of the "Chiftanis and chieffis of all clannis...duelland in the hielands or bordouris" 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 from the word chef or head and in the Irish (Gaelic) with us the chief of the family is called the head of the clan". So it can be seen that all along 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 and 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 of his immediate family, would owe him allegiance wherever they were living. The majority of his followers and in particular his battle relatives to a neighbouring chief, they would 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 and should be viewed as a member of that clan unless the chief particularly states that he or his name group are not to be 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 in the Victorian eras) 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 duelling". In addition to blood members of the clan, certain families have a tradition (even if the tradition can with the aid of modern records be shown to be wrong) descent from a particular clan chief. 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 chiefs power was on the up they would owe him allegiance but - if his power declined retrospectively at some arbitrary date which the compiler of the list has selected. Often the names are Scotland-wide and so it is difficult to say that particular name belongs to a particular clan. Often surnames are shown as potentially being members of a number of clans, and this is because a number of that name has been found in each different clan's territory. Generally speaking, if a person has a particular sept name which can be attributed to a number of clans, either they should determine from what part of Scotland their family originally came and owe allegiance to the clan of that area or, alternatively, if they do not know where they came from, they should perhaps owe allegiance to the clan to which their family had traditionally owed allegiance. Alternatively, 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 family, which are the same thing, is a matter for the determination of the chief who is entitled to accept or reject persons who offer him their allegiance.

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