



# CLAN CUNNINGHAM

## COMMUNIQUE

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By International Newsletter Editor and Publisher, Larry Augsbury

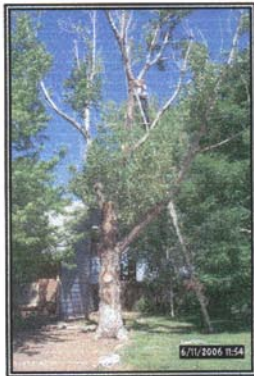
### Artist and Sculptor, Lynn Forest Cunningham



The largest work of art to date by artist L. Forest Cunningham (both at left) was just finished on the summer solstice, of June 20, 2008. This 13 foot tall sculpture of a rampant unicorn stands in the front yard of our High Commissioner, Larry Augsbury, who has been contemplating this project for years as the large cottonwood tree (below) from which it was carved slowly declined over the last few years.

Lynn F. Cunningham III has been an artist as long as anyone can remember. His father Lynn is our Wyoming State Commissioner who has also co-hosted Cunningham hospitality tents across Colorado since 1999. Thus named, his son often goes by his middle name Forest to avoid confusion. Born and raised in Cheyenne, Wyoming, Forest resides in the family cabin nestled at 9,000 feet elevation in the Snowy Range chain of mountains of southeastern Wyoming.

Forest recounts from last year's Longs Peak Scottish Festival in Estes Park, CO, "My father and I had to chuckle one day when Larry turned to me and queried, 'So Forest, do you know anybody who's good with a chain saw?'" And thus the seed of the rampant unicorn sculpture from the trunk of a giant cottonwood tree in Larry's front yard was germinated. Larry has named the unicorn "Lorcán le Rouge"



(Continued on page 2)

#### In this Issue:

|                                     |     |
|-------------------------------------|-----|
| Artist L. Forest Cunningham         | 1-4 |
| Artist L. Forest Cunningham's Bio   | 2   |
| L. Forest Cunningham's Other Art    | 4   |
| Legal Explanation of Earldom Denial | 5   |
| Potential Earls of Glencairn List   | 5   |
| Scottish Devolution/Independence    | 6   |
| Regional Activities                 | 7   |
| Members Spotlight                   | 8   |

The Clan Cunningham Communique is published quarterly on the 15<sup>th</sup> of every January, April, July and October by the Clan Cunningham Society of America, Inc., a non-profit corporation chartered in the state of Colorado and established in 1985 with the blessing of the Lord Lyon King of Arms in Scotland and distributed to its current members around the world.

(Continued from page 1) 'Lorcàn' is a Gaelic name meaning fierce. 'Le Rouge' in French means 'the Red', which takes its significance from the Heart Redwood finish used to protect this sculpture from the sun and the elements. Thus the name in English, Lorcàn the Red.

Following the artist's birth to Lynn and Janet Cunningham in Cheyenne, Wyoming in 1969, two things became apparent about Forest as he grew up: his love of the mountains, and his artistic talent.

Most of Forest's childhood was average, aside from the fact that instead of little league baseball, Forest preferred exploring the mountains surrounding the family cabin in southeast Wyoming.

This cabin had been started by Forest's grandfather, Perry Waits. (The Waits are a sept of the Farquarson Clan) Though when Lynn F. Cunningham Sr. took over construction, around 1964, it was no more than a simple hunting shack. The "Cunningham Cabin" stands near tree-line in the rugged Medicine Bow Mountain Range.

In the years following high school Forest attended Art School in Denver, Colorado where he explored the flamboyant counter-culture movement for a time as evidenced by the 1990 newspaper article which featured him and his actress companion, Elizabeth, in the Rocky Mountain News. (at right) (And, no, those are not wigs in the newspaper photo!)

Forest also lived in Hollywood, California for a brief time during this period.

Not long after returning to the Colorado area in 1991, Forest was involved in a catastrophic automobile accident. Many months of painful rehabilitation and surgeries were to follow.

The slow tedium of physical therapy soon had Forest seeking a change.

In 1995 Forest struck upon the idea of moving to the family cabin. Alone, surrounded by wilderness, Forest came to realize that there was "much fortune in his misfortune," in the form of time, space, and artistic inspiration.

Forest still occupies the family cabin at 9,000 feet where those occasional encounters with wildlife including moose, bear, elk, deer, martens, as well as the ever changing seasons never fail to inspire more art.

Forest's craftsmanship has led him to carve mantels, knife hilts grandfather clocks, and walking sticks, just to name a few. He also enjoys drawing, painting, and carving wildlife, even those *beasties* not found in the Wyoming wilderness!

Forest commented, "I think it's just amazing how this unicorn came along. It's wonderful that my first commission this size is so linked with my family & Clan Cunningham."

**LIFESTYLES**  
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**The sights and frights of the HIPPEST BLOCK IN TOWN**

Text by Matthew Sovergi. Photos by Jay Kopylov.

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**Last Earl of Glencairn and Clan Cunningham Chief  
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charitable contribution income tax deduction purposes or  
upon request.

In the future Forest plans to break into the burgeoning high-end art markets around his area, as well as take on large architectural commissions on columns, balustrades like that at Finlaystone in Scotland, and those from trees similar to Lorcan le Rouge, to whatever location such commissions lead.

The interesting progression of Forest's work transforming the trunk of a tree into the extraordinary unicorn sculpture was captured in the following chronology of images:



In early spring Larry acquires a 40' ladder, a chain saw, 300' of rope, and musters the necessary insanity to bring to the ground himself the three limbs far aloft this massive cottonwood tree precariously leaning towards his and his neighbor's homes by cutting, roping, and pulling the limbs into the street with his 4 wheel drive SUV. Proof positive of Scottish ingenuity, tenacity, and no doubt other attributes that the editor leaves omitted here.



At left, remnants of the first limb to hit the ground in the desired direction as the neighbors look on thankful no doctor or carpenter was needed.



Above, at left, with a plastic bottle filled with water as an anchor tied through the handle to one end of the rope, it is lobbed through the branches into the strategic location from which the limb will be pulled away from the house and maple tree and into the street. Above, at right, one upper limb down—two more to go.

In the photo at the top of the next column, At last, the three tallest limbs are down with no property damage or medical emergencies. Larry has earned his lumberjack badge, if, of course, using ropes and the Tribute SUV doesn't disqualify him!

(Artist L. Forest Cunningham continued on page 4)



Below left, Larry cleans up the street; with only the much less daunting task of cutting down the two mid-height limbs, leaving, at right, the 15' trunk for Forest, from which to free the unicorn.



Below, Forest sketches the outline of where the unicorn is hiding.



Below, wood chips fly as Forest begins to cut away the outer trunk of the tree revealing the unicorn figure trapped inside.





*The horn is deep inside there somewhere! It's early yet! Nice season for carving. Back taking shape. Fine Scottish weather!*



*There it is! Hard at the detail work. The artist's signing. Forest, mom, dad & Larry. 2 neighbors commissioned work!*

Forest works in several different artistic mediums. Below are a small sampling of his painting, custom made-to-order carving in wood and antler, and his hand-crafted clock making from natural unmilled wood.



If you would like more information on Forest's art, you can call his studio at (307) 742-7426 or write at 66 Upper Road Route 230, Laramie, Wyoming 82070.



**Sources:**

*Mary Winter, Lifestyles Editor, The Rocky Mountain News, Tuesday, June 19, 1990.*

*Lynn Forest Cunningham, Artist and Larry Augsbury, Editor, Clan Cunningham Communiqué*

# Earldom of Glencairn Heirs, Chiefs of Clan Cunningham

## Explanation of the Failed Claim to the Earldom By Leslie Kenyon, California Commissioner, Attorney at Law

I have been doing my own legal research on the appropriate heirs to the title of Earl of Glencairn as we are currently chiefless. I have found the House of Lords opinion by Lord Chancellor, Lord Rosslyn/Loughborough on why Sir Adam Ferguson was denied title. The House of Lords is binding as it is the equivalent of our Supreme Court. Now I have read they have instituted an actual court for this function. But in terms of our ancestors, his ruling is interesting.

First, Robert (2nd Earl?) was never an Earl of Glencairn, merely a Lord of Kilmaurs. In fact, Earl Cuthbert was the second Earl as it stands by current law. What happened is that the first Earl, Alexander, was given the charter or letter patent in 1488 before King James the III died by fighting the rebels who supported his son, the future King James IV. Alexander died in the same battle as James the III and his 12 day old Earldom would have gone to his son, Robert. But James the IV, two days later proclaimed all the given earldoms from a period of a few months prior to King James III's death be deemed annulled. And Parliament ratified the Act shortly thereafter as the Act Recissory of 1488.

Thus, the Earl of Glencairn title ceased to exist under that charter. His son, Robert, took his place in Parliament only as Lord Kilmaurs voting on the Acts of Parliament as such. His son Cuthbert also began his term in Parliament as a Lord of Kilmaurs. But he married a Douglas who was in with King James IV, and at King James IV's wedding to Princess Margaret of England, King James IV belted three Earldoms, Glencairn, Aran and Montrose, all whose charters were annulled by the Act Recissory.

But there was no written charter granted at that time, only the oral one. Thereafter, Cuthbert took his seat at Parliament as Earl of Glencairn. This was under the presumed limitation of heir-male, not heir general as the then Scottish limitations presumed heir-male without written documents to say otherwise. So, all subsequent Earls passed on the title to males only and even wrote entails listing male succedents only.

Then, Alexander, the 9th Earl, not 10th, gave his title to his brother, not his daughter. Therefore, Lord Chancellor found that there were two creations of the title, one in 1488 which was annulled, and one in 1503 announced by King James at his wedding.

Based on this, Sir Adam was found an heir general of Alexander the 9th Earl, having been born from an Earl's daughter, not a male heir. Therefore, he had no claim to the male-heir succession. The Montgomery-Cunninghame claimant was not discussed or decided at that time. Only the first named person on the petition was heard and ruled on, Sir Adam Ferguson. Therefore, I presume that if the Montgomery-Cunninghame claimant had been heard, he would have won. Unfortunately, that line now is left with three females in line to inherit from the father who has not claimed the Earldom. They cannot inherit unless Lord Rosslyn's decision is overturned. I have found the old documents on this decision and articles and books discussing this ruling. And the first Earl's son, Robert, is not considered an Earl for the record even though our society lists him as such. I thought you might find it interesting. There may be an heir-male alive after the current Baron Montgomery-Cunninghame dies, if one goes down the male heirs from Cuthbert on. The Milcraig's descend from the first Earl Alexander's sons as do the other line of Craighends. And as such they were never in line for the current Earldom. Therefore, their heirs are not either.

## Potential Earls of Glencairn and Clan Chiefs

Heir to the Earldom of Glencairn in order of succession rights of heir males (direct male to male succession from the heirs of the body of Earl Cuthbert, 2nd Earl of Glencairn, who had the only legal right to pass the Earldom of Glencairn to the heirs of his body. (Ruling of Lord Chancellor of The House of Lords of Scotland and Great Britain in 1797).

Note: The 2<sup>nd</sup>, and 8<sup>th</sup> through 14<sup>th</sup> Earls of Glencairn have no male-heir line left.

\* - It is not known if the following heir-male lines are extinct or not as of this date.

- 1<sup>st</sup> eligible line – Colonel Robert, second son of 7<sup>th</sup> Earl William \*
- 2<sup>nd</sup> eligible line – John of Cambuskeith, second son of 6<sup>th</sup> Earl James \*
- 3<sup>rd</sup> eligible line – James of Kerilaw and Stevenstouns, third son of 6<sup>th</sup> Earl James \*
- 4<sup>th</sup> eligible line – John of Ross, second son of 5<sup>th</sup> Earl William \*
- 5<sup>th</sup> eligible line – James, 1<sup>st</sup> son of John of Ross, second son of 5<sup>th</sup> Earl William \*
- 6<sup>th</sup> eligible line – William Rector of Lock Lamond, third son of 5<sup>th</sup> Earl William \*
- 7<sup>th</sup> eligible line – Andrew of Syid, second son of 4<sup>th</sup> Earl Alexander \*
- 8<sup>th</sup> eligible line – James Prior of Lesmahagow, third son of 4<sup>th</sup> Earl Alexander \*
- 9<sup>th</sup> eligible line – Alexander, Commentator of Kilwinning, fourth son of 4<sup>th</sup> Earl Alexander \*
- 10<sup>th</sup> eligible line – John Foggo Montgomery-Cunningham, direct descendent of Alexander of Corsehill, 1<sup>st</sup> son of Andrew, second son of 3<sup>rd</sup> Earl William (last eligible earl in line)
- 11<sup>th</sup> eligible line – Cuthbert of Cockibie, 2<sup>nd</sup> son of Andrew, second son of 3<sup>rd</sup> Earl William \*
- 12<sup>th</sup> eligible line – Hugh of Wattersoun, 3<sup>rd</sup> son of 3<sup>rd</sup> Earl William \*
- 13<sup>th</sup> eligible line – Robert of Mongrenane, 4<sup>th</sup> son of 3<sup>rd</sup> Earl William \*
- 14<sup>th</sup> eligible line – William, Bishop of Argyll, 5<sup>th</sup> son of 3<sup>rd</sup> Earl William \*

**WANTED – CUNNINGHAM KILT TO RENT for special occasion**  
in Texas in early October. Please contact Denise Stana at [dstana@tx.rr.com](mailto:dstana@tx.rr.com) (214) 695-2861.

# The Continuing Debate Over Scottish Independence

By Sheryl Cunningham, CCSA National Historian

"This is not the end, the Scottish Parliament shall rise again." These were the words of Fletcher of Saltoun at the signing of the Treaty of Union in 1707, which united under one rule Scotland and England, thus forming the United Kingdom of Great Britain. And the debate over the independence of Scotland has raged almost ever since.

The subject of independence was in the news most recently in March of 2008 when the publication, *Scotland on Sunday*, ran an article about Henry McLeish's support of the SNP (Scottish Nationalist Party) in their "national conversation" about Scottish independence. What one must understand is that there is a long and complex history in the United Kingdom concerning devolution and independence that dates back to the early eighteenth century. One must also understand the difference between devolution, which has existed in the United Kingdom since the 1970's, and independence.

Devolution, by definition means the transfer of power from a central to a subordinate level or organization, particularly from a central government to regional or local governments. This could also be referred to as home rule, where the subordinate organization (in this case, Scotland) is given certain powers to control political or economic issues within their organization. The idea of home rule for Scotland began to take shape in the nineteenth century. This was motivated in part by similar demands for home rule being made in Ireland. (One might remember that Northern Ireland was in the news in May 2007 when their Parliament was devolved and reorganized to incorporate representation by Sinn Fein)

While it did not support devolution, the National Association for the Vindication of Scottish Rights, which was formed in 1853 did create a new political focus for Scotland. In 1871 William Gladstone, Liberal Party leader and four-time Prime Minister, stated that if Ireland were to be granted home rule, the same should be granted to Scotland. In 1886 he introduced a home rule bill for Ireland, which led to the subsequent formation of the Scottish Home Rule Association, which was closely tied to the Liberals and in favor of the establishment of a Scottish assembly.

The Liberals soon lost power in Parliament and the debate over devolution waned. However, in 1906 when the Liberals gained control in Parliament again, the issue picked up steam again. Unfortunately, even though a bill was introduced at the 1913 Westminster Parliament, the movement to create a plan for devolution was again interrupted when World War I broke out.

The demands for political change that would grant Scotland more power shifted dramatically in the 1920's when Scottish nationalists began forming organizations, such as the Scots National League, which strongly supported independence, and the National Party of Scotland which eventually became the Scottish Nationalist Party in 1934.

The SNP initially wanted to develop a devolved assembly for Scotland. However in 1942 they shifted in support of an all-out independence, at the same time that unionist parties were working to create devolution plans instead, that would keep Scotland within the political system controlled by the Parliament of Great Britain.

Then in 1978, the Labour controlled government passed the Scotland Act, which would have led to the formation of a Scottish assembly, if it was supported by votes in Parliament. However, due to a division within the Labour Party concerning the issue, when a vote was taken they could not reach the required 40% in favor of devolution. The 1979 election proved to be even more disastrous for both the Labour Party and the SNP, as they lost important positions in Parliament and devolution was once again put on the back burner.

In 1989 the Scottish Constitutional Convention was formed with the focus of creating a devolution settlement for Scotland. It would not be until 1997 however, that the Scottish people would vote overwhelmingly in favor of a devolved Scottish Parliament. And in 1999, the first elections in that body were held.

This of course brought about Scottish devolution, but not independence (devolution for Wales and Northern Ireland were also achieved at this time). Devolution, however, did not put an end to the independence debate. While many unionist supporters (Tories) favored devolution, others had hopes that it was

simply a stepping stone to total independence. Those in favor of independence site the importance of Scotland's ability to create their own political and economic identity, not only within the United Kingdom, but internationally. Those strongly opposed to independence site the beliefs that Scotland is only strong economically as a part of the United Kingdom and would not be as prosperous on its own and that if Scotland were to strike off on their own as an independent country they would be too small to have any strong political influence on the international stage. They site the fact that Scotland would be required to establish their own Armed Forces, establish their own diplomatic contacts, and establish membership in important international organizations such as the European Union, the United Nations, NATO, etc..., all of which they might not have enough power or prestige to accomplish on their own.

As for public opinion within Scotland, that too is varied depending on the polls conducted. For instance, in a 2006 poll published by the Scotsman newspaper, it was revealed that a majority of Scots favor independence, but a poll conducted just a few weeks later reported the opposite. Research in 2007 showed independence was especially appealing to younger Scots, but a poll commissioned by the Scotsman newspaper showed that the idea of independence for Scotland was at a ten year low, with only 21% supporting it. In a Times poll published in April 2007, when given a choice between independence, keeping the status quo, or greater powers for the Scottish Parliament within the United Kingdom, the majority voted for the last option.

We who live outside of Scotland will most likely have no voice in this debate. However, those of us who have a strong affection for Scotland should continue to stay abreast of the issues and the continuing debate.

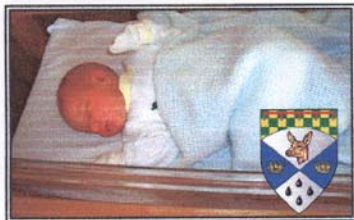
Resources:

- [http://en.wikipedia.org/wiki/Scottish\\_independence](http://en.wikipedia.org/wiki/Scottish_independence)
- New Oxford American Dictionary
- <http://www.sundayherald.com/misc/print.php?artid=2140432>
- <http://news.scotsman.com/scotland/McLeish-backs-SNP-debate-on.3906511.jp>

## Scottish Happenings

from Eur Ing David Ayre, Baron of Kilmarnock

Second in line to the Lordship and Barony of Kilmarnock, the Baron's grandson Jake was born Wed 11th June 2008, who entered the world with a 'five-point label' on his coat of arms already!



When this barony land was forfeited in 1746 and recovered by James, Lord Boyd, it was sold to William Cunningham, 12th Earl of Glencairn and Governor of Dumbarton Castle. We share a great deal of common history together.

## Texas Activities

by Denise Stana, Texas Commissioner

We have two new Scots among us in the Texas Clan. Naira Justice Kolick was born on May 12, 2008, 6lbs 2 oz, 18 inches long – granddaughter to my eldest son. And on June 5, 2008 our grandson Ian Guthrie Kolick joined the clan weighing in at 8lb 9oz, 20 inches long – arriving just in time for the TX Scottish Festival to my middle son!

The festival in Arlington was great this year, however I believe attendance was way down (it was very, very hot!)



We did welcome new members, Gary and Melissa Cunningham Woodall (above). And this year my son, Chris (below), won



second place in the photography contest!

## Wyoming Activities

Lynn Cunningham, Wyoming Commissioner

On April 7<sup>th</sup> Lynn Cunningham, along with family and close friends, celebrated his 80th birthday in Cheyenne.

Lynn was born in 1928 in Gurley, Nebraska and has done and seen many things in his 80 years. He worked in the oil fields north of Casper, he served as scientific illustrator for the Geological Survey in Denver, he witnessed explosions of atomic bombs while working at the Nevada Test Site, he spent time working on the Cheyenne Water Line, he served in the U.S. Coast Guard from 1950-1952, and worked for a time at Boeing in South Dakota on the Minuteman Missile System. In 1963, he moved back to Cheyenne to work as a draftsman for the WY Highway Dept.

It was in Cheyenne that Lynn met Janet Waits at a summer square dance. They were married on Valentine's Day in 1965 and have spent the 43 years of their marriage in Cheyenne. They have three



children, (above l-to-r) Lesley, Amanda, & Forest. At center is Forest's wife Linda.

Submitted by Sheryl Cunningham, Historian

## Oregon Activities

Chandler Cole, Oregon Commissioner

Chandler tied the knot on April 12<sup>th</sup>.



From l-r his lovely bride, best man, the Chan-man, & his mom. Congratulations!

## Washington Activities

by Debbie Larsen, Washington Commissioner and President of the Scottish Country Dancers.

It has been a very busy spring. I can't believe the games are just around the

corner again. I will be at the Bellingham Games, and then on to the Skagit Games July 12th-13th at Mount Vernon. Then on to Seattle, followed by the NW Washington Fair that has asked the Scottish Country Dancers to dance around the second week in August. We danced 2 events in May, one in Lynden at the International Fair and one at the Waldorf School for their fair. Plus, with my classes, dance, and Gaelic, May was some month! Should be a fun summer!

## Michigan Activities

by Ron Cunningham, Michigan Commissioner



My brother Jerry sent me this picture, left, of the Cunningham Clock in Peshawar Pakistan. It was named after Sir George Cunningham, the British Governor of the North West Frontier Province that borders Afghanistan. It seems we have a timely presence in Pakistan!

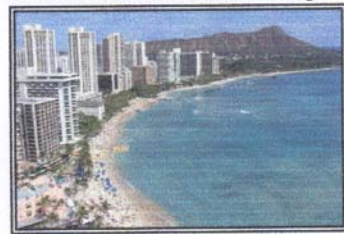
## Colorado Activities

by Larry Augsburg, Colorado Representative

We had a booth in Hawaii for the first time ever over Tartan Day weekend. I'm delighted that we welcomed our new member Melva as a result. For those of



you like me, who hadn't been there before, here's a shot from my balcony that shows what we've been missing!



The trees just beyond the last beach hotel is the park where the festival is at.

In CO, below Sheryl Cunningham hosted a booth at the CO Tartan Day fest.



## 2008 Festival, Member & Event Spotlight

All captions in these photos lists members names from left to right.



Jewel Wellborn(W), Earl Cunningham(C) Lynn Cunningham carries the Cunningham flag into the Cheyenne festival. Geri C, Tom W, Larry Augsbury, Doris Tucker, Sheryl C and JoAnn Cunningham the Calling of the Clans at the Denver Brass & Bagpipes concert. Larry Augsbury calls in the Clan at the Cheyenne WY Festival on Friday, June 27<sup>th</sup>. Chris Stana's award winning photo at Arlington Texas Festival.



Polynesian Scottish attire at the Hawaiian Scottish Fest. Doris follows the lead of Jewel & Tom Wellborn who traditionally lead our 4<sup>th</sup> of July sing-along. Geri Cunningham sets up the winning point at 4<sup>th</sup> of July camping tourney. Earl's pétanque form wins first prize for their team.



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