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What is a Clan?

Clans and Families

Clans are a consequence of the templating of the Anglo-Norman feudal system onto pre-existing territorial holdings, but with certain specific features (such as a military elite), and were a phenomenon of the Scottish Highlands and Borders, not the Lowlands.

Although the traditional kinship-territorial-military structure of clans and the jurisdictional power of Chief, was ablated in the period following the failed 1745 Jacobite Rising, today they serve a vital social and organisational role, especially in relations between Scotland and the Scottish Diaspora worldwide.

A great deal of spurious genealogy and family history derives from a misunderstanding of the legal and historical background to a particular topic. This is an especially vexed question in connection with what is, or is not, a “clan” in Scotland. In the popular imagination, everyone of Scottish descent is a member of a clan, typified by one or more related surnames, a particular tartan and allegiance to a chief. However:

- clans were a Highland and Borders phenomenon, not applicable to the Families of the Lowlands, where the majority of the Scottish population lived then and lives now;
- clans were not just, and not even, a kinship group;
- the “clan system” was one, but not the only, consequence of importing the Anglo-Norman feudal system to Scotland;
- most Scots were never part of the “clan system” (however defined);
- the term “Clan” ceased to have any real meaning post-1746, and assumed a different meaning post-1820;
- clans have no formal place in Scots law, although chiefs do, to some extent;
- tartans, although in some cases ancient, did not have the one-to-one relationship to surnames as is now affirmed, until the early 19th Century.

What was a Clan?

The Gaelic word *clan* is derived from the Gaelic word *clanna*, meaning “children” or “progeny”, but this does not convey the same meaning in Scotland as it originally did in Ireland (see below). Clans were territorial, accepting the authority of the dominant local grouping and looking to that chief as the patriarch, head, principal landowner, defender, military commander and dispenser of justice. Dependent families and individuals would often adopt the clan name as an indicator of affiliation and fealty to the Chief, so very often there is no genetic descent from a common ancestor or from the chiefly house – a vital and vexed issue in the modern day of DNA test and genetic genealogy.

There is a much-quoted definition, attributed to Nisbet and his *System of Heraldry* (1722):

“A social group consisting of an aggregate of distinct erected families actually descended, or accepting themselves as descendants of a common ancestor, and which has been received by the Sovereign through its Supreme Officer of Honour, the Lord Lyon, as an honourable community whereof all of the members on establishing right to, or receiving fresh grants of, personal hereditary nobility will be awarded arms as determinate or indeterminate cadets both as may be of the chief family of the clan”.

However, the actual source is Sir Thomas Innes of Learney, Lord Lyon 1945-1969, writing in the introduction to his revised edition of Frank Adams's *Clans, Septs and Regiments of the Scottish Highlands*.¹ The current Lord Lyon is reviewing the contents of the Clan portion of the official Lyon Court website, so there may soon be a more up-to-date definition.² There is more on clans and heraldry below.

¹ Frank Adams, Thomas Innes. *Clans, Septs and Regiments of the Scottish Highlands*; 8th edition 1975, Johnston & Bacon Publishers, Edinburgh and London.

² See www.lyon-court.com

The Irish “Clann”

It is, perhaps, natural to look back to an Irish origin for the Clan system, given the influx of Gaels (the “*Scotii*”) from Dalriada before and during the 5th Century AD into Dalriada or Argyll (*Ard-Gael*) and the importation of Gaelic language and culture into the West and later the Highlands of Scotland. However, much in the same way that many Scottish emigrants have moulded a half-historical, half-imagined “Scottish culture” from that left behind, and fitted it to the needs of modern-day America, Canada, Australia etc., the Gaelic culture of Scotland was not identical to that of Ireland but adapted to the new circumstance. For one thing, the difference in landscape did not permit the same farming practices, which in turn influenced kinship and other social groupings.

Who can belong to a clan or family?

It is a convenient fiction in heraldry – and accepted as no more than that – that everyone of the same surname as a chief is heraldically related, and if granted arms, these will be clearly derived from the chief’s. (This not absolute – an example of that is given below.) By extension, everyone with the same surname as a chief is considered to be a member of that chief’s clan or family.

Additionally, anyone who offers allegiance to a particular chief is recognised as a member of that clan or family unless the chief decides otherwise. The best-known example is that of Fraser, Lord Lovat offering a boll of meal (six bushels in Scotland, or about 140 lb.) to nearby families who pledged allegiance, and took the name Fraser as their own. Thus, Scottish clans could consist of “native men” (some kin relationship to the chief and each other), and “broken men” (individuals, or from other clans, who sought the protection of and offered fealty to the chief).

The idea of smaller groupings linking themselves to more powerful neighbours is also what led to the concept of “septs” – unrelated surnames allied to a particular clan or family – but there is no official list of these and it is a matter of tradition, for each chief to agree or not. Largely, septs were a Victorian invention, promulgated by or for the benefit of those who could stake no claim to a clan but wished to be associated with one or other.

The early period

The first known divisions of Scotland (other than the “tribes” identified second-hand in Ptolemy’s *Geography* and Tacitus’s *Agricola*) were territorial, but with some reference to kinship. The settlement of Dalriada in the early 6th Century was said to have been established ca. 465 AD by Fergus, Lorn and Angus, sons of Erc, and subsequently territory was divided among four groupings: the *Cinel Gabran* and *Cinel Comgall* (descended from grandsons of Fergus) and the *Cinel Lorn* and *Cinel Angus* (descended from his brothers). Notice the use of the term *cinel* (originally *ceneal* in Irish Gaelic), indicating “people of” rather than *clann* (“children of”).

Whatever the historical reality of that, what the Gaels found, as they penetrated deeper into Pictish “Caledonia” north of Forth and Clyde rivers, was a pre-existing political geography of large tribal districts, sensibly determined by the topography – based around islands, the straths along great rivers and sea lochs, inland glens etc. Some of these were much later mythically named for seven sons of a Pict king named Cruithne (the Gaelic word for Pict), son of Cing. Cruithne, it is told, reigned for a hundred years and had seven sons named Caitt (or Cat), Ce, Circenn (or Circind), Fib, Fidach, Foclaid (or Fotla) and Fortrenn (Fortriu), with Fortriu (present-day Moray and perhaps as far south as Strathearn) dominant. These names are still in use today as Caithness, Keith, Fife etc.³ Of course, the “Picts” never called themselves that, any more than the Britons of what is now Wales called themselves “Welsh” (and English word indicating “foreigner”). *Pict* it is probably a corruption of Old Norse *Pettr*, Old English *Peohta* and Old Scots *Pecht* which may or may not be cognate with *Pritani* (“Briton”). The point is, there was a pre-existing territorial grouping principle at work. When the Kingdom of Alba was forged from Gaeldom and Pictland in the 9th Century by the House of Alpin, that would have been the natural next tier of administration.

This differs from the Irish concept of clanship in a number of ways, but the main one is a matter of climate. The economy of the Irish clans was pastoral – lush, green pastures and arable land, in a countryside that was both flatter and more temperate than the sparse Highland moors and hillsides away from the coasts. It also offered far less by way of natural defences. This meant that the “kindred” was a more natural form of organisation in Ireland, as had been the case on the European plains that gave rise to the Celts originally.

³ The equation of Cruithne’s seven sons to the seven provinces come from *De Situ Albanie*, an account of Scotland possibly dating from the 14th Century.

In Scotland (except for the Central Lowlands and the coastal areas of the North and East) the staple was whatever grains would grow on the marginal hillsides, and seasonal common grazing of livestock. Raiding the neighbours' livestock was the national sport, which led to defended glens acting as natural stock-pens and thus homelands. The chief and his military *fine* kept order and provided defence in return for tribute, and the individual glens, straths and lochsides were looked after by lesser "gentry". This was a system that took naturally to feudalism (see below).

Actual kinship was not the issue so much a geographical co-locality. The original concept of heritage bound up with the clan was not surname. At this point, and well into the 13th Century, surnames (in the sense of passing unchanged from fathers to sons) were a rarity. Fergus, Iain's son (MacIain or Johnson) would have sons all called Fergus's son (MacFergus or Fergusson). The important concept was that of *duthchas* – the right to inhabit and control the territories over which the chiefs and senior members of the clan held sway and habitually provided protection. In exchange, all clansmen recognised the personal authority of the chiefs and his captains as the clan's trustees – for the lands, honour and patrimony. However, the growing power of the Sovereign was expressed in the granting of charters to the chiefs and lairds which defined the lands held – known as their *oighreachd* (or *eiraght*, meaning "heritage" in the sense of stewardship and inheritance, over and above mere ancestry).⁴ This was a natural correlate of the imposition of Anglo-Norman concepts of feudalism which David I (r. 1124-53) imported into Scotland when he took the throne in the early 12th Century. Well used to the English system, where he had spent years at the court of his brother-in-law, Henry I, David saw the power of feudalism to harness but also reward the powerful mormaers ("Earls") and other large landowners, including chiefs.

The basic feudal concept is of a hierarchy of heritable possession – all land ultimately belonged to the Crown, but was granted in feu to tenants-in-chief, termed Barons. The payback (*reddendo*) was originally a stated amount of military service by so many armed men, but eventually collapsed into payment in cash or kind – farm produce etc. Barons could sub-infeudate (parcel out, heritably) parts of their estate to others, whether family or not, again in return for service or payment of some kind, even if only nominal ("peppercorn"). As chiefs would naturally wish to bind their relatives and supporters to them, and because the clan's warrior elite (the "*fine*") would naturally wish to become landowners and thereby territorial warlords, the system suited the Highlands and Borders well. David also used this system to reward Anglo-Norman, Flemish and French supporters who came to Scotland with him, by inserting them into the landed society. In such a way did the ancestors of Robert Bruce – already transplanted from Cherbourg into Yorkshire following Henry I after his victory at Tinchebray in 1106 – come to be Lords of Annandale. The old Celtic clans and families now rubbed shoulders with (and intermarried) Anglo-Normans, particularly where the Highlands and Borders met the Lowlands – as witness the Earls of Strathearn and the Cheyne (Le Chene) family in Perthshire in the 13th and 14th Centuries.

Gaelic was by no means the predominant culture or language in Scotland by the 12th Century. The Normanisation – a process actually started by the parents of David I, Malcolm III Canmore and Margaret – meant that the landed classes spoke Norman French and the clergy and scribes necessarily knew Latin, but the native language was more similar to Northumbrian English influenced by Angles and Danes and the earlier Pictish/Cumbric, similar to Welsh. The Strathclyde area was originally Brythonic and "Welsh"-speaking, albeit with more influence from the Gaelic-speaking neighbours. The speech of the Burghs developed into Scots.⁵ There is no evidence of clan-like structures in the Lowlands – in fact, the Highlands came to resemble the Lowlands as feudalism took hold.

1314, Bruce and Bannockburn

With the advent of 2014 and the 700th anniversary of Bannockburn, many "clans" were keen to assert their presence at the Battle of Bannockburn, alongside Robert I ("The Bruce"). What came to be the "Clan System" did not exist in the time of Bruce, although its origins can be seen in earlier Celtic society, and the Anglo-Norman feudal system of David I imposed on but accepted by the chiefs and large landholders. In fact, the Clan system was a relatively short-lived phenomenon of the three centuries from the late 1400s to its formal suppression in the 1740s. The historical reality is that we have absolutely no idea what "clans" or families fought alongside (or against!) Bruce. It is noticeable that what is considered the most authoritative

⁴ This is as good a place as any to dismiss the often-repeated but mistaken idea that *Mc* is Irish and *Mac* is Scottish. These (and indeed *M'c* and *M'*) are equivalent abbreviations and one individual may be referred to as (say) McAulay, MacAulay or M'Auley, even in the same document.

⁵ "Keay, John & Keay, Julia (Eds.) *Collins Encyclopedia of Scotland*. HarperCollins; Revised edition (2000).

source on Bannockburn and Robert Bruce (John Barbour's *The Brus*), not composed until 1375, makes no mention of "clans".⁶

We do know the names of some individuals on the Scottish side, mainly nobles and what would be considered the chiefs of clans and families, so it is reasonable to suppose that at least some of their kin and followers – from the Lowlands, Highlands and Western Isles – made up the 5,000 schiltronspearmen and the other infantry and the cavalry. The most authoritative list is considered to be that composed by military historians Christopher Rotho⁷ and Tim Newark.⁸

Highlanders at Bannockburn:

Cameron	MacKay MacIntosh	MacGregor
Campbell	MacPherson	MacKenzie
Chisholm	Macquarrie	Menzies
Fraser	Maclean	Robertson
Gordon	MacLeod	Ross
Grant	MacDonald	Sinclair
Gunn (possibly)	MacFarlane	Sutherland.

Lowlanders and Borderers at Bannockburn:

Edward Bruce (commanding troops from the western border and contingents from Angus, Buchan, Lennox and Menteith)
Sir Robert Boyd – Boydsiana Dean
Burnett
Sir James Douglas (the "Black" Douglas, commanding the Clydesdale men)
Dewar of the Main (Keeper of St Fillian's left arm bone).
Sir Gilbert Hay, Lord of Erroll
William of Irvine (Armour-Bearer to the King)
Sir Robert Keith, Knight Marishal of Scotland (leading the Scottish light cavalry of five hundred horse)
Bishop Lambertson (Primate of the Celtic Church in Scotland)
Malcolm, Earl of Lennox
Sir Thomas Randolph, Earl of Moray, Lord of Nithsdale and Bruce's nephew (leading troops from Ross, Moray and Inverness-shire)
David of Moray
Sir Nicol Scrymgeor (Standard-Bearer to the King)
Sir Walter the Steward (son of the High Steward of Scotland, ancestor of the Stewarts/Stuarts)

Notables who fought for the English at Bannockburn:

Balliol; Cumming (Comyn); MacDougall/ MacDowell/ MacDuall; MacNab

The Law of the Clan

Other features of the Clan system, which reinforced both the authority of the chief and social bonding, were:

- fosterage – the chief's children would be brought up by a member of the clan "aristocracy" and their children by other members of the clan; this can also be seen as a sophisticated form of voluntary hostage;
- manrent – a bond between the chief and the heads of family groups accepting territorial protection even if they did not live on the actual clan lands;
- calps – death duties on a family group when the head died, paid to the chief as a sign of allegiance and protection, and usually the best horse, cow etc.; this strengthened the manrent and continued quietly even after banned by Parliament in 1617;
- marriage bonds – both a way of reinforcing local alliances within the clan or with neighbours, and a matter of commerce involving payment in cash or kind by and to the families of the bride and groom (tocher and dowry) and with what would now be recognised as pre-nuptial agreements; these were also enacted among the landed families of the Lowlands, and, indeed, at royal marriages; in addition, the chief's consent was often required for any marriage.⁹

⁶ Barbour, J. in Eyre-Todd, George, *The Bruce, being the Metrical History of Robert The Bruce, King of Scots*, London: Gowans & Gray Limited (1907), a modern English translation of the 1375 original. Downloadable text version at www.arts.gla.ac.uk/STELLA/STARN/poetry/BRUS/contents.htm

⁷ Rotho, C. *The Scottish and Welsh Wars, 1250-1400 (Men-at-arms)*. Osprey Publishing (1984)

⁸ Newark, T. *Celtic Warriors, 400 B.C.-1600 A.D.* Blandford Press (1986)

⁹ Way of Pleas, George and Squire, Romilly. *Scottish Clan & Family Encyclopedia*. Glasgow: HarperCollins (1994).

1587 and an Act against Clans

The first mention of “clans” in any Act of the Scottish Parliament or other statute is in 1587 (often mis-dated as 1597)

“held at Edinburgh upon 29 July 1587 for the quieting and keeping in obedience of the disorderly persons, inhabitants of the borders, highlands and isles”.¹⁰

There is one earlier mention, in 1384, of a “clan”, which is a special case.¹¹ In the 1587 Act there is a description of the

“Chiftanis and chieffis of all clannis...duelland in the hielands or bordouris”

and, helpfully, a listing (alphabetised and given modern equivalents below):

<p>The roll of the clannis that hes capitanes, cheiffis and chiftanes quhome on thai depend, oftymes aganis the willis of thair landislordis, alsweill on the bordouris as hielandes, and of sum speciale personis of branches of the saidis clannis</p> <p>[The Borders]</p> <p>Middle Marche</p> <ul style="list-style-type: none"> • Armestrangis • Crosaris • Ellottis • Niksonis <p>West Marche</p> <ul style="list-style-type: none"> • Batesonis • Bellis • Carruthers • Glenduningis • Grahmes • Irwingis • Jardanes • Johnestonis • Latimeris • Litillis • Moffettis • Scottis of Ewisdaill • Thomesonis <p>Hielandis and Iles</p> <ul style="list-style-type: none"> • Clanandreis • Buchananis • Clanchamroun • Campbellis of Innerraw • Campbellis of Lochnell • Clanquhattan • Clandonuquhy in Athoill and partis adjacent • Cladowill of Lorne • Fergussonis • Fraseris • Grahmes of Menteth 	<p>The roll of the clans that have captains, chiefs and chieftains whom on they depend, often times against the will of their landlords, as well on the borders as highlands, and of some special persons of branches of the said clans</p> <p>[The Borders]</p> <p>Middle March</p> <ul style="list-style-type: none"> • Armstrong • Crosier • Elliott • Nixon <p>West March</p> <ul style="list-style-type: none"> • Bateson • Bell • Carruther • Glendinning • Graham • Irving • Jardine • Johnston • Latimer • Little • Moffat • Scotts of Ewesdal • Thomson <p>Highlands and Isles</p> <ul style="list-style-type: none"> • Clan Andrew • Buchanan • Clan Cameron • Campbell of Inverawe • Campbell of Lochnell • Clan Chattan • Clan Donachie in Atholl and parts adjacent • Clan Dowell of Lorne • Ferguson • Fraser • Graham of Menteith
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¹⁰ [1587/7/70] For the quieting and keping in obedience of the disorderit subjectis, inhabitantis of the bordouris, hielandis and ilis. See www.rps.ac.uk for the original Scots and an English translation.

¹¹ Legislation of Robert II [1384/11/12], which enjoins “the lord earl of Fife... as head of the law of Clan MacDuff” to “protect the present statute and ordinance”. This is Robert Stewart, Earl of Fife until 1420, an illegitimate son of Robert II, Duke of Albany, Governor of Scotland from 1406 and Regent to three Scottish monarchs: Robert II, Robert III, and James I. The leadership of Clan MacDuff (clann meic Duibh) was subsidiary to the position of Mormaer or Earl of Fife, and an example of the chief’s surname not being that of the clan or family. The chief of MacDuff was not always the Mormaer, especially after feudal primogeniture was applied to the mormaerdom in the reign of Duncan I (1133–1154) –the head of the clan, Macduff of Fife died leading the common soldiers of Fife at the Battle of Falkirk (22 July 1298) rather than the Mormaer, Duncan IV of Fife, who was a minor (b. 1289) and last male Gaelic ruler of Fife.

<ul style="list-style-type: none"> • Grantis • Clangregour • Clan Jeane • Clankanze • Clankynnon • Clanlawren • Clanlewyd of Harray • Clanlewis of the Lewis • MacFerlanis, Arroquhar • Makintoscheis in Athoill • Clan MacThomas in Glensche • Clane MacKane of Avricht • MacKnabbis • Menzess in Athoill and Apnadull • Monrois • Murrayis in Sutherland • Clanneill • Clanrannald in Loquhaber • Clanrannald of Knoydart, Modert and Glen Gardy • Spaldingis • Stewartis of Athoill and partis adjacent • Stewartis of Buchquhidder • Stewartis of Lorne or of Appin 	<ul style="list-style-type: none"> • Grant • Clan Gregor • Clan Ian • Clan Kenzie • Clan Kinnon • Clan Laren • Clan Leod of Harris • Clan Lewis of the Lewis • MacFarlane, Arrochar • MacIntosh in Atholl • Clan MacKean of Ardvorlich • MacNab • Clan MacThomas in Glenshee • Menzies in Atholl and Apnadull • Munro • Murray in Sutherland • Clan Neil • Clan Ranald in Lochaber • Clan Ranald of Knoydart, Moidart and Glengarry • Spalding • Stewart of Balquhidder • Stewart of Lorne or of Appin • Stewarts of Atholl and parts adjacent
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This mention of “Chiftanis and chieffis of all clannis...duelland in the hielands or bordouris” is often mistakenly applied as if “Highlands and Borders” encompassed the whole of Scotland, and that therefore the term “clan” equally refers to Lowland families.¹² In reality, it specifically excludes the Lowlands, such as (in Fife alone) Bruce, Lindsay, Leslie, Durie, Hay and others, whose chiefs were among the most influential men in Scotland at the time. Bruce, therefore, and to take but one example, is not and never was a clan – the present Chief, Andrew Bruce, Earl of Elgin, uses the term “House of Bruce”.

A Lowland family, moreover, may well have had an armigerous chief and feudally-held lands, but did not have the typical clan structures of “septs” of associated names living nearby and in thrall, or a military structure. By contrast, at one point the Armstrongs, based around Langholm in Dumfriesshire, could put 3,000 men on horse into the field. They were one of the Borders clans who had raised “reiving” (sacking and cattle-rustling) to a high art from the late 13th century to the beginning of the 17th century. “Clans” are therefore a phenomenon of the Highlands and Borders and the equivalent kinship/territorial structures in the Lowlands are the “family”, usually based on a feudal barony.

1560s – Reformation

In theory, the formation of the Church of Scotland (“The Kirk”) meant that the whole country was either part of the established church, or was “recusant” (really meaning Catholic) and outlawed – although the monarch, Mary, Queen of Scots, was herself Catholic. Some clans and families – mainly those distant from Edinburgh and the authority of Church and State – remained adherent to the Catholic faith, notably Chisholm, Clanranald, Farquharson, Glengarry, some Gordons, Keppoch and Macneil of Barra.

The Kirk, notably intolerant and convinced of the rectitude of its position, considered much of the traditional Gaelic culture “heathenish”, including traditional healing, the celebration of Yule, bonfires at *Samhainn*,¹³ the veneration of holy wells and, of course, dancing. One weapon in this was the suppression of the “Irish” (Gaelic) language, which the Society in Scotland for Propagating Christian Knowledge continued until at least 1716.

¹² For a well-known example, see Sir Crispin Agnew of Lochnaw, *Clans, Families and Septs*, www.electricscotland.com/webclans/clans_families_septs.htm, 13th August 2001 (accessed 4 May 2013).

¹³ Pronounced “sa-wain” – the festival marking the end of harvest and the beginning of winter, midway between the autumn equinox and the winter solstice and typically observed held on 31 October–1 November – later suborned by the Church as the festival of All Saints and thus the origin of Halloween.

1600s – Union of the Crowns, the Civil Wars and the Killing Time

The Borders clans had long been a thorn in the sides of both Scotland and England, so when James VI took the English throne as James I in 1603, he was able to solve the problem at a stroke by scattering some of them to England, to northern Scotland and the Isles, to Ireland and even to the Colonies.

It was early in 1603 that Campbell, Duke of Argyll, manipulated the already-broken and landless MacGregors into slaughtering the Colquhouns of Luss at Glenfruin, which led to their extirpation. The name of MacGregor was proscribed, none could carry any weapon except a blunt knife for eating with and no more than four than of them could meet together. The persecution did not end until 1774, and many MacGregors took other surnames – Rob Roy MacGregor, for instance, used his mother’s surname (ironically, Campbell) – so to this day there may be many Stewarts, Campbells, Murrays and others who descend from re-named MacGregors, and many a MacGregor who is no such thing.

The War of the Three Kingdoms (often called the English Civil War, as if it wasn’t also played out in Scotland and Ireland) saw the loose confederation of Protestants called Covenanters supported by the powerful Clans of Campbell in the West and Sutherland in the North, opposed by Royalists led by Huntly (Clan Gordon). The division was more religious than support for the absent monarch, Charles I. Originally siding with Cromwell’s Parliamentarians, the Covenanters shifted their allegiance to Charles II at his Restoration on the promise – not realised – of toleration, as many equated freedom of worship with political and civic liberty. Charles was a secret Catholic and used Episcopalianism as its stalking-horse. Episcopalianism became widespread among the Highland clans – it promoted Royal authority and fitted with the hierarchical clan structure more than the egalitarian Presbyterianism. Some clans were converted or re-converted by Catholic missions. Highlanders were occasionally used as a blunt instrument of Government (and religious) policy, as when 10,000 of the “Highland Host” were unleashed on Glasgow in 1678.

In 1682 Charles’ brother, James Duke of York, instituted the Commission for Pacifying the Highlands. Many clan chiefs cooperated in keeping order locally, and it was also seen as remedying the land-grabbing greed of the Campbells. Succeeding as James VII, he was popular in the Highlands, but feared by the Lowland political elite, who found the king’s Catholicism and his close links with France equally troublous. This was made manifest when he had a son and heir in 1688 – James Francis Edward Stuart – which upset the line of succession via his daughter Mary, the Protestant wife of William of Orange, who was not only his son-in-law but also his nephew. It set the stage for support for the (Catholic) Stuarts and the Jacobite rising of 1689 when James was deposed by the “Glorious Revolution” of William and Mary, who had sworn to “maintain the Protestant faith”.¹⁴ The “Jacobites” (literally, supporters of James) were an alliance of Episcopalians and Catholics, and their grievances erupted after the death in 1714 of Mary’s sister and heir, Anne, last of the Stuarts, and her succession by the avowedly Protestant (and German) Hanoverians. This was seen by many – not just in the Highlands – as adding insult to the injury of the 1707 Union of Parliaments which effectively closed down Scottish government except as an extension to Westminster. Finally in 1745 Jacobite disquiet culminated in open rebellion and the Battle of Culloden.

1745-47 – Culloden and the “Clan Acts”

It is a mistake to see “the ‘45” as a conflict between Scotland and England, or the Scottish Highlands against the Lowlands or even Catholic vs. Protestant. It was far more complex than that. Many Highland clans had divided loyalties, as the clansfolk might be Catholic but under a chief who was Protestant out of *realpolitik* – the impossibility of a Catholic receiving a government post or a senior commission in the army, for instance.

The last pitched battle fought on the British mainland, Culloden was the culmination (and end) of the aspirations of the son of James Francis Edward Stuart, the undoubtedly romantic but utterly hapless “Bonnie Prince” Charles Edward Stuart. It is important to remember that by this time many of the old military Clans had become institutionalised as regiments or units of the British Army. On the one hand, the Jacobite army was mainly Highlanders, but with a number of Lowland Scots, a detachment of English from the Manchester Regiment plus French and Irish units, all supported and provisioned by France. The Government forces were indeed mostly English, but there were a significant number of Scottish Highlanders and Lowlanders, some Hessians and Austrians plus a battalion from Ulster. The battle on 16 April 1746 at Culloden Moor – which was over in about 25 minutes – routed the Jacobites. But it was the aftermath that sealed the fate of the Clan System.

¹⁴ The motto “Je Maintiendrai” represents the House of Orange and Nassau. Originally “Je Maintiendrai Châlons” (Châlon-sur-Saône in Burgundy). When William III came to Britain, he retained the motto, but added to it, “I will maintain the liberties of England and the Protestant religion”.

Just to select a few examples, the Jacobite army included:

the Atholl Brigade (three regiments or battalions raised not as a clan but as a feudal levy, which possibly explains the significant number of desertions); Cameron of Lochiel's Regiment; Fraser, Lord Lovat's Regiment (whose son's battalion missed the action by several hours); as well as (some) Farquharsons, MacDonalds of Keppoch (including MacDonalds of Glencoe, Mackinnons and MacGregors), MacDonalds of Clanranald, MacDonnells of Glengarry, Mackintoshes with Maclachlans and Macleans, and the Stewarts of Appin.

The British Army had:

the Loudon's Highlanders, commanded by Lt Col John Campbell, 5th Duke of Argyll; the 21st North British Fusiliers (originally raised in 1678 by the Stuart loyalist Charles Erskine, 5th Earl of Mar and the progenitor of the Royal Scots Fusiliers); Semphill's Regiment of Foot (which later became the King's Own Scottish Borderers) – in total one Highland and three Lowland infantry regiments and one Scottish battalion of dragoons (cavalry).

It would be also be a mistake to equate the name of any particular regiment's Colonel with the idea that all of the regiment shared that surname. Certainly, a "clan" regiment's officers would be the clan gentry, but the common soldiers could be any of their tenants and dependents, with a variety of surnames. Furthermore, only the front-rank officers were properly armed, compared with their impoverished and poorly-provided soldiers, but as a consequence suffered a greater proportion of casualties, thus depleting the "middle class" of many clans.

It is instructive to see artistic depictions of Culloden made very soon after (as opposed to the many later, idealised portrayals) which show individual clansmen and even officers wearing as many as three different tartans, which emphasises that there was not a one-to-one relationship between pattern and surname at this time (see below).

There is no question that the aftermath of Culloden and the previous 50-odd years of Jacobite insurrection led to a policy-driven repression of Highland culture. The immediate punishments were rather indiscriminate. For example, Jacobite prisoners were taken to England to stand trial for treason, many held in Tilbury Fort or on prison hulks on the Thames, with executions at Carlisle, York and Kennington. However, the common men drew lots so that only one in 20 came to trial and only 120 were executed (some of those deserters from the British Army). Although given the obligatory death sentence, most had this commuted to life transportation to the Colonies – just under 1,000 were transported and over 200 banished – but 900 or so were released under the Act of Indemnity of 1747 and a further 380 freed in exchange for prisoners of war held by France. Another 650 out of the almost 3,500 prisoners recorded disappeared without trace, but some at least must have made their way home. However, the higher-ranking officers and "rebel lords" were executed at Tower Hill in London as an example to Scotland.

The British Government then set about consolidating the military victory of Culloden with occupation and continuing the building of military roads and garrisons,¹⁵ and by enacting laws to fully incorporate Scotland – and more specifically the Highlands – within the "British" system. Scotland became widely known as "North Britain". The Episcopalian clergy had to make oaths of allegiance to and prayers for the reigning Hanoverians (those who did not were known as "non-Jurors" and hounded).

There had been a Disarming Act¹⁶ after the Jacobite Rising of 1715 aimed squarely at the Highland clans, which outlawed anyone in specified areas from having, unless authorised:

"in his or their custody, use, or bear, broad sword or target, poignard, whinger, or durk, side pistol, gun, or other warlike weapon".

It didn't work, and had to be reiterated in 1725¹⁷ with Major-General George Wade as its enforcer. However, the ill-equipped Jacobites had been able to rearm themselves from government firelocks and bayonets left by the Redcoats fleeing after the disastrous Battle of Prestonpans in September 1745. Keen to learn from earlier mistakes, the government passed a new Act of Proscription,¹⁸ strengthening the provisions of the old Disarming Act, with more severe punishments from fines (and jail until payment) to forced conscription for late payment and transportation of repeat offenders.

¹⁵ To this day, the Gaelic name for Fort William is *An Gearasdan* ("The Garrison").

¹⁶ *An act for the more effectual securing the peace of the highlands in Scotland*, 1716

¹⁷ *An act for the more effectual disarming the highlands in that part of Great Britain called Scotland; and for the better securing the peace and quiet of that part of the kingdom*, 1725

¹⁸ *An Act for the more effectual disarming the Highlands in Scotland and for more effectually securing the Peace of the said Highlands; and for restraining the Use of the Highland Dress*, 1746 (19 Geo. II c. 39)

Various actions were taking against the wearing of the highland dress,¹⁹ to everyone except those in uniform as officers or soldiers in the British Army plus certain landed men and their sons. (It is from this that the famous Black Watch or “Government” tartan derives.)

There were also measures to prevent children from being “educated in disaffected or rebellious principles” and a requirement for school prayers to be offered for the King and Royal family.

The Abolition of Heritable Jurisdictions Act (1747)²⁰ ended the feudal hereditary right of landowners to administer the law and enact justice within their estates through barony courts or heritable sheriffdoms, which affected the Lowland lairds with baronies every bit as much as Highland chiefs. Clan chiefs also lost their traditional rights to call clansmen to arms.

The Jacobite-supporting lords and clan chiefs had their lands forfeit and either sold or managed by factors (who, frankly, did a far better job in the main of managing the estates and improving agriculture and the rural economy). By contrast, those who had been loyal to the Government were compensated with military rank, government positions and/or cash.

Resurrection and reinvention

The tide did turn, and on July 1st 1782 Royal assent was given to repeal the *Dress Act* and a Royal Proclamation was issued in Gaelic and English:

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 Tuis,²¹ 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.

However, two generations had passed and irrevocable damage had been done to the Highland way of life, the heritable powers of clan chiefs and thus to the “Clan System”, which became no more than a form of estate management. It also has to be realised, unpopular though this sentiment is, that it freed Scotland from two centuries of turmoil, and allowed a period of unparalleled stability and prosperity that produced, among many other benefits, the glories of the Scottish Enlightenment, expressed in the arts and architecture, science and technology, education and philosophy. Also, many chose (rather than were compelled) to seek their fortunes abroad, swelling the ranks of the many merchants, soldiers, architects, engineers and others who had worked throughout Europe and the colonies for centuries before, and establishing the reputation of the immigrant Scot as capable, hard-working and better educated than almost anyone else. It is from this very period – and from their activities both at home and abroad (see below) – that Scots got the reputation as “inventing the modern world”.²²

Nonetheless, there was enthusiasm for “the garb of old Gaul”²³ and various Highland Societies sprang up in Edinburgh, Aberdeen, London and elsewhere. These were essentially exclusive clubs for landowners – the very ones “improving” the land (see below) and promoted “the general use of the ancient Highland dress” at a time when it had ceased to be the “general” at all. There was also dancing. Lowlanders joined in too, and adopted many of the affectations of their Highland counterparts. This found its full flowering in 1822 (see below).

The “Clearances”

There is no doubt that some Highland estates were “cleared” of tenants and their subsistence crofts or tenanted small-holdings, usually to provide room for sheep grazing and/or deer-shooting. This is still keenly felt in many areas of the Highlands. It also resonates with the Scottish Diaspora overseas, even against

¹⁹ Abolition and Proscription of the Highland Dress 19 George II, Chap. 39, Sec. 17, 1746.

²⁰ Heritable Jurisdictions (Scotland) Act 1746 (20 Geo. II c. 43) which later had many of its provisions repealed, but one remaining is that any noble title created in Scotland after 6 June 1747 grants no rights beyond those of landlordship (effectively, collecting rents); however, the heritable possession of land in the feudal way continued until 2004.

²¹ Trews, tartan trousers, still worn today as a formal dress alternative to the kilt.

²² Arthur Herman. *How the Scots Invented the Modern World: The true story of how western Europe's poorest nation created our world & everything in it (or The Scottish Enlightenment: The Scots invention of the Modern World)*; Crown Publishing Group/Three Rivers Press ((2001). This, incidentally, was written by an American of Norwegian ancestry with no Scottish background whatsoever.

²³ It's interesting that Scott chose to emphasise a supposed origin for kilts and tartan not in the Scottish Highlands or even Ireland, but ancient Gaul, considered at the time the heartland of the various Celtic peoples.

evidence to the contrary. It is not unusual to meet descendants of *émigré* Scots who, their descendants claim, were “forced out of Scotland”. This is often given an overlay of religious persecution, class warfare, unjust criminal sentences and so on, and an image is conjured up of entire crofting communities being herded onto boats for exportation to the Colonies. The author was recently treated to a moving description of how Andrew Carnegie (or was it Alexander Graham Bell?) turned up in America after the family was “forced off the land” by unfeeling, grasping landlords. Even the most casual reading of the biographies of these individuals will show how ridiculous such statements are – but, as ever, cognitive dissonance kicks in and no evidence to the contrary will change the mind of the convinced.

Historically, the majority of emigration from Scotland was from the Lowlands, and even Highlands emigration was for the most part voluntary, albeit often enforced by economic necessity.²⁴ There were already Scottish estates in the Caribbean and the American Colonies, especially the Carolinas.²⁵ Migration had started in earnest after 1715 and even before this, the disastrous Darien scheme of the 1690s was an expression of the wish of many Scots to make it abroad. Darien was ruinous – almost a quarter of the total economy of Scotland was poured into the ill-conceived plan to colonise the Isthmus of Panama, and on top of a few failed harvests left many nobles and landowners in financial ruin and more than ready to accept the conditions of Union in 1707.

To many Scottish landlords, land clearance (which they generally termed “improvement”) did not necessarily mean depopulation and forced migration. In fact, Highlands estate owners successfully petitioned for laws designed to halt emigration, which emerged as the Passenger Vessels Act of 1803,²⁶ trebling the cost of passage to Canada and the USA, ostensibly on health and safety grounds, but in reality putting emigration beyond the purse of most Scots. Until at least the 1820s, landlords needed cheap or almost free labour, supplied by families subsisting in newly-built crofting townships, albeit in conditions of virtual slavery. Much of this was at the hands of traditional clan chiefs rather than some demonised “English” or “sassenach”²⁷ landlord. The collection of kelp for processing was profitable until the removal of import tariffs, which made a Spanish product much more attractive. These attitudes changed just before and during the 1820s – the Sutherland Clearances of 1814 are a case in point – and the potato famine which of 1846 (which had also provoked an influx of even cheaper labour from Ireland) gave landlords even more reason for encouraging or enforcing emigration. That, plus the draw of new industrial jobs in the large cities like Dundee and Glasgow, led to the mass depopulation of the Highlands, despite the best efforts of Highlands Destitution Board.

Walter Scott and the New Tartanry – the 1820s

This is not to deny the reality and the brutalism of the Clearances, which certainly took place. But paradoxically, at exactly the same time, there was a great flowering of romantic nostalgia for “Highland life” – or what many imagined it to have been. Sir Walter Scott had already invented tourism to Scotland, and romanticised the Highlands in *Waverley* and other works to such an extent that everyone who was anyone wanted to join in. Scott – an enthusiastic member of various “Highland” and “Celtic” societies – set the seal on this in 1822 by inviting King George IV to Edinburgh. His Majesty duly turned up, suitably be-kilted (over pink tights) in what is now known as the Royal Stuart tartan

Scott and his accomplice Major General David Stewart of Garth also issued helpful pamphlets on what to wear and how to behave, and invented a number of “ancient traditions” more or less on the spot. The various pageants and in particular the “Highland Ball”²⁸ held by the nobles of Scotland required “the ancient Highland costume”, so many Highland and Lowland gentlemen suddenly found a need to discover or invent a suitable pedigree and a tartan to match. Scott persuaded nobles and other chiefs to turn up with their piper,

²⁴ “Most of the Scottish settlers who came prior to 1854 came from the region of Glasgow, Lanark, Renfrew, and Ayr (21.7%) or Argyll (13.9%). Others came from Edinburgh and Lothians (10.6%), Inverness (9.3%), Southwest (8.9%), and Perth (8.7%).” Myra Vanderpool Gormley, *American Genealogy Magazine*, Vol. 4, No. 1, 2000.

²⁵ It is widely held that the Confederate flag is based on the Scottish saltire, but it was in fact designed in 1861 by Congressman William Porcher Miles (1822-1899) as a distinctive pattern for a national flag for the new Confederacy, devoid of any religious symbolism. The design was adopted by General P G T Beauregard later that year, and adopted as the Battle Flag of the Army of Northern Virginia. However, it must have appealed to the many Scots descendants.

²⁶ Revised often and repealed in 1826. Between 1824 and 1834, more than 170,000 immigrants went to Upper Canada alone.

²⁷ The word derives from “Saxon”. It came to mean “English” but was originally a derogatory term for Lowland Scots.

²⁸ Incidentally, the catering for the Highland Ball was provided by one Ebenezer Scroggie, later transmuted by Charles Dickens into Scrooge for *A Christmas Carol* (1843). Dickens also saw a gravestone to “Uriah Heep, Meal Man” in Canongate graveyard and adapted it to the malevolent “mean man” in his *David Copperfield* (1850).

sword-bearer, shenachie²⁹ and other retinue, and wearing their “ancient tartan”. Many of these worthies lived in Edinburgh or even London, and more than a few had no idea what their “ancient tartan” might be, so they simply picked one from the pattern-books of weavers. In many cases these were newly-invented tartans, woven into thick woollen cloth for export. Thus, quite a few “ancient tartans” were being sported as work garments in America, say, before they became “ancient” in Scotland (think of the traditional lumberjack’s shirt). The Countess of Sutherland, for instance, merely adopted the tartan of the Sutherland Highlanders, at the instigation of James Loch, the auditor who had been so assiduous in clearing 15,000 crofters tenants off the Sutherland estates in the previous decade.

Perhaps no-one thought to question how the recently-suppressed costume of those dismissed as mere mountain-dwelling brigands came to be the national dress of the whole Scottish nation, but it was certainly the key event in its determination. Suddenly, it was “cool” to be a Highlander.

Much has been written on the hoaxers (or perhaps outright con-men) calling themselves John Sobieski Stuart and Charles Edward Stuart and claiming to be grandsons of Bonnie Prince Charlie – but in reality a pair of brothers from Wales called Allen.³⁰ They perpetrated the great fraud of the *Vestiarium Scoticum*, ostensibly copied from an “ancient” collection of tartans, which is still held up the source of many current tartans and the traditions surrounding them. Tartans will feature more in Part II of this article, along with a consideration of Clan and Family heraldry.

Conclusion

It is mainly the descendants of those who were pushed off the lands by their own chiefs and lairds, chose to leave the Highlands for a better life in the Lowlands and subsequently overseas, or who had already spurned Scotland and emigrated by the time the Clans were broken, who are the backbone of the Scottish Diaspora and the great supporters of Highland Games, pipe band contests and all the other trappings of “Scottish identity” in America, Canada, New Zealand, South Africa and other parts of the Empire over which the sun has now set.

The “traditional” Highland costume has become so ingrained in the public imagination worldwide that it cannot be dislodged, and possibly should not.

It is, of course, a fine thing to seek Scottish ancestry,³¹ and engaging with all aspects of Scottish history and culture is to be encouraged – but it must be done in the full knowledge that much of the mythology about clans, surnames, tartans and the like is just that.

²⁹ Various spelt, this is the “genealogist” of the clan or family, theoretically able to recite the lineages of the chief and others.

³⁰ See, for instance, Trevor-Roper, Hugh. *The Highland Tradition of Scotland in The Invention of Tradition* ed. Hobsbawm and Ranger (1983); Marie Fraser. *John Sobieski Stolberg Stuart & Charles Edward Stuart* www.electricscotland.com/canada/fraser/stuarts.htm (accessed 1 May 2013)

³¹ See Durie, B. *Scottish Genealogy*, 3rd Edn. The History Press (2012)