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## Who may participate in the choice of the Clan name and Commander?

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A Clan is those “of the name”. That much is clear. But who may participate in Clan matters, such as the choice of the Clan name, or the Commander, or the Chief?

There was a time when the only important members of the Clan were the *fine* (the “warriors”) and the *derbhfine* (male close paternal relatives of the Chief) and had a say in anything. This became “Landed and Armigerous Gentlemen of the Surname”. Now, thanks to decisions of the current and previous Lord Lyon, the situation is more egalitarian. Anyone “of the Surname” may have a say.

Nor does it depend on a genetic relationship – in the Scottish Highlands it was typical that anyone living on a Clan’s lands would take the name of the Chief, regardless of any actual familial link.

### Which Eligible Surnames?

It is less clear when there are multiple names associated with a Clan – MacDonald, MacDonell, Mac Domnhall, Donaldson, Donillson, Macdaniell, etc. They are still names of the Clan. But please forget everything you have read or heard about “Septs”, which are a purely 19<sup>th</sup> Century tartan-marketing invention with no historical basis.

A separate document (*Choice of a Clan Name and Eligible Surnames*, available at [www.clannameandcommandersearch.com](http://www.clannameandcommandersearch.com)) explains that the surnames likely to flow from the original Clan name are: [Duffee, Duffie, Duffey, Duffy], [M(a)cAfee, M(a)cAfie], [M(a)cCuish], [M(a)cDuffee, M(a)cDuffie, M(a)cDuffey, M(a)cDuffy], [M(a)cFee, M(a)cFie], [M(a)cPhee, M(a)cPhie] and minor spelling variants of those.

The surnames Fee, McCaffie, McDuffin, McHaffie, McVee, McVie, Phee, Phie and others likely have a different origin. However, there may be some named Phee (for example) who can show that their surname was originally M(a)cPhee.

Also, the “Mc/Mac” spelling is irrelevant, and it is simply not the case that “one is Irish, one Scots” as often stated.

### What about married or adopted surnames?

It’s a quirk of Scottish practice that a woman keeps her maiden surname when married for most purposes, so a Smith who married a Jones might petition for a Coat of Arms as “Mary Smith or Jones” – but she will get Smith Arms, as that is her paternal (birth) surname.

It has become an established practice that a married couple bearing the husband’s surname of, say Macfie, will be considered to act as one person. However, their adult children of the surname may each take part individually.

A divorced or widowed woman who has kept the surname and uses it routinely may take part.

Scots Law is rather conflicted about aspects of inheritance concerning adopted children and those who have changed their names legally, but it would be wrong to exclude those who have spent the majority of their lives called M(a)cDuffie, [M(a)cFee, M(a)cPhie, etc.

But membership or otherwise of any Surname Society is neither inclusive nor exclusive. The important thing is bearing an Eligible Surname.

Any dispute will be resolved according to the law of Scotland and the Scottish courts have sole jurisdiction.