

The Law of Kilmachellaig (2)

The Quern-Dust Calendar — Ragnall MacilleDhuibh

IN MY last article I told the story of *Lagh Sgìre Mo Cheallaig*, the Law of the Parish of St Mo Cheallaig — how a man is coming along the road with a cow in a cart, and how the people of the parish accuse him of stealing the cow, and arrange for a *mòd* or trial. The *mòd* duly takes place and the horse is condemned to death for carrying the cow! In this article I will show, in chronological order, how this notorious judgment has been cited over the centuries.

First of all, on 25 September 1663 the young chief of Keppoch and his brother were murdered and their position usurped. In one of a number of strident appeals for justice to be done, the Keppoch poet Iain Lom pointed out that the murderers and their friends would like to see him silenced, and likened himself to the horse:

*Cleas na binne nach maireann
Bha 'n cladh Sgìre Mo Cheallaig
Nuair a dhìt iad an gearran sa mhòd.*

(‘Like the late judgment / In Mo Cheallaig’s parish churchyard / When they condemned the gelding in court.’) He goes on:

*Lùb cham 's cha bu bheag i
Fhuair am meirleach a ghoid e,
Ga shaoradh o leadairt nan cord.*

(‘A bent noose, and no small one, / Awaited the thief who stole it, / Freeing him from chafing of cords.’) Or, in another version,

*Lagh cho cearr 's a bha 'm Breatann,
Rinn am meirleach a sheasamh
Bhith ga thearnadh o leadairt nan cord.*

(‘A law as wrong as was in Britain, / Which defended the thief / To protect him from chafing of cords.’)

In the following century, a poet called Iain mac Ailein made a satire on the tacksman of Drimnin in Morvern, who had taken to schoolmastering but seems to have been a bit of a pervert.

*Chan ionnsaich e clann no leanabaidh
Mar bu chòir dha
Gus am bi iad 'nan daoine àrsaidh
Fo 'n làn fheòsaig.*

(‘He’ll not teach children or young people / As he should do / Till they’ve grown into elderly men / With luxuriant beards.’)

*Cha tugadh an Cill Mo Cheallaig
Breith bu chlaoine
Na 'n nì rinn an ceann a b' aird',
Am màs ga dhioladh.*

(‘In Kilmachellaig there wasn’t given / A faultier judgment / Than the thing the head on high had done / Being paid by the buttocks.’)

*Gabhail de chrìos an aois àrsaidh
Air màs seanduin' —
S fhada mun ionnsaich an gnìomh sin
Ciall do theangaidh.*

(‘Taking a belt in the evening of life / To an old man’s buttocks — / Such a procedure will scarcely teach / Any sense to a tongue.’)

*Ge b'e labhras ris an fhear ud
Còir no eucoir,
Gabhar air a ghiort de shràcaibh
Le crìos éille.*

(‘Whoever utters to that fellow / Sense or nonsense / Will get strokes on the backside / With a belt of thongs.’) The words *Cha tugadh an Cill Mo Cheallaig breith bu chlaoine* are elsewhere cited as proverbial in their own right, as we will see.

Coming to the early nineteenth century, the Glenmoriston poet Archibald Grant praised Alexander MacDonell of Glengarry (1788-1828) by saying that, were it not for the Law of Kilmachellaig, he would have been King of the Isles.

*Dh'innsinn gach còirich' a bh' agaibh,
Le cumhnantan daingeann 's peann —
An lagh a bha 'n Sgìre Mo Cheallaig,*

*Gun d'chuir e á bhur caraibh na bh' ann;
Ach mur éireadh rebellion san tír
'S an lagh a bhíth díreach 's cam,
Bu tu Iarla Rois agus Íle
'S oighre mhic Rígh Innse Gall.*

(‘I’d list every charter you had / With binding covenants and pen — / The law of Sgìre Mo Cheallaig / Dispossessed you of it all; / Were it not for rebellion in the land / And the law being crooked and straight, / You’d be Earl of Ross and of Islay / And the King of the Isles’ son’s heir.’)

It is shortly after this that we find a misogynistic twist being put in the old tale which has unfortunately remained in it ever since. In his ‘Sàr Obair nam Bàrd’ of 1841, John Mackenzie, a Gairloch man, writes: “Women were the judges in this case, and a thief who was brought before them for stealing a horse, was allowed to escape while the horse was condemned to be hanged. The occasion was this: some time before the present action was raised, the same culprit had stolen the same horse and was prosecuted; but had the good fortune to get off in consequence of its being his first offence. It seems, however, the horse had found the thief so much the better master that he soon after ‘stole himself’ away and returned, for which, poor fellow, he had to suffer the above reward.”

He concludes: “This story is often referred to among the Highlanders when *law* and *justice* are evidently *different things*, they say: *Cha tugadh an Cille-ma-cheallaig breath bu chlaoinne.*”

The idea of a jury of women was picked up and recycled by no less a legal luminary than Sheriff Nicolson in his ‘Gaelic Proverbs’ of 1880, but it reaches its apotheosis in a much more recent work, John Barrington’s ‘Red Sky at Night’ of 1984. Barrington is a shepherd from Wales who had come to work in Glengyle on the Perthshire/Stirlingshire border, and he gives a localised version of the tale which he had no doubt received in good faith from one of his Highland informants in the area. His account of Cill Mo Cheallaig begins, innocently enough, with a description of some ruins where two mountain burns meet at the old county boundary to form the River Gyle.

He has been talking about St Fillan’s chapel in Strathfillan and the priory founded there by Robert Bruce, and he says: “In conjunction with that establishment, a nunnery was founded eight miles due south, at the confluence of the waters of Glengyle. The Wise Women, once quite famous, are long, long gone and only a few ruins remain as an epitaph to the community of Kil-mi-Cailleach (Cell of the Nuns) . . . Bealach nan Corp . . . is the way by which the notables, from as far away as Strathyre, were carried to Kil-mi-Cailleach and their last resting place. Cairns of stones still mark the places where the cortège would pause and take refreshment.”

Now the claim of a convent in Glengyle would raise some historians’ eyebrows, and I note from his ‘Highways and Byways in the Central Highlands’ that what Seton Gordon found below Bealach nan Corp when he walked up Glengyle was ‘ancient ruined summer shielings’, which is much more credible. I would have thought that funeral traffic over Bealach nan Corp would have been in the opposite direction, to the holy ground of St Angus in Balquhidder, but Gordon remarks that he had read somewhere ‘that the MacGregors carried their dead by this pass across the hills to the saintly isle of Loch Lomond for burial’.

No matter. All that concerns us here is what Barrington goes on to claim about the nuns, and this is where it emerges that *Cill nan Cailleach*, ‘the Cell of the Nuns’, has got mixed up by Barrington’s informant with *Cill Mo Cheallaig* to produce his curious hybrid ‘Kil-mi-Cailleach’.

“The ruined nunnery of Kil-mi-Cailleach stands forlornly in the gathering gloom,” he writes. “The wise women of Glengyle were quite famous, not only for their ecclesiastical qualities but for their judicial edicts. If a court had difficulty or failed in reaching a verdict, the case often would be referred to the nuns. After praying and deliberating over the subject, it seems that the matter was always satisfactorily resolved. That is, until the celebrated case . . . which led to their judicatory downfall. A man had accused his neighbour of stealing his new mare after a Sunday service at the kirk. The defendant stoutly maintained his innocence, claiming that he had done no more than sit up on the animal, just to get the feel of it. However, before he could dismount, the horse took fright and bolted, carrying him off. The local sheriff could make nothing of the case and put the matter into the hands of the wise women. In due course, they returned a double-edged verdict. The defendant, they decided, had been telling the truth and should be released forthwith. On the other hand, the horse was guilty of abducting the poor man, tantamount to kidnap, and they condemned the animal to be hanged.”

A good story, then, which took on a life of its own among the MacGregors. There may be something in this MacGregor connection. In the sixteenth century there was a tribe of MacGregors called Clann MhicilleCheallaich. That means that the forename Gille Cheallaich, ‘the Devotee of St Ceallach’, was in use among the MacGregors at one time — in other words, they had a cult of St Ceallach, probably the one who was Abbot of Iona 802-815, and Ceallach is certainly the name that lies behind the affectionate-sounding Mo Cheallag.

But I should stress that in terms of Gaelic literary tradition Cill Mo Cheallaig doesn’t really exist, it’s everywhere and nowhere, just a place where daft people come from and which can be mentioned without offending anybody. Donald Lamont, for example, in his wonderful essay ‘Taghadh a’ Mhinisteir’ of 1923, tells us that when the parish of Cille Sgumain was vacant one of the candidates was the minister of Cill-Mo-Cheallaig — a fat man who never used one word when four would do. Where others would say, “Dèanamaid urnaigh”, he would say, “A chairdean ionmhainn agus a chairdean gaolach, a bhràithrean agus a pheathraichean gràdhach anns an Tighearna; air dhuinn a bhith cruinn anns an àite agus anns an ionad seo, air an là seo, là na Sàbaid, an là naomh, agus an là beannaichte . . .”

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