

CLAN STRACHAN CONSTITUTION

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THE CLAN STRACHAN CONSTITUTION

Definitions

[a] Bond of Kinship:

*Defined as in ancient Celtic and Highland tradition, all clansmen are assumed to be descendant from a common ancestor regardless of actual or presumed blood line; and the Chief of the Name and Arms recognised by the Sovereign through the Court of the Lord Lyon shall be recognised under Scottish Heraldic Law as **Representor** of this common ancestor.*

[b] Clan Representor:

Defined in this Constitution as the Clan Chief or Commander of Clan Strachan recognised by the Sovereign through her Officer of Honour, the Lord Lyon King of Arms. The Clan Representor is the **parentela** [patriarch] of Clan Strachan, and Representor of the **clan eponymous** [common ancestor].¹ By convention, this Constitution shall refer to the Chief of Clan Strachan recognised by the Court of the Lord Lyon as “*Clan Chief*” or simply “*Chief*” regardless of the armorial description in the Letters Patent (e.g., Chief of the Clan, or Chief of the Name and Arms).

[c] Clan:

According to the *Standing Council of Scottish Chiefs*, the clan system is closely bound up with Scottish heraldry. The best definition of a clan provided by a heraldic authority is contained in Nisbet’s “System of Heraldry”, published in 1722:

A social group consisting of an aggregate of distinct erected families actually descended, or accepting themselves as descendants of a common ancestor, and which has been received by the Sovereign through its Supreme Officer of Honour, the Lord Lyon, as an honourable community whereof all of the members on establishing right to, or receiving fresh grants of, personal hereditary nobility will be awarded arms as determinate or indeterminate cadets both as may be of the chief family of the clan. A clan is therefore a community which is both distinguished by heraldry and recognised by the Sovereign. At the head of this honourable community is the chief. He is the only person entitled to display the undifferenced shield of Arms, i.e. without any marks of dependency upon any other noble house.²

[d] Clan Council:

The **Clan Council**, also known as the **Great Council**, also known as the **Comhairle Mor**, are the management council of Clan Strachan, and serve a distinct and separate purpose of subordinate clan organisations.

¹ Adam. “Clan, Septs and Regiments of the Scottish Highlands,” page 101.

² Standing Council of Scottish Chiefs – What is a Clan? [Article reprinted 30 Dec. 2013]

PREAMBLE

TO ALL AND SUNDRY and to the heirs and successors of those Armorialists to Clan Strachan, we the current Armigerous noblesse and gentry of the Clan wish to establish the shared values and ideals of the clan, and to establish judicial prudence, unity, and to promote the ongoing continuity of the clan for future generations. It is for these reasons we present the following Articles.

ARTICLE 1. THE REPRESENTOR & CHIEFTAINS OF CLAN STRACHAN

[1] Definition of the Representor

The Clan Strachan Representor shall be:

[a] Commander Recognised by the Crown

As defined above in section **Definitions [b]**, if the Representor is a *Commander recognised by the Lord Lyon King of Arms* as the *Clan Representor* he/she shall bear all honours, authority and responsibilities of the Clan Chief as recognised under Scots Law, and within the clan body on an interim basis until said Commander, or another more deserving individual, is recognised by the Crown as Clan Chief.

[b] Commander appointed by the Clan Chief

A *Commander appointed by the Clan Chief* shall have a written commission (a 'warrant') from the Clan Chief authorising the scope and term of his responsibilities, and shall retain this title for the stated term, or until such time as revoked by the Clan Chief. Appointed Commander must be a STRACHAN (broadly defined) Armigerous individual or Armigerous heir residing in Scotland. If no Armiger resides in Scotland, then it shall be someone of substantial rank and status within the Clan Council, preferably the Tanist or one of the Chief's Gilfine.³ The appointed Commander should NOT be coincident with that of chairman / convener / president of a clan association, society or trust; as their functions are different.⁴

[2] Responsibilities of the Representor

[a] Recognition by the Crown

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

³ Innes or Learney, Sir Thomas, Lord Lyon King of Arms. "Tartans of the Clans and Families of Scotland." Page 56

⁴ Innes or Learney, Sir Thomas, Lord Lyon King of Arms. "Tartans of the Clans and Families of Scotland." Page 56

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.⁵ The Clan Commander and Clan Chief of Strachan must be recognised by the Crown.

[b] Bond of Kinship

The primary and most fundamental responsibility of a Representor, under the **Bond of Kinship**, is to serve as '*representor of the eponymus*⁶' with congruent '*patria potestas*' (*parental authority, or patriarchal jurisdiction*)⁷. The Representor of Clan Strachan recognised by the Sovereign is the head of their race [family], and the **Representor** of a common ancestor.⁸ It is only through the Sovereign that the Representor has legal standing regardless of the armorial status of particular branches. **Without legal recognition under Scots Law of a Representor of a common ancestor, then no material or tangible Bond of Kinship exists. Clans without a Chief are quite literally, "[..] a broken family."**⁹ Subsequently, the Clan Representor shall treat all clansmen as family, regardless of actual or imagined blood ties.

[c] Clan Representor in Scottish Affairs

The Clan *Representor* shall literally *represent their clan*, e.g., to be the clan's voice and ears in Scotland. Through the act of recognition by the Court of the Lord Lyon, the Representor would be recognised (including the clan over which they preside) by their fellow chiefs; and can join the community of other recognised Scottish Clan Chiefs and be party to the national dialog and all discussions and decisions made collectively by the Community of Clan Chiefs. ***Regular attendance is required at the Standing Council of Scottish Chiefs; important state and local events; as well as other Clan events in Scotland and potentially overseas.*** It is important the Representor disseminate high level information to the Clan Council, and the clan organisations who in turn distribute this information to the rank and file of the clan.

⁵ Agnew of Lochnaw, Sir Crispin (Bt.), "Clans, Families and Septs." The Society of Scottish Armigers, Information Leaflet No. 11. 13-August 2001. Retrieved 9-Feb 2014.

⁶ Eponymus: Defined as the original common ancestor of the race (or family), the eponym.

⁷ Parental authority or jurisdiction.

⁸ Skene, W.F. "The Highlanders of Scotland." (1902). Page 101

⁹ According to Lord Lyon King of Arms, Innes of Learny.

[i] If a Representor is outside Scotland, if even occasionally, he should appoint a “Commander of the Clan” in Scotland.

[d] Custodian of Clan Relics and Assets

One of the primary duties of the Representor is to look after the preservation of the clan relics, and personal property of which he is the representative recognised under Scots Law, even though these clan assets may be owned by a Clan Strachan association, society or trust. *The head of the family is directly responsible not only for his own destiny, but also for that of his kinfolk.*¹⁰ The Representor shall, either directly or by delegation, retain and maintain all Bonds of Manrent, as well as other official clan documents, relics, monuments, etc.. It is usually the Representor, who by appointment of the Seanachaidh (or Sennachie), delegates this task to this Clan Council Officer. Clan assets shall include, but are not limited, the Insignia (or symbols) of the Clan Chief or Clan Representor, which are owned by the Clan Strachan Scottish Heritage Society for the benefit of Clan Strachan:

1. *The White Rod ('An Slat Bhan')*

The White Rod, of patriarchal sway.¹¹ *'An Slat Bhan'*, a straight white rod, **represents a clan chief's judicial authority over their clan as authorised by the Sovereign of Scotland and so recognised by the Court of the Lord Lyon.** It is required to be both white and straight -- ***the colour representing purity and the straightness of justice.***

2. *The Clan Sword or the Ancestral Sword.*

The Clan Sword, anciently, represented the Chief's power of life and death over their clansmen. In modern times, the sword simply **represents the Chief's legitimate power** as provided under Scots Law over their clan as authorised by the Sovereign through the Court of the Lord Lyon.

It is highly recommended that all important clan assets and artifacts that can be reasonably stored or located in Scotland - - be stored in Scotland, preferably under the custody of the Clan Representor in a vault, safe, or similarly secured fashion. As discussed later in this Constitution, one of the primary goals of the clan is to obtain sacred clan lands, with a great hall and cottages out buildings for travelling clansmen. These items, banners, and other clan assets should be, *within reason*, secured within these sacred grounds for private or public viewing.

¹⁰ Adam, Frank. “The Clans, Septs & Regiments of the Scottish Highlands” pp. 127

¹¹ Adam, Frank. “The Clans, Septs & Regiments of the Scottish Highlands” pp. 113

[e] Custodian of Clan Lands

*"The first duty of the Chief [e.g., Representor] is to look after the preservation of the family and family property of which he is the representative."*¹² The Representor and Chieftains of Clan Strachan are no doubt the legal owners of their lands and real property, or Trustee if said land is vested in a Trust. Nonetheless, it shall be recognised that, "The real property and specifically the primary territorial designation of the Chief [and Chieftains] creates a bond, a territorial nexus that ties *the entire worldwide clan* to the Ard~Righ (the Sovereign), to Scotland more specifically, and even more directly and personally to each individual's heritage and family identity."¹³

***"The clan itself was, like the land it occupied, 'heritage,' and this 'clan' bound to the chief by the bond of kinship, gave the whole structure an intense and beautiful aspect which has throughout the ages made the relationship of chief and his people to 'their' land (i.e., clan land) something utterly different from the commercial ideas of 'private property' as an 'investment.' "*^{14 15}**

[1] Vested in an Irrevocable Trust

The lands of the Representor as well as substantial or branch chieftains with a territorial designation shall be considered a "Clan Asset", which must be safeguarded. It is "recommended" these properties be vested in an irrevocable trust by their owners to prevent or discourage the sale of the property, to protect against death taxes, changes in the tax code, divorce settlements, or to establish heritable rights of the property to the heir whether by direct descent or by determinant blood cadet of the original patriarch.

[2] A Clan Asset- Guidance to the Chief and substantial Chieftains of Clan Strachan

If the landowner defined above wishes to dispose of, or sell, real property of the primary territorial designation of his name... this sale of real property, as defined above, is also a sale of clan heritage, and shall be recognised as constituting a significant

¹² Adam, Frank. "The Clans, Septs & Regiments of the Scottish Highlands" pp. 127

¹³ Adam pp. 144

¹⁴ Adam pp.. 96

¹⁵ Clan lands (aka clan cuntrie) might often as not include detached estates, as well as the original allod and duthus. Adam, pp. 106

concern affecting the entire clan. The opinions of the principal families of Strachan (that is, the clan council) should be taken into consideration.¹⁶

[3] Sacred Clan Lands

Of utmost concern among the Founder Fathers of the modern Clan Strachan is that the *Clan Strachan Charitable Trust or other Clan Strachan organisation* acquire real property of, or around, certain lands in Scotland that have historical significance to Clan Strachan, and is beyond individual control (*e.g., held in trust for the benefit of entire clan*). This property shall be used to:¹⁷

- House historical relics and a library of historical publications.
- **Great Hall:** Shall create a meeting hall for up to 50 people for Clan Strachan and other Scottish Clans to hold Clan Gatherings, investiture ceremonies, and similar events. This can further be hired out to local families or organisations for various events.
- **Self-Catering Cottage(s):** May consist of one or more self-catering cottages. This would provide free or virtually free accommodation for those associated with Clan Strachan and one of its authorised organisations. Its purpose is to allow those to experience the heritage, culture, and history of Scotland, and Clan Strachan in particular; while concurrently mitigating any associated costs or expenses beyond one's budget. Alternatively, the self-catering cottages could be hired out on a weekly basis to others on holiday, or may be used as temporary emergency housing for those clansmen of Clan Strachan.
- **Other Land Use:** If acreage can be acquired, this can be hired out to farmers for crops or grazing. This would allow the trust to generate income to fund other charitable purposes, bursaries, or various charitable organisations.

If property is being sold or disposed of in any fashion by the Chief, or one of the Clan's Chieftains, it is hoped each *may* consider granting the Honourable Clan Strachan (a charitable trust or clan society) a small portion of the current territorial designation (~1 to 5 acres) to be held perpetually as *sacred ground* for all Clan Strachan. Of course, if the Clan through one or more of its organisations owns sacred ground, it is hoped that

¹⁶ Adam, Frank "Clans, Septs & Regiments of the Scottish Highlands" pp 122.; with particular reference to Clan Mackenzie, Clan Donnachy Campbells, Chiefs of Grant and Innes, and Ross of Balnagowan.

¹⁷ Adam: Clans, Septs and Regiments of the Scottish Highlands, pp. 197-200 (with special attention to page 199)

Clan Strachan may have the right of first refusal to purchase or acquire all (or part) of the property within a reasonable period of time.

[f] Presides over Clan Council (Comhairle Mor)

The Clan Representor is responsible for the stewardship of the clan, and its long-term continuity. *The Representor shall presided over the Clan Strachan Comhairle Mor (Clan Council)*, which shall include official clan officers and various qualified gentry of the Name; and (as shall be discussed further) shall serve a different purpose from clan societies, associations and trusts. The Representor shall ensure the implementation of organisational structures, regular meetings and gatherings, and regular attendance of all Clan Officers.

[g] Encourage Active Clansmen Participation

The Representor shall encourage the rank and file of the clan to join and participate in clan associations, societies, or other clan organisations. Further, the Representor shall encourage all virtuous and deserving individuals to file petitions for new Grants of Arms.

[h] Jurisdiction

The Representor is to exercise legal jurisdiction over the clan in certain matters, recognised under Scottish Heraldic Law, AND as recognised in this Constitution.

[i] Ancillary Duties

In addition to the aforementioned, the Representor is an armiger, a Convenor presiding over the Comhairle Mor, and also a clansman; and will have other responsibilities discussed further in Articles 2, 3 and 5 of this Constitution.

[j] Other Legal Requirements

In accordance with applicable Scottish Law (heraldic, civil, criminal, or other), the Representor MUST be of the surname STRACHAN (broadly defined), without hyphenation (aka a *double barreled* surname).¹⁸ Moreover, upon initial acceptance of the title of Clan Representor (Clan Chief or Commander), he (or she) shall be for their lifetime forever bound to the terms and conditions of this Constitution, and thus acknowledges, accepts and shall defend all provisions of this Constitution to the best of their ability.

¹⁸ Adam, pp 181 footnote 1.

[3] Representor's Place Within The Clan

It shall be recognised, as in ancient Celtic and Highland tradition, the clan is above the chief [or Representor].¹⁹ The chiefship of an Honourable Community is a title of dignity, even though of no higher rank than Esquire unless they hold a barony or higher status according to the Scottish table of precedence.²⁰ This is not meant to establish others in higher precedence above the Representor within the clan, nor to circumvent Clan Strachan Precedence discussed further in this Constitution, but rather to convey a sense of rule by *consensus and democratic principles*, rather than dictatorial dominance.

[4] Representor and Comhairle Mor Jurisdiction

Jurisdiction of the Representor and Comhairle Mor is recognised under Scots Law and this Constitution that the clan and Representor, are social dignities; and that the Representor has *patria potestas* (patriarchal jurisdiction). All matters or disputes brought before the Representor or Clan Council to be adjudicated shall pertain solely and exclusively to subjects pertaining to Clan Strachan; and these matters when so adjudged shall be recognised as binding arbitration, un-appealable, and legally enforceable worldwide.

[a] Jurisdiction of Disputes or Claims

The Representor and Comhairle Mor may be required to adjudicate disputes, claims of Noblesse violations, and other internal matters pertaining to Clan Strachan.

[i] Prerogative of the Crown and elsewhere

Any matter that falls within the prerogative of the Crown, as represented by the Court of the Lord Lyon in Scotland; or by other legal authority with satisfactory jurisdiction in the matter shall be adjudicated in that court of law.

[ii] Conflict Resolution and Other Internal Clan Matters

The Representor may be required to become involved in conflict resolution, or an internal clan matter. It is *recommended* that the first avenue is to have the conflicting parties discuss the problem among themselves in a gentlemanly fashion. If the issue persists a private conversation may be required, generally between the Representor and one or more parties involved in the conflict. If the problem again persists, or if any investigation is required, the Representor shall bring the matter before the Comhairle Mor who together shall decide the best course of action, and may include yet another

¹⁹ Colins. "Scots Kith & Kin." Page 53.

²⁰ Innes. "The Tartans of the Clans and Families of Scotland. P29

conversation with the individual(s) in question. A written letter of admonishment, a judicial determination within the clan, or other means deemed adequate by the Representor or Clan Council may be required. It shall be acknowledged in this Constitution that the Representor and the Clan Council has the judicial authority to admonish or revoke the status of any clansman; or admonish or revoke the office of any regional commissioner, Clan Council officer, an officer of an authorised Clan Strachan organisation, or *any* leadership position within Clan Strachan.

[iii] Heraldic and Chieftainship disputes between two or more parties

In all heraldic matters or disputes (particularly as it pertains to a grant, matriculation, or differencing of Arms) it is recommended the parties in question should seek the advice of the Court of the Lord Lyon. According to the Court of Session, the Clan Chief has the authority and jurisdiction to determine chieftainship disputes.^{21 22 23} To avoid potential conflicts of interest, it is highly recommended these disputes nonetheless be resolved within the jurisdiction of the Court of the Lord Lyon, which all parties must agree beforehand that his decision is binding.

[iv] Clan Organisations

Of utmost concern is that all clan organisations are not neglected by their leaders, do not act in a rogue manner, and their leaders do not act in manner that violates Noblesse standards. Clan organisations must be properly and responsibly managed, organised and operated in accordance with this Constitution, and under the guidance and authority vested in the Representor of Clan Strachan and the Comhairle Mor. Further, it is recognised that the most common form of conflict within the modern clan is among competing clan organisations, or the actions of one or more of its leaders. Therefore, best efforts shall be employed by the Clan Representor and Comhairle Mor to ensure all conflicts and competing purposes are minimized, and all claims made against its leadership are thoroughly investigated in accordance with this Constitution.

[b] Venue

The venue of any hearing or tribunal is to be decided upon by the Representor of Clan Strachan.

²¹ *Maclean of Ardgour v. Maclean*, p.636

²² Gloag and Candlish Henderson, p.25

²³ <http://www.heraldica.org/topics/britain/lyondocs.htm>

[c] Forum

An aggrieved party may choose to have a dispute heard before the Clan by contacting the Representer of Clan Strachan, or the Clan Herald (aka Sennachie).

[i] Judge, Brieve or Tribunal

The Representer may choose to serve as judge. Alternatively he (or she) may recuse themselves for any reason, and select in their sole and exclusive discretion to appoint another to serve as 'Brieve' to take his place. Alternatively, the Representer, in his sole discretion, may insist upon a decision by a *Tribunal of Nine*²⁴ with either the Representer or Brieve serving as judge. The Representer shall appoint members of the Tribunal, and shall consist of nine impartial Officers of the Comhairle Mor. If nine *impartial* Officers are unavailable, the Representer may subsequently appoint one or more impartial Directors or Trustees of various Clan Strachan organisations, and thereafter other impartial individuals of high qualification and social standing as determined by the Representer. It shall be required that all members of the Tribunal be clansmen of the Name, or by Bond of Manrent. The Plaintiff and Defendant each have the right to challenge up to three appointed members of the Tribunal for any reason, and so eliminate them from the Tribunal. Tribunal decisions shall be made final by unanimous consent.

[ii] Intentional Delay

It is generally recommended to delay the proceedings for up to 18 months in order to allow the Parties to come to a mutually acceptable compromise or resolution.

[d] Binding

It shall be understood by all disputing parties that all decisions, regardless of Forum, are equivalent to binding arbitration whose final decision is enforceable in all jurisdictions.

[e] Notification

All parties to a dispute are to be notified in writing within a minimum of 30 days by the Representer or his delegate. All communication thereafter shall take place by written hand, or electronic methods such as email, etc.

²⁴ Adam, Frank. "The Clans, Septs & Regiments of the Scottish Highlands" pp. 134.

[f] Last Resort

It should be appropriate to mention, that seeking to have a dispute adjudged by the Clan should be a last resort. All Parties should seek (on multiple occasions if necessary) to have their differences settled in a cordial and gentlemanly fashion. The Representor and Clan Council have a duty to, at a minimum, admonish anyone:

[i] Communicating in an adversarial or hostile manner with another clansman.

[ii] Failing to make an earnest attempt to settle their dispute prior to seeking the involvement of the Clan.

[iii] For any other reason including, but not limited to, perjury, failing to deal in good faith, omission of material facts, or not acting in accordance with Noblesse principles regardless of armorial status or clan rank.

[g] Right to face your accuser & presumption of innocence.

As applicable, any anonymous claim(s) shall be disregarded, and anyone accusing another of wrong doing shall make all claims in a public forum, preferably pen to paper with bold signature. No investigation shall commence based solely on hearsay, or anonymous accusations. At all times, there shall be a fair and impartial trial, and presumption of innocence.

[5] Chieftains of Clan Strachan

While Scottish law recognises the existence of Scottish Clans, Chiefs and Chieftains,²⁵ this recognition is only one of social dignity or precedence, and as such does not involve any interest for which the law has jurisdiction.²⁶ The Court of the Lord Lyon can make a recording of the dignity of a chiefship [or chieftainship] acknowledged by attestation, but cannot declare judicially a chiefship [or chieftainship].²⁷ According to the Court of Sessions, ***Maclean of Ardgour v. Maclean***, a Clan Chief recognized by the sovereign solely and exclusively has the authority to recognise a chieftainship.

[a] Qualifications

The granting of a hereditary Chieftainship is a considered a very high honour within the ancient and modern Scottish clan system, and should thus be rare and well deserved honour. By

²⁵ The Records of the Parliaments of Scotland to 1707 (RPS). <http://www.rps.ac.uk/>

²⁶ Court of Session: *Maclean of Ardgour v. Maclean*, p.657

²⁷ Court of Session: *Maclean of Ardgour v. Maclean*, p.657

Scottish tradition, custom, and heraldic law all Chieftains of Clan Strachan MUST be a **Scottish Armigerous individual**²⁸ born a STRACHAN (broadly defined), and a **legitimate heir** as the *chieftain* title is a **title of honour** in Scotland. Further, *preliminary research generally indicates* that any chieftain candidate must “generally”:^{29 30}

- (i) Have ownership of a substantial area of land [in Scotland] to which a well-attested name attaches, that is to say, ownership of an “estate”, farm, or at the very least, a house with policies extending to five acres or thereby, outwith a burgh. Simply, one must have, or at the very least qualify for a Territorial Designation in accordance with the Court of the Lord Lyon;^{31 32 33} or
- (ii) Be owning or formerly owning a substantial part of the clan lands.³⁴

Substantial land ownership is generally recognised today by the Court of the Lord Lyon as 5 or more acres outwith a burgh.³⁵ This of course is subject to change in the future, and shall be determined by the Court of the Lord Lyon. Perhaps more importantly, a Chieftainship is a very high honour within the Clan, and should NOT be recognised simply based on one’s wealth, or landownership. Substantial duties, actions, sacrifices, involvement, or financial contributions to Clan Strachan should all be taken into consideration before the Clan Chief issues a warrant. It is wise that the opinions of the Clan Council be sought. Additionally, if there are any questions or uncertainties, it is wise to seek the advice of the Lord Lyon King of Arms.

²⁸ The individual’s armorial bearings must be recognised by the Court of the Lord Lyon in Scotland

²⁹ Innes of Learney, “Tartans of the Clans and Families of Scotland.” Page 32 states, “The word [chieftain], originally French, may connote no more than the head of a territorial house.” And, “Cheiftain is really a territorial title.”

³⁰ The title of Chieftain is a social dignity, and no court of law has jurisdiction (*Maclean of Ardgour v. Maclean*). However, it appears in the Court of Session it is really unknown, although thought to be doubtful, if Lyon will recognize an individual as a Chieftain if they do not hold or otherwise qualify for a Territorial Designation under Scots Law. In these cases, it would be wise to write Lyon for his advice on a case-by-case basis.

³¹ <http://www.lyon-court.com/lordlyon/776.html>

³² <http://www.lyon-court.com/lordlyon/616.html>

³³ Sir Crispin Agnew of Lochnaw, Baronet, QC, Rothesay Herald of Arms (Court of the Lord Lyon), “Ruffling Their Feathers,” Pages 1-2

³⁴ Sir Crispin Agnew of Lochnaw, Baronet, QC, Rothesay Herald of Arms (Court of the Lord Lyon), “Ruffling Their Feathers,” Pages 1-2

³⁵ <http://www.lyon-court.com/lordlyon/616.html>

[b] Types of Chieftainships

[1] "*Chiefs of substantial branches of a clan*" or "*branch chiefs*" are tied to an estate name, or Territorial Designation, and are officially recognised as "*Chief of the Name and Arms of Strachan of X*" or "*Chief of the Honourable Clan Strachan of X*" by the Court of the Lord Lyon. The territorial designation "*of X*" indicates that the chief is not chief of the whole clan, but is just chief of a substantial branch. The full range of who is a "*branch chief*" as opposed to a "*substantial chieftain*" has never been clearly defined.³⁶

[2] "*Chieftains of a the Clan*", defined as heads of the principal branches of the Clan, who have long recognised as owning or formerly owning a substantial part of the clan lands.³⁷

[3] "*Minor Chieftain*," is not officially defined. For purposes of this Constitution, it shall be defined as, "*A Scottish Armiger with no substantial Scottish lands recognized by the Clan Chief as a Chieftain.*" These individuals are *generally* an heir to a chieftainship who no longer owns their family's territorial designation. For example, they should be addressed as: John Strachan, Representor of "X", where "X" is the prior Territorial Designation. Minor Chieftains are subordinate to all other chieftains.

[c] Warrant for Chieftainship

In order to be recognised as a hereditary **Chieftain** of Clan Strachan, the Chief or Representor of Clan Strachan must sign and issue a warrant recognising the Strachan Armiger and his armorial successor in name and arms as a *Chieftain*. If a chieftain owns a substantial area of land to which a well-attested name attaches (defined above) or has a Territorial Designation - - these lands are to be defined in the warrant as '*clan lands*' with important "heritage" ties to Clan Strachan. Said warrant should be similar to Letters Patent for a new grant of Arms, and further expound upon the various reasons this individual is being recognised as a Chieftain beyond simply ownership of a Scottish estate, farm or other Territorial Designation. The warrant should also include the right of the Chieftain to wear two eagle feathers. The original warrant shall be retained by the Clan Strachan Sennachie, and a duplicate shall be provided the Chieftain.³⁸

³⁶ Sir Crispin Agnew of Lochnaw, Baronet, QC, Rothesay Herald of Arms (Court of the Lord Lyon), "Ruffling Their Feathers," Pg 1.

³⁷ Sir Crispin Agnew of Lochnaw, Baronet, QC, Rothesay Herald of Arms (Court of the Lord Lyon), "Ruffling Their Feathers," Pg 2.

³⁸ Sir Crispin Agnew of Lochnaw, Baronet, QC, Rothesay Herald of Arms (Court of the Lord Lyon), "Ruffling Their Feathers," Pg 2.

[d] Crown Recognition

For reasons of armorial succession, avoidance of future generational disputes, to codify the hereditary and heraldic nature of this title of honour, and for numerous other factors it is highly recommended all Chieftain honours be officially recognised by the Court of the Lord Lyon. It is the sole and exclusive responsibility of the Chieftain to perfect their Arms.

[e] Court of Session - As Reference

Maclean of Ardgour v. Maclean 1941 S.C. at p. 657: Per **Lord Wark**, "I agree with your Lordships that Lyon has no jurisdiction to entertain a substantive declarator³⁹ of chiefship of a Highland clan, or of chieftainship of a branch of a clan. [...] The question of chiefship of a Highland clan, or chieftainship of a branch of a clan, is not in itself, in my opinion, a matter which involves any interest which the law can recognise. At most, it is a question of social dignity or precedence. In so far as it involves social dignity it is a dignity which, in my opinion, is unknown to the law. It was decided in the case *College of Surgeons of Edinburgh v. College of Physicians of Edinburgh* (1911 S.C. 1054), that Lyon has no jurisdiction except as is conferred by statute, or is vouched by the authority of an Institutional writer, or by continuous and accepted practice of the Lyon Court. [...] in my opinion, there is no practice or precedent which entitled Lyon to decide a question of disputed chiefship or chieftainship, either by itself or incidentally to a grant of arms. There is direct authority, by way of precedent, for Lyon considering an acknowledged chiefship of a clan as incidental to a grant of arms with supporters. The case of Macnaghton (13th January 1818, Lyon Register, vol. ii, p. 172) is a case of that kind. But it is a different thing altogether to say that in a case of dispute Lyon has jurisdiction to determine and declare who is chief. For that no precedent has been cited to us. In my opinion, it is outwith his jurisdiction to decide because (1) at best it is a question merely of social status or precedence; (2) this social status is not one recognised by law; and (3) and, most important of all, it depends, not upon any principle of law of succession which can be applied by a Court of Law, but upon recognition by the clan itself. Like your Lordship, I am at a loss to understand how any determination or decree of Lyon ever could impose upon a clan a head which it did not desire to acknowledge."⁴⁰

Maclean of Ardgour v. Maclean, 1941 S.C. at p. 636. No Scottish court can exercise a jurisdiction to determine disputes of competing claimants to a chiefship or chieftainship, to quote **Lord Aitchinson** in the Court of Session: "*Historically the idea of a chief or chieftain submitting his dignity to the arbitrament of a Court of law is really grotesque. The chief was the law, and his authority was derived from his own people.*"

³⁹ (action of) declarator (Scots Law): a form of action in the Court of Session, in which something is prayed to be declared judicially, the legal consequences being left to follow as a matter of course (Oxford english Dictionary).

⁴⁰ <http://www.heraldica.org/topics/britain/lordlyon.htm#657>

Under Scots Law (Court of Session, which supersedes the Court of the Lord Lyon), the Clan Chief selects who is a Chieftain, and has ultimate authority to decide Chieftainship disputes.

ARTICLE 2. THE NOBLESSE OF CLAN STRACHAN

[1] Noblesse Defined

The French term 'Noblesse' means ***nobility***, and is defined as all individuals of peerage and non-peerage rank, including the minor-nobility of "Gentleman". A "Gentleman" is defined within Clan Strachan as one who was born with the surname Strachan (broadly defined); and who bears Scottish Arms obtained exclusively from the Court of the Lord Lyon. Within the scope of Clan Strachan, those born with the surname of STRACHAN (broadly defined) who have obtained Arms from the College of Arms in London, or other Crown Heralds shall be recognised as part of the Noblesse within Clan Strachan. Recognition outwith Clan Strachan or in official proceedings under Scots Law would fall under the sole and exclusive jurisdiction of the Court of the Lord Lyon. This will likely be done on a case-by-case basis, and as required by the Lord Lyon King of Arms, who generally does not recognise another herald's jurisdiction within Scotland.

[2] Leading members of the Strachan Family

In accordance with David Sellar, Lord Lyon King of Arms, the term of gentry has also come to include 'Leading Members of the Strachan Family' so recognised by the Lord Lyon King of Arms as being eligible to a seat at a Family Convention (or *Derbhfine*).⁴¹ These are generally eminent and prominent individuals who are leaders in their profession, who *may* or *may not* bear Arms obtained from another Crown herald outwith the jurisdiction of the Court of the Lord Lyon. This would include, but not be limited to, doctors, attorneys, academicians, military officers or Non-Commissioned Officers (NCO's), or other successful persons who are leaders in their profession and born with the STRACHAN surname (broadly defined). In correspondence with David Sellar in preparation for the 2014 Ad Hoc *Derbhfine* he stated, "There must be flexibility in defining these individuals." Thus indicating non-Armigerous Leading members of the Name will be considered by the Court of the Lord Lyon on a case-by-case basis. It is highly recommended these prominent and successful individuals formalise their status as gentry by filing a petition for Arms with the Court of the Lord Lyon.

[3] Personal Arms

All prominent Strachan clansmen and women are highly encouraged to petition the Court of the Lord Lyon for personal Arms. Additionally, all substantial Scottish landowners, and other Gentlemen born with the Strachan surname are encouraged to lodge a petition for personal Scottish Armorial Bearings.

⁴¹ "Guidance as regards the holding of a *Derbhfine* or Family Convention. " Retrieved 30 December 2013
<http://www.lyon-court.com/lordlyon/656.html>

[4] Noblesse Oblige

All STRACHAN Armigers and other noblesse of the clan (*including the Representor*), and their heirs and successors if title is heritable, shall together by their ennobled status be bound to the principle of Noblesse Oblige. This is a French term meaning *nobility obliges*. Simply, whoever claims to be noble (regardless of peerage or non-peerage rank) must conduct themselves nobly (with honourable behaviour and ethically), and in accordance with their position. It implies that with wealth, power or prestige come responsibilities for the office in which they hold. One unable, incapable or unwilling to fulfill the duties of their position/office, or one who acts dishonourably is duty bound to abdicate their title in favour of an heir or a cadet line. Simply, the title or position is a privilege, not a right.

[a] Clan Organisations

All leaders of clan organisations, ***regardless of armorial status*** shall be bound to conduct themselves ***at all times*** in accordance with Noblesse Oblige, its principles and standards. As organisational leaders, their actions reflect upon Clan Strachan's good will and reputation both within and outwith official clan functions or events. Further, all clan organisations shall use best efforts to ensure the personal standing of all their leadership is above reproach.

[5] Duties & Responsibilities of the Clan Noblesse

Notwithstanding that mentioned elsewhere in this Constitution, all clan noblesse (including the Representor) shall bear the following responsibilities:

[a] Stewardship, Actions & Continuity

The Noblesse shall have a duty and responsibility to:

- (i) Ensure the stewardship of the Clan is maintained.
- (ii) Ensure the Clan's long-term *continuity and unity* is maintained. This shall include, but not be limited to, a duty of all noblesse to select a new Commander or Chief of Clan Strachan should the Representor's stem become extinct, AND ensure the proposed new Representor is recognised under Scots Law by the Court of the Lord Lyon.

[b] Management of the Clan

The Noblesse shall have a duty to participate in the day-to-day management of the clan. This would include, but not be limited to, regular attendance of Clan Council (Comhairle Mor) meetings either in person, by telephone, video link, or similar.

[c] Personal Attendance

The Noblesse shall have a duty, when summoned by the Representor, to attend either in person, by telephone, video link, or similar.

[d] Gentlemanly Confrontation

The Noblesse shall be duty bound to have an informal communicate in a gentlemanly fashion with other noblesse individual(s) who are apparently or presumably failing in their duties or obligations, the purpose of which is to attempt to correct the behaviour or actions in a confidential manner. If after this informal communicate, satisfactory improvement is not made you shall identify to the Clan Council this individual or individuals and include applicable background information. The Clan Council may decide to implement a formal corrective action plan, which may include admonishment, or may ultimately result in application of Noblesse Oblige principles including, but not limited to, abdication of office. Under no circumstance shall the Noblesse communicate in an ungentlemanly fashion with another clansman, for any reason.

[e] Abdication and Successor

If any noblesse individual is unwilling or incapable of living up to their responsibilities they shall have a duty to abdicate their position within the Clan, and identify an heir or successor who is willing and capable of assuming their duties and responsibilities. In the case of the Representor, this may include, but would not be limited to, appointing the Tanist or another Armiger as Commander.

[f] Successor Participation

All noblesse of Clan Strachan shall have their heirs or successors participate in Clan meetings and other official functions on a regular basis, to acquaint them with the customs and traditions of Clan Strachan, and the modern clan system; and to engender a sense of hereditary right and privilege to the Office they will eventually hold. It is, after all, our clan's youth who will eventually become its future leaders.

[g] Other Responsibilities

The Clan Strachan noblesse shall be further bound by other duties and responsibilities described in 'Article 3. Clansmen', and elsewhere in this Constitution as appropriate.

ARTICLE 3. CLANMEN

The definition of a clansman shall be in accordance with present day Scottish Heraldic Law, and secondarily with ancient custom and tradition.

[1] Native Men

A “Native Man” is defined as any man or woman born with the STRACHAN surname, or an acceptable derivative spelling of the surname (the *nativi*, or *native men* of the clan). As a point of clarification, the Court of the Lord Lyon recognises women who were born a STRACHAN, but who have subsequently legally changed their surname (usually due to marriage) as clansmen of Clan Strachan. Native Men are both recognised by the Clan as a clansman, and also have legal recognition under Scots Law as clansmen. Hyphenated surnames which include STRACHAN (broadly defined) are generally acceptable for consideration within the rank of “Native Men”.

[2] Sencliathe

The Sencliathe are defined as dependents of the Representor, NOT born with the Strachan surname (broadly defined). They are:

[a] descendants of an individual who was born a STRACHAN, generally through the mother’s line (archaically also known as ‘*broken men*’);⁴² or

[b] Those who by marriage have legally changed their surname to Strachan (broadly defined); or

[c] those from other clans or names who “came in” with the chief. That is, Families or Allied Families of Clan Strachan (e.g., septs); or

[d] those who have a particular affection for Clan Strachan and its Representor and wish to become a clansman,⁴³ and have signed a Bond of Manrent.

[3] Bond of Manrent

All clansmen, especially the Sencliathe, are highly encouraged to sign a Bond of Manrent in favour of the Representor (Available through the An Seanachaidh). Said individuals and their successors shall be

⁴² According to the Lord Lyon, “Strictly speaking you do not have the right to wear your mother's tartan unless you have taken her surname.” Simply, one is generally and technically not permitted to wear the Strachan tartan unless they have been born a STRACHAN or now have a STRACHAN surname (broadly defined). Please, reference this Article 3, Sections 3(b) and 3(c), for exceptions and further information on this topic.

⁴³ Adam, Frank. “The Clans, Septs & Regiments of the Scottish Highlands” pp 112.

officially recognised and listed in the “Court Book of Clan Strachan” as clansmen of merit in perpetuity, and whose bond shall be recognised as valid to all heirs and successors of the Petitioner when so countersigned by the Representor. This is of particular importance to the Sencliathe of Clan Strachan who wish to legitimise their wearing of the tartans and armorial badges of Clan Strachan.

[a] Legitimation of the Clan Commander to succeed as Chief.

The Lord Lyon, in determining chiefly succession, considers several factors including, but not limited to clan history, armorial registers, and Bonds of Manrent. For the Commander to be recognised eventually as chief, Bonds of Manrent are an important factor, and provide evidence of clan support for the Commander to be recognised by the Crown eventually as Chief. All clan associations and societies shall use best efforts to frequently solicit Bonds of Manrent during the Commandership period. Thereafter, upon official recognition of a Chief, bonds shall be made available to clansmen but not aggressively sought.

[b] Wearing of Tartans and Armorial Badges

Per the Court of the Lord Lyon, “Strictly speaking you do not have the right to wear your mother's tartan unless you have taken her surname. You can only belong to one clan.”⁴⁴ HOWEVER, if one of the Sencliathe wishes to **legitimise** their wearing of the Strachan tartan and Strachan armorial badges, they can accomplish this by signing a hereditary **Bond of Manrent** pledging allegiance to the Clan Representor. Said Bond of Manrent must be counter-signed by the Representor.

[c] Standing on Clan Tartans and Armorials

It shall be the standing of Clan Strachan NOT to confront those wearing a STRACHAN tartan or crest badge not in accordance tradition or Lyon’s directive. It shall be presumed these individuals are openly demonstrating their loyalty and support for the Clan Strachan Representor, and should be encouraged, but never forced, into signing a Bond of Manrent. Many of the Sencliathe of Clan Strachan often identify themselves as part of Clan Strachan even though they have not signed a Bond of Manrent. These individuals with or without official recognition should always be warmly received at all times under the Highland Code of Hospitality and under a Bond of Kinship regardless of Name, blood tie, or birth right.

⁴⁴ <http://www.lyon-court.net/lordlyon/255.html>

[4] Clansmen Rights

[a] Native Men

The nati of the clan are legally recognised as Clansmen both within the Clan, as well as under Scottish Heraldic Law with recognised jurisdiction under the Court of the Lord Lyon.

[b] Sencliathe

The Sencliathe who sign a Bond of Manrent in favour of the Clan Strachan Representor shall within the Clan be officially recognised as 'clansmen' herein, AND under the Bond of Kinship shall have equal rights and privileges as native men within the clan. The Court of the Lord Lyon does not, at this time, generally recognise those not born a STRACHAN (broadly defined) as having legal standing under Scots Heraldic Law. These individuals would generally be ineligible to participate in a Derbhfine or other legal proceeding pertaining to Clan Strachan under Scots law, whose privy generally falls under the sole and exclusive jurisdiction of the Court of the Lord Lyon.

[c] Recognition

All official clansmen in good standing recognised by the Representor and Comhairle Mor shall be recognised as such by all Clan Strachan associations, societies, trusts, and other organisations. Further, all officers of the clan council, and officially recognised clansmen shall be listed in perpetuity in the "Court Book of Clan Strachan".

[d] Voice within the Clan

All official clansmen *in good standing* shall have the right to have their voice heard in all matters of the Clan regardless of rank or position.

[5] Responsibilities

[a] Highland Code of Hospitality

All Clansmen (*including the Representor and clan noblesse*) are bound by the Code of Highland Hospitality. Historically, the Code was required, no less, that a clansman (even a chief) welcomed any strangers or kin into their home or castle if they sought a meal, lodging or assistance. That extended to any clansmen, even enemies. Hard but true. The greatest disgrace and lack of honour came by either turning away a needy visitor; or upon the visitor breaking the bond and trust of a host. A modern clansman (including the Chief) is expected to make best efforts to greet fellow clansmen who arrive at their door unannounced, to be cordial and if time permitting invite these guests into their home for a brief visit. If feasible, visiting clansmen should use best efforts to attempt to contact those they intend to visit to ensure they are available and have time to spend in fellowship. HOWEVER, do not let this prevent you from visiting... we are all clansmen bound by the bond of kinship, and as such, family. *It shall never be deemed necessary or required to make an appointment to visit any clansmen.*

[b] Allegiance and Obedience

All persons that associate themselves with Clan Strachan (broadly defined), or consider themselves a clansman have a duty and allegiance to follow the Clan Representor, and the Clan Council in all related Clan matters. This includes, but is not limited to, acknowledgement of all Strachan armorial bearings (including the Representor) as personal arms, and intellectual property (copyright protected) solely and exclusively owned by the person awarded the arms by the Court of the Lord Lyon, or their legitimate heir. AND, this material acknowledgement is non-revocable and extends to the local jurisdiction in which they reside.

[c] Family Traditions

All clansmen have a duty to practice Scottish customs and clan associated traditions to the best of their ability in order to provide their children (and future generations) a sense of heritage, pride of worth, and inculcate a sense of the greater family. This may include celebrating Hogmanay (e.g., first-footing) as part of your New Year's Celebration, Burns Supper (Jan. 25th), Tartan Day (April 6th), and of course Saint Andrews Day (November 30th). A person's heritage, in addition to being indispensable from a historical perspective, is equally as important as environment in determining who we are, and who we will become as adults. It is for this reason the Comhairle Mor strongly believe all individuals should be aware of their heritage; and more importantly, the paramount need to teach our children the customs, traditions, and culture of our ancestors. This gift to our younger generations will provide a greater sense of self; and will invariably instill certain values that directly impact character, honour, pride, and one's sense of community. As it pertains to mothers:

"Importance is stressed on the modern mothers in clans. It is their further duty to acquaint themselves with the history, traditions, and genealogy of their husband's forbearers, and to hand these down to their children, making the traditions of the clan where into they have married, as of old, and fireside tale. Nor should they neglect to bring in their own maternal traditions into their family."⁴⁵

⁴⁵ Adam pp. 118

[6] Standing within the Clan

[a] Any Clansman

Any Clansman (including the Chief) may be identified as '*not being in good standing*' within the Clan with at least two-thirds majority vote of the Clan Council; and shall be stripped of all "Rights" and licenses provided under this Constitution including, but not limited to, attending official Clan functions, voting in elections, wearing of the tartans and armorial badges of the Chief of Clan Strachan, etc. These rights and standing shall be restored when corrective action is made to the exclusive unanimous satisfaction of Clan Council. In dire cases, the revocation of one's good standing may be made effective immediately with unanimous consent of the Clan Council.

[b] Revocation of Right to Use Clan Representor's Armorials

Except for the Representor, his heirs or successors so accorded authorisation under the Crown to use the Clan Representor's armorials... any clansmen that is found to be "*Not In Good Standing*" shall be prohibited from using the Crest Badge and Buckle and the Variegated Laurel Badges of the Representor of Clan Strachan, as well as its Tartans. Those in violation may be reported to the Procurator Fiscal to the Court of the Lord Lyon, and civil litigation may be filed within the appropriate legal jurisdiction for intellectual property, trademark or copyright violations for those residing outwith Scotland.

[c] Notification

After appropriate determination is made by the Clan Council (Reference Article 3, Section 6(a) above) a letter of admonishment shall be sent to the Party whose good standing in the Clan is subject to revocation, or reputation in the community is deemed inappropriate. This letter shall include the reason for the admonishment, suggested corrective action, and a reasonable time period to make corrective action to the satisfaction of the Clan Council (Reference Article 3, Section 6(a) above).

[7] Personal Arms

As mentioned elsewhere in this Constitution, all Strachan clansmen are encouraged to file a petition for a new grant of Scottish Arms with the Court of the Lord Lyon. The Clan Strachan Society or Trust would be the appropriate contact for advice and consultation.

ARTICLE 4. CLAN ORGANISATIONS

[1] Authorisation

No clan association, society, trust or other organisation may be formed or authorised without the full and unanimous consent of the Clan Council and so ratified by the Representor in writing.⁴⁶

[a] Philosophy and Purpose

*The number of clan organisations should be kept low in number to provide better management and financial control of organisations, eliminate redundant expenses, and avoid future conflict among competing organisations. Where authorised, to allow synergies of purpose (i.e., unique or complimentary objectives), and best practices to be shared.*⁴⁷

It should be noted as *of great importance* that a clan organisation has a very limited scope and responsibilities within the modern clan, and serves a very distinct and separate purpose and function subordinate to the Clan Representor and Comhairle Mor (or Clan Council). According to Sir Thomas Innes of Learney, Lord Lyon King of Arms,

“The clan organisations’ true role is to act on behalf of [... and subordinate to...] the Chief, Chieftains and Clan Council in certain business matters, generally charged with certain financial and economic matters.”

Albeit clan societies and associations participate in Highland Games, and some support certain bursaries (per the quotation above), these activities are not the primary function of the clan organisation.

A clan organisation is a very important clansman, especially when it is Armigerous, as it then becomes the most important armiger of a modern clan. However, this is where its authority ends. Armigerous clan organisations are not of the rank of Chieftain, as some have erroneously presumed. Furthermore, it is a gross overreach of authority to presume a clan organisation is charged with the management of a modern clan. This role is strictly reserved for the Clan Representor who presides over the Comhairle Mor (aka Clan Council) and is recognised by the Sovereign [Ref. Article 5], and Armigerous Clansmen.

⁴⁶ “Who is Who in Clan Gayer” pp. 21, VI.

⁴⁷ “Who is Who in Clan Gayer” pp. 21, VI.

[b] Charitable Status

All Clan Strachan organisations should use their best efforts to become established as non-profit organisations, and cannot be used to directly or indirectly to profit any individual serving on the organisation's governing board (e.g., Board of Directors / Trustees). The activities and actions of one Clan Strachan organisation may well endanger the non-profit status of another.

[c] Unity and Synergies

Clan unity is of utmost importance, and it is the desire to have a very limited number of Clan Strachan organisations as clan organisations are the greatest concern for infighting and conflict. As such, certain considerations need to be made prior to authorising a new organisation. These include, but are not limited to:

- (i) What financial synergies can be gained for the benefit of the overall clan?
- (ii) What organisational synergies can be gained for the benefit of the overall clan?
- (iii) What unique or complimentary purpose does the organisation fulfill?
- (iv) Is there a conflict with another clan organisation?
- (v) Can a Chapter or Charter organisation from either the Clan Strachan Society or Clan Strachan Charitable Trust fulfill the requirement?
- (vi) Is there a written business plan? Who are on the Board of Directors, etc.
- (vii) Other factors?

It is not sufficient that some individuals simply want to start their own clan organisation regardless of whatever pure intentions or personal motivation. There must be a strong business case to support a new organisation as determined exclusively by the Comhairle Mor.

Clan STRACHAN is one united clan and encompasses the entire international demographic. Simply, the clan (or family) is not made up of numerous fragmented groups.

If the motivation to start a new clan organisation is a result of an interpersonal conflict, adversarial relationship with another, or other incompatibility this Constitution has mechanisms in place to address conflict resolution (Ref. Article 1, Section 4: Jurisdiction). It is best that individuals unable to put aside differences, or unable to communicate in a gentlemanly fashion should step away from Clan Strachan, and no longer participate in clan activities or events.

[d] Authorised Organisations

Organisations that have been in existence at least one year prior to ratification of this Constitution, and have agreed to the terms and conditions of this Constitution as established herein shall be considered authorised. These include the:

- The Armigerous and international ***Clan Strachan Scottish Heritage Society, Inc.*** (also 2005 trademarked as the *Clan Strachan Society*), headquartered in California, and is authorised by the Internal Revenue Service authorised 501(c)(3) as a Public Charity

www.clanstrachan.org

- The international **Clan Strachan Charitable Trust**, headquartered in Scotland. Authorised by the Register of Scotland
www.strachantrust.co.uk

[2] Seat on the Comhairle Mor

Regardless of Armorial status, only clan organisations duly authorised under Article 4, Section 1 above and ‘*in good standing*’ are eligible to have a seat on the Clan Council. One seat per organisation shall be reserved on the Comhairle Mor, and this seat will generally be held for the Convenor / President or otherwise head of the organisation.

[3] Officers of Clan Organisations:

In the event of any clan organisation being permitted to be formed, the election of their officers from time to time as they are made must be sent to the Clan Council (Comhairle Mor) for its formal concurrence.⁴⁸ Officers who do not have at least two-thirds majority consent of the Comhairle Mor must abdicate their position within the clan organisation. An individual found to be ‘not in good standing’ within Clan Strachan will be ineligible to assume ANY leadership position within any clan organisation at any level. Officers, Directors and Commissioners of clan organisations would not be entitled to a seat on the Comhairle Mor based simply on their position within a clan organisation, unless they are the head of the organisation’s governing board. It is recommended that individuals interested in a seat on the Clan Council petition the Court of the Lord Lyon for personal arms, at which time they would qualify individually for a seat on the Clan Council.

[4] License to use Clan Representor’s Armorials and Badges.

Only *authorised* clan organisations have a revocable royalty free license to display the crest badge and buckle of the Representor of Clan Strachan. All organisations, groups, or other entities that associate themselves with Clan Strachan (broadly defined), or consider themselves a clansman have a material obligation, duty and allegiance to follow their Clan Representor, and the Comhairle Mor (Clan Council) of Clan Strachan in all matters related to Clan Strachan. This includes, but is not limited to, acknowledgement of all Strachan armorial bearings (including the Clan Representor) as personal arms, and intellectual property (copyright protected) solely and exclusively owned by the person awarded the arms by the Court of the Lord Lyon, or their legitimate heir, AND this material acknowledgement is non-revocable by the organisation and extends to the local jurisdiction in which they are located.

⁴⁸ “Who is Who in Clan Gayer” pp 22, VII

[5] Director, Officer and Other Titles

Authorised clan organisations may not elect any officer, Chairman, President, or other ‘head’ whose title or designation in any way simulates any of these held by the Chief, Commander or by any of the Officers of the Clan Council (Comhairle Mor).⁴⁹ The head of an Armigerous clan society should be styled Convenor, not ‘President.’⁵⁰

[6] Accounting, Finance & Expenses

The true purpose of a society, association or trust is not to pay for certain parties, events, bursaries, or to enrich individuals associated with them. Rather, the primary purpose is to be the business arm of the clan, which includes certain financial and economic matters of the clan.

[a] Events

A clan organisation may pay for Clan Tent Fees at Highland Games, Clan Strachan banners and similar items only if sufficient funds are available. However, all other expenditures including, but not limited to, hotels, travel, meals, and other miscellaneous costs associated with the event are the responsibility of those attending the event, and should not be paid out of clan funds.

[b] Compensation & Reimbursements

No compensation (monetary or otherwise) shall be made directly or indirectly to any individual participating on a clan organisation governing board, or to his/her immediate family. If a board member is also a vendor or supplier, they must sell their product to the clan organisation at cost, or for no charge. Proof of vendor cost may be required at any time by the Clan Council to ensure there is no conflict of interest. If a board member must be reimbursed by a clan organisation for an expense, they must provide receipts or other proof of expenditures.

[c] Financial Reporting

All clan organisations MUST provide or make available a balance sheet and profit and loss statement (e.g., financial statements) annually to the Comhairle Mor. A person with a strong background in accounting or finance must be made a Treasurer of the clan organisation. All revenue generated by the clan organisation MUST be deposited in an organisational bank account or PayPal account, and MUST be disclosed in the organisation’s financial statements. As

⁴⁹ “Who is Who in Clan Gayer” pp. 21, IV.

⁵⁰ Adam, Frank “The Clans, Septs and Regiments of the Scottish Highlands” pp. 198.

a non-profit organisation, all clan organisations MUST make their financial statements available to all members.

[d] Financial Control

All clan organisations relinquish financial control of all funds and other assets to the Comhairle Mor. Although in law this may prove difficult if not impossible to enforce, this is a fundamental principle, and material obligation of all authorised clan organisations. The Clan has certain long-term goals and objectives, which may require substantial outlays of cash. And, it is the responsibility of all clan organisations to support these overall clan goals and objectives.

[7] Revocation of Authorisation

Notwithstanding that mentioned elsewhere in this Constitution as it pertains to '*Standing within the Clan*', the Comhairl Mor may revoke the authorised status of a clan organisation:

[a] Non-Authorised clan organisations.

A Non-Authorised clan organisation is defined as any organisation or group of people with 'Clan Strachan' (broadly defined) anywhere within its title; AND when said clan organisation is not authorised by the Comhairle Mor before it is created or established, or if its authorisation is revoked by the Comhairle Mor.

[b] Revocation

Revocation is made with two-thirds majority consent of the Comhairle Mor, or if the Clan Strachan Representor determines in his/her own good wisdom that a particular organisation or group of individuals are in material violation of the terms or intent of this Constitution.

[c] Notification

A **Letter of Admonishment** shall be sent by a designated Representor of the Comhairle Mor to the organisation whose good standing in the Clan is subject to revocation, or reputation in the community is allegedly deemed inappropriate. This letter shall be written in a gentlemanly fashion and shall include:

- i. the reason for the admonishment,
- ii. suggested corrective action, and
- iii. a reasonable time period to make corrective action (e.g., "corrective action period") to **restore "good standing" status** (see below). This time period is not to be less than 30 days.

In dire cases, the revocation may be made effective immediately.

[d] Revocation of Authorised Status

If corrective measures are not made to **restore “good standing” status** (see below) within the stated *corrective action period*, then the clan organisation, its governing body, membership, and all persons or organisations associated with it shall be deemed as *‘not in good standing’*. A letter shall be mailed to the offending organisation or group of people notifying them of the revocation of their authorised standing within the clan, and that the following shall apply:

[i] Revocation of Right to Use STRACHAN Tartans & Clan Representor’s Armorials.

Those found *‘Not in good standing’* shall be prohibited from using the Crest Badge and Buckle of the Representor of Clan Strachan, as well as any Clan Strachan Tartans. Those in violation may be reported to the Procurator Fiscal to the Court of the Lord Lyon for civil or criminal prosecution; and for those residing outwith Scotland shall be subject to civil litigation filed within the appropriate legal jurisdiction for intellectual property, trademark or copyright violations.

[ii] Revocation of All Other Rights and Licenses

In addition to that stated above, those found *‘Not in good standing’* shall further be stripped of all “Rights” and other Licenses granted to them by this Constitution including but not limited to, being banned from all official Clan Strachan events and gatherings, banned from any Representation on the Comhairle Mor, and banned from participation (including elections) in any authorised clan organisation functions.

[iii] Public Notification of Offending Organisation

All legitimate clan organisations shall use best efforts to notify its membership and other non-members of the offending organisation’s poor standing within Clan Strachan. This may include, but not be limited to, notification on websites, newsletters, notification during periodic officer elections, or other means.

[e] Restoration of ‘Good Standing Status’ for Members of Non-Authorised Clan Organisations

Non-leadership members of an unauthorised clan organisation may have innocently joined not knowing of the organisation’s poor standing. As such, non-leadership members of unauthorised clan organisations must renounce their membership and active participation in said organisation in writing, and send a copy of said written renouncement to the Clan Strachan Representor or Comhairle Mor. This action is considered satisfactory in re-establishing all clansmen rights, and *‘good standing’* status of the individual within the clan.

[f] Restoration of 'Good Standing Status for Non-Authorised Clan Organisations and their Leadership'

In order for a clan organisation to be found in 'Good Standing' it must make corrective actions found UNANIMOUSLY satisfactory to the Comhairle Mor and Clan Representor.

[8] Role of the Clan Strachan Scottish Heritage Society

Contrary to what many believe, the primary function of a clan society or association is NOT to manage the clan, NOR is it to coordinate social functions, parties, attend Highland Games, or support various bursaries. Clan associations and societies true role is that of a, *"corporate clansman [...] on whom will fall many [financial and] business duties."*⁵¹ Clan organisations have limited authority and scope, and in accordance with Scots Law its role is strictly defined as mentioned above... *"... to managing certain business and financial affairs of the clan."* The job of the clan society is to synergistically focus the financial wealth of the clan to support wider clan objectives as established by the Comhairle Mor. [Innes]

[a] Armigerous Organisation

The ***Clan Strachan Scottish Heritage Society*** is a Scottish Armigerous association of clansmen.

[b] Charitable Legal Status & Meetings

As stated previously in this chapter, it is a Non-Profit Tax Exempt Public Charity. It has regular annual meetings, and shall present minutes of these meetings signed by the Convenor and Secretary of the organisation at Comhairle Mor meetings. The Society shall be deemed, *'in neglect'* when no Board of Directors meeting has taken place within 2 years, and this shall be recognised as a material breach of their obligation towards the clan. In cases of neglect, the Comhairle Mor may offer guidance to the Board of Directors; and if said guidance does not correct the managerial deficiencies further steps to correct the problem may include, but not be limited to, a merger into another clan organisation, or an overhaul of the governing board.

[c] Subordinate to the Clan Representor and Comhairle Mor

The Society is subordinate to the Clan Representor, branch chiefs, and the Comhairle Mor. It shall at all times show allegiance to the Clan Strachan Representor recognised by the Crown, and as a ***material obligation shall have utmost concern with maintaining unity within Clan Strachan.***

⁵¹ Innes or Learney, Sir Thomas, Lord Lyon King of Arms. "Tartans of the Clans and Families of Scotland." Page 55

[d] Central Email List

The Society maintains a central email list database of both Society members and non-members alike.

[e] Voice of the Honourable Clan Strachan

A Clan Strachan Society has within its rank and file a number of members, most if not all are presumed to be clansmen or clanswomen of Clan Strachan. Moreover, the Society has a mechanism for capturing contact information from non-members. The governing board of a Society must maintain a fiduciary responsibility to its members and by communication with its members and non-members alike on a regular basis it can determine the general will of Clan Strachan clansmen. This puts a clan society or association in a unique position to make recommendations to the Comhairle Mor that affect all clansmen. Therefore, *Clan Strachan Society* shall be considered the *voice of the clan*. And, as Innes so describes, “*An important corporate clansman.*”

[f] Other Goals and Objectives.

All Clan organisations shall work together to achieve goals and objectives of Clan Strachan, as determined by this Constitution (Article 5, Section [2]), or as determined by the Comhairle Mor.

[8] Role of the Clan Strachan Charitable Trust.

In accordance with the Deed of Trust:

The main purpose of the Clan Strachan Charitable Trust is to safeguard Scottish historical chattels and heirlooms in general and in particular those relating to the Strachan family.

The main aims of the Trust are:-

- 1. To act as an authentic, international body for the collection of Scottish historical relics, particularly those relating to Clan Strachan.*
- 2. To collect, collate and record these items and be responsible for their housing and preservation.*
- 3. To encourage study, interest and research into Scottish history, particularly that of the Strachan family.*
- 4. To support other charities, museums and galleries in furtherance of these aims.*
- 5. To act as custodian for clan relicts, including acquiring real property to house these relicts, publications, etc.*

[9] Other Responsibilities

All Clan associations, societies, trusts and other organisations may be responsible for ancillary business, financial, and economic matters as determined and authorised by the Representor and Comhairle Mor.

ARTICLE 5. THE CLAN COUNCIL (COMHAIRLE MOR) AND THE PRECEDENCE OF CLAN STRACHAN

The Comhairle Mor is the body consisting of clan gentry that manages the day-to-day affairs of the modern Clan Strachan. Clan management is the sole and exclusive duty and responsibility of the Comhairle Mor, and cannot be assumed by any other clan organisation. In accordance with Scots Law the Clan Strachan Representor is so recognised by the Sovereign through his/her Officer of Honour... the Lord Lyon King of Arms.

[1] Presider of the Comhairle Mor

The Clan Representor shall preside over the Comhairle Mor (Clan Council).

[2] Background and Size of the Comhairle Mor

The Representor's power is (and was in ancient times) not absolute. There was a *conseil de famille* (i.e. the family council or clan council) which was composed of the Representor along with the heads of the houses that comprised septs and cadet branches of the clan. In small clans, the council would have consisted of only a few individuals, but in the larger clans, the council amounted to a full and formal parliament."⁵² We have in Scotland, as in Old France and elsewhere the ever-present power and influence of the "family council" (known herein as the Clan Council, Great Council, or Comhairle Mor).

[a] There are intentional restrictive individual qualifications for officer positions on the Comhairle Mor. Clan Strachan is a relatively small clan. As such, it should have a relatively small governing body. **It is the intent of this Constitution that council should be limited in size, and responsible in character.**⁵³

[3] Decree of Council

Although the ultimate clan laws were made by the Clan Chief or Representor, if it be observed by the Comhairle Mor that he were "prodigious or misguided" it was competent for the Comhairle Mor to resort to interdiction. This was done by **Decree of Council**, which shall take precedence over Representor's decisions, and shall not be used without due and careful consideration. A Decree of Council must have at least two-thirds majority consent of the Comhairle Mor, and should also include a written statement of corrective action, policy or applicable statement of guidance.

⁵² Adam pp108, , "The Clans, Septs, And Regiments of the Scottish Highlands" pp. 108

⁵³ Adam, Frank. "The Clans, Septs & Regiments of the Scottish Highlands" pp 123. "The council should be limited in size, and responsible in character, which prevented it from degenerating into an unruly assembly such as the local courts of France sometimes became, thus showing the peculiar genius of Scottish clanship.

[4] Objectives

[a] Preserve Traditions, Maintain Honour and Ensure No Class-Divisions

The objectives of the Clan Council, or *Comhairle Mor*, are to preserve the traditions of the Clan, maintain its Honour, and work for the welfare and unity of all its members. The function of the Council is to give advice and assistance to the Clan Representor. Unlike ancient Irish Clans based on aristocracy and class distinctions, the Scottish Clans both today and yester-year are based largely on democratic principles. It is based in name and theory upon the family, or *clan*, that is “children,” which is the Gaelic equivalent of “family,” and our Scottish chiefs and barons long past were quick to perceive that, in family, there can be no class-divisions.^{54 55}

[b] Clan Estates, Trust Funds, Real Property, Buildings, Relics, and Investments, etc.

It is the business of the Comhairle Mor in part, to deal with the administration of family estates, trust funds, family relics, investments, and so forth. “Family Property” whether real property or otherwise, shall fall under the jurisdiction and administration of the Comhairle Mor, and it is recommended to be placed accordingly in the possession of the Clan Strachan Charitable Trust, and NOT in an individual’s possession.⁵⁶

Of immediate importance is the acquisition / maintenance of clan-land in (or around) one or more of the former territorial fiefs of Clan Strachan (*Aberdeenshire, or Kincardineshire-anciently the Mearns*) in order to create a sacred gathering place (or rallying ground) for Clan Strachan celebrations, ceremonies, gatherings and other official meetings. Inness suggests that clans obtain property in their ancient home districts as a means of providing a tangible bond between their clansmen and their ancient homeland. Adam further states (pp.199):

“Every clan organisation should establish a fund to acquire, and as soon as it can do so, actually acquire both, part of the clan territory, at least as a rallying ground, and also a house associated with the clan or chief, either in the county town, or in Edinburgh. A “Clan Strachan House” in this or that city could not only house the records but be let out commercially in so far as not immediately required by the clan. In the duthus there should at least be a cottage (kept by some aged member of the clan, and where clansmen may repair for teas or meetings). The chief’s arms over the fireplace and a few prints or portraits in the house, and beside the chimney the chief’s chair (duly corded off,

⁵⁴ Stewart of Garth, *Sketches of the Highlanders*, 1825, pp. 50.

⁵⁵ Adam, Frank “Clans, Septs & Regiments of the Scottish Highlands” pp.127, 140

⁵⁶ Adam, Frank “Clans, Septs & Regiments of the Scottish Highlands’ pp. 126.

and only used when he is personally present).⁵⁷ Armorial glass in the windows, and tea-set, of course, emblazoned with the arms and crest, would in quite a small way and within the reach of almost every clan society's means, lay the foundations of greater achievement and provide a cheerful clan-welcome not only for clansmen at home, but for clansmen from across the seas. If there have been any particular artistic, architectural, or furnishings features in the chiefly castle, to give a key-motiff in the decoration. And, clan branches overseas should endeavor to reproduce such small clan-quarters, also with copies of the chiefly portraits, thus bringing alive in distant lands the very spirit of the clan home in Scotland.”⁵⁸

Many clan societies today own land in their home districts that provide a residence for their Representor, and also preferably a guest home for their clansmen, or members of the society.⁵⁹ Some clans maintain a Great Hall capable of seating 50 or more clansmen at a table to accommodate ceremonies and gatherings. Additionally, there is a need to safeguard and house clan monuments, relics, antiquaries, and other real property sites for the continuity of the Clan. Ownership should be in the name of the Clan Strachan Charitable Trust, or another trust or legal entity so authorised by the Representor and Clan Council (Comhairle Mor).

[c] Clan Roll Call

The Comhairle Mor either directly, or through delegation, shall ensure the creation and maintenance of a Clan Roll Call of clansmen who have signed by Bond of Manrent in favour of the Representor, or who have otherwise been awarded Arms during the tenure of the Representor, or his predecessors. Clansmen (and women) whether of the Name of Strachan, or not, who have signed a Bond of Manrent in favour of the Representor or have obtained arms during the tenure of the chiefly stem shall be listed in the “Book of Strachan.”

⁵⁷ On any occasion when the chief has sent a message to a meeting, and is not present in person, “the Chair” should be occupied by his plaid, Clan Sword, and crested bonnet, just as Queen Victoria’s “train” effected, for some years after her bereavement, her presence in Parliament. (Adam)

⁵⁸ It would not be good taste to attempt an exact replica of the chief’s baronial hall (unless his seat has passed out of the clan), because it is never likely to be convincing and would, in any event, detract from the pleasure and interest of seeing the original. Just, however, as the towers of clan chieftains often carry through the motif of the chief’s castle, so the atmosphere of each clan’s domestic architecture should be maintained.

⁵⁹ Innes or Learney, Sir Thomas, Lord Lyon King of Arms. “Tartans of the Clans and Families of Scotland.” Page 55

[d] Manage and Guide Clan Organisations

The Comhairle Mor recognises the fact that Clan organisations are established over time by distinguished members of the Clan, and serve various functions and responsibilities. The Clan Council provides a mechanism to ensure synergy among the organisations that effectively unite all clan bodies, and offer guidance to those organisations that may now, or in the future, suffer from neglect.

[e] Preserve Clan Representor's Stem and Family Property

One of the primary duties of the Representor is to look after the preservation of the family and family property of which he is the representative recognised under Scots Law. The head of the family is directly responsible not only for his own destiny, but also for that of his kinfolk. This was precisely the position of the clan chief [Clan Representor], and what his clan-council had to see that he never forgot.⁶⁰

[f] Fiduciary Responsibility.

The Clan Council has an obligation of trust, and a fiduciary responsibility to the entire clan, including all rank and file, to know and support the opinions of all clansmen. Certain matters may be deemed in good faith by the Representor or majority consent of the Clan Council to be of high importance to the entire clan. When so indicated, the Clan Council should choose to have these matters decided upon by the entire Clan either at a Clan Gathering, over the Internet, via an electronic medium, or similar. These actions should be known as a "Clan Referendum." In any case, important matters should be agreed upon only with the full consent of the clan, or one with substantial majority consent as determined by the Clan Council.

[5] Meetings of the Clan Council (Comhairle Mor)

[a] Schedule/Annual Meetings.

A Clan Council meeting *shall* be convened annually⁶¹, and may be scheduled on a more frequent basis if so desired by the Clan Council, or when an emergency is declared by the Representor. If no meeting of the Clan Council has taken place within two (2) years, the Representor of Clan Strachan shall be deemed '*in neglect of the clan*' and in material breach of their responsibilities. Noblesse Oblige may be deemed necessary, and the Clan Council may call a meeting without the Representor present (but invited). This is one of the primary duties, and if applicable it is

⁶⁰ Adam, Frank. "The Clans, Septs & Regiments of the Scottish Highlands" pp. 127

⁶¹ Adam, Frank. "The Clans, Septs & Regiments of the Scottish Highlands" pp. 573

recommended that an uninterested Clan Representor should abdicate their position within the clan to a competent and capable heir.

[b] Meeting Notification & Agenda.

[i] Advance notification of any Comhairle Mor meeting of at least 30 days shall be given to all authorised Comhairle Mor officers. It is preferred that at least six months advance notice be given to allow personal attendance of overseas Attendees if possible.

[i] Agenda. The Clan Representor, as presider, shall provide a meeting agenda in advance (which may be modified accordingly); and all clan associations or societies should provide notification via email, on their website, or other means to allow clansmen the opportunity to express their opinions within the clan council.

[iv] Material Breach of Duty: Failure to provide an agenda in advance, adequately plan and organise meetings on a regular basis, or not officially appointing someone to do so is by definition neglect, and a material breach of the Representor's responsibilities as presiding over the Comhairle Mor. Noblesse Oblige may be deemed necessary. This is one of the primary duties, and it is recommended that an uninterested Clan Representor should abdicate their position within the clan to a competent and capable heir.

[c] Quorum

No meeting of the Clan Council may be convened without simple majority of the authorised Clan Council officers; and shall include the Clan Representor, or appointed Commander of Clan Strachan unless:

[i] The Clan Council meeting may be called with simple majority vote when the Clan Representor is deemed as not in regular attendance; or if the Clan Council votes unanimously to hold a meeting.

[ii] In order to obtain a quorum for a meeting, the Clan Representor may in his sole discretion disqualify and revoke the officer status of any individual on the Comhairle Mor who has missed two prior consecutive meetings, or is determined by the Clan Representor as being habitually unreliable. The Clan Representor shall provide written notice to this individual, asking him to make corrective action or if in a hereditary position to abdicate in favour of a competent and capable heir.

[d] Summonses & Contempt of Counsel

All summonses to a Comhairle Mor meeting shall be in the Clan Representor's name and issued by a responsible Officer (e.g. the Seanachie) of the Clan on his behalf. Those clansmen who do not obey the Representor's summons shall be found in **Contempt of Counsel** and their standing within the clan revoked (e.g., *not in good standing*) until such time as they appear before the Comhairle Mor to discuss the matter at hand as gentlemen.

[e] Attendance of the Clan Council meeting

Attendance shall be found acceptable if made in person, by telephone, by video link, or similar.

[i] Regular attendance. The Clan Representor, and all Grand and Subordinate Officers are required to regularly attend meetings of the Clan Council. Not foregoing that mentioned elsewhere, any individual (including the Clan Representor) who misses three (3) consecutive meetings shall be deemed as '*not in regular attendance of the meetings*'. A vote shall take place among the Clan Council on the fourth meeting to determine if this person shall be subject to corrective action, and said vote shall take place regardless if said person is in attendance.

[1] Corrective action if this individual is the Clan Representor, Tanist, or an Armiger may include, but not be limited to, a simple letter of admonishment, Noblesse Oblige, or removal from the Clan Council.

[2] Corrective action for all others would include, but not be limited to, a simple letter of admonishment or removal from the Council.

[f] Roberts Rules of Order

Shall be employed at all meetings, and unless discussed elsewhere in this Constitution any motion that is seconded shall be carried with simple majority vote of the Council.

[g] Admission to Clan Council Meetings & other official clan functions.

[i] Admission to all official Clan Strachan meetings, gatherings, and other events are limited to those Clansmen (regardless of rank) recognised as being in "*Good Standing*" within the Clan; AND

[ii] Admission to all official Clan Strachan meetings, gatherings, and other events are limited to those Clansmen (regardless of rank) so recognised in the "Book of Strachan" as the original petitioner, heir or successor in a Bond of Manrent in favour of the Clan Strachan Representor shall have the right to be admitted to the meeting and also have the right to voice their opinion at any official Clan meeting or gathering, but shall not have the right to vote in a Clan Council meeting as explained previously.

[1] This individual may be required to present the Clansman Certificate in order to be granted admission. Or, the Seanachaidh may provide confirmation that said individual is listed on Clan records as having a signed and countersigned Bond of Manrent on file. The Seanachaidh shall be accorded a reasonable period of time to review appropriate documentation.

[iii] Other family members, guests, or consultants may be granted permission by the Representor to attend an official clan function, and whose invitation is extended in the name of the Representor.

[iv] In no circumstance or situation shall a clansmen or anyone else deemed as, '*Not in good standing*' be granted admission to any official clan meeting or clan function.

[h] Anti-Nepotism Voting Rights of the Clan Council.

Except for the Representor and his immediate family, one vote is counted per position per consanguinity within the degree of first cousin.

[i] Age of majority

As in ancient Highland tradition, the age of majority shall be considered 14 years or older. Only Officers of this age shall have voting rights.

[j] Minutes & Agenda

Minutes and an Agenda shall be made for all Comhairle Mor meetings, and shall include, but not be limited to the following:

[i] Housekeeping: [a] Date, time and place of meeting; [b] listing of those in attendance evidencing quorum; [c] Confirmation of names, addresses, and other contact information for all officers and titles; [d] if any absent officers, how many concurrent absences?; [e] status, location and custody of the Clan Insignia?

[ii] Old Business: [a] clan organisation state of affairs; [b] status of various funds, asset holdings, etc.; [c] Status of Clan Roll Call; etc.

[iii] New Business: [a] Date, time and place for next meeting; [b] open floor to discuss any new action items, etc.

[iv] Items to be addressed: All matters seconded and voted upon, or other matters determined appropriate by the Representor or Comhairle Mor. It is recommended a worldwide Clan Gathering take place every five (5) years, and if desired by the Comhairle Mor may be planned more frequently, or infrequently.

[k] Vote by Proxy

Voting members on the Clan Council unable to attend a meeting (the 'Principal') may in their sole and exclusive discretion appoint an agent to vote on their behalf (the 'Proxy') among one of the other authorised Clan Council members. When considering a Quorum, the Proxy will be counted for himself, plus the number of Principals in which he is serving as Proxy. Notification to appoint a Proxy should be made at least 24 hours in advance of a meeting.

[6] Officer Classifications, Qualifications & Termination of Office (Comhairle Mor)

[a] Multiple Positions

If an individual is appointed to more than one position, or finds himself in multiple Clan positions, they may resign one of the positions in favour of that in higher precedence, or hold both positions until the Representor appoints (at his discretion) a successor to the position in lower precedence.

[b] Qualifications

Those involved on the Clan Council should be limited to those capable of participating in legal proceedings under Scottish Law, AND positions on this Council should be strictly reserved for those involved in the day-to-day management of the Clan. As such, greatest care should be employed whenever appointing an individual to any Officer position. Unless otherwise indicated, full and unanimous consent of the Clan Council is necessary prior to recognising any non-Armiger as an Officer assuming they are not part of the Chief's immediate family (e.g., the *gilfine*). A position on the Clan Council is not a right, but a privilege, which is subject to revocation under noblesse oblige.

[i] Armigerous Individuals - Seat on Comhairle Mor (Clan Council)

By right of **Scottish Arms**, Armigerous individuals born with the STRACHAN surname (broadly defined) are considered of the rank of 'gentleman' in Scotland, and their *heir in arms* shall have a hereditary seat on the Comhairle Mor. Other "**Crown Armigers**" with Arms obtained outwith Scotland shall receive a lifetime appointment to a seat on the Comhairle Mor, but must be approved by majority consent of the Comhairle Mor prior to taking their seat. Crown Armigerous heirs must also be approved by majority consent of the Clan Council prior to taking their seat. All Armigerous individuals are expected to act with a duty and responsibility to actively and regularly participate in the day-to-day management of the clan in our times.

[c] General Classifications

"There were roughly THREE classes in Highland society -- a society that was not at all class-conscious. There was the chief and his immediate family, followed by the chieftains or the tacksmen who were the principal landholders under the chief and the military leaders of the clan. Equal with the chieftains were certain individuals such as the hereditary seanachaidh, or bard, who always stood high in the clan hierarchy. It was he that guarded the clan history and traditions, and the chief's complicated genealogy. Finally come the ordinary clanspeople who might be young warriors, crofters, or the crippled and elderly of the clan who did what work they

could on the land."⁶² Regarding the modern clan, all Officer positions on the Clan Council shall be reserved for those born with the STRACHAN surname (broadly defined) and must fall within the Table of Precedence of Clan Strachan, discussed later in this Constitution.^{63 64}

ALL NON-ARMIGEROUS CLAN OFFICERS ARE HIGHLY ENCOURAGED TO FILE A PETITION WITH THE COURT OF THE LORD LYON TO BE AWARDED PERSONAL ARMS.

[d] Antiquary & Tradition

Some of the Clan Council Officer titles and job descriptions described herein are defined with the modern clan in mind, and do not necessarily correspond accurately to ancient definitions or precedence mentioned in certain academic publications. This said, best efforts shall be employed to ensure the essence of importance, precedence, and general job descriptions are maintained in accordance with ancient Highland tradition.⁶⁵ Other titles are certainly possible and *shall* be made with unanimous consent of the Clan Council, and ratified in kind by the Representor. Notwithstanding that mentioned elsewhere, all titles and positions should be made in accordance with ancient highland tradition.

[e] Special/Honorary Recognition

Of paramount importance, it shall be considered extremely inappropriate to give positions, titles, or higher precedence to persons who are not actively involved in the day-to-day management of the Clan. *If an individual is noblesse* and has affection to Clan Strachan (e.g., willing to participate in any Lyon Court legal proceedings), but is inactive or not in regular attendance then the Representor "may" decide to give this individual special recognition on the Clan Council in some capacity as an Honorary /Inactive position, with no voting rights, nor whose presence qualifies for a quorum. Title to be determined by majority consent of the Clan Council and ratified by the Representor.

⁶² Keyser, John D. "*The story of the Scottish Highlanders!*" Section under *Highland Society*.
<http://www.ensignmessage.com/archives/highlanders1.html>

⁶³ A new concept introduced by David Sellar, Lord Lyon King of Arms in the "Guidelines for holding a Family Convention. <http://www.lyon-court.com/lordlyon/656.html>

⁶⁴ The Lord Lyon has also indicated that, "... *there must be flexibility here in defining a 'Leading Member'.*" This seems to indicate that croft holders, tenant farmers, members of the Society, and others will be evaluated by the Court of the Lord Lyon on a case-by-case basis. This is a new concept introduced by David Sellar, Lord Lyon King of Arms in the, "Guidelines for holding a Family Convention."

⁶⁵ Adam pp 573-575.

[f] Termination of Office

All Officers (except the Clan Representor), Subordinate Officers and Representor of Clan organisations:

[i] Resignation:

May resign and so terminate their position on the Clan Council at any time without advanced notification, and if applicable shall nominate an heir or successor so entitled to the position. If the resigning individual is an armiger, the heir or successor should be entitled to the undifferenced arms, or lacking this may necessitate a matriculation of Arms to be so recognised by the Court of the Lord Lyon. The heir to a territorial designation should be the heir apparent to the title deed, or Trustee if property is vested in a trust.

[ii] Revocation:

Clan Council Officers may have their Officer status and seat in the Clan Council revoked for due cause determined by a minimum of two-thirds majority consent of the Clan Council. Revocation “should” be followed by an admonishment to allow for corrective action. A letter shall be sent to the party whose officer title/position is subject to admonishment or revocation. This letter shall include the reason for the admonishment, and a reasonable time period to make corrective action to the satisfaction of the Clan Representor with also two-thirds majority consent of the Clan Council. After which, the Officer seat shall be revoked if actions are found unsatisfactory to the exclusive determination of two-thirds majority consent of the Clan Council.

[7] The Table of Precedence of Clan Strachan and Feather Code.

The Table of Precedence of Scottish Clans is established in Adam’s “The Clans, Septs & Regiments of the Scottish Highlands”⁶⁶, and also by *sasine*.⁶⁷ These may, or may not be Officers of the Clan Council. As the Strachan name is relative small compared to other clan names, the *Table of Precedence of Clan Strachan* is set forth below, with notably several Clan Council positions either consolidated or completely eliminated. The Chief or Commander of Clan Strachan may add further titles based on the precedence established in Adam’s book, and may modify the order of precedence with simple majority consent of the Comhairle Mor, so long as it does not violate Scots Heraldic Law. It should be noted, that these positions are a privilege, not a right; and all Officer and Subordinate Officer positions (including that of

⁶⁶ Adam, Frank. “The Clans, Septs & Regiments of the Scottish Highlands” pp 109-113, 573-574.

⁶⁷ “Who is Who in Clan Gayer” pp 22. Sasine (Scots law) is the delivery of feudal property, typically land.

the chief) are subject to Noblesse Oblige. Positions marked (*) must be appointed by the Representor of Clan Strachan. A full listing of the Clan Council Officers shall be provided on the Society website, or equivalent public domain.

1. **Ard~Righ** (the Sovereign of Scotland)
Per the Lord Lyon, the Sovereign is entitled to wear four feathers in his/her bonnet.

[a] The Chief and his Immediate Family – Officers of the Clan Council

2. **Ceann~Cinnidh**: Clan Chief or Commander recognised by the Sovereign (e.g., the Representor).^{68 69} Presides over the Clan Council. Entitled to wear three feathers in his/her bonnet.
3. **Tanist** *
(born a “Strachan” hyphenation or double-barralled surname is bar.) Heir to the Chief or Commander recognised by the Sovereign. Serves as a senior officer on the Clan Council. Entitled to wear two feathers in his/her bonnet.
4. **Ceann~Cath**
Commander of the Clan appointed by the Clan Chief, a non-hereditary office.⁷⁰ Must be born a STRACHAN (broadly defined). Qualifications are discussed previously in this Constitution. Presides over the Clan Council in place of the Clan Chief. Entitled to wear two feathers in his/her bonnet.
5. **Gilfine**⁷¹
Blood descendants of the Grandfather Representor. Appointed by the Representor, and serves as an Officer on the Clan Council. Non-hereditary office, not entitled to wear a feather in their bonnet unless otherwise entitled in their private capacity.
 - a. Sons of the Representor entitled to bear Arms by courtesy of the Representor’s arms with temporary marks of cadency.
 - b. The Representor’s grandsons, likewise entitled to bear the Representor’s arms with the appropriate marks of cadency.

⁶⁸ If the chiefship passes into the female line, see Adam, pp. 167, footnote 6.

⁶⁹ Adam, pp. 176, footnote 4 – recognition by the Sovereign required.

⁷⁰ If no chief is recognised by the Crown, then the Commander recognised by the Court of the Lord Lyon shall appoint one or more individuals into the Gilfine of the Clan, one of whom shall be recognised with the honorary title of ‘tanist-in-waiting’. When the commander is eventually recognised as chief by the Crown, he shall appoint a heritable tanist among the Gilfine, generally this person would be the ‘tanist-in-waiting’.

⁷¹ Adam, pp. 111, 170.

- c. The Representor's daughters and granddaughters, entitled to wear the Representor's arms by courtesy.
- d. Sons of daughters of the Representor who had made *mes-alliances* with non-Armigerous males.
- e. Founders Consideration: For the Representor recognised by the Court of the Lord Lyon in (or about) 2014, and his next generation; Other members of the Representor's immediate family related by blood (brothers, nephews, nieces, and first cousins) may be included as part of the *Gilfine* as a lifetime appointment.

6. **Ceann~tighes (chieftains)**

Blood related to the Representor (born a STRACHAN - broadly defined). These are Armigerous *determinant cadets*, AND who are generally substantial Scottish landowners entitled to a Territorial Designation under Scots Law, AND are recognised by the Representor and Clan Council as a *chieftain*. The most powerful is the 'eldest cadet' entitled to bear a gold bordure on their arms. That is, the first cadet to spring from the stem of the chief's family. *Should* be recognised on their Letters Patent as a Chieftain of Clan Strachan. Heir must be born a STRACHAN (broadly defined). Chieftains are entitled to wear two feathers in his/her bonnet only if actively serving as an Officer on the Clan Council.

[b] The Household and Personal Escort of the Chief – Officers of the Clan Council

7. **Ard~Ghillean an Tighe: Chieftains.**

These *indeterminate (non-blood related) Armigerous Strachan (broadly defined) cadets* are generally substantial Scottish landowners entitled to a Territorial Designation as defined under Scottish Heraldic Law (Ghillean), AND must be recognised as a 'chieftain' by the Representor. Should be recognised on their Letters Patent as a Chieftain of Clan Strachan. Heir must be born a STRACHAN (broadly defined). Entitled to wear two feathers in his/her bonnet only if actively serving as an Officer on the Clan Council.

8. **An Seanachaidh *: Clan Sennachie**

(Hereditary Clan Bard or Historian, Chief's Genealogist and Chief's Pursuivant or Herald) Must be a STRACHAN armiger (broadly defined). Recognised as the most senior Clan Office Bearer subordinate to chieftains.^{72 73} Heir must be born a STRACHAN (broadly defined). Entitled to wear two feathers in his/her bonnet only if actively serving as an Officer on the Clan Council. It was the Sennachie's duty (among other things) to keep the clan register, its records, genealogies, and family history: to pronounce the address of ceremony at clan

⁷² "[anciently] sat among the chiefs of families, with precedence of the doctors of medicine" [e.g., the clan title of Chief's Physician]." Ref. Adam pp. 119, 573

⁷³ Keyser, John D. "The story of the Scottish Highlanders!" states, "Equal with the chieftains were certain individuals such as the hereditary seanachaidh, or bard, who always stood high in the clan hierarchy."
<http://www.ensignmessage.com/archives/highlanders1.html>

assemblies, and to deliver the chief's inauguration, birthday, and funeral genealogical orations: also as Inaugurator, to invest him on succession.”^{74 75}

9. **Am Fear Brataich *: Hereditary Standard Bearer, or Bannerman**

Must be a STRACHAN armiger (broadly defined). Entitled to wear one feather in his/her bonnet only if appointed by the Representor and actively serving as an Officer on the Clan Council

10. **Am Piobaire : Hereditary Piper.**

Must be a STRACHAN Armiger (broadly defined). Entitled to wear one feather in his/her bonnet only if appointed by the Representor and actively serving as an Officer on the Clan Council. Must know how to play the bagpipes or harp.⁷⁶ If a harpist, title is **Am Chlarsair**.

11. **An Gille~Mor *: Sword Bearer and Captain of the Body-guard**

Must be a STRACHAN armiger (broadly defined). This is a lifetime appointment. Entitled to wear one feather in his/her bonnet only if appointed by the Representor and actively serving as an Officer on the Clan Council.

12. **An Luchd-Tige: The Body-guards**

Must be a STRACHAN armiger (broadly defined). This is a lifetime appointment. Entitled to wear one feather in his/her bonnet only if appointed by the Representor and actively serving as an Officer on the Clan Council.

13. **Clan Council Chaplain**

Must be a STRACHAN armiger (broadly defined). This is a lifetime appointment. Entitled to wear one feather in his/her bonnet only if appointed by the Representor and actively serving as an Officer on the Clan Council.

⁷⁴ <http://www.theclanshaw.org/page16.html>, and Adam, page 118, 573

⁷⁵ Adam pp. 572-573. Processions, etc. Also, Appendix X, “The Inauguration of a Chief”, page 577-584.

⁷⁶ Adam 574

[c] The Daoineuasail (Clan Gentry) and Subordinate Officers of the Clan Council

It is advised that Non-Armigerous clansmen who are not related to the Clan Representative should demonstrate significant involvement in one or more Clan Strachan organisations, or similar activity prior to being invited to join the Comhairle Mor. This involvement should extend beyond simply being on one or more Clan Strachan organisation governing bodies, but active involvement is profoundly more important in making this determination.

14. **Ard-Toshach-Deory** (or *Tosheader*): Must be born a Strachan (broadly defined), preferably an Armigerous individual, and appointed by the Representative. Has a seat on the Clan Council, and must actively participate on the Clan Council. Armigerous or Non-Armigerous High Commissioner(s) of a country, continental or other territorial designation **outwith Scotland**. He/she is the Clan Chief's Representative overseas and within their designated territory. The *Tosheader* can fly a pincel [triangular-shape flag] bearing the chief's crest. *He is NOT regarded as a 'minor' chieftain.*⁷⁷ Only within their territory can they wear a single feather to signify he/she is a Clan Office Bearer. When appearing at any function within their territory as a private individual and not in his official capacity, he should wear the number of feathers to which he is entitled, if any, in his private capacity. Whilst outwith their territory, or in Scotland he has no special standing, and should wear the number of feathers to which he is entitled, if any, in his private capacity. Precedence within this rank shall depend on the individual's Armigerous status, or territorial designations recognised under Scots Heraldic Law.
15. **Scottish Armigerous individuals** born a STRACHAN (broadly defined) ennobled by the Sovereign of Scotland, through the Court of the Lord Lyon; and with the right use Scottish Arms. Ranked in accordance with the Table of Peerage and Non-Peerage of Scotland, with secondary determination by number of heirs from original grantee. Entitled to wear one feather in his/her bonnet only if actively serving as an Officer on the Clan Council. Hereditary seat on the Clan Council going to the *Armigerous heir* also born a Strachan (broadly defined).
16. **Other Crown Armigerous individuals** born a STRACHAN (broadly defined) who have been granted, matriculated or with the right to use Armorial Bearings by a Crown herald other than the Court of the Lord Lyon. Within the limited scope of Clan Strachan, these individuals shall be considered a gentleman. However, a person whose Arms are granted by jurisdictions outwith Scotland are not recognised by the Court of the Lord Lyon as making you a gentleman of the clan, and as such one would not be entitled to wear feathers. Further, *may* be precluded by the Lord Lyon King of Arms from participating in official meetings or proceedings under the supervision or guidance of the Court of the Lord Lyon.

⁷⁷ Email correspondence dtd. 7 March 2014, per Charles J. Burnett, Esq., Ross Herald Extraordinary, Officer of Arms in Scotland at the Court of the Lord Lyon.

17. **Convenor of an authorised Armigerous clan association, society or trust;** shall have a seat on the Clan Council. Where the Convenor is individually not an armiger, THEY WOULD ONLY BE ENTITLED TO WEAR A SINGLE FEATHER IN THEIR BONNET AT OFFICIAL CLAN STRACHAN SANCTIONED OR SPONSORED EVENTS. At these specific events, they may wear one feather in their bonnet as a Representor of an Armigerous organisation. Otherwise, they should wear the number of feathers to which he/she is entitled, if any, in his private capacity. Non-sanctioned events are defined as any event not planned, coordinated, or paid in whole or in part by a Clan Strachan organisation. This seat or position remains with the individual only while serving in office as Convenor.
18. Non-Armigerous peerage of Scotland, as well as non-Armigerous non-peerage of Scotland: Baronets, Knights, Feudal Barons, and Esquires listed in precedence of Scotland, and born a STRACHAN (broadly defined).
19. Non-Armigerous Lairds: Non-Armigerous substantial Scottish landowners who are believed would qualify for a territorial designation as defined under Scottish Heraldic Law (Ghillelan), and also born a STRACHAN (broadly defined).
20. Non-Armigerous Chivalric Gentry of the Clan: Non-Armigerous individuals who are recipient to orders of Chivalry awarded by the Crown born a STRACHAN (broadly defined).

Other Optional Offices on the Clan Council. These would be Subordinate Officers.

21. Non-Armigerous Piper, must be born a STRACHAN (broadly defined). Lifetime appointment by the Representor.
22. Non-Armigerous Sword Bearer, must be born a STRACHAN (broadly defined). Lifetime appointment.
23. Non-Armigerous Body-Guards must be born a STRACHAN (broadly defined). Lifetime appointment.
24. Non-Armigerous Clan Chaplain must be born a STRACHAN (broadly defined). Lifetime appointment.
25. Non-Armigerous leader (i.e., Convenor, President, or similar title) of a non-Armigerous authorised clan association, society or trust, must be born a STRACHAN (broadly defined).
26. Non-Armigerous “Leading Members” of the Clan recognised (then subordinately not recognised) by the Court of the Lord Lyon as being acceptable to attend an official Clan function under the jurisdiction of the Court of the Lord Lyon (Lifetime appointment):
 - a. A “Leading Member of the Name” has not been fully defined by the Lord Lyon King of Arms. In a letter from David Sellar, Lord Lyon King of Arms to the Clan Strachan Society on 22 July 2010, Lyon states, *“It would be very difficult, I believe, to frame a*

watertight definition which would fit every case. There must be flexibility here. It would be for the appointed Officer of Arms to determine whether an individual qualifies on the basis of representations made, subject to a decision by myself in the last resort." In another letter dated 10 August 2011, Sellar referred to *Who's Who*. This somewhat suggests Eminent men (or women), and prominent individuals such as academics, judges, barristers/solicitors/attorneys, doctors, politicians, successful business persons, military Officers and Non-Commissioned Officers, and others who are leaders in their profession.⁷⁸ These individuals must be born a STRACHAN (broadly defined), AND must be found acceptable by two-thirds majority consent of the Comhairle Mor, and so ratified by the Representor of Clan Strachan prior to serving on the Comhairle Mor as a subordinate officer.

- b. An individual NOT born a STRACHAN, but who has signed a heritable Bond of Manrent recognising the Representor of Clan Strachan as their superior; AND who would otherwise likely be found acceptable as a **Leading Member** of the Name by the Court of the Lord Lyon. These individuals would require unanimous consent of the Comhairle Mor, and so ratified by the Representor of Clan Strachan prior to serving on the Comhairle Mor as a Subordinate Officer.

[d] Dependents of the Chief (Non-Officers of the Comhairle Mor)

The following may attend any clan meeting; however, these individuals have no voting capacity on the Clan Council.

- 27. Clansmen, both native (born a Strachan broadly defined), and sencliathe registered in the "Court Book of Strachan" have the right to speak and express their opinions at Clan Council meetings.
- 28. Sencliathe not registered in the "Court Book of Clan Strachan" may only attend the meeting, and have no right to speak or express their opinion unless unanimous consent of the Clan Council is given.

⁷⁸ <http://www.lyon-court.com/lordlyon/656.html>

[8] Clan Strachan Feather Code

The wearing of feathers in a cap or bonnet is tradition in Scotland, and likely came about in times of auld when the use of insignia on the bonnet was a useful means of identification, especially in battle. Today, it is an indication of rank and status within the modern clan. It is also a matter of dispute and a matter of honour, which may be difficult to understand by some of the Diaspora - - who are generally some of the worst offenders.

The controversial nature comes from the fact that the wearing of eagle feathers is a matter of convention and not of law, so there are no strict rules regulating the matter, and no sanctions except perhaps social against the person who wears more feathers than he is entitled to sport.⁷⁹

You can somewhat understand the high emotions behind this tradition as the families of Scottish Armigers have paid a small fortune for the right to bear their personal Arms. In addition, chieftains and chiefs have often spent significantly more time, effort, energy, and finances to achieve their status within their clan. Therefore, you can see why some get upset at “pretenders” or “impersonators” apparently claiming to be Armigerous, and publicly claiming a rank within the clan to which they are not entitled.

An individual wearing more eagle feathers than they are entitled can easily be accused in some circles of “having designs above their station.” Furthermore, they are publicly demonstrating their ignorance of Scottish tradition, as well as their position within the Clan hierarchy. Clansmen who wear more feathers than they are entitled risk hurting not only their own personal reputation and being ridiculed; but as mentioned *in some circles* they also put the reputation of Clan Strachan at risk.

It therefore should be treated as a serious offence, and those found guilty of wearing more feathers than they are entitled may be admonished or sanctioned by the Clan Council for “impersonation” of an Armiger, Chieftain, or Clan Chief.

Naturally, in most cases it would be proper to issue a polite warning prior to levying a formal admonishment or sanctions against the clansman. It should initially be assumed that the offending party is merely making an uninformed decision in wearing the inappropriate number of feathers, and that an innocent mistake had taken place.

One who wears a feather in their bonnet publicly demonstrates they are a Scottish Armigerous officer of their clan, AND as a *general* rule:

- Clan Chief – wears 3 feathers
- Clan Chieftain, “substantial chieftains,” “lesser chieftains” or “branch chiefs” – wears 2 feathers.⁸⁰

⁷⁹ Sir Crispin Agnew of Lochnaw, “Ruffling Their Feathers.”

- Clan Scottish Armigers – wears 1 feather.⁸¹

The real only hard and fast rule is that the individual wearing one or more feathers must be a Scottish Armiger.

Golden Eagle feathers (artificial feathers are acceptable since Golden Eagles are now endangered in Scotland, as well as abroad) or Hawk feathers are displayed tucked behind a crest badge on a Balmoral or Glengarry cap so that the large pointed end of the feather projects above, with the quill tucked behind the badge, as a mark of rank in a clan/family. The custom is not exactly heraldic, but it is observed in Scotland, and the nature of the protocol should be respected.

The advice from the Lord Lyon King of Arms, and various Officers of Arms in Scotland including, but not limited to, Charles J. Burnett, Esq., Ross Herald Extraordinary, Sir Crispin Agnew of Lochnaw, Rothesay Herald of Arms, and others shall be observed.⁸² Moreover, the Court of Session, ***Maclean of Ardgour v. Maclean*** and other case law shall be taken into consideration. Further consideration shall be augmented by Adam, Frank. “The Clans, Septs & Regiments of the Scottish Highlands,” which was revised by Sir Thomas Innes of Learney, Lord Lyon King of Arms; and other creditable publications.

Unless explicitly authorised to wear a feather or feathers is provided in this Constitution, said authorisation is not permitted unless made by amendment to this Constitution.

The wearing of feathers is controversial, and in some circles is also thought to be pretentious. For this reason, a conservative approach shall be instituted within this Constitution. Where there is a conflict it shall be the position of this Constitution that the fewer the feathers, the less potential damage to one’s reputation, as well as the reputation and good name of Clan Strachan.

⁸⁰ Chiefs of substantial branch families (aka “substantial chieftains”) are usually tied to an estate name, or Territorial Designation. The full range of who is a branch chief as opposed to a substantial chieftain has never been clearly defined, and is a grey area. According to Agnew of Lochnaw, the clan chief will know who his principal cadets are. It is Lochnaw’s opinion that a chief could recognise an Armiger as falling into this category and confirm to the Armiger and their successors in that name and arms, the right to wear two eagle’s feathers. (per Sir Crispin Agnew of Lochnaw, “Ruffling Their Feathers”).

⁸¹ A person whose Arms are granted by other jurisdictions are not recognised in Scotland as making you a gentleman of the clan. Further, whether you wear 1, 2 or 3 feathers, you MUST have the right to bear Scottish Arms (per Sir Crispin Agnew of Lochnaw, “Ruffling Their Feathers”).

⁸² <http://www.lyon-court.com/lordlyon/242.html> and **The Highlander, “Ruffling Their Feathers”** Jan/Feb 1997. Copies and reprints of these sources is available for download in the Clan Strachan Society library.

ARTICLE 6. AMENDMENTS AND MODIFICATIONS

Amendment or modification of the Constitution may be made with two-thirds majority consent of the Clan Council, and must also be ratified by the Representor. If an amendment affects an issue requiring unanimous consent of the Council, then modifications or amendment to these topics must be made unanimously.

ARTICLE 7. LEGAL STATUS OF THIS CONSTITUTION

[1] Establishment of Jurisdiction

The Clan Council is a social persona and identity, and the Chief is a social dignity recognised in Scotland under Scots Law. As such, this Constitution shall be recognised by all assuming the status of Clansmen, regardless of rank or status, as being law and having sole and exclusive jurisdiction only within the limited scope of Clan Strachan unless discussed elsewhere in this Constitution or as legal jurisdiction is recognised under Scots Law.⁸³

[2] Financial & Legal Encumbrances

The Clan, Chief, and Comhairle Mor are a social personas and identities, and do not have the legal capacity to become financially or contractually encumbered. The Clan Council shall incur no debt or contracted obligation that is binding in any court of law outwith the jurisdiction of the Clan Council. Any financial encumbrances shall be made by the Charitable Trust, Clan Strachan Society, or other clan organisations. No personal guarantees shall be expected by any individual, and if provided shall be made on a voluntary basis. All financial matters shall be delegated to one or more Clan organisations.

[3] Obligational Guarantees

Nothing in this Constitution or elsewhere shall explicitly or implicitly imply that the Clan Council (or any of its Officers) shall personally guarantee any party's debts or obligations, or be otherwise contractually bound to any debt or obligation that is enforceable outwith the jurisdiction of the Clan Council.

[4] Clan associations, societies and trusts

[a] Independent Entities: Clan Strachan associations, societies, or trusts either informally formed or legally established within their regional jurisdictions shall be considered separate legal entities apart from the Clan Council regardless if an organisation is recognised as being authorised or chartered by the Clan Council. These organisations should maintain their own bank accounts, insurance policies, and otherwise be independently managed and financially responsible.

[b] Indemnification: All clan organisations (hereinafter "Organisation") shall be solely responsible for, and shall indemnify and hold the Chief and Clan Council harmless from, any and all claims, damages or lawsuits (including Clan Council and Chief's attorney fees) arising out of the actions or inactions of the Organisation, its employees or its agents. If the Clan Council or Chief revoke the "authorised" or similar status from the Organisation for any reason it solely and

⁸³ Adam pp. 108. "Each such clan or family could have its own particular laws, peculiar to itself, equivalent to what the Romans termed the *jus familiare*."

exclusively determines, the organisation acknowledges that the Clan Council and Chief shall not be liable to the organisation or any other person, either in contract or in tort, for any consequential, incidental, indirect, special or punitive damages, including loss of future revenue, income or profits, diminution of value or loss of business reputation or opportunity relating to the breach or alleged breach hereof, whether or not the possibility of such damages has been disclosed to the other party in advance or could have been reasonably foreseen by such other party. If an organisation continues to use logos, badges, or other artistic accoutrements or armorials of the Chief or Clan Strachan after notification of revocation of status, the organisation acknowledges it has committed a trademark infringement in violation of local jurisdiction and laws, and the organisation shall therefore be liable for all disputing parties' attorney fees and court costs, and other expenses, including but not limited to, travel expenses that are incurred as a result of this dispute.

[c] Legal Conflicts. Conflicts may arise from time to time that may have a negative impact in regional law or tort for one or more clan organisations. For example, non-profit law and regulations differ between countries, and a practice acceptable in one jurisdiction may violate the regulations of another. Therefore, uniformity of certain policies and practices may be impossible. When a conflict of this sort arises this would not generally be a cause for revocation of *authorised* status (or similar corrective action). Utmost understanding must be provided to international laws, regulations, and cultures. Simply, the modern Clan has an international demographic, and a flexible perception and guidance of international organisations is required by the Chief and the Clan Council. It would be considered a good practice that the party with a conflict inform the other at the earliest possible opportunity, and likewise provide the statute, or regulation in which the dispute pertains.

[5] Treaties and Bonds

All treaties or bonds made or accepted by the Clan Chief or Commander and the Clan Council (as applicable) shall be binding on the entire Clan solely and exclusively within the jurisdiction of the Chief and Clan Council.

[6] Jurisdiction of the Chief

Discussed elsewhere in this Constitution.

[7] Individually Binding

Clansmen of Clan Strachan and associated clan organisations shall, by claim to be a Clansman, be explicitly bound to this Constitution. Officers of the Comhairle Mor shall be bound by oath or affirmation to support this Constitution at an official Clan Gathering or meeting, and if the Officer is an Armiger it shall be bound upon their heirs and successors.

[8] Other Rights, Honours & Privileges

All rights, honours, or privileges not specifically granted to the Clan Council or by the Sovereign shall fall within the exclusive prerogative of the Clan Strachan Representative.

[9] Severability

If any provision of this Constitution is held unenforceable by a competent court of law, then such provision will be modified to reflect the exclusive intention of the Representor or Chief. All remaining provisions of this Constitution shall remain in full force and effect.

[10] Non-Waiver

The failure by one party to require performance of any provision shall not affect that party's right to require performance at any time thereafter, nor shall a waiver of any breach or default of this Constitution constitute a waiver of any subsequent breach or default or a waiver of the provision itself.

ARTICLE 8. RATIFICATION

[1] Ratification

The ratification of this Clan Strachan Constitution shall be made following the 2014 Family Convention (known as an “Ad Hoc Derbhfine”) whereby a “successful” recommendation is made to recognise a Commander of Clan Strachan, which has been forwarded by the appointed Supervising Officer of Arms to the Lord Lyon, King of Arms.

This Constitution shall be deemed ratified by the Clan when so signed by at least two-thirds of the Clan *Armigers* in personal attendance at the Family Convention. This Clan Strachan Constitution shall be considered in full force and effect “AFTER” the newly appointed Commander is officially recognised by the Ard~Righ (the Sovereign) through her Officer of Honour, the Lord Lyon King of Arms.

[2] STRACHAN ARMIGERS present at the Ratification Ceremony on 11 APR 2014:

Professor Sir Hew Strachan, Laird of Glenhighton



Roderick Strachan, Baron of Benholm



James Andrew Strachan, FSA Scot (Temecula, California)

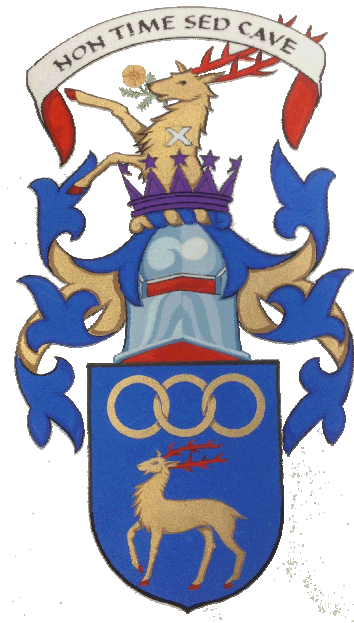


Dr Thomas Martin Strahan (Bundaberg, Queensland)



James Andrew Strachan (Elgin, Scotland)





Dennis Craig Strawhun,
Convenor of the Armigerous Clan Strachan Society

**PARTICIPATED AT 2014 FAMILY CONVENTION VIA TELECONFERENCE
FROM AUSTRALIA, BUT NOT IN PERSONAL ATTENDANCE AT THE
RATIFICATION.**

LCDR William Stanley Strachan (Drummoyne, New South Wales)



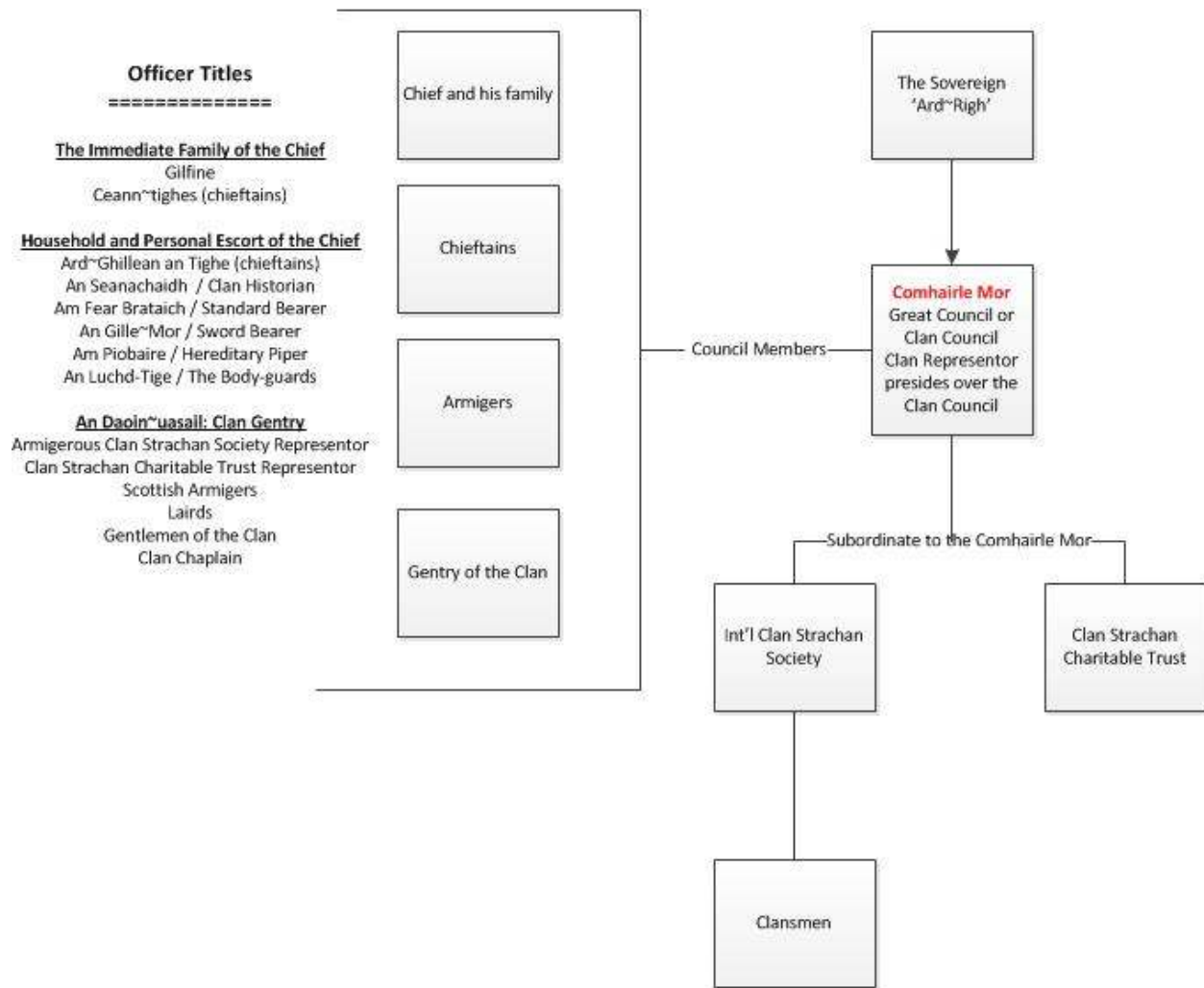
With this Clan Strachan Constitution so signed by a satisfactory number of Clan Strachan Armigers, I so ratify this Constitution as the Commander of Clan Strachan, and thus make this document the *de facto* Constitutional Law of Clan Strachan:

_____ **dated this 11th day of April, 2014.**
Charles Robert Lund Strachan, Commander of Clan Strachan
(Warrant for Arms pending at the Court of the Lord Lyon)

Witnessed By:

Luke Strachan, Tanist

Constitutional Addendum A – Organisational Chart



The Comhairle Mor is presided over by the Clan Strachan Representor (Chief or Commander), and is responsible for the day-to-day management of the clan. Subordinate to the Sovereign. (Ref. Article 1-2 of this Constitution)

The international Clan Strachan Society is a public charity headquartered in the USA, and is presided over by a Convenor. As an Armigerous society it is a very important armiger of the Clan. It is responsible for the business of the Clan, which generally includes certain financial and economic matters. Subordinate to the Chief, Chieftains, and Comhairle Mor. (Ref Article 4 of this Constitution)

The Clan Strachan Charitable Trust is an international organisation headquartered in Scotland, and is responsible for safeguarding housing Scottish historical chattels and heirlooms in general and in particular those relating to the Strachan family. Subordinate to the Chief, Chieftains, and Comhairle Mor.