

Historical Notes

The Great Clan Chattan Band of 1609, and its renewal in 2009

Quote from the Band of 1609

'that perpetual amity friendship and kindness may remain and abide betwixt them'

The Band of Union of the Clan Chattan was signed on 4th April 1609, just a week before the deadline!

The Band

The Clan Chattan Band of Union of 1609 is a remarkable document, which brought together the thirty leading men of the Clan. It is actually a 'Contract of Friendship' or a 'Contract of Perpetual Amity'. It was between two groups, the Mackintosh family or kin on the one hand, and various other Clan Chattan families on the other, but the document brings them all together as the '**hail kin of Clanchattan**'.

The Band relates that past controversies have been disastrous, it agrees to forget past differences, to work together in the future to support each other, and it allows for any future disagreements to be settled by twelve leading men of the Clan Chattan along with the chief.

The Band was signed by the leaders of seven different clans; the Mackintoshes, the Macphersons, the Macqueens, the Macbeans, the Macleans of the North, the Magillivrays and the Shaws of Strathnairn. Each chief took on the burden on behalf of their whole kin group. Various other leading members of the clans also signed the Band, making **thirty in all**. The Band was important enough to be witnessed by the Provost of Inverness.

The Background of the Clan Chattan

The history of the Scottish clans is in large part the story of the clash between a kin-based society and a feudal society. There are few general characteristics that apply to all clans, for some clans were a combination of smaller clans [eg Camerons], many clans subsumed other smaller clans [eg Frasers], some historic kin were divided between two clans [eg Macdougall/Macdonald], and some of the larger clans contained almost independent families [eg Campbell/Maclean].

The Clan Chattan does not quite fit any of these criteria, since it is a **Confederacy of Clans**. Hence R.W. Munro, the Highland historian, memorably declared the Clan Chattan to be 'the Super Clan'.

The Original Clan Chattan

Behind the Clan Chattan of historic record lay an earlier Clan Chattan, about which there is much speculation. It was probably a Confederacy too, bringing together many small kindred families, probably based in and around Lochaber, but perhaps also further afield.

History records that the **Chief of the Mackintosh family** married Eva a Clan Chattan heiress, and thereafter the Mackintosh chiefs were termed **Captains of Clan Chattan**, and apparently took the leading role. This was no doubt supported by 'the Kings of Scotland's gift of Chieftainrie of the .. Clanchattan', referred to in the Band of 1609, though it is not known what exactly this entailed.

The Historic Clan Chattan

A process of expansion, with its expectation of mutual support and protection, may have been an echo of the old Clan Chattan. On the other hand, some Mackintosh descendants became virtually separate clans, while still acknowledging Mackintosh as their 'natyff cheiff', like the Farquharsons and MacThomases. The Shaws came to use their own distinctive kin name rather than Mackintosh. The Macphersons, of the old Clan Chattan, often took an independent line.

Names of the Clan Chattan Clans

Graeme Mackenzie has collected together the surnames of all those [apart from the Mackintosh descendants, like Farquharson, Shaw, MacThomas/MacOmie, Ritchie] who may have had a connection with the Clan Chattan at some point over the years: Cattanach, Catteigh, Dallas, Davidson, Elder, MacBean/Bain, MacClerich/Clark, MacGillanders/Andrew, MacGillespie/Gillespie, MacGillivray, MacGillonie, MacKillican, MacLean of Dochgarroch, MacMartin, MacMaster, MacMillan, MacMhuirich, MacNiven, MacPhail, MacPhee, MacPherson, MacQueen, Smith/Gow and Tarrill. To which could perhaps be added: Crerar, Finlay, Gillies, Gorrie, MacAonas, MacGlashan, MacHardy, MacLain Dhu, Macintyre in Badenoch, MacKerracher and Noble.

The Background to the Band of 1609

There were several reasons for the signing of this Band. The Crown had been backing the Earls of Huntly and Moray as the keepers of rule and order in the area, and nearly all the members of the Clan Chattan were vassals to one or other of them. Acts of Parliament had made clan chiefs personally responsible for their clansfolk and required chiefs to produce legal evidence of their right to their lands. The Mackintoshes were, as a result, forfeited of some of their lands, for which they could not find title. It was also difficult for them, considering the nature of the Confederacy, to be responsible as Captains of Clan Chattan for their clansfolk.

The Mackintoshes position was weakened when their chief died in 1606, leaving, as a minor, a young grandson to succeed. His uncle, William Mackintosh of Benchar was appointed tutor [or guardian], and also Captain of Clan Chattan. A group of 'leading men' of Clan Chattan were charged by the Council for the good rule of the Clan Chattan, during the young chief's minority.

These cautioners had to attend and give caution between 28 March and 12 April 1609, and time was rapidly running out.

Meanwhile, and fortuitously from the point of view of the Clan Chattan, the Chief of the Macphersons, who often took an independent line, was also in the firing line, having fallen out with their normal protectors, the Huntly family. William, the Tutor and Captain took advantage of this to bring together a **muster of the 'hail kin of Clanchattan' at Termit**, near Inverness, which included all these cautioners, as well as the Chief and chieftains of the Macphersons along with many others, making thirty in all.

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After the Band

The Band served its purpose, not least by various of the Clan Chattan families securing rights over their lands. The Macphersons were again to take their own line and acted separately in Montrose's army, while the Macleans of Dochgarroch received tenure of their lands. The Farquharsons developed into an independent clan, but they signed the 'renewal' of the 1609 Bond on 19 November 1664, along with

most of the leaders of the Clan Chattan clans, including various Macphersons, but not their Chief.

In the Civil Wars and the Jacobite Wars, the Clan Chattan were Royalist and generally Jacobite. The Farquharsons and the Macphersons, while acting independently, supported the same causes.

The Clan Chattan was still very much an entity in 1727 when, ‘considering that, by the members of the Clan being so dispersed, they are under the greatest disadvantage of any clan in Scotland in regard to their mutual defence,’ a **Clan Association** was founded, paid for by subscription, headed by Mackintosh and Macpherson younger of Cluny, to raise a fund for the employment of “lawyers, agents and procurators” at Edinburgh, Inverness and Badenoch to attend to actions and causes by or against the Clan Chattan or any of its branches or members.

A later **Clan Chattan Association** was founded in Glasgow in 1893, and in 1933 a new Clan Chattan Association was started.

In 1947 the Lord Lyon ruled that the ‘Chiefship’ of Clan Chattan, with the title ‘Gillichattan Mor’, had separated from the Chiefship of Clan Mackintosh.. The same year the Clan Macpherson Association was formed to look after the many separate interests of Clan Macpherson, but they are still an integral part of the Clan Chattan Association, of which ‘Gillichattan Mor,’ is patron.

The New Band

The 400th anniversary year of the 1609 Band is to be marked by the signing of a new Band of Union, written by Sir William Macpherson of Cluny, Chief of the Macphersons, and himself a well-known High Court Judge. The Chiefs, Representatives of other Clans, and Clan Chattan Association Council, along with many members of the Clan Chattan, will sign this new Band at Eden Court, Inverness, on Thursday 6th August. It will be witnessed by the Provost of the City of Inverness, the Lord Lyon King of Arms and others.

Everyone with a connection with any of the clans of the Clan Chattan Confederacy will be very welcome to come and sign too. There will also be the facility for signing over the internet, details of which are contained in this website. The names of those who sign over the internet will be included with those who sign at Eden Court.

Allan Maclean of Dochgarroch

Wording of the Band of Union of 1609:

Contract and Agreement betwixt the Captain of Clanchattan and Kin in the year 1609

At Termit the 4th day of April the year of God 1609;

It is appointed, banded, contracted, concorded, finally ended and agreed betwixt the honourable persons and parties as follows viz: **Williame M^cIntosche of Beanechar** as **Principall Capitane of the hail kin of Clanchattan** as having the full place thereof for the present induring [ie during] the minority of **Lachlaine M^cIntosche of Dunnachtin**, his brother[’s] son, for himself, and takand the full burden in and upon him of **Malcolme M^cIntosche of Hurlarust** and remanant of his brethren, with their own consent under subscribing, **Angus Mackintosche of Termit** for himself and takand the burden in and upon him of **Lachlaine M^cIntosche**, his son, apparent

thereof, with his own consent, and assent of his remanant sons under subscribing, **Lachlaine M^cIntosche of Gask**, for himself and takand the burden in and upon him of **William M^cIntosche of Rait**, and remanant of that surname descended of that place and house, with their own consent under subscribing, on the one part;

And **Andrew M^cPhersone of Cluny** for himself and takand the full burden in and upon him of **Ewin M^cPherson in Bryne**, **Johne M^cPhersone in Breckachie**, with their own consents, and remanant of that name descended of that race; **Thomas M^cAllister vic Tomas in Pitmean** for himself and takand full burden in and upon him of his kin and friends descended of his house; **Donald M^cAllister roy in Fones** for himself and takand full burden in and upon him of **William M^cAine vic William in Inveressie** with his own consent and remanant his kin of that race and house; **Donald Mackqueyn of Corribroiche** for himself and takand full burden in and upon [him] of **Johne M^cQueyn in Littel Corribroiche**, **Sweyne M^cQueyn in Raige Beige** with their own consent and remanant [of] his kin of that race; **Angus M^cPhaill in Kinkell** for himself and takand the full burden in and upon him of his haill kin and name [?] and race of **Clane Vean**; **Alexander M^cConil vic Ferchar of Davochgarreoch**e for himself and takand the full burden in and upon him of his kin and race of **Clan Tarliche** with their own consents; **Malcolme M^cBean in Dulcrombye**, **Iver M^cEwin in Aberhallader** and **Duncan M^cFerchar in Dunmaglaiss** for themselves and takand the full burden in and upon them of their haill kin and race of the **Clant M^cIllivrae** with their own consents; **Ay M^cBean vic Robert of Tordarrache** for himself and takand the full burden in and upon him of the race of **Claine Ay** with their own consents on the other part;

In manner form and effect as after follows:

That is to say, forasmeikle [= forasmuch] as anent [= regarding] the controversies, questions debates and ilests that has fallen forth betwixt the said haill kin of Clanchattan these times bygone, whereupon there followed great inconveniences committed by them one against another, but [ie without] any respect of their weals coming thereof, and for avoiding of these accidents, where **through that perpetual amity, friendship and kindness may remain and abide betwixt them and their chief in times coming, and amongst the said haill kin of the Clanchattan**;

Therefore, and for sundry other motives and occasions moving them, tending to the weals and quietness of them [and] their country are become bound and obliged and by the tenor hereof, the said haill kin of Clanchattan above mentioned by their names in special and takand full burden in and upon [them] of their kin, friends, heir[s] and partakers *pro rato* faithfully promise bind and oblige them by the faith and truth in their bodies for themselves, with consent forsaid their heirs male and successors, to the said **William M^cIntosche** their present Captain and Chief ay and all [ie now and until] the said **Lachlaine M^cIntoshe of Dunnachtin** comes to manhood and perfect age, then to him to concur, assist maintain and defend him against all and whatsoever persons that shall happen to invade him, and to be efauld loyal upright and true to him in all his honest and leisome affairs whatsoever; Like as they to that effect has united, incorporate, anext, copulate and insinuate themselves in one bond and perpetual amity to stand amongst them as it was of auld according to the Kings of Scotland's gift of Chieftainrie of the said Clanchattan granted thereupon, in which they are and is astricted to serve M^cIntosche as their Captain and Chief.

Therefore the said haill persons and chief and kin of Clanchattan bind and oblige them ilk ane to others, the said **William M^cIntosche** and the said kin of Clanchattan to concur, assist, maintain and defend eithers others and to take plain art and part with others against all and whatsoever persons in all actions of arms deeds and occasions whatsoever that shall happen to be done in their contrar or shall happen to fall furth thereafter, the **Kings Grace**, my lord **Marquis of Huntlie** and the **Earl of Murray**, their masters, being excepted, providing that it be in their lords and masters default in case any deed or ilest fall out by their occasions.

And also the said haill kin of Clanchattan has discharged and quitclaimed and by the tenor hereof quitclaimes, exoners and simpliciter discharges eithers others and ilk ane

of them, of all actions of slaughter, burning, herchip, reiff and oppression, committed by them or any of them against other, preceding the day and date hereof, discharging the same and all actions that may result thereupon, and all rancour [*and*] malice of heart for ever;

and also in case any of the said kin shall happen to offend any other in time coming either by violence or avinge of gear, in that case the chief shall nominate twelve persons of the said principals to decide with him thereon, and shall cause the party offender [to] satisfy the party offended and wronged such as they will discern and modify; and to the haill premises the said chief and remanant kin of Clanchattan are sworn to stand at [*and*] perform the points above mentioned and never to revoke nor come in the contrair hereafter, but shall maintain and pass ilk one of them with others in all hostings and other necessary and leisome affairs as when occasion shall serve, excepting as is above excepted.

And for the more security, the said **Williame M^cIntosche** and remanant [*of*] his kin of Clanchattan are content, and consent that these presents be inserted in the books of Council and Session, Sheriff or Commissary, or Burgh Court Books of Inverness, and there to remain *ad futuram rei memoriam*; And to that effect constitutes and ordains procurators conjointly and severally, and consents to the registering hereof *promitten de rato*.