



THE DEFENDER



The Official Publication of Kincaid Clan Association International

Issue Number 85, March 2016

Madam Arabella's Column



Fellow Kincaids, Kinsfolk, Friends,

After a long and extremely wet winter we have arrived at February half-term – a wonderful opportunity for some family time together, to rest, and to regain a little strength in the middle of the cold spring term. The mornings are thankfully getting lighter and snowdrops are appearing in swathes under the trees, bringing with them the assurance that spring is indeed around the corner.

I must begin with thanking you Bob for the absolutely magnificent job you have done with The Defender over the last three years. It has blossomed under your creative direction into what we know today as our Clan Publication. Every edition is something to look forward to, and is packed with interesting items. In short, it is a labour of love and we are all the richer for it.

What an incredible leadership team we are fortunate to have running our Clan Society, headed up magnificently by President David and Barbara Kincaid. We have so much to look forward to throughout 2016, with Clan Tents ready to welcome folk at so many of the Highland Games hosted and run by our wonderful Commissioners. Then of course there is the Clan Gathering in Colorado in September to look forward to, organised by James Brisbin and Patrick Kincaid with Eva Knight and a fine team of helpers.

It was my Grandmother's (Madam Heather's) birthday on March 10th and of course I particularly think of her at this time of year. She lived through so many changes during her lifetime, her quiet unassuming way of going about things, a stoical spirit and great sense of humour which still encourages me today. She was also unofficial family historian; she wrote at length about so much of her life growing up in Scotland and of various forebears from a time long gone. I have a special box I keep which is full of her writings, along with piles of old almost transparent papers which have all sorts of bits and pieces of information recorded on them, which I love to dip into and learn something new every time. Just this evening as I have been looking through the box I found myself reading for the first time about ...*a feud in 1571 between the Lairds of Kincaid and Woodhead (Lennox), the families now united by marriage. On 17 September the Kincaids attacked John Lennox, "he being solitar at his*

prayers beside his dwelling place of Woodhead", and took him off prisoner to Kincaid, after wounding and hurting him in several places!!

Also: The Kincaids had also a quarrel with the Stirrings of Craighbarnet, and in a fight in Glasgow, in 1563, Malcolm Kincaid had his left arm cut off, and afterwards was killed, having in the interim taken part in the assault on John Lennox.

Oh my goodness, I find myself wondering if poor Malcolm died from an infection from having his left arm cut off or if he was just unable to keep himself out of fights!

On a lighter note, and since I last wrote in December about Angus playing the part of Abel Magwitch in Great Expectations, it has now been confirmed that the play will run for a week in Edinburgh this summer which is exciting! To that end and in case it is of any interest to anyone travelling through Scotland this summer, it will run from 14-20th August in a theatre just off the Royal Mile. I will be there with the family all week so do let me know if you are coming!

In the meantime, I hope 2016 is unfolding in good ways. May your families flourish and in the words of the traditional Gaelic blessing:

*"May the road rise up to meet you.
May the wind be always at your back;
May the sun shine warm upon your face;
The rains fall soft upon your fields
And until we meet again,
May God hold you in the palm of his hand"*

Yours eye,

Arabella.



Tidbit of Information

A common Scottish Toast in Gaelic is:

Slainte mhath! (Pronounced "slanj'-uh-va" meaning "Good health!")



THE DEFENDER



President's Message



The past year has been a very successful one for Clan Kincaid Association International. In 2015 Commissioners sponsored many clan tents in both the USA and Canada, bringing Clan Kincaid to the attention of other Scottish Clans and the general public.

We had the honor of being featured as Honored Clan at both the Livonia, Michigan, and Indianapolis, Indiana, Highland Games. Clan Kincaid was awarded Best Clan Tent at the Livonia Games.

I encourage all to attend planned Highland Games events in your area, as posted in the **Defender**. It is a fine opportunity to enjoy the Games events and share our pride of heritage, not only with Kincaids but other Scots clans as well.

In 2015 we were granted our Federal 501(c)(3) designation, giving us our official nonprofit organization status.

During 2015 I joined the St. Andrews Society of Detroit. Having been established in 1849 they are the oldest St. Andrews Society in the United States. In addition to sponsoring the Livonia, MI Highland Games held in August, they give the proceeds from the Games to charity each year. 2016 has the makings of another outstanding Clan Kincaid year.

In the March edition of the **Defender**, members will have the opportunity to vote on proposed changes to our constitution. I feel that these changes are needed, and I encourage you to vote and return your ballot.

This is an election year for Clan Kincaid. We are seeking volunteers within our membership to fill the vacancies of Communications Director, Chief Commissioner and Membership Director. If you are interested in serving Clan Kincaid in either of these capacities please contact either the Clan Secretary or Communications Director.

Instructions for applying with your Letter of Intent are printed in the December 2015 **Defender**. We welcome your interest.

We are looking forward to the planned Clan Kincaid Gathering to be held September 8 -11 in conjunction with the Long's Peak Scottish Irish Festival to be held at Estes Park, Colorado, and once again meeting and visiting with our Clan Chief, Madam Arabella Kincaid of Kincaid. Those of you who plan to attend the 2016 Gathering should make it a point to sign up for the Gala, which will honor our Clan Chief.

The Gala will provide an outstanding dinner as well as an opportunity for all to enjoy the celebration with our fellow Kincaids.

Yours Aye,

David

A Word From the Communications Director, Robert T. Kincaid, Jr. (760)



Well, here it 2016 and another year of adventure for Clan Kincaid. The Clan Gathering is coming up in September and our Chief Madam Arabella will be in attendance. It will be a great opportunity for members of the Clan to meet her and her family

as well as other members of the Board who will be in attendance. Please get it on your schedule as it will be a great time.

I also want to take this opportunity to let the membership know that I will not be running for reelection to this position. It has been great fun doing the Defender, but I am now at the point in my life that I want to have a schedule that allows me to do things without deadlines—something I have not had for many a year. I hope that the Clan membership has enjoyed the newsletter and that whoever replaces me will have as much fun as I have. If you want a challenging but fun job volunteer for this one. Lots of challenges but great people set on the Board who have been very enjoyable to work with. A special thanks to Madam Arabella - a great Chief.

A note concerning the September 2016 Defender. Since we will be having a Clan Kincaid Gathering, I will not put out the Defender in September, instead, it will come out in October. This will allow me to include the pictures the comments from the great event. I plan on using the format I used previously when we had a Gathering in Scotland.

In Kinship,

Bob Kincaid

If you desire a copy of the Clan Kincaid Membership List, please contact the President at president@clankincaid.org



THE DEFENDER



Long's Peak Scottish Irish Festival

Estes Park, Colorado

September 8 – 11

Special Guest

Madam Arabella Kincaid of Kincaid

Chief of Clan Kincaid

Come meet our Chief and enjoy one of the largest Scottish Festivals in North America



Enjoy Scottish dancing and song, heavy athletic events, jousting, re-enactment communities, sheep dogs trials, Scottish cuisine and crafts, a Scottish Tattoo, march in a huge parade with your clan, 'Kirkin' o' the Tartan and more.



Highlight of the Weekend will be the

Gala Banquet

Held at the Historic Beautiful (and perhaps haunted) Stanley Hotel

Saturday – September 10th 6:30 – 9:00 PM

Cost \$75.00 per person



*Reserve your Gala tickets by sending your cheque or money order payable to
Clan Kincaid Association to:*

Patrick Kincaid

1280 Humboldt Street – Apartment #5

Denver, Colorado 80218-2422

*For those who have registered for the Gala, there will be a draw on May 1st
for two free round trip tickets on Southwest Airlines.*



THE DEFENDER

Clan Kincaid Gathering – North America - 2016

*Clan Kincaid Gathering
September 8 – 11
Long's Peak Scottish Irish Festival
Estes Park, Colorado
Featuring an Official visit by our Clan Chief
Madam Arabella Kincaid of Kincaid*



Clan Kincaid

Motto: "This I'll Defend"

Kincaids first emerged from the mists of Scottish history in the thirteenth century. Their traditional seat was the Campsie Glen area in southwest Stirlingshire with branches in Falkirk and Lothian. The lairds of the family built and resided in Kincaid House which was torn down and rebuilt in the early 1800s and is now the Kincaid House Hotel in Milton of Campsie. The family intermarried with the Lennox Family and built Lennox Castle in the 1830s. Unfortunately it is now a ruin. The 17th and 18th centuries saw large migrations of Kincaids to Ireland, Canada, the United States, Australia and elsewhere as part of the Scottish diaspora.

Kincaid was recognized as a Clan by the Lord Lyon and the Standing Council of Clan Chiefs in 1960. Alwin Cecil Kincaid of Kincaid became Chief of the Clan and was succeeded by his niece, Madam Heather Kincaid of Kincaid and subsequently by her granddaughter, the current Chief, Madam Arabella Kincaid of Kincaid.

The Clan Kincaid Association International was established in 1985 with a mandate to promote pride in Kincaid and Scottish Heritage. It does so through a quarterly newsletter – "The Defender", the operation of "The Wee Shopper" store, hosting clan tents at Scottish festivals and encouraging membership to explore their Scottish roots.

With great pride, we welcome our Chief, Madam Arabella Kincaid of Kincaid, on this her first official visit to North America. Madam Arabella currently lives in Shropshire with her husband, Giles Inglis-

Jones, and her five wonderful children. Madam Arabella is an executive member of the Standing Council of Scottish Chiefs. Looking forward to the Gathering in September, she said "*I am hugely looking forward to meeting so many Kincaids and Kinsfolk this September, as well as seeing many good friends again. I have always had a passion for family and family life – both our extended family and the nuclear family. I believe that our Clan has as important a role to play as ever in the modern world.*"

Sincerely

Patrick Kincaid

2016 Clan Kincaid Gathering Information

Following 2016 Clan Kincaid Gathering notes were submitted by James Brisbin, a member of the Clan Gathering committee.

Clan Kincaid Gathering – 2016

As you can well imagine, the Clan Kincaid Gathering – 2016 undertaking will incur a number of financial obligations. Tent registration and decoration, the Gala Banquet, assisting our Chief in her travel arrangements and accommodations, etc. If you would like to be part of making this event a huge success, please help by making a donation and sending a cheque made out to "Clan Kincaid Association" to:

**Patrick Kincaid
Apartment #5
1280 Humboldt Street
Denver, Colorado
U.S.A. 80218 – 2422**

Your contribution will be most appreciated and acknowledged in the October edition of "The Defender".

Estes Park Advice

Please be aware that the Long's Peak Scottish Festival in Estes Park will likely be attended by well over 50 000 people. There are a large number of places to stay in Estes Park and nearby communities but they book up early. Those planning to attend and want a reasonable selection of places to stay should arrange their accommodations earlier as opposed to later. A good place to start your search is:

www.visitestepark.com/lodging



THE DEFENDER



Your Clan Team

Chief of the Clan Kincaid

*Madam Arabella Kincaid of Kincaid (L-01)
Woodfarm
Caynton nr. Newport
Shropshire, TF10 8NF
England
clanchief@clankincaid.org*

Board of Officers

President

David R. Kincaid (73)
6325 W. Rolston Rd
Linden MI 48451
president@clankincaid.org

Immediate Past President

James R. Brisbin (L-91)
245 Rivers Blvd.
Exeter, Ontario
CANADA N0M 1S1
pastpresident@clankincaid.org

Secretary

Linda Hoskins (598)
5141 Midland Drive
Rand West Virginia 25306
secretary@clankincaid.org

Treasurer

Stephen P. Kincaid (L-123)
2017 Smith Mill Road
Glendale KY 4274
treasurer@clankincaid.org

Membership Director

Stephen P. Kincaid (L-123)
2017 Smith Mill Road
Glendale KY 4274
membership@clankincaid.org

Communications Director

Robert T. Kincaid, Jr. (760)
909 W King St
Martinsburg WV 25401
communications@clankincaid.org

Chief Commissioner

Suzanne Hakeos (1118)
305 E. St. Clair St
Swanton, Ohio 43558
Chiefcommissioner@clankincaid.org

Advisory Council

Sherrye Dix (652)
St Lukes, Rectory Road
Middleton, Sudbury
Suffolk UK

And

James R. Brisbin (L-91)
245 Rivers Blvd.
Exeter, Ontario, CANADA
N0M 1S1
pastpresident@clankincaid.org

Clan Shennachie

Brig. Bill Kincaid (L-96)
10 Crutchfield Lane
Walton on Thames Surrey
KT12 2QZ
England
ClanS
hennachieone@clankincaid.org

Wee Shopper Manager

Rick Kincaid (1149)
500 Browns Lane
Louisville KY 40207
shop@clankincaid.org

Webmasters

Grant and Marion Kincaid (1078)
181 Gold Street
Clifton Hill, Victoria 3068
Australia
webmaster@clankincaid.org
grant@kincaid.net

Facebook Administrator/ Clan Legal Advisor

Robert T. Kincaid III (1141)
1098 McCue Dr
Great Falls VA2206
facebookadmin@clankincaid.org

Commissioners

Arizona

Karen Davis (L101)
84 W. Chitwood Trail
Star Valley, Arizona 85541
arizona@clankincaid.org

Colorado

Patrick Kincaid (L-102)
1280 Humboldt St, Apt 5
Denver, Colorado 80218
colorado@clankincaid.org

Metro D.C.

John B. Kincaid, Sr. (L-05)
9231 Limestone Place
College Park, Maryland
20740
districtofcolumbia@clankincaid.org

Illinois

To Be Announced Indiana

Suzanne Hakeos (1118)
305 E. St. Clair St
Swanton, Ohio 43558
Chiefcommissioner@clankincaid.org

Kentucky

Ann G. Prothro (L-63)
820 Covington St
Bowling Green KY 42103
kentucky@clankincaid.org

And

Paul Wood (L-83)
816 Covington Av
Bowling Green KY 42103
kentucky@clankincaid.org

Maine

Louise Brown (17)
46 Monarch Drive, Box 70
Augusta, Maine 04330

And

Cathy McDaniel (209)
2153 S. 13th Street W.
Augusta, Maine USA
04330
maine@clankincaid.org

Michigan

Barbara G. Kincaid (1179)
6325 W. Rolston Rd
Linden MI 48451
michigan@clankincaid.org

Minnesota

Ronald Kincaid (L-27)
11843 Silverod Street NW
Coon Rapids, Minnesota
55433
minnesota@clankincaid.org

And

Steven T. Kincaid (L-74)
5201 Meadow Ridge
Edina MN 55439
minnesota@clankincaid.org

Montana

Kathi Kincaid (608)
2118 S Higgins Ave
Missoula, MT 59801
montana@clankincaid.org

Ohio

Michael Kinkaid (989)
3936 Mulryan Drive
Dublin, Ohio 43016
ohio@clankincaid.org
Northern California
Jack Kincaid (301)
17775 Mayflower Drive
Castro Valley, California
94546

northerncalifornia@clankincaid.org

Ontario

James R. Brisbin (L-91)
245 Rivers Blvd.
Exeter, Ontario, CANADA
N0M 1S1
pastpresident@clankincaid.org

Oregon

Charlene Kincaid Johnson (822)
3679 NW Talamore Terrace
Portland, Oregon 97229
oregon-charlene@clankincaid.org

And

Joanne Marie Kincaid
Lloyd (586)
5623 North Burrage Avenue
Portland, Oregon 97217
oregon-joanne@clankincaid.org

Southern California

Steve Kincaid (L-22)
3302 Jewel Street
San Diego, California 92109
southerncalifornia@clankincaid.org

Washington

Chandler Shumate (967)
P. O. Box 5
Satsop, Washington 98583-
washington@clankincaid.org

West Virginia

Linda Hoskins (598)
5141 Midland Drive
Rand West Virginia 25306
westvirginia@clankincaid.org



THE DEFENDER



MI Commissioner Barbara Kincaid Report on St Andrews Society

Clan Kincaid President David and MI Commissioner Barbara enjoy St. Andrews Society Annual Events.

In 2015 David joined the St. Andrews Society Detroit, a benevolent non-profit organization with headquarters in Troy, Michigan. This Michigan St. Andrews chapter is the oldest in the state, founded in 1849. As part of their education program St. Andrews sponsors the William H. Kincaid Scottish Arts Scholarship program, one of the nation's largest of its kind encouraging young people to become pipers and Highland dancers.

The scholarship was founded by our very own William (Bill) Kincaid, Clan Kincaid life member #003, of Dexter, Michigan, a long-time member of St. Andrews Society Detroit.

Annual St. Andrews' events include the Annual Highland Games, the longest continuous Games in North America, held in August of each year in Livonia Michigan. Attendance each year is approximately 70,000 guests. Last year at the Games Clan Kincaid won the Best Clan Tent Award. As MI Commissioner in charge of our Clan Kincaid display on Clan Row I accepted the Nesbitt Trophy and drank a very fine Scotch from the trophy, which was shared with fellow Scots. We had many visitors come by our tent to have a Wee Dram with us in celebration. Aye Kincaid! That day we also were the Honored Clan and led the Parade of Clans, where at the reviewing stand we were presented with this prestigious award. Clan Kincaid was honored to receive these two highly sought after awards the same year from the St. Andrews Society.

St. Andrews Society meetings are held in Troy and a large check

is presented to a different charity each month. This year I will work with one of these charities, Guardian Angels, which provides trained service dogs for returning veterans, helping vets to adjust back into civilian life after the stress and complications as a result of active duty, some with PTSD. Statistics show that this program has helped tremendously in the mental health of our service men and women.

I have also been asked to be on the St. Andrews Library Committee with an emphasis on Scottish clans, history and pertinent artifacts. Upon joining St. Andrews David was asked to participate at a Highland Tea being held at Greenmead Historical Park, which hosts the Highland Games. Several St. Andrews members carried trays of tea and visited with the guests. David was told they wanted men who looked good in their kilts and he qualified.

Other St. Andrews Society Detroit events include the annual Robert Burns Night event held in January each year. David and I attended this event in January 2016, which offered great fellowship, delicious Scottish food and the Rhythm Society Orchestra with fabulous music and dancing. In April the Annual Tartan Day Ceilidh is held, another great time of gathering with fellow Scots. The St. Andrews Night celebration is held each November as well as Scottish Sunday with the Kirking of The Tartans at Jefferson Avenue Presbyterian Church. Wrapping up the year is the Tartan Ball, a lovely formal holiday



David and Barbara at the St. Andrews Tartan Ball, December 2015

event, which David and I attended in December 2015 and thoroughly enjoyed.

You can count on great entertainment with Pipers, Highland dancers, awards, music, dancing, drawings, presentations, food and libation at these events. It is a great way to socialize with other clans and to connect with other Kincaids as well.

If there is a St. Andrews Society in your area, check into their events and the benefits of membership. It is a great way to share our Scottish heritage and our Kincaid roots with other Scots.

In Kin(caid)ship,

Barbara Kincaid



The Kincaids with fellow Scots at the Robert Burns Night Dinner, January 2016

Tidbits of Information

The flag of the United Kingdom of Great Britain and Northern Ireland, commonly known as the Union Jack is the national flag of the United Kingdom. The current design of the Union Jack dates from the union of Ireland and Great Britain in 1801. It consists of the red cross of Saint George (patron saint of England), edged in white superimposed on the Cross of Saint Patrick (patron saint of Ireland), which are superimposed on the Saltire of Saint Andrew (patron saint of Scotland). Wales is not represented in the Union Flag by Wales' patron saint, Saint David, as at the time the flag was designed, Wales was part of the Kingdom of England.





THE DEFENDER



2016 Clan Kincaid Gathering Information (Continued)

Feather Flag (s)

A wonderful addition to the Clan Kincaid Gathering 2016 in Estes Park, Colorado and subsequent Clan Tents across North America would be the availability of one or two "Feather Flags" in Kincaid Tartan with the name "Clan Kincaid". If you know of someone who has the ability to create "Feather Flags" and would like to assist in this endeavour, please contact:

James Brisbin at 519-297-2011
Or
jrbrisbin11@gmail.com

A Word from the Clan Treasurer Stephen Kincaid (L-123)



2015 Clan Kincaid Budget

Clan Memebers, below is the Final Budget for 2015 for your review and information.

Clan Kincaid International Association 2015 Financial Report

Item Description	2015 Income & Expenses
Beginning Balance	\$7270.59
Income	
Interest	.25
Membership Dues	\$8138.30
Total Income	\$8138.55
Expenses	
Festival & Games Sponsorships	\$443.99
Defender Printing & Mailing	\$4265.53
Membership Sec. Expenses	\$973.10
Taxes & Filing Fees	\$415.00
Bank Fees	\$60.00
Total Expenses	\$6157.62
Ending Balance	<u>\$9251.52</u>

Submitted By **David Kincaid**,
President, Clan Kincaid International Association

A Word From the Chief Commissioner, Suzanne Hakeos (1118)



Can you believe we are about to embark on another year of Highland Games and Clan events?

I hope you are as excited as we are. Please see the list for confirmed Clan Kincaid events that give opportunities to meet fellow Kincaid's. We hope to see you this year and don't forget we are blessed to have Madam Arabella at the Colorado Games September 9th-11th!

If there is anyone interested in hosting an event and being a Commissioner for your Providence or State, please feel free to contact me at chiefcommissioner@clankincaid.org.

I will not be running for reelection for the Chief Commissioner spot due to being back in school for my masters degree, work and family needs. For those Commissioners wishing to be the next Chief Commissioner, please let me know. It is an amazing position that affords a lot of involvement with the Clan and meeting wonderful people.

Happy 2016 everyone!

Suzanne Hakeos

A Word From the Membership Director, Stephen Kincaid (L-123)



Last October, the Board mailed out 192 membership renewal letters. To date, 120 members have sent in their renewals. We currently have 117 Life and 153 Annual Members. We have members from 38 US

States, 3 Canadian Provinces, and from England, Australia, and the Netherlands.

New Life Members

- Sherri L. Shuler (Kansas)
- Paul C. Youngstrom (Wyoming)
- Beverley Kincaid (Florida)
- William Ray Weinberg (Texas)

New Annual Members

- Tamara Kincaid Smith (California)
- Ray L. Kinkade (Oregon)

Steve Kincaid



THE DEFENDER



Part II of the Law Review by the Clan Legal Advisor Robert T. Kincaid III

Hurley v. Kincaid
285 U.S. 95 (1932)
Argued: Jan 4 and 5, 1932.
Decided: Feb 23, 1932.

In the last edition of "The Defender," this article, the story of Hurley v. Kincaid, ended with the Supreme Court taking the case. Here is the conclusion.

In an amazingly short opinion, the U.S. Supreme Court reaffirmed an old Constitutional maxim: "[t]he Fifth Amendment['s taking clause] does not entitle [Kincaid] to be paid in advance of the taking." Simply stated, Kincaid's worry about his land being temporarily taken by future flood run-off of unknown magnitudes at unknown times and unknown frequencies was entirely speculative. Indeed, such takings might never occur, if the weather conditions never result in any actual "additional" flooding. Until the federal government actually constructed the levies and flood controls, and even then, until those government constructed levies and flood controls actually sent flood water run-off onto Kincaid's lands, and even then only if that floodwater was "additional" flood water on top of the amount of flood water that was normally present, there literally was not and could not be a "taking" of Kincaid's private property for a public purpose as contemplated by the 5th Amendment's "takings clause." The case also stands for the proposition that it doesn't matter whether one's right to compensation is derived from either a statute or the 5th Amendment—both processes operate the same—there must be a taking for a public purpose in order for compensation to be due.

In 1935, the Mississippi River Commission, which was responsible for managing the MR&T project, decided to abandon the Boeuf Floodway, replacing it with a "...smaller floodway farther to the south and the east through another river basin, known as the Eudora Floodway." Despite its victory at the Supreme Court over this incident, the Boeuf Floodway was later abandoned by the Federal government via 33 U.S.C. § 702a2, after a replacement, the Eudora Floodway, was operational. Thus ended Kincaid's battle over Mississippi River floodwater management as it affected his lands in the Boeuf Floodway. And thus began a new legal battle, this time between the federal government and the landowners within the Eudora Floodway.

As it turns out, there was another great flood in 1937 "...which surpassed the previous high water marks on the Mississippi River..." This larger flood "...spurned predictions that the intended fuseplug levees along the Boeuf [and other basins] would be overtopped and the

areas, whether intended or not, would function as floodways..." without any protective levees or diversions and that much damage would result. However, per the 2007 US Army Corps of Engineers publication, the federal government's prior flood management actions had significantly "...increased the carrying capacity of the channel between the Arkansas River and Old River. For rising stages above 45 feet on the Arkansas City gage, the discharge of the 1937 flood approached 700,000 cfs in excess of that the 1929 flood—an increase of 50 percent—but was carried at the same stage. The 1937 flood may have surpassed the previous high water marks above the mouth of the Arkansas River, but the flood fell short of the project design flood between the Arkansas River and Old River. For this reason, the Mississippi River Commission remained convinced that the Eudora and [other] floodways acted as a necessary insurance policies to protect the integrity of the levee system during the project design flood."

So, while I am sure that our distant Kincaid relative was quite disappointed in the result, had the U.S. Supreme Court not ruled the way it did, Kincaid would have been paid taxpayer money for a taking of his property that, as history would have it, was never actually taken and never would be—at least not by any consequence of government action. For this reason, the wisdom of the Supreme Court's holding makes perfect legal, practical and literal sense. Only when and if one's property (or one's use of their property) is actually, literally "taken" by the government for a public purpose, then and only then is one entitled to 5th Amendment "takings" compensation from the government, and it doesn't matter if the claimant proceeds under either a constitutional theory or a statutory theory, be it a "direct condemnation proceeding" instituted by the government or an "inverse condemnation" proceeding instituted by the affected citizen. To hold otherwise would be to open the government's fiscal spigot to all manner of claims seeking compensation for increasingly speculative and conceivably more remote but only theoretically "possible" takings which, in all likelihood, may actually never materialize.

For those who are interested, you can find transcripts and copies of the pleadings for sale at this link:

http://www.amazon.com/Kincaid-Supreme-Transcript-Supporting-Pleadings/dp/1270248553/ref=sr_1_1?ie=UTF8&qid=1446392831&sr=8-1&keywords=Hurley+v.+Kincaid+U.S.+Supreme+Court+Transcript+of+Record+with+Supporting+Pleadings

*Robert T. Kincaid III
Attorney At Law*



THE DEFENDER



Alaska Highland Games BY Tim Kincaid (L-10)

Have you ever thought about vacationing in Alaska and then further wondered if the State offered any Highland Games to add to your travel itinerary? Well, the answer is yes there is an Alaska Games. Since 1982 the Alaskan Scottish Club, www.alaskascottish.org has hosted the Alaska Scottish Highland Games. This year is the 35th Annual Games and will be held on Saturday June 25, 2016 at the Alaska State Fairgrounds in Palmer, Alaska.

I have been the Alaska Games athletic director for all 35 years. At first our Games offered only amateur athletic competition. However since the beginning we sponsored a "Challenge Caber" and added prize money to the pot each year in hopes that it would one day grow large enough to entice a world class athlete to attend our small Games. This in fact worked, as in 1993 World Champion Jim McGoldrick (USA) attended and became the first person to turn the Alaska Challenge Caber. Canadian Champion Douglas MacDonald added his name to the list of successful throws in 1999 and 2001. Others followed and our Games continued to grow. Attendance is now over 7500 people. The Challenge Caber too has continued to grow. The current "stick" is 20 feet long and weighs in at 127 pounds. It has been turned twice by Daniel McKim (World Champion) and once by Dan Williams.

Since 2006 we have included a Professional Class in our field events competition. To date 4 different World Champions have thrown at these Games.

Overall Champio Caber Toss Champion

- 2006 Harrison Bailey III, Easton, PA
- 2007 James Parman, San Marcos, TX
- 2007 Andrew Hobson, Tempe, AZ
- 2008 James Parman, San Marcos, TX
- 2008 Larry Brock, Charlotte, NC
- 2009 Larry Brock, Charlotte, NC (World Champion 2010)
- 2009 Larry Brock, Charlotte, NC
- 2010 Ryan Vierra, Turlock, CA (World Champion 1996, 97, 98, 2005, 06)
- 2010 Larry Brock, Sanford, NC
- 2011 Daniel McKim, Blue Springs, MO (World Champion 2011, 13, 15)
- 2011 Daniel McKim, Blue Springs, MO
- 2012 Daniel McKim, Blue Springs, MO
- 2012 Rusty Price, Snelling, CA
- 2013 John Odden, Kelso, WA
- 2013 Ryan Stewart, Draper, UT
- 2014 Ryan Stewart, Draper, UT
- 2014 Nathan Burchett, Mason City, IA
- 2015 Tie, Ryan Stewart, Draper, UT & Nathan Burchett, Mason City, IA
- 2015 Spencer Tyler, New Braunfels, TX
- 2016 Nathan Burchett, Mason City, IA

After ten successful years of hosting national competitions, and in celebration of 35 years, we asked for and were granted the right to host the International

Highland Games Federation (IHGF) World Heavy Events Championship, www.worldheavyevents.com. The top ten professional athletes from seven or eight countries from around the world will meet in Alaska to determine who will become the 2016 World Heavy Events Champion. The field of competitors is not yet announced, but is sure to include American's Daniel McKim and Matt Vincent. Between them these two men hold the last 5 World Championships. McKim in 2011, 2013, 2015 and Vincent in 2012, 2014.

I had the pleasure of attending the 2015 World Championships in Bressuire, France and watched McKim and Vincent go head to head coming down to the last event, 56# weight over the bar, to determine the overall champion. McKim prevailed. Vincent finished second in the weight and second overall. Canadian Champion Matt Doherty placed third overall. The committee in Bressuire put on a fine event. Everything about it was excellent (except the heavy rain on day two). We hope to follow them up with a great show in Alaska. If you happen to be coming to Alaska this summer why don't you join us. If not this year then come another year (Last Saturday in June).



Alaska Challenge Caber
20' 0" x 127#



Tim Kincaid (L-10)

What Would You Like from the Wee Shopper?

If you have any suggestions for new items to add to the Wee Shopper, please let us know. Gift certificates are now available and a Clan Crest and Tartan Plaque, similar to those presented on the previous Scotland trip, have been suggested. Other ideas are a ceramic coffee mug with the Clan Crest logo in color and a quality stainless steel travel mug with the logo in black. All ideas are welcome!

Rick Kincaid, Wee Shopper Manager
ShopClanKincaid@gmail.com
(502) 897-0585 (home)
(502) 552-2506 (cell)



THE DEFENDER



In Memoriam



JAMES WILLIAM "BILL" SPEER

Bill passed away peacefully on Dec 31, 2015 in Phoenix, AZ. A California resident, Bill was born in Santa Ana, CA on Nov 29, 1930 to A.W. Speer and Sarah Naomi Kincaid. Sarah descends from the line of Rev Joseph Kincaid (1723-1782) of Ireland. Bill was raised in San Juan Capistrano CA where he married his wife Norma Maxey in 1950. He bravely served his country in the Korean Conflict from 1951 to 1953 and was awarded the Purple Heart and Bronze Star with V Device among other medals. Bill and Norma moved to Payson AZ in 1997 to join their daughter, Karen Davis and her family. Bill was an active member of several veterans organizations and will be interred at Arlington National Cemetery. He is survived by his wife Norma, daughter Karen Davis, Arizona Commissioner for Clan Kincaid and her husband Michael, grandchildren Brian Davis of Payson AZ and Katie Hoover of Bedford PA and 2 great grandchildren.

2016 Games and Festivals



April 23-24

Yolo County Fairgrounds in Woodland, California

Banner only, no tent.. Join them for the parade!
Hosted by: Commissioner Jack Kincaid

May 7

15th Annual Scottish Festival & Celtic Gathering

Bridgeport City Park, West Virginia
Hosted by: Commissioner Linda Hoskins

May 28-29

Alma Highland Festival and Games

Alma College Campus, Alma, Michigan
www.almahighlandfestival.com
Hosted by: Commissioner Barbara Kincaid

June 19th

Cobourg, Ontario Highland Games

<http://www.cobourghighlandgames.ca/>
Hosted by: Commissioner and Past President, James Brisbin

June 24th

Ohio Scottish Games

<http://www.ohioscottishgames.com>
Hosted by: Commissioner Michael Kinkaid

July 1

Embroy, Ontario Scottish Games

<http://www.embroyhighlandgames.ca/>
Hosted by: Commissioner and Past President, James Brisbin

August 5-6

167th Highland Games, St. Andrews Society Detroit

Greenmead Historical Park, Livonia, Michigan

www.livoniahighlandgames.com

Hosted by: Commissioner Barbara Kincaid

August 6-7

Monterey County Fairgrounds in Monterey, California

Banner only, no tent. Join them for the parade!
Hosted by: Commissioner Jack Kincaid

August 12-14

Fergus Scottish Festival

<http://www.fergusscottishfestival.com/>
Hosted by: Commissioner and Past President, James Brisbin

August 27

North Lanark Highland Games

<http://www.almontehighlandgames.com>

September 3

151st Annual Highland Gathering and Games

Alameda County Fairgrounds in Pleasanton, California
Hosted by: Commissioner Jack Kincaid

September 9th-11th

Colorado Estes-Park Games
This is our Clan Gathering and Madam Arabella will be present. Hope to see you all there! Hosted by Patrick Kennedy, Colorado Commissioner





THE DEFENDER



A Word From the Wee Shopper Manager, Rick Kincaid (1119)



SHIPPING RATES INCREASE! U.S. Postal Service shipping rates increased on January 17, 2016. The Wee Shopper will always ship your orders in the most efficient and cost effective way possible. This typically has been flat-rate shipping. (Please refer to the Shipping Information at the bottom of the Order Form. Small flat-rate boxes and envelopes are now \$6.80, medium boxes \$13.45 and large boxes \$18.75.

Rates and methods of shipping will vary depending on the number, size and weight of the items ordered. If you have any question about shipping costs, PLEASE CONTACT ME BEFORE YOU PLACE YOUR ORDER! I'll be glad to advise which shipping method may be more appropriate and economical.

SURPLUS INVENTORY SALE! In order to make room for new items in the Wee Shopper, we must move an over-abundant supply of our current inventory! WHITE SWEATSHIRTS are now REDUCED to \$18.00, a \$4.00 discount off the regular price. We are completely SOLD OUT of black sweatshirts and will not re-order them until the white supply is substantially reduced! The Jerzees brand 50/50 white sweatshirts have the Kincaid name and Clan Crest on the front in green. Other surplus items include APRONS (\$16.00) and MOUSE PADS (\$10.00.)

TARTAN RUG / BLANKET. For the first time in over three years, the Wee Shopper plans to offer the Kincaid Tartan Rug/Blanket. The custom woven 100% Pure Lambswool Rug/Blanket is 56" x 71", including fringing. If our Kincaid Tartan 100% Lambswool custom weave was available (which it is NOT!), the blanket's direct retail price from Lochcarron of Scotland would be \$176.00, PLUS international shipping from Scotland. Before we can consider placing an order, we must know exactly how many members are interested. If we have sufficient advance orders, we can offer them to our members for the special price of approximately \$99.00 each, plus domestic shipping. We must order a minimum quantity of 16 rugs to run the custom weave. Please contact me as soon as possible if you would like to order the rug/blanket.

GIFT CERTIFICATES are now available in any amount from \$25.00 minimum! Simply designate the dollar amount of the certificate(s) that you wish to purchase and add it to your order form. Please keep in mind that recipients are responsible for the balance due on merchandise purchased, including shipping. Gift certificates purchased through PayPal are subject to a 3.5% surcharge.

Rick Kincaid, Wee Shopper Manager
500 Browns Lane, Louisville, KY 40207-4042
ShopClanKincaid@gmail.com
(502) 897-0585 (home)
(502) 552-2506 (cell)

Wee Shopper Order Blank

ORDERING INFORMATION: Place your order by completing the order form below and mailing it along with a check or money order payable to Clan Kincaid to the following address: **Clan Kincaid Wee Shopper, c/o Rick Kincaid, 500 Browns Lane, Louisville, KY 40207-4042.**

PLEASE NOTE: We now accept payment by **PayPal**. Please email your order to ShopClanKincaid@gmail.com.

PLAN AHEAD: In most cases, your order will be shipped within 7 days of receipt. However, if we run short of any item(s) and need to restock them, we'll notify you by mail/email. You may then choose whether to wait or have your payment returned. If you have any questions about ordering, please email rkincaid@aol.com or call (502) 897-0585.

<u>Quantity</u>	<u>Item</u>	<u>Size</u>	<u>Description</u>	<u>Price Each</u>	<u>Total Price</u>

Merchandise Total \$ _____

Shipping Charge (See chart below) \$ _____

Kentucky residents add 6% sales tax on total amount, including shipping \$ _____

TOTAL PAYMENT \$ _____

SHIP TO:

Customer Name _____

Address _____

City _____ State/Province _____ ZIP/Postal Code _____ Country _____

Daytime Phone: (____) _____ Email: _____

SHIPPING GUIDE/COST INFO – Within U.S. (Please contact Rick Kincaid at 502-897-0585 if any questions.)

Small flat-rate box or envelope / \$6.80: Use for orders of one or more small items – i.e., badge, pin, luggage tag, pouch, tie, pocket square, package of note cards.

Medium flat-rate box / \$13.45: Use for orders including 2 or more larger or bulkier items– such as sweatshirts, polo shirts, caps and all smaller items included in your order (i.e., badge, pin, tie, pocket square, luggage tag, pocket, etc.).

Large flat-rate box / \$18.75: Use for orders containing 3 or more larger or bulkier items, i.e., blankets, sweatshirts and all smaller items included in your order.

For orders outside the U.S.: Please contact Rick Kincaid in advance to determine the postage rate to include.



Wee Shopper Available Items

Clan T-Shirts



\$10.00

Made of 100% cotton; available in adult sizes: S-M-L-XL-XXL Order either white or black shirts: White with green lettering/art - Clan Crest on front along with Kincaid. Black with green lettering/art - Clan Kincaid on upper left front and Clan Crest on back.

Clan Sweatshirts



\$22.00

Made of 50/50 cotton/polyester; available in adult sizes: S-M-L-XL-XXL. Order either white or black shirts: White with green lettering/art - Clan Crest on front along with Kincaid. Black with green lettering/art - Clan Kincaid on upper left front and Clan Crest on back.

Tartan Tie



\$22.00

The tie is made in Ancient Kincaid tartan.

Tartan Sash



\$60.00

In Ancient Kincaid tartan, this 92" ladies sash is for casual or formal wear. Will last a lifetime when proper care is taken.

Clan Crest Cap



\$15.00

This khaki-colored ball cap features our clan crest in 4-color on the front. It is a structured ball-type cap for both men and women.

Clan Crest Badge



\$27.00

This Art Pewter Silver badge is made in

East Ki bride, Scotland. The badge is normally worn on the hat, but can be used as a sash pin; measures about 1 3/4" x 2 1/4".

Clan Crest Pendant



\$27.00

This 1" Clan Crest pendant is made in Scotland of art pewter silver and comes with an 18" chain.

Clan Crest Pins



\$14.50

This art pewter silver pin may be worn by men or women as a lapel pin, tie tack, sweater pin etc. The Crest is 3/4 inch in diameter.

Color Clansman Print



\$3.00

Beautiful color 8.5" x 11" watercolor type print suitable for framing. Clansman is wearing our Ancient Kincaid tartan. Shipped free if sent alone.

Computer Mouse Pad



\$12.00

This standard-size mouse pad features our clan tartan (4-color) with our crest in the center in white and black, Kincaid printed across the bottom.

Tartan Rug/Blanket



\$82.00

Made of 100% lambs wool in Kincaid Ancient tartan, the rug measures 56" x 70".

Tartan Note Cards



\$15.00

Kincaid Ancient tartan and clan crest

on each card. Cards measure 4 1/4" x 5 1/2". The pack of 10 cards come with envelopes.

Luggage Tag



\$7.00

Luggage Tag in Kincaid Ancient Tartan.

Accessory Pouch



\$16.00

Accessory Pouch in Kincaid Ancient Tartan.

Pocket Square



\$9.00

Pocket Square in Kincaid Ancient Tartan. The Pocket Square measures 10" by 10".

Apron



\$18.00

This full-length apron provides protection, durability and easy care (65/35 poly/cotton twill) with 3 patch pockets to hold essentials. Stone color with clan crest/name in green. Measures 25" wide x 34.5" long.

Crest Patch



\$8.00

Clan crest patch, 4-color, measures 3 inches by 3 3/4 inches. For sewing onto clothing, bags, etc.

Polo Shirt



\$26.00

Short-sleeved shirt features a flat collar and 3-button placket. Dark green with embroidered 4-color clan crest on left breast with script in black. Made in 100% cotton. Adult sizes S-XXL. When ordering, specify size and whether Woman or Man.