

Act of Proscription 1746

The Tartan Ban – Fact or Myth?

Introduction

Perhaps the most widely and frequently repeated ‘fact’ surrounding the early history of tartan is that its use was banned by the 1746 Act of Proscription following the defeat of the Jacobites at the Battle of Culloden in April the previous year. The Act has also been credited with banning the playing of bagpipes, speaking Gaelic and gathering family members together in public. In fact, the Act banned none of these. This paper will confine itself to a review of evidence that the Act banned the wearing of tartan.

The Act of Proscription

The post-Culloden legislation followed the earlier, and ineffectual, 1716¹ and 1725² Acts and was:

*‘An act for the more effectual disarming the highlands of Scotland; and for the more effectual securing the peace of the said highlands; **and for restraining the use of the highland dress.**’*

Essentially, the third Act was a revision of the earlier 1725 one but with an extra section added to ban what the Government considered to be a martial dress that was central to the Jacobite identity. The relevant section of the Act stated that:

*"That, from and after the first day of August, one thousand seven hundred and forty seven, no Man or Boy, within that Part of Great Britain called Scotland, other than such as should be employed as Officers and Soldiers in his Majesty's Forces, should, on any Pretence whatsoever, wear or put on the Clothes, commonly called Highland Clothes; (that is to say,) The Plaid, Philebeg or Little Kilt, Trowse, Shoulder belts, or any Part whatsoever of what peculiarly belongs to the Highland Garb, **and that no Tartan, or Party-coloured Plaid or Stuff, should be, used** for Great Coats or for Upper Coats, under the Penalties therein mentioned; and the Time appointed for laying aside the said Highland Dress was, in certain Cases therein mentioned, further prolonged by several Acts, one made in the twentieth, and the other in the twenty-first Year of the Reign of his said late Majesty King George the Second: And whereas it is judged expedient that so much of the Acts above mentioned as restrains the Use of the Highland Dress should be repealed: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the Acts above-mentioned, or any other Act or Acts of Parliament, as restrains the Use of the Highland Dress, be, and the same are hereby repealed."*

¹ This Act outlawed anyone in defined parts of Scotland from having "in his or their custody, use, or bear, broad sword or target, poignard, whinger, or durk, side pistol, gun, or other warlike weapon" unless authorised.

² *An act for the more effectual disarming the highlands of Scotland; and for the more effectual securing the peace of the said highlands.*

The highlighted section has been taken by some as evidence that the Act banned tartan; however, a reading of the full text gives a completely different meaning: '**...and that no Tartan, or Party-coloured Plaid or Stuff, should be, used for Great Coats or for Upper Coats,...**' Read in the context of the whole paragraph it is quite clear that this section is the end of a list of Highland Clothes and that there is no mention of tartan cloth being banned. The sharp eyed reader will also have spotted that the Act applied to **no Man or Boy**; women therefore could continue to wear tartan clothes (Fig 1).



Fig 1. Helen Murray of Ochtertyre c1750 wearing a typical mid-18th century tartan dress during the Proscription period.

Not only were Soldiers explicitly exempt from the Dress Act but women were implicitly excluded too; and, judging from the number of surviving portraits the ban seems to have been widely ignored by gentry of both Jacobite and Hanoverian persuasions. The Act was repealed in 1782; the accompanying proclamation re-enforces the point that the original Act forbade the wearing of *Highland clothes* and not *tartan*.

"Listen Men. This is bringing before all the Sons of the Gael, the King and Parliament of Britain have forever abolished the act against the Highland Dress; which came down to the Clans from the beginning of the world to the year 1746. This must bring great joy to every Highland Heart. You are no longer bound down to the unmanly dress of the Lowlander. This is declaring to every Man, young and old, simple and gentle, that they may after this put on and wear the Truis, the Little Kilt, the Coat, and the Striped Hose, as also the Belted Plaid, without fear of the Law of the Realm or the spite of the enemies."

Effect of the Act on Tartan

The Act proved difficult to enforce in the remote Highlands and the period of grace proved inadequate and had to be extended (except for landowners and their sons); initially to 1st August 1748, and then to 25th December 1748, for the plaid and kilt and to 1st August 1749, for the other proscribed clothing.

Whilst tartan was not banned per se, the suppression of Highland Dress meant that in many cases the traditional link between the Highlander and tartan was broken and that by the time that the Dress Act was Repealed in 1782 the harsh economic realities of the previous 35 year in much of the Highlands meant that traditional weaving techniques and knowledge had fallen into disuse.

Duncan Forbes of Culloden was Lord Chief Justice of Scotland at the time of the '45 Rising. Although a staunch Presbyterian and Hanoverian supporter, he was appalled by the aftermath of the battle and urged George II not to inflict harsh punishment on the Highlanders. His plea was ignored and the effect of the Act was to punish all Highlanders, including members of the 'loyal clans' who'd supported the Government such as the Campbells, Forbes and Munros.

Source of the tartan ban myth

It has proved impossible to identify when or where the myth that tartan was banned by the Act first arose. Examination of 19th century books on tartan revealed that Proscription was always referred to as banning Highland Dress and *not* tartan. A paper on traditional dyes included as an Annex in Dunbar's seminal 1962 workⁱ states that tartan was banned by the Act; the author himself did not and this error seems to have missed the proof reader's eye. This was probably not the first example and it seems likely that there would have been others in the 1900s.

Conclusion

The banning of tartan following the defeat of the Jacobites at Culloden is one of a number of myths surrounding tartan and Highland Dress for which there is absolutely no proof. In this case, examination of the source material identified the section of the Act that has, and continues to be, misconstrued. Whilst some zealous enforcers of the Act may have regarded tartan and Highland clothes as one and the same, the facts speak for themselves and it is clear that it was not the original intention that the Act should ban the cloth itself and this was never officially applied. However, because the Highlander was forced into Lowland Dress his everyday link with tartan was irrevocably severed which resulted in a later perception that tartan itself was banned.

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ⁱ DUNBAR J. T. 1962 *The History of Highland Dress*. Oliver & Boyd, Edinburgh