

The Unjust Incarceration (2)

There are settings of this tune in the following manuscript sources:

- **Colin Campbell's** "Nether Lorn Canntaireachd," i, 1-3 (with the title "Kepper Eggarich");
- **Angus MacKay's** MS, i, 55-57;
- **Colin Cameron's** MS, ff. 32-3;
- **John MacDougall Gillies's** MS, ff.6-7;
- **David Glen's** MS, ff.159-60;

and in the following published sources:

- **C. S. Thomason's** *Ceol Mor*, p.291;
- **David Glen's** *Ancient Piobaireachd*, pp.231-3;
- **William Stewart**, et. al. eds., *Piobaireachd Society Collection (first series)*, iii, 6-7.

"The Unjust Incarceration" is the first tune in **Colin Mór Campbell's** "Nether Lorn Canntaireachd" as the collection now stands. Colin Campbell treats the tune as follows:

1. Kiharoa hoen, hodroen, haimen hoen, hiotro-
 enem, kihodroen, hiotroenem, kihodroen hioem
 Kiharinen
 2. Kiharin hioen hodroen, hui-
 atraa hoen, hiotroenem, kihodroen hiotroenem,
 kihodroen hioem, kiharinen
 3. Kihadrota, chreda hoen, hadrea hoen, kihodro-
 enem, kihadrota, chreda ^{deaf} kihodroen hioem,
 kiharinen
 4. Kiharaache, hivedarevcehe
 ho, haem, barioccehe ha, kihamraahokig kihodro-
 enem, bariocarevcehe, kihodroen hioem, kiharinen
 5. Chedarile, hixieha, dilidre hix, chandra ho,
 himbarihia chok, hadre himbaria, chedania,
 hioem kiharinen

1. Hinen hinen hioen, hioen, haen, hiness hinen,
 hinen, haen, hioen, hioen, himen, hoen hoen hinen
 hioen, hioen himen haen haen hioem, hinen hinen himen
 2. Hinen hinen hioen hioen haen haen hinen himen haen
 haen, hioen hioen himen haen haen hinen hioen
 hioen himen haen haen hioem, hinen three times
 3. Haen haem, chehin chehin, haen haem, chehin
 haen haen hioem himen haen haen haem, chehin
 chehin chehin haen haen hioem, himen three times
 4. Haen haem, chehin hien hien chehin haem hien
 chehin haen haen hioem, haen haen haem hien hien
 chehin haen haen hioem, himen three times
 5. Chehin hien dillen hien hien, haen dillen chehin hien
 chehin chehin haen hien hien chehin haem chehin
 chehin hien hioem hinen three times

The 2nd Part Called Tullie

1st Hindarid hindarid hiodarid hiodarid hiodarid hindarid
 hindarid hindarid hiodarid hiodarid hiodarid hindarid
 hiodarid hiodarid hindarid hiodarid hiodarid hindarid
 hiodarid hiodarid hiodarem hindarid three times

2^d Hindarid hindarid hiodarid hiodarid hiodarid hindarid
 hindarid hindarid hiodarid hiodarid hiodarid hindarid
 hindarid hindarid hiodarid hiodarid hindarid hiodarid
 hiodarid hindarid hiodarid hiodarid hiodarem hindarid
 three times

3^d Hiodarid hiodarid hiodarem chiodarid chiodarid hiodarid
 hiodarem chiodarid hiodarid hiodarid hiodarid hindarid
 hiodarid hiodarid hiodarem chiodarid three times
 hiodarid hiodarid hiodarem hindarid three times

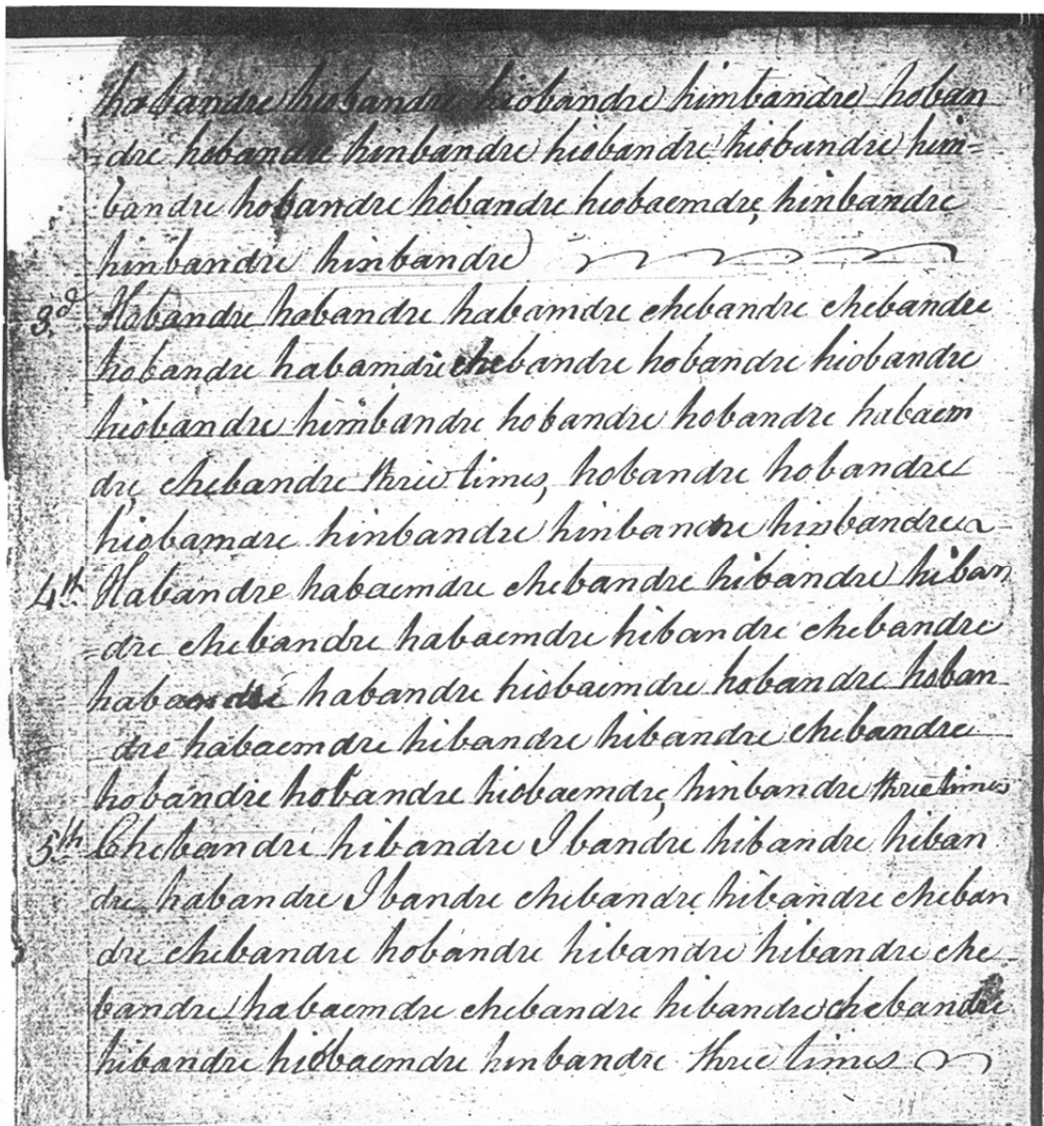
4th Hadarid hadarem chidarid hiodarid hiodarid chidarid
 hadarem hiodarid chidarid hadarid hiodarid hiodarem
 hiodarid hiodarid hadarem hiodarid hiodarid chidarid
 hiodarid hiodarid hiodarem hindarid three times

5th Chidarid hiodarid hiodarid hiodarid hiodarid hiodarid
 chidarid hiodarid hiodarid chidarid chidarid hiodarid hiodarid
 hiodarid hiodarid hiodarid hiodarem chidarid hiodarid chidarid
 hiodarid hiodarid hiodarem hindarid three times

Part 3. Grolie

1st Himbandre himbandre hisbandre hobandre hobandre
 dre himbandre himbandre himbandre hobandre
 hisbandre hisbandre himbandre hobandre hobandre
 dre himbandre hisbandre hisbandre himbandre
 hobandre hobandre hisbandre himbandre himbandre
 dre himbandre

2^d Himbandre himbandre hisbandre hobandre
 hobandre himbandre himbandre hobandre



A partial transcription follows:

- 1st. Hiharin hioen, hodrooen, himen hoen, hiotroenem, hihodrooen, hiotroenem hihodroen hioem hiharinen
- 2d. Hiharin hioen hodrooen, himotrao hoen, hiotraenem, hihodrooen hiotroenem, hihodroen hioem, hiharinen
- 3d. Hihodrotra, cheredea hoen, hadrea hoen, hihorodoenem, hihodrotra, cheredaea, hihodroen hioem, hiharinen
- 4th. Hihararache, hivedareveche ho, haem, bariveche ho, hihararahohio, hihodrotraem, barivedarevechea, hihodroen, hioem, hiharinen
- 5th. ChedariIe hiririeha, diliedrehia, cheredeaho himbarihia cheho, hadre himbaria, chedaria, hioem hiharinen

the ffirst Motion

1st. Hinen hinen hioen, hoen, hoen, hinen, himem, hinen, hoen, hioen, hioen, himen hoen hoen
 hinen hioen, hioen, himen hoen hoen hioem, hinen hinen hinen
 2d. Hinen hinen hioen hihoen hoen hinen himen haen hoen, hioen hioen himen hoen hoen hinen
 hioen hioen himen hoen hoen hioem, hinen three times,
 3d. Hoen hoen haem, chehin chehin, hoen haem, chehin hoen hioen hioen himen hoen hoen
 haem, chehin chehin chehin hoen hoen hioem, hinen three times
 4th. Haen haem, chehin hien hien chehin haem hien chehin haen haen hioem, hoen hoen haem
 hienhien chehin hoen hoen hioem, hinen three times
 5th. Chehin hien, dilien hien hien, haen dilien, chehin hien chehin chehin hoen hien hien chehin
 haem chehin hien chehin hien hioem hinen three times
 the 2d motin Called Toliv
 1st. Hindarid hindarid hiodarid hodarid hodarid, hindarid, himdarid hindarid hodarid hiodarid
 hiodarid himdarid hodarid hodarid hindarid hiodarid, hiodarid, himdarid hodarid hodarid
 hiodarem, hindarid three times [...]

and so on. The tune proceeds through the single taorluath variation to a single 'Crolive' or crunluath variation following the tone row established in the siubhal. There is no a mach. None of the other sources cited here treat the tune as a four line air in Colin Campbell's manner.

The tune appears in **Angus MacKay's** MS (i, 55-57,) without the Nether Lorn's fourth line. The siubhal is doubled, followed by a single taorluath and a single crunluath variation. The decorative repeat in bar eleven of the ground is not reflected in the variations. The score indicates that the ground should be repeated at the end of the taorluath and again at the end of the crunluath. There is no a mach.

Angus MacKay sets the tune as follows:

55

An t-Beapaidh Eucorach
*The unjust Incarceration. **

The musical score is written on ten staves. The first two staves contain the title in Gaelic and English. The subsequent staves contain the musical notation. The notation is in treble clef with a 3/4 time signature. It features a variety of note values, including minims, crotchets, and quavers, along with rests and accidentals. The handwriting is in cursive. The page number 55 is in the top right corner.

56

Dashing

War - 2nd

54

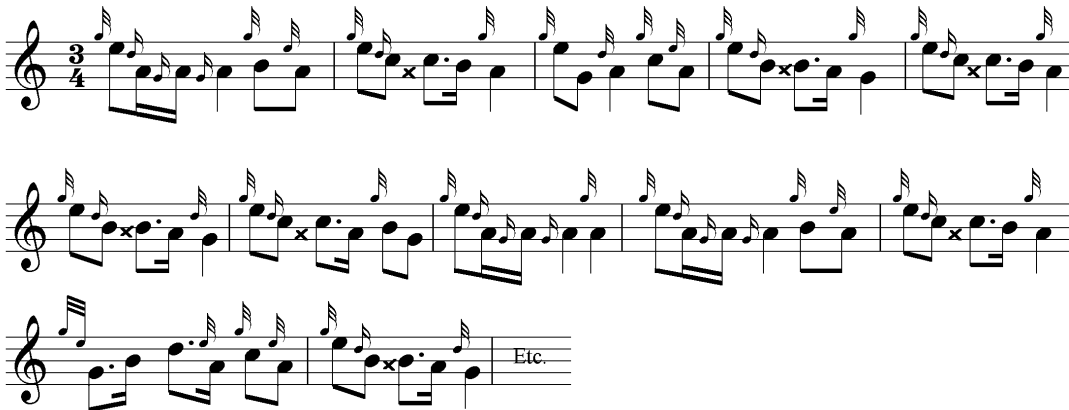
O rem - ly ath.

D. 6

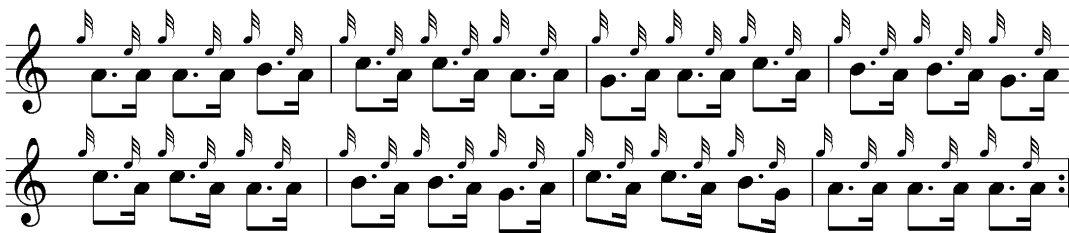
Thema.

The leading features of **MacKay's** score are as follows:

'The Unjust Incarceration, ground, line1, Angus MacKay's MS, (i, 55-7)



'The Unjust Incarceration', siubhal singling, line 1, Angus MacKay's MS, (i, 55-7)



'The Unjust Incarceration', siubhal doubling, line1, Angus MacKay's MS, (i, 55-7)



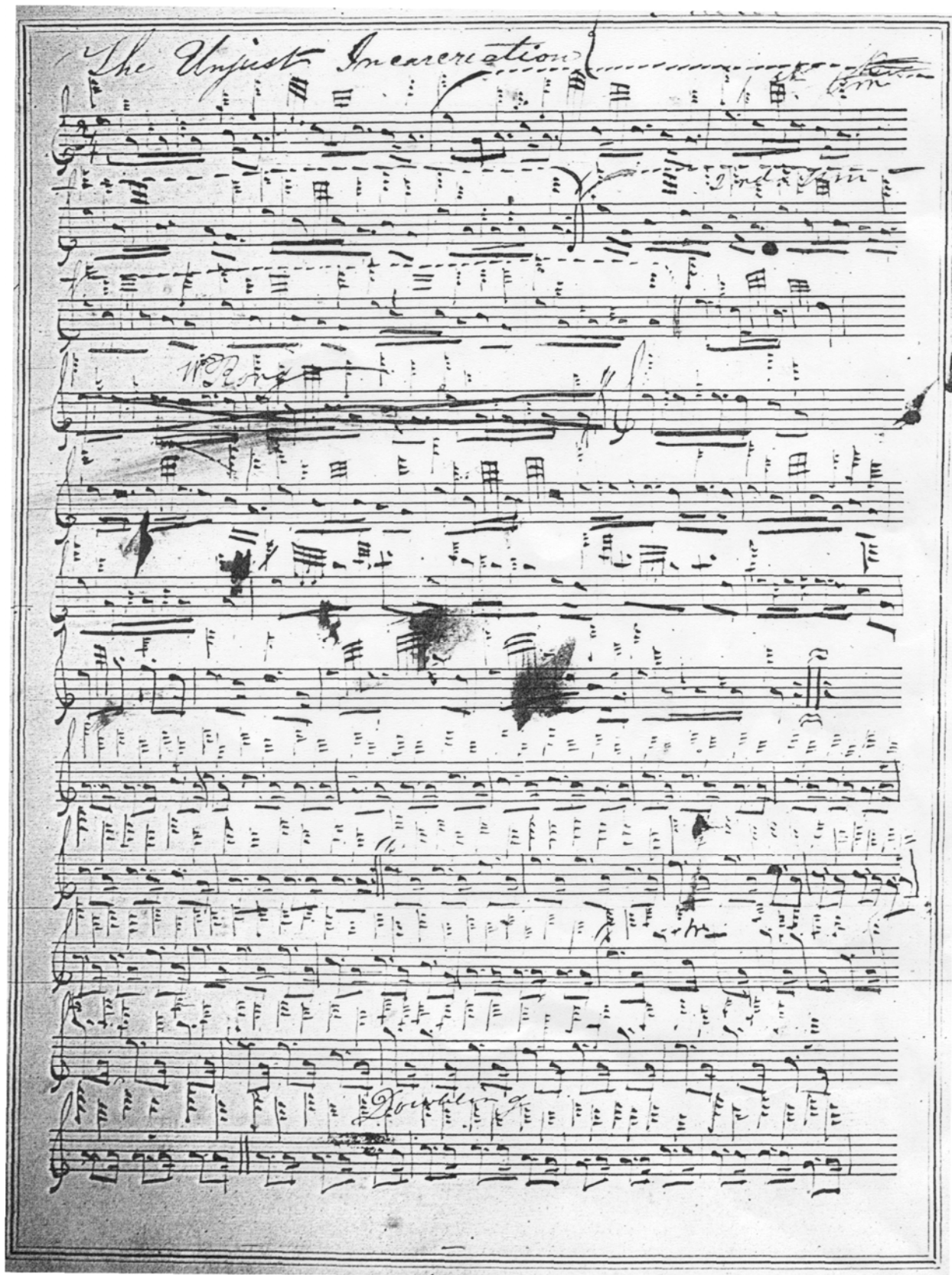
'The Unjust Incarceration', taorluath, line1, Angus MacKay's MS, (i, 55-7)

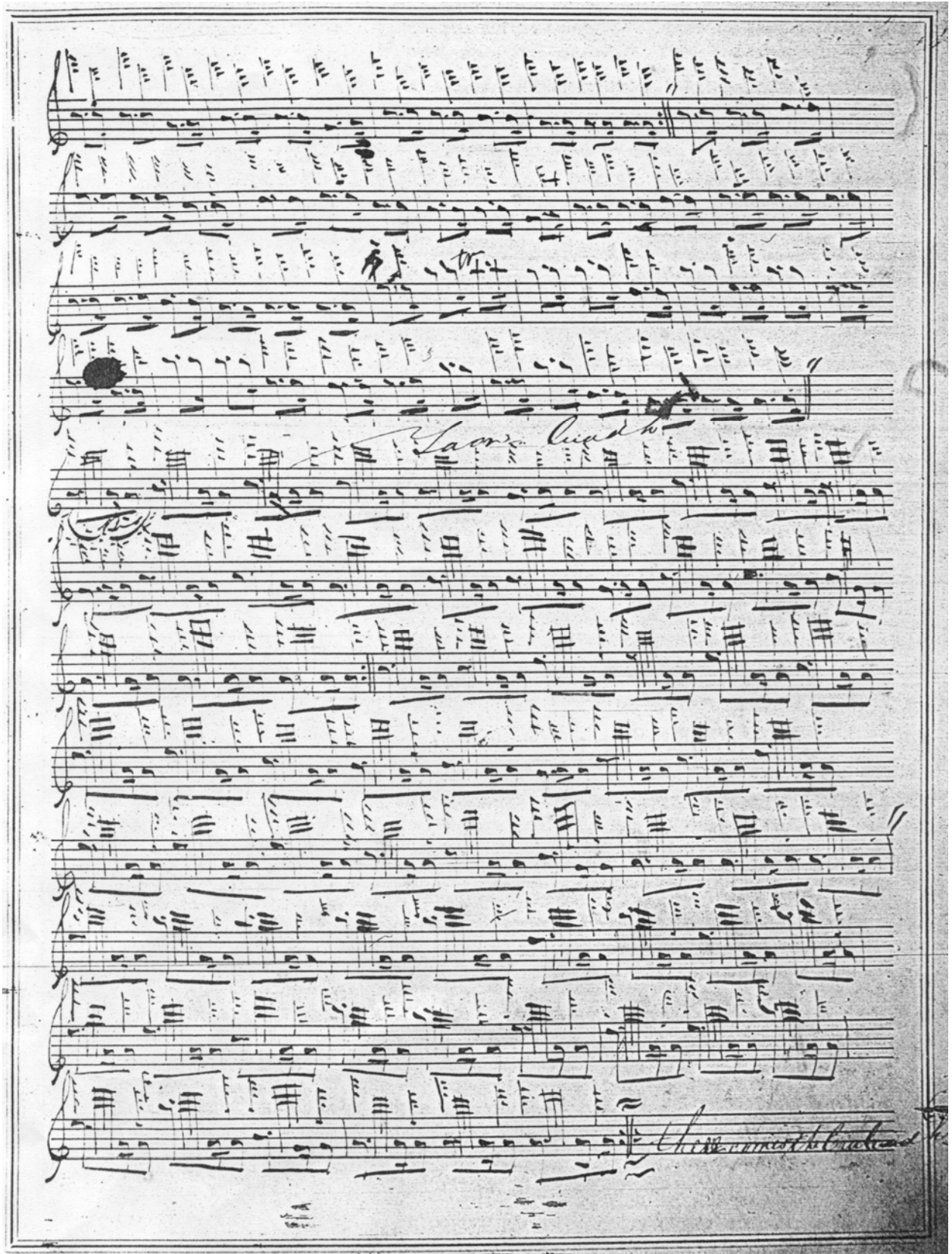


'The Unjust Incarceration', crunluath, line1, Angus MacKay's MS, (i, 55-7)



This basic pattern is reflected in the other settings. **Colin Cameron** develops the tune similarly to MacKay continuing to the end of the taorluath and adding "then comes the Crunluath". He sets the tune thus:





There are one or two features of his style worth noting, however, such as the little cut down at the end of bar 31, and the way E is approached from high A via a reflexive turn through high G in bar 25 of the ground:

Colin Cameron, ground, bars 29-31 (f.32)



Colin Cameron's 1st Bar of Last Strain (noted in David Glen's MS, f.159)



John MacDougall Gillies's score is very similar to that of Colin Cameron, and **General C. S. Thomason**'s setting is on comparable lines, coming down through Donald MacKay (Angus MacKay's nephew), who was taught the tune by Donald Cameron (*Ceol Mor*, pp.291-2). Neither score is reproduced here.

David Glen includes a crunluath a mach, and gives as an alternative title "The Piper's Lamentation in the Stocks." **Glen** sets the tune as follows:

THE UNJUST INCARCERATION, or The Piper's Lamentation in the Stocks.

AM PRÌOSANACHADH EUCORACH, CUMHA A' PHIDBAIRE ANNS NA CIP.

231

Ùrlar.

JOHN (DALL) MACKAY.

96.

The main musical notation consists of five staves of music in 3/4 time, key of D major. The first staff includes first and second endings. The music features a mix of eighth and sixteenth notes, with some triplets and grace notes. The piece concludes with a double bar line.

Var. 1st Siubhal.

The variation consists of five staves of music in 3/4 time, key of D major. It is a continuous melody featuring a series of eighth and sixteenth notes, creating a rhythmic and melodic pattern typical of a 'Siubhal' (a type of Scottish dance or song).

A second Version of this bar:

This section shows a comparison between written and played notation for a specific bar. It includes a 'Written' staff with a triplet of eighth notes and a 'Played' staff showing the same triplet with grace notes and a different rhythmic feel.

Doubling of Var. 1st



Var. 2nd Taor-luath.



Var. 3rd Crùn-luath.



The image displays a musical score for a bagpipe tune. It consists of 12 staves of music, each containing a complex, fast-paced melody. The notation includes various musical symbols such as eighth notes, sixteenth notes, and rests, along with specific bagpipe notation like grace notes and slurs. The score is written in a single system, with the music flowing from the top staff down to the bottom staff. The overall style is traditional Scottish bagpipe music.

Doubling of Var. 3rd Crùn-luath-a-mach.

Repeat Ùrlar.

William Stewart of Ensay provides a setting in the *Piobaireachd Society Collection* (first series), with an attribution to John Dall MacKay and a suggested translation of the title as "capture by treachery". Stewart gives his source as Captain Colin MacRae's MS (now known as Sir John MacRa of Ardintoul's MS), but his style is very similar to David Glen's. It makes an interesting comparison with the setting published in the Piobaireachd Society's second series.

Ground, from Piobaireachd Society's first series (iii, 6-7)



And so on. Thereafter the tune is developed as in Angus MacKay, with a siubhal singling and doubling, one taorluath and one crunluath variation. The ground is not directed to be repeated at the end of the taorluath. There is no a mach.

Commentary:

In his "Historic, Biographic, and Legendary Notes to the Tunes" attached to David Glen's *Ancient Piobaireachd*, Highland journalist and historian Henry Whyte ("Fionn") says

There is nothing to indicate what deed had occasioned this incarceration which had made such a deep impression on John Dall Mackay, but it is evident that it was deemed undeserved. It must have occurred long ago, as the unfortunate piper had his feet made fast in the stocks. John Dall, the poet and piper, lived to a great age. He was born in 1666, and died in 1754. He was buried with his father, *Ruairidh Dall*, in the clachan of his native parish Gairloch.

Romance associates this tune with the imprisonment of a certain Neil Mackay on the Bass Rock, which caused him to be afterwards known as Neil Bhass (Vass), and there

is a curious legend about his having been relieved in order that he might meet the challenge of an Italian wrestler who had defeated the best man in England. It is said that the King and his nobles attended the match.

The Italian laughed with contempt when he beheld the uncouth Neil Mackay, but it was his last laugh as Mackay broke his back at the first throw.

So much for romance, now for history. Neil Mackay escaped from the Bass Rock about 1436, and took his place at the head of his clansmen. (See "Book of Mackay," pages 64-5)

"The Unjust Incarceration" featured on one memorable occasion in 1923 when there was a play-off for the Clasp at Inverness between Willie Ross and a rising young star called Robert Reid. The *Oban Times* reported the event as follows:

Another season of Highland Gatherings has come and gone, and it is now possible to write something of the playing of the foremost exponents of the art of pipe music.

In Piobaireachd playing John MacDonald, of Inverness, has shown us that, on his day, he is still superior to any. Unfortunately, he has not been able to compete much this season, for his duties in another sphere leave him very little spare time. At Lochaber, where he was first, he gave us a glimpse of his old brilliancy.

Among the younger generation, Pipe-Major Robert Reid, of the 7th Highland Light Infantry, has enhanced his already great reputation, and his playing of Piobaireachd both at Oban and Inverness was delightful to listen to. Reid is a pupil of M'Dougall Gillies, of Glasgow, and this distinguished teacher must be gratified at the success of his pupil. At Oban, although the weather was all against good playing, Reid played his tune, "Lament for Donald Ban MacCrimmon," faultlessly, and brought out all the melody of that testing Piobaireachd. The attractiveness of Reid's playing is that he gives full value to each note, so that one is held by the rhythm of the tune. In addition to this, his fingering is very fine, this being specially noticeable in his Crunluadh and Crunluadhamach.

At Oban, Reid carried off the first prize, and at Inverness he and Pipe-Major W. Ross, late of the Scots Guards and now Pipe-Major of the Lovat Scouts, tied. For a tune they were both asked by the judges to play "Cille Chriosd," and in the afternoon, on the playing off of the tie, they both played the "Unjust Incarceration". Ross played the tune through without mistake.

Reid made a couple of slips in the first variation, which allowed Ross to win the clasp to the gold medal. But, apart from the mistakes, and perhaps a slightly hesitating start, Reid's playing was very fine indeed, his Crunluadh-Amach being brilliantly executed. ("Piping in 1923," *Oban Times*, 3/11/23, p.3).

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