

An explanation of Scottish Laws concerning a Clan and Clan chief

History

Historically, a clan was made up of everyone who lived on the chief's territory, or on territory of those residents who owed allegiance to the said chief. Through time, with the constant changes of "clan boundaries", migration or regime changes, clans would comprise of large numbers of members who were unrelated and who bore different surnames. Often those living on a chief's lands would over time adopt the clan surname. A chief could add to his clan by adopting other families, and also had the legal right to outlaw anyone from his clan, including members of his own family.

Definition of a clan

Scottish clans and Scottish heraldry are closely bound together. In the book "*System of Heraldry, Speculative and Practical: With the True Art of Blazon*", published in 1722 by Alexander Nisbet of that Ilk (1657-1725) a Scottish clan is defined as a social group consisting of an aggregate of distinct erected families actually descended, or accepting themselves as descendants of a common ancestor, which has been received by the Sovereign through its Supreme Officer of Honour, the Lord Lyon King of Arms of Scotland, as an honourable community.

An observation must be made here as there is no institution capable of 'creating' a clan, not even the Court of the Lord Lyon, nor the monarch. In Scottish traditions, it's the family and eventually an allied family or group of families, related by blood or not, who decide to become a clan (or a sept), in a *derbhfine* or family convention. The sovereign simply *receives* the new clan. The Court of Lord Lyon (created in the 14th century) has jurisdiction over all heraldic business in Scotland, and unlike English Kings of Arms the Lord Lyon has authority to grant or remove arms by his own power.

Standing Council of clan chiefs

In 1952 the Standing Council of Scottish Chiefs was formed under the auspices of the Lord High Constable of Scotland. Whereas the Lyon Court's time is primarily occupied by heraldic concerns, the Standing Council was created to concentrate on matters related more directly to the clans, apart from those concerns about heraldry. The Council maintains a working relationship with the Lyon Court in ensuring that clans are active and have a formally recognized chief. The Council has provided the following information on the structure of a Scottish clan.

What is a clan?

The clan system is bound up with Scottish heraldry as described in Nisbet's "*System of Heraldry*".

A clan is therefore a community which is both distinguished by heraldry and recognised by the Sovereign. At the head of the honourable community is the chief. He is the only person entitled to display the undifferenced shield of Arms.

Chieftainship is an honour and dignity within the nobility of Scotland. Any claimant to such a title must establish, to the satisfaction of the Lord Lyon representing the Sovereign, that he

or she is entitled to the undifferenced arms of the community over which they seek to preside.

It is the determining to the chiefship which is among the Lyon's Court's central work.

A clan or family which has a recognised chief or head confers noble status on the clan or family which gives it a legally recognised status and a corporate identity.

A family or name group which has no recognised chief has no official position under the law of Scotland.

Who is a member of a clan?

Every person who has the same name as the chief is deemed to be a member of the clan.

Equally every person who offers allegiance to the chief is recognised as a member of the clan, unless the chief decides that he will not accept that person's allegiance.

There is no official list of recognised clan septs. This is a matter for each chief to determine.

MacNeil of Barra

The Clan has a long traditional heritage tracing back to Niall of the Nine Hostages, high king of Ireland. The recorded history commences with Gilleonan who was given a charter of Barra and Boisdale in 1427 from the Lord of the Isle. From that date we have an accurate record of the clan chiefs through to the present chief, Roderick Wilson Macneil of Barra.

McNeill of Gigha and Taynish

The McNeill family of Gigha and Taynish has been identified by the Clan MacNeil DNA ancestry program as having a different line of ancestry from the Barra family.

Prior to the 1493 when the Clan Donald lost the title of the Lord of the Isles. The families of Gigha and Taynish both had their own chief. Both the chiefs of Barra as well as Gigha and Taynish were members of the Council of the Lord of the Isles.

A meeting of the clans of the isles joined at a Council meeting on 28 July 1543 and a record of the meeting included a chief of MacNeil of Barra and a chief of Gigha and Taynish. In later years the Gigha and Taynish family spread through the Taynish descendants to Arichonan and Gallochallie, near Taynish in Knapdale and then then to Colonsay. During this period the family held a close relationship with the Earl of Argyll and the position of clan chief was not continued.

Clan MacNeil

The Clan MacNeil does not have a register of clan members. While the descendants of families bearing the name of our chief or the many variations of the spelling of the Gaelic name of Niall, other families associated historically with the clan, persons who have a maternal ancestral link to the clan, or other persons who acknowledge their allegiance to our chief will be deemed as a member of the Clan MacNeil.

Some examples of the variant family names relating to the historic name Niall.

Neil, Neill, Niel, Nial, Neal, MacNeely, McNeilage, McNeile, McGrail, McGougan, McNeill, MacNeil, MacNeal.

Families with other Gaelic names such as McGuigan changed their name to Goodwin or Mcilpheder to McNeil.

Clan MacNeil Associations

There are Clan MacNeil Associations incorporated in America, Canada, Australia and New Zealand. They are each independent entities with their own constitutions and rules of membership.

They do not have a legal relationship to our clan chief. However the clan chief may be invited to be appointed as an honorary president or patron.

The clan associations welcome all persons with ancestral links to the clan families and those who are interested in our clan as members.

John McNeil 23 December 2018