



To Sam Baily

Esq

To The British Archaeological Association

With the Compliments of the Editors



HIBERNIÆ LEGES ET INSTITUTIONES
ANTIQUÆ:

OR,

ANCIENT LAWS AND INSTITUTES OF IRELAND.



ANCIENT LAWS

AND

INSTITUTES OF IRELAND.

ON the 19th day of February, 1852, the Rev. James Henthorne Todd, D.D., F.T.C.D., and the Rev. Charles Graves, D.D., F.T.C.D., now Bishop of Limerick, submitted to the Irish Government a proposal for the transcription, translation, and publication of the Ancient Laws and Institutes of Ireland.

On the 11th day of November, 1852, a Commission was issued to the late Right Honorable Francis Blackburne, then Lord Chancellor of Ireland; the late Right Honorable William, Earl of Rosse; the Right Honorable Edwin Richard Wyndham, Earl of Dunraven and Mount-Earl; the Right Honorable James, Lord Talbot de Malahide; the Right Honorable David Richard Pigot, Lord Chief Baron of Her Majesty's Court of Exchequer; the Right Honorable Joseph Napier, then Her Majesty's Attorney-General for Ireland; the Rev. Thomas Romney Robinson, D.D.; the late Rev. James Henthorne Todd, D.D.; the Rev. Charles Graves, D.D.; the late George Petrie, LL.D.; and Major Thomas Aiskew Larcom, now Major-General, Baronet, and Knight Commander of the Bath—appointing them Commissioners to direct, superintend, and carry into effect the transcription and translation of the Ancient Laws of Ireland, and the preparation of the same for publication; and the Commissioners were authorized to select such documents and writings containing the said Ancient Laws, as they should deem it necessary to transcribe and translate; and from time to time to employ fit and proper persons to transcribe and translate the same.

In pursuance of the authority thus intrusted to the Commissioners, they employed the late Dr. O'Donovan and the late Professor O'Curry in transcribing various Law-tracts in the Irish Language, in the Libraries of Trinity College, Dublin, of the Royal Irish Academy, of the British Museum, and in the Bodleian Library at Oxford.

The transcripts* made by Dr. O'Donovan extend to nine volumes, comprising 2,491 pages in all; and the transcripts* made by Professor O'Curry are contained in eight volumes, extending to 2,906 pages. Of these transcripts several copies have been taken by the anastatic process. After the transcription of such of the Law-tracts as the Commissioners deemed it necessary to publish, a preliminary translation of almost all the transcripts was made either by Dr. O'Donovan or Professor O'Curry, and some few portions were translated by them both. They did not, however, live to revise and complete their translations.

The preliminary translation executed by Dr. O'Donovan is contained in twelve volumes, and the preliminary translation executed by Professor O'Curry is contained in thirteen volumes.

The Commissioners employed the Rev. T. O'Mahony, Professor of Irish in the University of Dublin, who had with W. Neilson Hancock, LL.D., edited the two volumes of Brehon Laws already published, and A. G. Richey, Deputy Professor of Feudal and English Law in the University of Dublin, as Editors of this, the third volume of the Ancient Laws and Institutes of Ireland.

*The Palace, Limerick,
January, 1873.*

* These transcripts are referred to throughout this volume by the page only, with the initials O'D. and O.C. respectively.



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ANCIENT LAWS OF IRELAND.

senchus mor

(CONCLUSION),

BEING THE

corus bescna,

OR

CUSTOMARY LAW.

AND

THE BOOK OF AICILL.

PUBLISHED UNDER THE DIRECTION OF THE COMMISSIONERS FOR PUBLISHING THE ANCIENT
LAWS AND INSTITUTES OF IRELAND.

VOL. III.

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1873.

THE BOOK OF JEREMIAH

CHAPTER I

Jeremiah

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DUBLIN, 20th January, 1873.

MY LORD,

Having received instructions from the Commissioners for publishing the Ancient Laws and Institutes of Ireland, to edit the conclusion of the Senchus Mor, and the Book of Aicill, we have, in preparing the text and translation for the press, followed as nearly as possible the plan explained in the prefaces to the two preceding volumes, and have now the honour to submit to the Commissioners, the third volume of the Ancient Laws of Ireland.

We have prefixed a *fac-simile* specimen page of the MS. E. 3. 5, in the Library of Trinity College, from which nearly the whole Irish text of the Book of Aicill has been obtained. *Fac-simile* specimen pages of the MSS. H. 2. 15, and H. 3. 17, in the same Library, which have furnished the text of the Corus Bescna, will be found prefixed to Volume II. of the Ancient Laws of Ireland, published in 1869.

We are, my Lord,

Your Lordship's obedient servants,

THADDEUS O'MAHONY.

ALEXANDER GEORGE RICHEY.

The Right Rev.

The Lord Bishop of LIMERICK,

Secretary to the Commission for Publishing the
Ancient Laws and Institutes of Ireland.

GENERAL PREFACE.

ANY Archaic laws, such as the Brehon Law Tracts published in this volume, may be studied from two different points of view ; they may be regarded either as a repertory of archæological information, or be studied solely in relation to the development of legal ideas.

From the incidental references, which every collection of ancient laws must contain, to the organization and daily life of the people among whom it was compiled, many facts may be gathered of the highest authenticity, by the aid of which an insight may be obtained into the forms and customs of societies which have otherwise perished utterly. The value of the evidence as to any early society afforded by its traditions and literature depends upon its being unintentionally and incidentally given. The heroic poem and popular legend display not so much the actual society of the date of the author, as an ideal society ; the foundation is real, but the superstructure imaginary, and it is impossible to fix where the former terminates and the latter commences. On the other hand, a law is useless unless adapted to the actual condition of the society to which it is applicable ; as soon as it ceases to be suitable, it is either superseded by a new law, or by imperceptible alterations, or legal fictions, reduced into harmony with the more modern condition of things. A customary law reveals in most cases a state of society more Archaic than that in which it prevailed, for except in a purely stationary society, the social change precedes the legal reform. The reports of decided cases, and the fictitious cases invented by the teacher of law for the illustration of legal principles and the instruction of his pupils, exhibit cotemporary society as it actually exists ; the object of the reporter or professor is inconsistent with any exercise of imagination.

From the Law Tracts comprised in the present volume

much social and historical information may be derived. From the *Corus Bescna* much, hitherto unknown, may be learned as to the form and rights of the early Irish Church, and the relation of heads of families, or aggregates of joint owners, to the societies under their control. The *Book of Aicill* is peculiarly rich in information as to the ordinary life and condition of the people.

In that portion of the latter work, named by the compiler "*The Exemptions*," is contained a large number of real or supposed cases to which the general principles before treated of are applied; in the attempt to treat of all possible cases of legal wrongs, the then existing society is displayed in many and various aspects. An analysis of the contents of this volume, with the object of ascertaining the civilization and manner of life of an ancient Irish Celtic tribe, could not be accomplished within the narrow limits of a preface; such a task must be left to some of those who have made *Archaic* and *semi-civilized* societies the special object of their study. It is not attempted by the editors to enter upon so extensive a field of inquiry; they desire to treat the *Tracts* from the second of the two points of view above referred to, namely, to lay aside all social or historical inquiries, and to endeavour to extract from the generally obscure original text, and the equally obscure and often contradictory commentary annexed, the general principles of jurisprudence which run through the whole, and with much diffidence to offer to their readers the conclusions as to the origin and composition of the works themselves which they have formed as the result of many and careful perusals.

It is useful first to inquire what is the nature of the contents of the two *Tracts* comprised in the present volume, and other similar *Brehon Tracts*; should they be correctly described as laws, or a code, or a digest? Upon what principle, and with what object have they been compiled? whether at one time, and by one person, or from time to time, and by many different persons? How far, if at all, is it possible to fix the date of their composition? It is a necessary preliminary to any inquiries of the above character,

out one which is upon such occasions generally disregarded, to ascertain both what the work in question professes and what it does not profess to be. None of the Brehon Tracts are described as the laws of any particular individual, or of any body of individuals, possessed of legislative powers; their names are derived from the more important subjects treated of, or from some locality connected with the composition of the work. The *Corus Bescna* lays no more claim to intrinsic authority than the work of Chitty on Contracts; the Book of Aicill acknowledges itself to be merely the collection of the dicta of two persons learned in the law. As in the body of the work, so in its title, the essential idea of law is absent; there is no command given, by one possessing authority, to do or forbear from doing any act; no sanction is declared against those who violate its maxims. It professes only to be a collection of laws existing antecedent to its compilation, a "*Recueil des coutumes*," a reduction into writing of the customs in accordance with which disputes were then arranged; nor are the Tracts merely compilations of pre-existing customs, they are compilations made without authority, and without the name of any specific lawyer being annexed to them.

This peculiarity can scarcely be appreciated without a comparison of them with the title and commencement of other customary codes.

The Welsh laws of Howel Dda commence: "Howel the good, seeing the Cymry perverting their laws, summoned to him six men from each cymwd in his principality. And with mutual counsel and deliberation the wise men examined the ancient laws; some of which they suffered to continue unaltered, some they amended, others they entirely abrogated; and some new laws they enacted," &c.

So also the secular laws of Alfred commence: "I then, Alfred, King, gathered these together and commanded many of these to be written, which our forefathers held, those which seemed to me good," &c.

As a compilation of existing laws, made by some person or persons who claimed no legislative authority, the Brehon

Tracts cannot rank as Codes, but must be considered merely as Digests, not digests in the use of the term in the civil law, but as in the vulgar English use, indicating merely that in the book in question were written out the accepted decisions upon certain subjects arranged in a sequence alphabetical or otherwise.

The form of the Brehon Tracts, and still more that in which they are necessarily printed, have a tendency to give an incorrect idea as to the mode of their composition. They consist, mostly, of an original text in distinct paragraphs, followed by a glossary and commentary, and present an illusive resemblance to the ordinary English law books, in which the sections of Acts of Parliament are printed with appended explanations and references to decided cases. It is evident that the portions printed in larger type are the subjects of the subsequent commentaries, and that to a great extent they are anterior to the disquisitions appended to them; but it is of importance to consider how far what may be called the original text constitutes in itself a complete work.

The very curious introduction with which the Book of Aicill commences, shows that its author contemplated a continuous compilation of the decisions of the two lawyers referred to therein, and therefore the same subject is frequently carried on uninterrupted through consecutive paragraphs of the text. On the other hand, many of the detached portions of the text not only contain no legal propositions, but consist merely of two or more words not forming even a complete sentence, but serving rather as a key or heading to the subsequent commentary, and having no meaning without reference thereto. This in many cases may be accounted for upon the supposition that the words in question are merely the first words of a traditionary rule, which was perfectly familiar to the compilers as soon as suggested. That such is the case in many instances is proved by the fact, that whilst in some manuscripts the initial words alone appear, in others the rule of which they are the commencement is given in extenso.

In many cases this explanation is not admissible, where the commentary itself contains the rules which should have been contained in the text to which it is appended. This is the case in much of that portion of the Book of Aicill which may be described as "The Exemptions." In that portion of the work are considered the circumstances which are to be taken into account in mitigation of the damages payable upon the occasion of an injury or wrong being inflicted. The principles regulating the measure of damages are here exhaustively treated. No abstract rules are laid down, but a series of possible cases is discussed, the different circumstances to be considered are detailed, and the extent is defined to which they should influence the ultimate result. In very few instances does the original text contain more than a statement of the particular injury to be treated of in the commentary; in many of the cases involving substantial questions of probable occurrence, the original text, curt and enigmatic in its expressions, may have been considered of less importance than the elaborate commentary annexed; but in other cases the injury alluded to in the text is of so very trivial, if not improbable a character, that it is incredible that it should have entered into the contemplation of a lawyer dealing with established customs or actual cases. Questions as to injuries caused by animals casting up clods, by a cat stealing food in the kitchen, or by a cat when mousing, cannot be considered subjects for serious discussion, or in relation to which customs should have grown up; they are either mere legal *tours de force*, or questions for mooted among pupils to practise them in the application of general principles.

In a text which professed only to be a collection of separate customs or dicta, loosely connected by reference to an artificial subdivision of the customary law, there was nothing to prevent the introduction of new headings, or further dicta relating more or less to the matter in hand.

As to the commentaries annexed, it is obvious that they are not the work of any one person or of any one time; frequent repetitions with variations occur; statements and

rules inconsistent and contradictory are mingled in one commentary; rules evidently laid down on the authority of known leading cases are followed by a paragraph to show that the precedent referred to should be distinguished. Much of the commentary is confessedly speculative, and does not represent any existing customary law; on its face it bears the appearance of a work which has grown up under the hands of successive generations of lawyers./

A false appearance of editorship is given by the fact that the glossary is appended to the successive portions of the text. It must be recollected that in the original the glosses, as in all mediæval manuscripts, are written into and between the lines of the text, and were introduced by the student who encountered a difficult passage or obsolete word, and had discovered or conjectured its meaning; a process similar to that which goes on at the present day in the Latin or Greek books of schoolboys.

In the case of an epic poem or an historical work it is difficult, without realizing the manner in which literary works were treated by transcribers and compilers in early ages of civilization, to understand how books which profess unity of authorship, and exhibit a unity of design, have been interpolated and altered, and even compounded of different works. In treatises such as those of the Brehon Law, the opposite difficulty arises; their subject, their contents, and their style are alike opposed to any unity of authorship; they are books which were never written, as modern books have been, but have grown into their present form and size through the constant introduction of distinct passages strung on to the original text by successive generations of lawyers.

The form of society in which the Brehon Tracts were composed is exactly that which would produce such a result.

The office of Brehon, by custom hereditary in special families, necessarily caused the customary law in Ireland to be treated in a manner different from that adopted where there was no separate legal profession. Although the brehonship was hereditary in certain families, the

Brehon had no exclusive jurisdiction in any specific district, nor any fixed salary for his services; his position was that of a professional lawyer, consulted by his clients and paid for his opinion. Brehons, who attained great fame as arbitrators, acquired wealth in the exercise of their profession. There were law schools at which the younger Brehons were instructed in their business and educated to act as judges, or rather as jurisconsults, exactly as in the present day young men are brought up for the bar. The natural course of education in any such law school would, in the absence of printed and the scarcity of written books, be primarily the commission to memory of short and pregnant paragraphs embodying the customs of the locality; the test of professional skill would be the application of the custom to imaginary cases. In an hereditary caste of lawyers and more even, in a law school, famous precedents and leading cases would be handed down exactly as in our English reports.

In the present cheapness and abundance of law books we fail to understand how such a system could be carried on, but it was not very different from the mode of instruction which prevailed in the Inns of Court prior to the introduction of printing. If the available library and writing materials of one of the Inns of Court had been confined to one or two volumes, and new legislation had been impossible, the result must have been works very like the Brehon Law Tracts. The contents of the bulky vellum books which have come down from the early Irish monasteries show how a book was used at once for reading, and writing into; every stray manuscript which was available was copied in, as were also all information acquired and facts deemed worthy of record.* We may imagine a school which possessed few, perhaps but one bulky folio volume, into which were

* It is this habit of copying in all available documents which gives so high a value to the monastic historians. Their estimate of the comparative value of facts was very different from ours, but they copied *literatim* every bull, proclamation, or Act of Parliament which fell in their way, instead of drawing on their imagination for their facts, and quoting in foot notes authorities which they had never read.

written by the teacher, when writing had become habitual, the Archaic traditional customs that previously had been orally transmitted, the explanations ordinarily given to the law classes, the points mooted by the teacher to test the progress of his pupils, the principles embodied in new leading cases, and the glosses on technical terms as they grew obsolete. All such additions would be introduced indiscriminately into every available portion of the page, of which practice a familiar instance is furnished by the Book of Deir, wherein modern history is written into and through the Gospel of St. Matthew.

If a book so treated be recopied from time to time, the ever accumulating mass of commentary, notes, and glosses, will on each occasion be reduced into the form of consecutive commentary upon the text to which they refer, and each new recension will in its turn be subjected to the same process, which will thus continue as long as the law school in which it had been initiated exists. Ignorant of the great world beyond the sea, and full of the *esprit de corps* of a local yet ancient school, the Brehon must have venerated such a book as more than the work of any author however celebrated. It represented to him the accumulated wisdom of successive generations; the sources of the law lay beyond the horizon of tradition; the master who had taught him, or he himself, had given to it the last touches of subtle elaboration.

If it be once admitted that the Brehon Tracts grew into their present form as here suggested, it is evident that to the works as a whole no particular date can be assigned. In the construction of such a work, two dates only can be fixed, the date of the first reduction into writing of the customs or dicta which formed the original text, and the date of the manuscripts which have come down to us. But even if the former of these dates were satisfactorily ascertained, little progress would be thereby made towards fixing the date of the customs so reduced to writing in the original text. /

The phrase "the antiquity of a law" is ambiguous; it may mean, in the case of written laws properly so called, the date

at which any specific command followed by a specific sanction was embodied in a particular enactment. It may also mean the date at which any such specific command followed by a sanction, was given for the first time by the legislative power of the community. The law, in accordance with which murder is now punished with death, was enacted on the 1st of August, 1861, but the law (or rather a law) that murder should be so punished has existed for centuries in England. Many of the Acts of Parliament now existing are merely re-enactments, compilations, or adoptions of laws, which have been in existence for generations.

Every law properly so called must have been introduced at some ascertainable date, although such date may be anterior to the enactment of the law in its present form. The supreme legislative authority in every such case must at some period have laid upon the people *a new obligation before unknown*, to do or forbear some specific act, and annexed to the violation of such command a distinct sanction. The date of such an enactment may be ascertained; but, in speaking of the antiquity of customary law, there is no possibility of ascertaining the date of its introduction. It may be proved that a custom existed as a fact at a specific period, but it is impossible to assert that it was introduced at any specific date. The essence of a customary law is that it has no recognisable commencement; it is obeyed because it is recognised as a necessary condition of the existence of the society. When such a law is reduced to writing and published, there is no command to do or forbear, but a mere declaration that the members of the society, whose customs are so collected, have done or forborne to do such and such things so far as the memory of the oldest and wisest goes back. As to the mode in which customary laws grew up, and why in the case of various tribes of the one stock, their laws varied from each other, there never has been, and we never can obtain, primary evidence. Many of the customs which generally existed and now exist among tribal communities of the Aryan stock, may have existed among their remote ancestors prior to the dispersion of the nations.

The comparison of early customs with each other may prove that certain of them, common to many dispersed tribes, are of an antiquity which we have no means of estimating, but the customs which, on one such comparison, seem abnormal, may on further research be found to exist in other tribes still more remotely severed. Hence to confine our attention to any one collection of customs, and to speculate as to the antiquity of all or any of the rules contained therein, is waste of labour and can lead to no results.

A law or custom may be spoken of as ancient or modern without any reference to the date at which it was in force.

In all nations of the Aryan stock, the social forms of the primitive tribes are very similar; the original social unit is the family existing as joint owners of their property under the absolute government of the paterfamilias; the tribe is formed by an aggregate of families; the nation is an aggregate of tribes, often a union of smaller nationalities. During the whole process, from the date at which the isolated families coalesced into a tribe, down to the formation of nations embracing within their limits men of many tongues and traditions, the forms of social life have been constantly altering, and the law which, whether customary or enacted, is the mere reflection of the habits and wants of the people, has changed coterminously.

In all European nations the social changes have been uniformly in the same direction. Some nations may have proceeded further, others may have moved more slowly than their sister communities; some have been cut off in their very origin, some perished from unhealthily rapid growth; but all have started from the same point, and more or less clearly tended to the same result. The laws of all such nations though infinite in accidental variations follow the regular development of certain general principles of government and property.

A system of law therefore may be spoken of as either ancient or modern in so far as its general principles exhibit a more or less archaic, or a more or less modern form of society. Societies in very dissimilar stages of develop-

ment may dwell side by side; therefore systems of law of most varying development may exist coteremporaneously; in a few days we may travel from Vienna to the districts of the frontier regiments, Croatia or Servia; at Vienna the civil law is altogether modern, at Agram we are amidst archaic house communities.*

As two systems of law, representing very different points in the course of legal development, may be coteremporary, so laws exhibiting the same stage of legal development may be of dates very much removed from each other. An archaic system of law may in point of time be posterior to a very modern system. The early English law, as contained in

* The original family system common to all the Slavonic nations has been preserved on the Austrian frontier, by having been adopted as the basis of a military organization.

This system, at once remarkable for its archaic character, and present legal existence, illustrates in many points the nature of the Irish Celtic family.

The subjoined description, an extract from the observations of a recent tourist, affords by anticipation to a general reader the information which may enable him to combine many passages in this volume which would otherwise seem disconnected and unintelligible:—

“The system of house-communions was, according to Slav writers, common to all Slavonic tribes, but in modern times it has only survived amongst the South Slavs or Croato-Serbs. For instance, it has long ago disappeared from among their nearest relations—the Slovenians or Wends of Carniola.

“The system of house-communion, stated succinctly, is as follows: The land in the countries and among the class in which it prevailed did not belong to individuals, but was held as a sort of trust in perpetual entail for the benefit of house-communions. A house-communion consisted of a number of individuals united by an actual, or occasionally a fictitious, tie of consanguinity. All the children of members of the house-communion were *ipso facto* co-partners in the property of what we may call the family corporation. As a woman on marrying became at once a member of the house-communion to which her husband belonged, membership in a house-communion descended only through the male line. There were several instances in which men entered the communion to which their wives belonged. This, however, they did, not in virtue of their marriage, but in consequence of their adoption by the communion, which might—in fact often did—happen without any such affinity. Unmarried women belonged, of course, to the house-communions of their fathers, and widows to those of their late husbands. Should a widow having children marry again, the children of her former husband remained in the house-communion in which they were born, while she herself passed into that of her second husband. An adopted member took the surname of the house-communion into which he was received.

“At the head of each house-communion stood the house-father, who alone repre-

the so called Anglo-Saxon codes, is ancient; the law administered in Britain by the Roman magistrate centuries before was comparatively modern, in many respects more modern than the law under which we live.

In marshalling the precedence of the phenomena either of the physical or the social world, priority in development is more important than priority in time. If it be once seen that priority in time is no true test of antiquity, we can realize how the marsupial animals of our own time are in reality more ancient than the extinct *felis speluncea* or the mammoth, and that the sturgeon of the Caspian, which supplies us with *caviare*, is more archaic than most of the extinct animals of the later strata.

sented it in its dealings with the outer world; for instance, with the government. Whatever may have been the case in former times, the house-father now resembles a constitutional monarch rather than an autocrat, and it is an understood thing that he governs the community, but first consults with all the older and, therefore, more influential members of it. Indeed, for all the more important transactions, such as the sale or mortgage of any portion of the property of the community, the purchase of land, in short, whatever actually affects, or may affect, its pecuniary position, the consent of a majority of the male and female members above the age of eighteen is required. It is generally understood that the house-father is to be the oldest man in the community, who is capable of performing all the duties of the office. Consequently, when a house-father feels that he is getting too old he resigns his position. At present the law directs that the house-father is to be elected by the members of the house-communion and approved by the military authorities. Should, however, the family not be able to agree in the election of the house-father, he is chosen by the committee of the commune or township (*Gemeinde-Ausschuss*). The house-father may be called to account for his administration of the common property, and in case of want of confidence another member of the community may be entrusted with extra keys of the chest and store-room, &c. A house-father may be only eighteen years old, but whatever may be his age he is always exempt from military service.

"Just as a house-communion could acquire land by purchase, so it could also sell portions of its own estate. At the same time it was not allowed to do what it liked with its own in the Military Frontier. All cases of transfer had to be submitted to the military authorities. The military regulations recognised two categories of landed property on the part of a house-communion—firstly, what we may call the hereditary entailed estate belonging to the family, considered by the authorities sufficient to enable it to discharge efficiently its military obligations, and, secondly, what the family had acquired over and above the hereditary estate. The first was, as a rule, inalienable, and only in especial cases could it be burdened to the extent of one-third of its value."—*Fortnightly Review*, No. LXIV., N.S., pp. 372, 373.

The principles generally found in archaic laws faithfully represent the condition of tribes formed by the aggregation of independent families; there is an absence of any legislative and judicial authority, and the idea of the state, is not only unknown but repugnant to their habits of thought. Their laws therefore are merely customary, and their judicial proceedings founded upon a consensual jurisdiction; the conception of crimes has not been formed, and all acts of wrong and violence, however aggravated, are treated as torts or delicts. Property is held in joint ownership either by the family or the tribe, and private ownership is the exception rather than the rule; the power of dealing with property is therefore very limited and testamentary disposition unknown. The paterfamilias, who in respect to property is merely the manager of the joint estate, rules supreme within the limits of the separate lot of his family. Kinship, real or fictitious, not contract, is the bond by which men are bound together, and status is the foundation of their rights among themselves.

In a modern society the opposite principles prevail; the idea of the state has been developed; this abstraction represents the entire body of the nation, which is now equivalent to the inhabitants of a certain district, and the law deals with each individual separately. There is a legislative authority, somewhere placed, which can by its command create laws and annex sanctions to enforce them; there is a power vested by the state in some person or persons to maintain the peace and protect individuals from wrong or violence; an authority exists possessing original jurisdiction and empowered to decide in disputes between individuals within certain local limits; the family union is dissolved, and the state deals with individuals, not with family communities. Individual property is the rule, and joint ownership the exception. The owner of any property has full power to dispose of it *inter vivos* or by will. Associations of individuals for a common purpose, and their rights among themselves, are founded on mutual agreement. There is an ever increasing tendency to make contract, express

or implied, the foundation of all legal rights and the test by which disputes are adjusted. The first step in such a progress is the fusion, more or less complete, of several tribes into one body, and, as a necessary consequence, the establishment of a central authority. This may be effected either by confederation or conquest.

The essential point is that the tribes formerly independent should consciously form one body politic. Absolute power may be exercised by a single sovereign over many isolated tribe communities without producing any change in their social condition, as is the case in India. The existence of a central authority implies the right to command and the power to punish, whence arises the idea of law. The central authority takes upon itself to maintain the peace and prevent private war, and therefore treats acts of violence and wrong as offences against itself; hence arises the idea of a crime as distinguished from a tort. It necessarily assumes the right to determine disputes throughout the district over which its power extends, hence the idea of original as distinguished from consensual jurisdiction. The more completely the central authority assumes judicial functions and promises the redress of wrong, the more must every artificial aggregate, whether the tribe or the family, break up, and the idea of individuality be developed. This progress is accelerated if the tribes forced into a union vary in their customs and traditions, if there be an extensive intercourse with foreigners, and if circumstances be such that individual energy is rewarded by wealth and influence. The change in the law of property, and the introduction of the principle of contract, are the result of the ideas of individuality and personal rights, as distinguished from the family bond and joint ownership.

The more or less archaic nature of a code or collection of laws may be tested if it be examined with reference to the following points :—

- (1.) In what proportion does it contain laws properly so called ?

- (2.) Does it disclose the existence of any central or supreme authority possessing legislative and judicial powers?
- (3.) Are the judicial decisions founded upon an original or a consensual jurisdiction?
- (4.) Has the idea of a crime been developed; and if so, what acts are treated as crimes in contradistinction from the acts regarded merely as torts?
- (5.) What are the powers of the paterfamilias, and what are the rights of the members of a family among themselves?
- (6.) What is the relative proportion between properties held in joint, and in several ownership?
- (7.) What are the powers of disposing of property *inter vivos*, or by will?
- (8.) How far are the rights and duties of individuals treated as flowing from contract rather than status; and how far is the doctrine of contract assumed as the test to decide questions respecting such rights and duties?

The social progress of a nation and the alterations of its law are not necessarily uniform and regular. Under the force of circumstances the changes in society may be introduced at different times and in a varying sequence. Political events, the nature of the country, and the national character accelerate some and delay other innovations. Thus amid legislation of an advanced character may be found fragments of archaic custom to which the nation clings with peculiar tenacity, such as the power of the paterfamilias in the Roman, and the relation of landlord and tenant in our own laws.

In the early English laws and constitution there existed a national sovereignty and original criminal jurisdiction, but the ideas of legislative power and crime were very slowly developed; on the contrary, in the early Roman law the idea of legislative power was so fully grasped, and that of judicial power so little understood, that the criminal juris-

diction arose in the form of a legislative enactment applicable to individual cases.

Satisfactorily to test the archaic character of the Brehon Laws with reference to the points above suggested is at present difficult, if not impossible; so small a portion of these Law Tracts has been published in an accessible form, and so narrow is the range of legal questions discussed in them. There remain as yet unpublished various Tracts especially adapted to give information as to distinct branches of law, which form the subject only of incidental reference in the *Senchus Mor* or *Book of Aicill*. Hence any opinion as to the existence or absence of any legal principle in these laws must be adopted with the utmost diffidence, and in the confident hope that, if erroneous, the materials necessary for arriving at a correct conclusion may as soon as possible be rendered available.

The inquiry as to the antiquity of the Brehon laws is further rendered more difficult by the form and spirit of the works themselves. The Irish Brehon never attempted to look at the law as a whole, or as it were to regard it from without. Having no legislative power, he was under no moral obligation to improve the law; and having practically no knowledge of other systems he was not struck by, or rather could not discern, its imperfections. He had no access to the source from which all great legislative reforms have been derived, the observation of the conflicts and contradictions of different codes. The idea of the *jus gentium* could not spring up in an isolated community. This treatment of the Brehon Law was that adopted by English judges and lawyers in reference to the law of real property, aggravated by the fact that there were no urgent calls for reform in the stationary community in which the Brehon lived.

It is the experience of any who have taught a law class of professional students that the great difficulty to overcome is the desire of the students themselves to acquire practical information of immediate value, rather than to learn the general principles from which the rules of daily use are derived; and therefore if a professor of law has to live by

the fees of his pupils, he is under the constant temptation to sacrifice the higher to the lower instruction, and to train up his hearers as sharp practitioners rather than accomplished jurists.

All the above causes combined to produce the result that in the immense mass of Brehon law, constructed by generations of professional lawyers, there is no inquiry into, or exposition of, the general principles of the law, but only a mass of particular rules and the discussion of cut questions.

The nature of the Brehon Law Books and the condition of the Irish law can be realized by an English lawyer if he imagine his library to consist exclusively of books such as Chitty's Equity Index constructed without the assistance of an alphabetic system. It may be added that inasmuch as the Brehon lawyer never attempted to develop general principles, he never formed a very clear perception of the major premise in his argument; the consequence of which is that the modern reader while perusing a Brehon Law Tract finds himself as it were enveloped in a haze, unable to obtain any general view of the system or to grasp at the general principles which are assumed in the discussion.

At only four periods in early Irish history was there an opportunity for the establishment of legislative authority or the enactment of laws, viz., in the reign of Cormac MacAirt, A.D. 227 to A.D. 266; at the introduction of Christianity; in the reign of Cormac Mac Cuileannan, A.D. 896 to A.D. 903; and in that of Brian Boroimhe, A.D. 1002 to A.D. 1013. There is no reason to believe that any of the kings here mentioned exercised any legislative or judicial authority. To the date of the introduction of Christianity is referred the composition of the *Senchus Mor*, although a considerable portion of its contents, (viz., the rules of ecclesiastical succession in the *Corus Bescna*.) is manifestly later.

The mode of the composition of the *Senchus Mor*, as detailed in the first published volume of the *Ancient Laws and Institutes of Ireland*, shows that all, which was really attributed to St. Patrick, was a compilation of pre-existing laws.

"Dubhthach was ordered to exhibit the judgments and all the poetry of Erin, and every law which prevailed among the men of Erin, through the law of nature, and the law of the seers, and in the judgments of the island of Erin and in the poets."*

"It was only necessary for them to exhibit from memory what their predecessors had sung, and it was corrected in the presence of Patrick, according to the written law which Patrick brought with him, &c. And they arranged and added to it."†

That the early Christian missionaries attempted to alter the pre-existing law in respect of homicide and failed to do so, may be fairly conjectured from the judgment of Dubhthach in the commencement of the *Senchus Mór*. The facts of the case are worthy of attention. Patrick's charioteer Odhran was slain by Nuada Derg, the son of Niall; the Saint was indignant and miracles and portents ensue. "And the Lord ordered him to lower his hands to obtain judgment for his servant who had been killed, and *told him that he would get his choice of the Brehons in Erin; and he consented to this as God had ordered him.*" Dubhthach Mac ua Lugair, "a vessel full of the grace of the Holy Spirit," and who had been baptized by Patrick, acts as Brehon. The words he addresses to the Saint are very remarkable: "It is irksome to me to be in this cause between God and man; for if I say that this deed is not to be atoned for by eric-fine, it shall be evil for thy honour, and thou wilt not deem it good; and if I say that eric-fine is to be paid and that it is to be avenged, it will not be good in the sight of God; for what thou hast brought with thee into Erin is the judgment of the Gospel, and what it contains is perfect forgiveness of every evil by each neighbour to the other. What was in Erin before thee, was the judgment of the law, i.e., retaliation: a foot for a foot, and an eye for an eye, and life for life."‡

Patrick insisted that a decision should be given, and blessed the Brehon, who thereupon, inspired by the Holy

* *Senchus Mór*, vol. i., pp. 16-18.

† *Ibid*, p. 25.

‡ *Ibid*, pp. 7-9.

Spirit, delivered as his judgment the poem commencing: "It is the strengthening of Paganism," &c.*

What is laid down in this poem is the principle that death should follow homicide as its punishment, according to the doctrines of the Christian religion.

"The truth of the Lord,
The testimony of the New Law,
Warrant that Nuada shall die; I decree it.
Divine knowledge, it is known, decides
(To which veneration is due)
That each man for his crime
Shall depart unto death.

* * * *

Let every one die who kills a human being;
Even the king who seeks a wreath with his hosts,
Who inflicts red wounds intentionally,
Of which any person dies:
Every powerless insignificant person,
Or noblest of the learned;
Yea, every living person who inflicts death,
Whose misdeeds are judged, shall suffer death.

* * * *

Nuada is adjudged to Heaven,
And it is not to death he is adjudged.

According to the commentary, Nuada was put to death, and Patrick obtained Heaven for him.

The address of Dubhthach to the Saint speaks of the doctrine of retaliation as having existed in Erin before Patrick, although Patrick had lately arrived; and inasmuch as the revision of the law had not commenced, it would follow that the doctrine of retaliation was still the existing law; but at the commencement of his address the Brehon says that it would be evil for Patrick's honour unless the deed was atoned for by an eric-fine, and having pressed on the Saint the duty of forgiveness as the law of the Gospel, he, under the inspiration of the Spirit, condemns the criminal to death.

That the execution was condemned by public opinion, and excused by native tradition on exceptional grounds, is shown by the commentary. "But there is forgiveness in that sentence, and there is *also* retaliation. At this day we keep between forgiveness and retaliation, for as at present no one

* *Senchus Mór*, vol. i., pp. 9-11.

has the power of bestowing Heaven, as Patrick had that day, so no one is put to death for his intentional crimes as long as eric-fine is obtained.”*

It may be concluded that by the early Christian party an attempt (of course attributed to St. Patrick) was made to inflict capital punishment upon the homicide, and that this innovation was rejected by the nation, and subsequently excused by the Christians on the ground that the criminal passed by the intervention of the Saint directly to Heaven. The Brehons were aware that the eric-fine was invented to put an end to retaliations, and, it being remembered that the introduction of Christianity was connected with some new principle as to homicide, they attributed to the softening influence of the Gospel the custom against which the converted Brehon, under the influence of the Holy Spirit, had protested. The eric-fine must have appeared as anomalous an institution to a Roman of the fifth century as it did to an Englishman of the sixteenth, and the establishment of a criminal tribunal of original jurisdiction would be one of the first steps taken towards the introduction of a higher civilization. The failure to introduce so primary a reform illustrates the difficulties encountered by the early Christian missionaries in their effort to introduce into Ireland Christianity and Roman civilization conjointly, and explains why they Celticised their church organization instead of reforming society by the introduction of Roman law.

The progress of society depends not so much on the establishment of a code of law by the single act of a great man as on the existence of permanent legislative and judicial authorities, by which the laws necessary to meet the new conditions of society are from time to time enacted and enforced. The total absence of such institutions is the most remarkable point in the Brehon law.

* *Senchus Mór*, vol. i., p. 15. It may be conjectured that St. Patrick baptized Nuada; as in a very similar case the chaplain of Pizarro, Fra Valverde, having confirmed the sentence and signed the death warrant, baptized the Peruvian Inca, Atahualpa, immediately before his execution.

In the *Corus Bescna* there is a statement of the reciprocal duties of the chief and the tribe, but the only reference to any authority exercised by the chief is the proclamations by him of the *Cairde-Law*. The different grades of chiefs do not appear to have any hierarchic connexion among themselves; their relation is rather with their tenants than with the tribesmen; the 'daer'-stock and 'fuidhir'-tenants were of little more account than the feudal villains, and it is as between these and their chief rather than between the chief and the freemen of a tribe that the rules of that tract are laid down.

The *Corus Flatha-Law*, we are informed, embraced the relation of the chief to those who had chosen to hold under him by 'daer'-stock tenure; in which number would be included the 'fuidhir'-tenants, whose position, while they continued tenants, was the same as that of the 'daer'-stock tenants; it dealt with the banquets given by the tenant to the lord; the manual labour they were bound to furnish; the proclamations of *Cain-Law*, *Cairde-Law*, and hostings, to be made by the chief to his tenants; the aid the latter gave to redeem the pledges of their lord; "regulations and good morals."

That the idea of a popular assembly was not unknown appears from the *Corus Bescna* speaking of the forces of a territory being assembled to make goodly *Cairde-Law* for the territory, and apparently also *Cain-Law*, and to answer the claims of "those outside." There is however no reference to anything done or ordained by such assembly. The position of the chiefs towards the people may have changed in the interval of time between the text and the commentary.

In the *Corus Bescna* the chiefs are thus spoken of, "they remove foul weather by their good customs of 'cain' law and right, of good 'bescna' and 'cairde'-law." This passage expresses the very archaic idea that the moral order of the tribe and the observance of ancient customs, under the presidency of the chiefs, were followed by calm weather and fruitful seasons.* The commentator, mistaking the idea of the original, glosses the passage thus—"They put down or remove their over charges. It was fair weather for the people when the chiefs

* *Ide* Transactions of the Gaelic Society: Dublin, 1809.

did not overburden them with illegal charges." What the legal position of an Irish chief to the tribe was; what powers he exercised, and over whom; are questions to which the Brehon code has as yet given no definite information; and we remain equally ignorant of what powers were exercised by the assembly of the forces of a territory. We are unable to grasp clearly what was the social organization of an Irish tribe, and often are doubtful whether it had any definite system of action. It is not improbable that the condition of the Gauls in the first century before our era foreshadowed that of the Irish five centuries after.* The condition of an Irish tribe in so far as it lacked legislative and judicial authority, was ancient, but its political form, as that of its kindred on the Continent, tended to differ from that of the archaic tribe communities of other nations of the Aryan stock. "The feeling of citizenship . . . had little power of spontaneous development among any race of Celtic origin; the natural ties which held society together among the Gauls were rather personal than civil."† Popular assemblies dealing with public affairs existed among the Gauls in the time of Cæsar, and took, as in the case of the Helvetii, cognizance of crimes against the state, but they were incapable of asserting their rights against a chief supported by a numerous personal following. The Celtic national tendency was developed still further in Ireland when the original tribe assembly was altogether superseded by the retainers of the chief. On the other hand, the Scandinavian and Teutonic nations retained and developed the public meetings of the original tribe. To the retention or loss of this essential element of an autonomous tribe community, the difference of the fortunes of the Celtic and Teutonic races is mainly referable.

Under the two first points of view above suggested, the

* The assembly of the forces of a territory could have little power over a chief supported by his 'daer'-stock and 'fuidhir'-tenants. "Die constitutâ causâ dictionis Orgetorix ad iudicium omnem suam familiam, ad hominum decem millia, undique coegit; et omnes clientes obsecratosque suos, quorum magnum numerum habebat, eodem conduxit; per eos ne causam diceret, se eripuit."—Cæs. B. G., lib. 1, c. 4.

† Merivale, R. H., vol. 1, p. 255.

archaic character of the Brehon law lies rather in the absence of modern ideas than in the preservation of early forms; and it is curious rather as displaying the disintegrating tendencies of the Celtic character than as preserving institutions of great antiquity.

The nature of the jurisdiction upon which the decisions of the Brehons were founded, and the extent to which the idea of crime was, or rather was not, developed, are discussed at length in the subsequent introduction to the Book of Aicill. It may be here observed, in anticipation of the subsequent treatment of the subject, that the modern ideas of original jurisdiction and crime are wholly absent from the Brehon code. By the term "crime" or "criminal" there is no reference whatsoever made to the moral or immoral nature of an act; a sin is the violation of the moral code; a crime is a violation of the established law of the community—a disobeying of a command given by the state to its members. Many acts are gross sins which are not crimes, and acts of the highest virtue may be criminal in the legal sense.

Although the principles of the Brehon law as to jurisdiction and crime are thoroughly archaic, the mode in which they are elaborated is of a very different character. This is evident upon a comparison with the corresponding portions of other early codes. In the latter we meet with merely short sentences, attaching certain compensations to definite injuries. There are no fine-drawn distinctions, and there is an absence of all subtlety and elaboration. In the Irish laws, on the other hand, as the necessary consequence of the existence of an hereditary law caste, there is an over-refinement of the most modern character. The basis is archaic, but the mode in which it is treated is of a very different nature. This branch of the law appears to be rather an abnormal development than a healthy growth, and finds no representative in other systems of early law.

The idea of separate property, as distinguished from that which belonged to the family as an aggregate body, was quite familiar to the Brehon code. The law in this respect is not more archaic than that which existed in England in

the 12th century. The power of disposing of property which belonged to an individual in severalty was apparently unlimited, and there are incidental allusions in the *Corus Bescna* to a disposition by will. The mode in which the Brehon code treated questions relative to the disposition of property, is not such as might be anticipated in a collection of very ancient customs. In archaic systems, such as the early Roman law, so far as they deal with the disposition of property, the most striking peculiarity is that the rights to property depend upon certain prescribed acts, which constitute the conveyance of the subject matter. The performance of the appropriate ceremony carried the property, and was not considered as the evidence merely of the fact that a contract had been entered into in respect of the subject-matter. This principle is so well known in Roman law that it is unnecessary to cite any instances therefrom; and it was equally prevalent in our early English real property law. The act of the delivery of seizin carried the freehold to the feoffee, even when performed by a person who had no legal right to dispose of the land. Even in our own day, in the common law courts, the grantor in a deed, to which he has affixed his seal, cannot go behind the deed into the real facts of the transaction. In the *Corus Bescna* this well known archaic form of law is absent. The rules deal with the *contract* between the parties, not with the *formalities* by which the property is transferred. From the contract to sell arise reciprocal legal rights and obligations. The contract may be invalidated by fraud, suppression, want of sufficient authority, &c. There is no reference to any ceremony by which the transfer is effected; all the principles are those of a court of equity, though hampered by certain technical and peculiar rules. We have not, in any portion of the Brehon laws yet published, any statement of the forms and ceremonies used upon the occasion of a conveyance of land, but it does not seem to have been more formal than that of movable property. Than this portion of the law nothing can be less archaic, and here, if anywhere, are the traces of the rules of the civil law to be sought for. Translations of

maxims of the civil law and at least one allusion to a Roman lawyer prove that the more educated Irish were not wholly ignorant of the Roman law. To any other source it is impossible to refer the idea of the right of testamentary disposition, and the more so as it is found chiefly in connexion with the transfer of property to the Church.

It is to be remarked that there are no rules in the *Corus Bescna* as to the rights of the members of the *familia intersese*, although the rights of the aggregate body as against its head are distinctly laid down; the system of 'geilfine' organization, so anomalous in its character, as explained in the Book of Aicill, may in itself be a proof of the looseness of the family bond. The Celtic national character may have tended to dissolve the family community, as it undoubtedly broke up the tribal. Any doubt, however, as to the original form of the family is removed by the remarkable section which concludes the Book of Aicill, in which the community of the family property and the rights of the aggregate body to the service of each of its members are most clearly apparent.

In all laws except those of a very modern character the rights arising from status much outnumber those founded on contract, and it is therefore very remarkable how large a portion of the present volume treats of contract. The Book of Aicill contains all the principles of the law relative to the hiring of chattels, and of the law of partnerships. It also clearly lays down the principle that the relation of landlord and tenant is a matter of contract, and that in the absence of an express agreement an implied one is presumed to exist between the parties. Than these portions of the law nothing can be less archaic. A very remarkable instance of the anticipation of the present principles of law is the clearness with which the doctrine of contributory negligence on the part of the party injured, and of notice to the injured party of any defect in the instrument which was the cause of the injury, are worked out and illustrated. In these and other similar points the modern turn of thought of the early Irish lawyer is remarkable.

The branches of law, improvement in which is most

essential for the progress of society, are those in which the Brehon law is either wholly defective, or continued archaic; on the other hand many doctrines which generally make their appearance only in a very advanced stage of society are fully elaborated. The idea of murder was very familiar to the popular English mind long before the Judges discussed the question of contributory negligence. Lord Holt was obliged to have recourse for the law of bailments to the civil code, centuries after the establishment of Parliament and the organization of the law courts. Brehons, on the other hand, who had no conception of a law or a crime discussed questions of partnership, and worked out the application of the law of agency, in a very complete manner. This strange mixture of the ancient and the modern, the less civilized and the more civilized mode of thought, must at once strike the reader on a perusal of these laws, which exhibit in an unusual degree an unevenness and irregularity of development.

The mode in which the Brehon law acquired its peculiar character, whereby archaic and modern ideas of jurisprudence appear together in the same law book, in such fashion that the modern does not supplant the ancient but is built upon it and develops it, can be understood when the action of an hereditary law caste is recognised.

We are informed in the *Senchus Mor* that originally the judicature belonged to the poets alone, "until the contention which took place at *Emhain Macha* between the two sages, viz., *Ferceirtne*, the poet, and *Neidhe*, son of *Adhna*, son of *Uither*, for the sage's gown which *Adhna* son of *Uither* had possessed. Obscure indeed was the language which the poets spoke in that disputation, and it was not plain to the chieftains what judgment they had passed."* It would appear from this that the customs were originally contained in rhythmical composition traditionally handed down through successive generations, and that in the lapse of time and alteration of language, these compositions had become as unintelligible to the laity, and probably to the bards them-

* *Senchus Mór*, vol. i., p. 19.

selves, as the songs of Numa to the Roman of the days of Augustus.* "These men," said the chieftains, "have their judgments and their knowledge to themselves. We do not, in the first place, understand what they say." "It is evidently the case," said Conchobhar; "all shall partake in it from this day forth, but the part of it which is fit for these *poets* shall not be taken from them; each shall have his share of it."† Some reform was introduced at this date, the particulars of which it is not easy to collect, but it is clear that thenceforth the bards ceased to be the depositories of the ancient custom, and the Brehon caste was established as an independent class exclusively devoted to the maintenance of the customary law in a traditional form. "Until Patrick came, only three *clusses* of persons were permitted to speak in public in Erin, *viz.*, a Chronicler, &c.; a Bard, &c.; a Brehon to pass sentence from the precedents and commentaries."‡ The introduction of the word "commentaries" here expresses only the ideas of the author of the *Senchus Mór*. The necessary consequence of establishing a special hereditary legal caste would be, in an early state of society, to give a greater certainty to the application of the customs to particular cases through the influence of traditional precedents, but at the same time to involve the original customs in a technical terminology. The decision in a case might be intelligible and uniform, but the mode in which it was arrived at would be a professional mystery. The bards stated what was the law, and the chiefs acted on the law laid down by them, until it became unintelligible; the Brehon both laid down and applied the law, and people never inquired what was the law which he so applied. The early Brehon, possessing in his own breast the whole law, assumed a mysterious character and was treated as an inspired or *quasi* divine personage. "When the Brehons deviated from the truth of nature, there appeared blotches upon their cheeks; as first

* "Jam Saliare Numæ carmen qui laudat, et illud,
Quod mecum ignorat, solus vult scire videri."

Hor. Ep. 2, l. 86.

† *Senchus Mór*, vol. i., p. 19.

‡ *Ibid.*, vol. i., p. 19.

of all on the right cheek of Sen MacAige, whenever he pronounced a false judgment, but they disappeared again when he had passed a true judgment, &c. Connla never passed a false judgment, through the grace of the Holy Ghost, which was upon him. Sencha Mac Col Cluin was not wont to pass judgment until he had pondered upon it in his breast the night before. When Fachtna, his son, had passed a false judgment, if in the time of fruit, all the fruit of the territory in which it happened fell off in one night, &c. ; if in time of milk, the cows refused their calves ; but if he passed a true judgment, the fruit was perfect on the trees ; hence he received the name of Fachtna Tulbrethach. Sencha MacAililla never pronounced a false judgment without getting three permanent blotches on his face for each judgment. Fithel had the truth of nature, so that he pronounced no false judgment. Morann never pronounced a judgment without having a chain round his neck. When he pronounced a false judgment the chain tightened round his neck. If he passed a true one, it expanded down upon him.”*

The effect of the establishment of an hereditary law caste was to hand over to certain distinct families the absolute determination of what was the custom, the knowledge of which they retained in their own hands exclusively, assuming the character of inspired legal prophets. Such a system could be overthrown only by a revolution, similar to that which had deprived the bards of their monopoly ; but such a movement can only arise when the practical working of an institution becomes intolerable, a result which the professional position of the Brehons rendered improbable. It was their interest to give substantially just decisions in accordance with popular ideas of right and wrong, however mysterious were the means by which they arrived at them. No social causes existed which could lead to an inquiry as to the soundness of their general principles. There was not any extensive intercourse with foreign nations, nor was there any permanent settlement in Ireland of tribes possessing a different customary law. There was not even sufficient internal traffic to create a market law, in contradistinction

* *Senchus Mór*, vol. i., p. 25.

from the immemorial custom.* So far the law administered by the Brehons would be simply the custom rendered mysterious and embarrassed by technicalities. But a further and peculiar element is introduced by the schools of law. The instruction in these schools, as far as we can judge from the Brehon law books, consisted in the acquisition of the customary rules, and the dexterous application of them to particular cases. The law of compensation involved in every case the consideration of the circumstances which mitigated or increased the amount to be awarded, and in some cases, when the injury was done to joint proprietors, the consideration also of the shares in the award to which they were respectively entitled. All the questions which now arise as to the amount of damages to be awarded in actions, either of tort or contract, must have been familiar to the students of such a school, and very many questions as to contracts must have occurred. The principles of all laws upon such subjects take their rise from a few simple ethical propositions; and if we admit a certain knowledge of the civil law, it may be perceived that such a system of legal instruction would lead the pupils to an acquaintance with legal principles far beyond the state of the society in which they lived. Thus in a Brehon law school the most archaic and modern ideas could coexist without mutual

* "The market was the space of neutral ground in which, under the ancient constitution of society, the members of the different autonomous proprietary groups met in safety, and bought and sold unshackled by customary rule. Here, it seems to me, the notion of a man's right to get the best price for his wares took its rise, and hence it spread over the world. Market law, I should here observe, has had a great fortune in legal history. The *jus gentium* of the Romans, though doubtless intended in part to adjust the relations of Roman citizens to a subject population, grew also in part out of commercial exigencies, and the Roman *jus gentium* was gradually sublimated into a moral theory, which among theories not laying claim to religious sanction, had no rival in the world till the ethical doctrines of Bentham made their appearance. If, however, I could venture to detain you with a discussion on technical law, I could easily prove that Market law has long exercised and still exercises a dissolving and transforming influence over the very class of rules which are profoundly modifying the more rigid and archaic branches of jurisprudence. The law of Personal or Movable Property tends to absorb the law of Land or Immovable Property, but the law of Movable Property tends steadily to assimilate itself to the Law of the Market."—MAINE, *Village Communities*, p. 193.

destruction. The latter would be discussed as determining the mode of the application of the former. No power existed capable of enacting new laws, and the conservative feeling of an hereditary caste would be opposed to such an idea; but without in any degree assailing the fixed principles of the ancient custom, the disputatious energy, so peculiar to the Scoti, had free scope in considering how such principles should be applied under every varying combination of circumstances.

Any social change, which could have rendered the old customs impossible, would have given to the advanced principles of law familiar to the Brehon an opportunity of rapid development; but the convulsions to which Ireland was subject did not tend to develope its social state, but rather to destroy the whole organization of society, without substituting for it any positive system. A constant state of war obliterates legal rights, and changes the chief of a tribe community into the head of a body of personal retainers. The description of the chief of the M'Guire's, given by Sir John Davis, was applicable to Irish chiefs for centuries previous. "Besides these mensal lands, M'Guire had two hundred and forty beeves or thereabouts yearly paid unto him, out of the seven baronies, and about his castle at Inniskillen, he had almost a ballibetagh of land which he manured with his own churles. And this was M'Guire's whole estate in certainty, for in right he had no more, and in time of peace he did exact no more (*i.e.*, than the customary payments); marry, in time of war he made himself master of all, cutting what he listed, and imposing so many bonaghts, or hired soldiers, upon them as he had occasion to use. For albeit Hugh M'Guire, who was slain in Munster, were indeed a valiant rebel, and the stoutest that ever was of his name, notwithstanding generally the natives of the country are reputed the worst swordsmen of the north, being rather inclined to be scholars or husbandmen than to be kerne, or men of action, as they term rebels in this kingdom; and for this cause M'Guire in the late wars did hire and wage the greatest part of his soldiers out of

Connaught, and out of Breny O'Reillye, and made his own countrymen feed them."*

As the rapid increase of wealth by commercial relations with foreign countries, or the establishment of a strong national sovereignty, might have developed into a practical code adapted to an advancing society, the speculative legal ideas which the Brehon law contained, so the continued disorders of the country, destroying the idea of customary rights, diminished the prestige of the Brehon, and reduced him from his position as the oracular exponent of right, to that of a mere register of the local customs of the sept, which customs themselves shrunk into little more than the regular applotment upon the tenants of the dues claimed by the chief. The nature of the law professed by one of the last Brehons is clearly shown in the pitiable narrative of Sir John Davis contained in the letter above referred to.† "Touching the certainties of the duties and provisions yielded unto M'Guire out of these mensal lands, they referred themselves to an old parchment roll, which they called an indenture, remaining in the hands of one O'Brislan, a chronicler and principal Brehon of that country; whereupon O'Brislan was sent for, who lived not far from the camp, who was so aged and decrepid as he was scarce able to repair unto us; when he was come, we demanded of him a sight of that ancient roll, wherein, as we were informed, not only the certainty of M'Guire's mensal duties did appear, but also the particular rents and other service which was answerable to M'Guire out of every part of the country. The old man, seeming to be much troubled with this demand, made answer that he had such a roll in his keeping before the wars, but that in the late rebellion it was burned among others of his papers and books by certain English soldiers. We were told by some that were present that this was not true; for they affirmed that they had seen the roll in his hands since the wars. Thereupon, my Lord Chancellor being then present with us (for he did not accompany my Lord Deputy to Ballyshannon, but staid behind in the camp), did minister

* Vallancey, Col. Hib., vol. i., p. 161.

† *Ib.*, p. 139.
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an oath unto him, and gave him a very serious charge to inform us truly of what was become of the roll. The poor old man, fetching a deep sigh, confessed that he knew where the roll was, but that it was dearer to him than his life, and therefore he would never deliver it out of his hands unless my Lord Chancellor would take the like oath that the roll should be restored to him again. My Lord Chancellor, smiling, gave him his hand and his word that he should have the roll redelivered unto him, if he would suffer us to take a view and copy thereof. And thereupon the old Brehon drew the roll out of his bosom, where he did continually bear it about him. It was not very large, but it was written on both sides in a fair Irish character; howbeit some part of the writing was worn and defaced with time and ill-keeping. We caused it forthwith to be translated into English, and then we perceived how many vessels of butter, and how many measures of meal, and how many porks, and other such gross duties did arise unto M'Guire out of his mensal lands."

The decline of the Brehon from his position as an almost oracular expounder of right to that of a mere recorder of local customs is shown by the contrast between Dubhthach Mac Ua Lugair "a vessel full of the grace of the Holy Ghost" and O'Brislan, who prized as a treasure the rent roll of a petty chief.

The system of Brehon law has been at once unduly depreciated and extravagantly praised.

The English officials employed in the settlement of Ireland desired, as a material guarantee against rebellion, to vest large districts in the grantees of the Crown; whose estates held upon English tenures would be subject to forfeiture for treason. It was anticipated that thus there could be created a class of large proprietors bound by their own interests to support the English Government and enforce English law and customs among the occupiers of the land. An hereditary class of proprietors, whose rights conflicted with the first principles of a tribal community would be forced to abandon their claims to chieftainries, the existence of which was incom-

patible with the lineal transmission of their estates. The mass of the population however, always rejected the foreign ideas of tenure and primogeniture, and under the pressure of local public opinion the royal grantee relapsed into the position of a tribal chief. The constant failure to establish a system of tenure which the English executive regarded as at once an advance in civilization and necessary for the extension of their influence, rendered them most hostile to the customs of the natives, which so often caused their best-intentioned designs to miscarry. The partition of the land among all the members of a family or clan constantly rendered the royal grants unfruitful of the results anticipated; and the well-founded rule, to which the occupants of land tenaciously clung, that the land belonged to the tribe and not to the chief, who during his term of office held certain lands and rights *virtute officii* merely, prevented the descendants of the original grantees from acquiring a permanent and transmissible estate in the lands.

Sir John Davis and other English statesmen regarding the Brehon law from this point of view, considered it to be the most formidable obstacle to the introduction of civilization and order; it was in their opinion a law which tended to the destruction of the commonwealth. Brehon law was thus summarily condemned with reference not to its actual principles but to political difficulties attributed to it at a time when its exercise had almost ceased. Before the introduction of historical criticism archaic laws were judged only with reference to their practical application to existing circumstances; it was not then imagined that such antiquated systems were the great repertories of the facts of early history.

Native Irish writers, on the other hand, like all historians of unfortunate nationalities, have imagined the existence of an age of gold, interrupted and destroyed by the disasters to which their country was subjected. The code of law so hated by the English officials of the 17th century, and so universally suppressed, has been imagined to have been the system under which the heroic age of the Celtic people un-

joyed a legendary prosperity. To it have been therefore attributed principles of equity, which neither existed nor could have existed in it or any similar system.

It is possible for us at the present time, regarding the Brehon law from neither a political nor a patriotic stand point, to estimate its intrinsic and historical value.

It cannot be denied that the Brehon code, as administered and elaborated, was an obstacle to any considerable social progress. The existence of an hereditary legal caste withdrew the laws from the criticism of public opinion, and prevented the establishment of that legislative and judicial authority which is the first step in national progress. Its fundamental principles were those common to all early societies, and of which the abandonment is essential to an advancing civilization. Upon these was built an enormous edifice of logical and technical deductions, which must have rendered the principles whereby any case was decided unintelligible to the parties. The basis and the superstructure were so combined that the, often very advanced, views contained in the latter must have failed to take effect upon the general condition of society; the learning of the Brehons became thus as useless to the public as the most fantastic discussions of the schoolmen, and the whole system crystallized into a form which rendered social progress impossible. The Brehon system in its full development resembled the English law of real property at the commencement of this century, with the aggravation that no Parliament existed capable of taking in hand the question of legal reform.

The student of legal antiquities will not find the Brehon law as fruitful a source of information as might at first be anticipated. The Celtic nations did not retain the ancient tribe system with the tenacity exhibited by their Teutonic and still more by their Slavonic brethren. Their preference for personal and social rather than for civil and legal relations soon, alike in Gaul and Ireland, deprived their village communities of their most essential characteristics, and prevented their progress to a higher form of polity. However ancient in point of time may be the original text, it is in many

respects less archaic than the early Teutonic codes and the customs of village communities at present existing in Slavonic countries. The commentaries contain, embedded as it were in them, certain fragments of archaic custom often as old if not older than the text, but are in general remarkable merely as exhibitions of logical skill. In the two tracts published in the present volume the subjects are not treated in a manner sufficiently exhaustive to enable a reader to understand the practical working of the system. It is impossible to learn from the Book of Aicill who would be the plaintiffs in any proceeding arising from an homicide, or who, in the default of the criminal, would be subject to liability as being his kinsmen. Statements upon such points were probably unnecessary for the students of the period, to whom they were perfectly familiar, but their omission must frequently render the perusal of the Brehon law tracts disappointing to the modern reader, who desires to acquire definite information.

The great value of the Brehon law lies in the immense collection of facts relative to the daily life, occupations, and habits of the people, contained in it. The very defect of the system, the tendency to consider individual cases rather than general principles, forced the compilers incidentally to describe almost every form of society, especially that ordinarily most neglected, the daily life of the common people. It may be asserted, without fear of contradiction, that from these laws there may be obtained so numerous a collection of notices of ordinary life that an idea of the social condition of an early Irish community may be obtained as clear, if not clearer, than that which we possess of Continental or English society in the middle ages; and it is to be earnestly desired that this as yet unworked mine of information may soon find an historian possessing the industry and learning requisite to turn it to account.*

* When the preceding Introduction was already in press, the article of Mons. Laveleye, entitled "Les Formes Primitives de la Propriété," appeared in the *Revue des Deux Mondes*. The extreme resemblance between portions of that essay and the preceding Introduction is therefore wholly accidental. The editors are

naturally gratified to find the views contained in the preceding Introduction supported by the high authority of Mons. Laveleye. They refer particularly to the following passage:—

“La philologie et la mythologie doivent les merveilleuses découvertes, qu’elles ont faites récemment, à l’emploi de la méthode des études historiques comparées. M. Maine pense que cette même méthode, appliquée aux origines du droit, pourrait éclairer d’un jour tout nouveau les phases primitives du développement de la civilisation ; on verrait clairement que les lois sont, non le produit arbitraire des volontés humaines, mais le résultat de certaines nécessités économiques d’une part et de l’autre de certaines idées de justice dérivant du sentiment moral et religieux. Ces nécessités, ces idées, ces sentimens, ont été très semblables et ont agi de la même façon sur les sociétés, à une certaine époque de leur développement, en y présidant à l’établissement d’institutions partout les mêmes. Seulement toutes les races n’ont marché du même pas. Tandis que les unes sont déjà sorties de la communauté primitive au début des temps historiques, d’autres continuent à pratiquer de nos jours un régime qui appartient à l’enfance de la civilisation. Dès les premiers temps de leur annales, les Grecs et les Romains connaissent la propriété privée de la terre, et les traces de l’antique communauté du clan sont déjà si effacées qu’il faut une étude attentive pour les retrouver. Les Slaves au contraire n’ont point renoncé au régime collectif. La géologie nous apprend aussi que certains continens ont conservé une flore et une faune qui déjà ailleurs ont disparu depuis longtemps. C’est ainsi, dit-on, qu’en Australie on trouve des plantes et des animaux, qui appartiennent aux âges antérieurs du développement géologique de notre planète. C’est dans des cas semblables que la méthode des études comparées peut rendre de grands services. Si certaines institutions des temps primitives se sont perpétuées jusqu’à nos jours chez quelques peuples, c’est là qu’il faut aller les surprendre sur le vif, afin de mieux comprendre un état de la civilisation qui ailleurs se perd dans la nuit des temps. J’essaierai d’abord de faire connaître le régime des communautés de village tel qu’il existe encore aujourd’hui en Russie et à Java. Je montrerai ensuite que ce régime a été en vigueur dans l’ancienne Germanie et chez la plupart des peuples connus. J’étudierai enfin les communautés de famille si répandues en Europe au moyen âge, et dont le type s’est conservé jusque sous nos yeux chez les Slaves méridionaux de l’Autriche et de la Turquie.”—*Les Formes Primitives de la Propriété*.—*Revue des Deux Mondes*, tom. 100^{me}, f. 138-139.

With this may be compared the following passage in McLennan—*Primitive Marriage*:—“For the features of primitive life we must look, not to the tribes of the Kirghiz type, but to those of Central Africa, the wilds of America, the hills of India, and the Islands of the Pacific ; with some of whom we find marriage laws unknown, the family system undeveloped, and even the only acknowledged blood-relationship that through the mothers. These facts of to-day are, in a sense, the most ancient history. In the sciences of law and society, old means not old in chronology, but in structure ; that is most archaic which lies nearest to the beginning of human progress, considered as a development, and that is most modern which is furthest removed from that beginning,” p. 8.

INTRODUCTION TO PART III. OF THE SENCHUS MOR
KNOWN AS "THE CORUS BESCNA."

THE subject of the tract entitled the Corus Bescna is the law relative to obligations, or the rights *inter sese* existing between the members of the same community, in reference to the enjoyment and transmission of property.

The subject is naturally divided into two heads—obligations created by express contract or incident to an actual contract (*e contractu*), and obligations incident to the social position of the parties independent of any actual agreement between them (*e statu*), but which, although really distinct from obligations *e contractu*, are in most systems of law coupled with them as referable to some supposed antecedent, but in truth non-existent, agreement between the parties.

There is no attempt made to treat either branch of the subject exhaustively. Under the first head the only express contract referred to is that of the sale and purchase of chattels; there is no reference to contracts for the sale or leasing of lands, hiring for temporary use, pledging, &c. Under the second head there are rules as to the reciprocal rights of the chief and tribe, the Church and the people, the head of the family and its members; but those flowing from the relation of husband and wife, and many others which may at once occur to the reader, are altogether omitted.*

The mode in which the subject of express contracts is dealt with is singularly illustrative of the manner in which the Brehon Law Tracts have been compiled. The original text, which is perfectly clear and consistent, is almost altogether confined to the question of the competency of various classes of persons to enter into contracts of sale; and the validity or invalidity of the contract is viewed with reference to the power of the contracting parties to enter into the contract. There is in the original text but one reference to the rights which arise from a contract invalid by

* They are treated of in the Cain Lanamhna, Senchus Mór, vol. 2, p. 342.

reason of fraud or mistake. The annexed commentary, which has scarcely any connexion with the text, attempts to supplement the deficiencies of the original, and consists of various collections of rules as to the rights arising when contracts are invalid from fraud or mistake. That the commentary itself was not the work of any one person appears from the fact that the rights arising from an invalid contract are laid down no less than five times in different terms and with numerous variations. The same more extended mode of treating the subject also appears in the glossary, as if the person explaining the old text were desirous of finding in it legal ideas familiar to himself, but not contemplated by the original author. Thus, where in the text a contract between two sane adults is stated to be valid, the gloss introduces the additional qualification that it should be with knowledge and warranty, a qualification foreign to a rule which treats of the validity of a contract with reference to the power of contracting parties to enter into it, and not of the validity of the contract with reference to the fraud or mistake of the parties.

It is to be anticipated from the history of ancient law that the portion of the text devoted to obligations *e contractu* would be small in comparison to that treating of obligations *e statu*, and that the commentary would exhibit, so far as it treated of the former class, an increased number of legal maxims as contrasted with the text. In early societies organised in families the amount of private property can be but small, and the number of express contracts insignificant. The gradual progress from an ancient to a more modern form of society, involving the gradual breaking-up of the household community, tends to the increase of private property and the multiplication of express contracts. The relative proportion of obligations *e contractu* and *e statu* is constantly altering; the former must increase and the latter diminish in proportion to the changes which the society may undergo. It is useful, therefore, to distinguish the mode in which the text treats the subject of express contracts, as contrasted with that adopted in the commentary.

In the text, contracts are divided into valid and invalid. The validity of a contract depends upon the capacity of the parties to contract, and the existence of a "consensus" between the parties, *i.e.*, the absence of fraud or mistake in the contract itself. The capacity to contract depends both upon the legal status of the contracting parties and their mental ability to comprehend the transaction. At a time when the greater portion of the population did not possess any absolute right in property, and were therefore incapable of contracting in respect to it, and when the property possessed by those of full legal rights was to a large extent enjoyed by them, not in their individual capacity, but as the heads of and trustees for communities, the validity of a contract would be most frequently impugned upon the ground either of the status of the contracting party or the real ownership of the subject-matter of the contract. To these two subjects the attention of the authors of the original text is chiefly directed; the former is discussed in the portion of the text which professes to deal with express contracts; the latter is postponed to that which discusses the relations between the head and the members of a community in relation to the joint property.

Valid contracts are divided into three classes, *viz.*, those between (1) 'lân'-persons, (2) 'saer'-persons, and (3) sane adults. Contracts thus valid are manifestly contrasted with those afterwards treated as invalid, *viz.*, those made with 'fuidhir'-tenants of a chief, 'daer'-stock tenants of a church, proclaimed fugitives, sons, women, idiots, and persons without sense. Neither classification is consistent; but the obvious meaning is, that the former class possessed the requisite legal status and mental capacity, and that the latter failed in either one or other of these requisites.

The first class of persons specified as capable of entering into valid contracts are described as 'lân' or 'slân'-persons. The first term means "full or complete persons," and is glossed as meaning persons who enter into a contract in which full value is given on both sides; the second term may mean "one whose contracts are sound," &c. It is, however,

evident from the context, that the term, whatever be its precise meaning, indicates a class capable of contracting, and not the parties to a contract of any peculiar character.

The 'saer'-tenants, who are capable of contracting, are contrasted with the 'fuidhir'-tenants of the chief and the 'daer'-stock tenants of a church, as the sane adult is contrasted with the fool or idiot. It may therefore be presumed that the 'lân'-person is similarly contrasted with the son, the wife, and proclaimed fugitive, who could possess no independent legal position, but remained in the hand of the head of the household in which they abode. If this view of the meaning of the text be correct, the 'lân'-person would be simply one who possessed full civil rights, and would correspond to the Teutonic freeman as contrasted with members of the classes described as unfree.

All persons incapable of making valid contracts were in the position which is occupied by married women and minors in English law. Sons, 'fuidhir'-tenants of a chief, 'daer'-stock tenants of a church, proclaimed fugitives, women, idiots, &c., could not be bound by any contract, whether for their advantage or otherwise, without the consent of the person in whose hand they were. Such consent could be shown by subsequent express adoption, or the mere omission to repudiate.

In considering the consequences of a contract being invalidated by reason of fraud or mistake, the early form of social organization must be borne in recollection. Modern ideas as to contracts are applicable only where the rights of individual ownership have been once established. The absolute owner of property exercises his own judgment for his own benefit, and is therefore justly liable to the results of his own indiscretion, and if he knowingly enter into a disadvantageous contract, is as much bound to fulfil it as if it had been of the utmost advantage.

But when the parties to contracts, or one of them, deal with the common property of a family, and represent not themselves only, but the community of which they are the legal guardians, the question must arise, whether their power to

contract be not modified by their position. If they are representatives of a community, and not absolute owners of property, they sell any portion of the common stock as constructive agents acting on behalf of the entire community; their power of sale must be limited by the extent of their implied agency; and their authority on behalf of the community must be to dispose of its property for the general advantage to the best of their skill and judgment. If the head of a family wantonly or knowingly purchased defective articles, the contract could be repudiated by the community as made without their authority. If the community acts only through its head, who has himself entered into the contract in question, he could himself repudiate it on behalf of the community. The repudiation of contracts, as injurious to the community, which the head of any such community had entered into on its behalf, would naturally lead, by a false analogy, to the doctrine that an individual might within reasonable limits annul a contract disadvantageous to himself. Property in common preceded individual property, and the incidents of a contract, which existed when the subject-matter was common property, may subsequently have attached in the customary law to the contracts dealing with a different species of property. This doctrine appears in the text in the following paragraph (page 7):—"In a bad contract, which is known to be bad, made by sensible men, the fraud is divided in two; the half is paid by the 'roach'-sureties, the other half is forfeited." The meaning of which, as explained by the gloss, appears to be—"if two men enter into a contract, which is tainted by fraud, by reason that the article sold is not such as it is represented to be by the vendor, and the fraud is known to the purchaser, in consequence of the knowledge by the purchaser of the fraud practised upon him, the deficiency in value of the article sold is divided into two parts, one of which is paid on account of the warranty or representation of the vendor to the purchaser, the other half is forfeited by the purchaser and retained by the vendor." From this paragraph it may be concluded that the "knowledge" referred

to in the commentaries is the knowledge of the purchaser, not of the vendor, as to the defective condition of the article. In the commentary the rights arising from a contract invalid by mistake or fraud are repeatedly laid down in substantially the same terms.

Contracts invalid from the deficiency or defect of the article sold are divided into classes with reference to the existence, or non-existence, of a warranty by the vendor, of the nature of the subject-matter of the contract, and knowledge by the purchaser of the deficiency or defect by reason of which the contract is invalidated. The subdivisions of contracts are, therefore, four in number:—(1) in the case of knowledge and warranty, the contract is dissoluble for twenty-four hours, but afterwards binding; (2) in the absence of both knowledge and warranty, it is dissoluble for ten days; (3) if there be a warranty but no knowledge, the purchaser may recover the amount of the deficiency or defect within ten days; and (4) in the case of knowledge, but without warranty, the third of the amount in which the purchaser is defrauded is lost by him after the lapse of twenty-four hours, but for the space of ten days he may recover the third of the deficiency or the consideration.*

Having treated of expressed contracts (*contracts by word of mouth*), the text proceeds to implied contracts, or rather those duties attaching to the status of a man, which are explained by the legal fiction of constructive or implied contract.

All orders in society are supposed to exist by their special rules, which the members of each class (impliedly) have promised to observe.

For each original class there exists its own customary code. In each territory there are three customary codes—

* It is most difficult to reduce the commentary as to the consequences of the invalidity of contracts, arising from fraud and mistake, to any definite principles. The explanation given in this introduction as to the meaning of the terms "knowledge" and "warranty" is founded upon the comparison of the various passages. It is to be admitted that it is not free from difficulty, and the remedies given in the four classes of invalid contracts cannot be satisfactorily explained upon this assumption.

that of the chief ('*corus flatha*'), of the tribe ('*corus fine*'), and of the lower orders ('*corus feine*'). The first defines the duties of the (tribesman (?) or) tenant to the chief; the second deals with distribution and transmission of the tribe land among the natural (born) tribesmen; the third treats of the subjects in which all the inhabitants of the tribe district are interested, viz., tillage in common, marriage, giving in charge, loan-lending, &c.

The '*corus flatha*'-law, conversant with the relations between the chief and his tenants (glossed '*daer*'-stock tenants), comprised—(1) banquets, the feasts given by tenants; (2) labour services; (3) proclamations; (4) pledges, given by the chief for the fulfilment of their duties by his tribe; and (5) regulations and morals.

The text, as far as it deals with the '*corus flatha*'-regulations, is extremely vague, and takes the form of abstract moral statements rather than of legal propositions. This may be accounted for, if it be remembered that there was no universal form of the '*corus flatha*' prevailing throughout the island, as the selection of English customary law known as the common law prevailed throughout England. Every territory possessed its own '*corus flatha*,' as every manor in France or England its own usages and customs. The same diversity existed as to the regulations comprised in the '*corus fine*' and the '*corus feine*.' The limits of variation would be greatest in the first and narrowest in the third of the above codes, if it is allowable to make any conjecture on the subject from the analogy of other early customary laws. The author of the text clearly regards the several '*corus*'-regulations as the result of local customs, and pointedly refers to this in the question—"How many '*corus*'-regulations are there in a territory?"

The text proceeds to divide banquets into three classes, the two former of which alone can be considered the subject of legislation, viz., (1) godly banquets, (2) human banquets, and (3) demon feasts.

The godly banquets are feasts or refectations connected with the performance of religious sacraments or rites, or the

works of charity enjoined by Christian doctrine. The former class includes—(1) the Sunday meal given by a married pair to their church, which might be given weekly “without ale” or monthly “with ale;” (2) the celebration by a feast of the high Festivals, such as Easter or Christmas; (3) the feast given as the price of baptism; (4) the feast on the consecration of a church. The latter class comprises—(1) tithes and first fruits, &c.; (2) feeding a pilgrim; (3) charity to the poor. For the payment of tithes, first fruits, and alms by their people, the chiefs gave pledges to the church, which the parties primarily subject to the payment were required to redeem in case of their failure to perform the service. The usual confusion between what is morally right and legally exigible appears in this section, to understand which it is necessary to realize how very small must have been the territory and following of a large proportion of those who are designated as “chiefs.”

Under the term “human feasts” are included the customary entertainments given by the tenant to the chief, the origin of all the abuses subsequently known under the general term of *cess*, and the duty of providing provisions for the assembled body of the tribe on particular occasions, *e.g.*, “when the forces of a territory were assembled for the purpose of demanding law and proof, and answering to illegality.”

The third species of banquets are not a subject of law in any sense; they are defined as demon feasts, *i.e.*, banquets given to the sons of death and bad men, *i.e.*, to lewd persons and satirists, and jesters, buffoons, and mountebanks, and outlaws, and heathens and harlots, and bad people in general. “Such a feast,” it is added, “is forfeited to the demon.” There is not in the text any enactment or rule prohibiting these entertainments, which are merely placed under a moral censure. Here possibly may be recognised some early prohibition against the celebration of heathen usages. The portion of the text commencing with “*i.e.* to lewd persons,” &c., is probably a late interpolation after Christianity was generally established, and the celebra-

tion of heathen rites had ceased to be usual. It may be remarked, that the introduction of the term heathen into this portion of the text, shows that at a date long subsequent to the introduction of Christianity there were existing in the island some who still adhered to the old worship, and as such were classed by the Church among "bad people in general."

The 'corus flatha'-law is explained in the gloss as treating of the law between the chief and his 'daer'-tenants, but the enumeration of the specific acts of service included in this custom would lead to the supposition that the 'corus flatha' must have dealt with the relations between the chief and the tribesmen generally. These work services included service for a hosting, building a 'dun'-fort, the redemption of a pledge (probably that given by the chief for the tribe), for a meeting for attack or defence, for serving God, assisting in the work of the Lord, &c.

The services embraced in this list cannot be confined to those who stood in the relation of 'daer'-tenancy to chiefs; they are obviously the duties which would fall upon all the members of the tribal community.

There is no information given as to the mode in which the performance of the service to be rendered could be enforced. The only penalty mentioned is what may be considered as a partial *diminutio capitis*, viz., that the person who did not fulfil the law of service should not have full 'dire'-fine; thus a failure to perform the duties incident to the position of a member of a community would degrade the guilty party so as to cause the damages payable for injuries to himself to be proportionably diminished.

There are no means furnished by the text or commentary of ascertaining the amount or frequency of the services to be rendered under the 'corus flatha.' The actual amount and nature of such services must have fluctuated with the custom of each territory, and their character is such that they must have been most uncertain in their incidence. In a primitive community no attempt is made to reduce such matters to certainty, or to calculate their amount; in such a

society that which is universally believed to be the custom is performed under the pressure of general public opinion, without inquiry or calculation. In the present tract scanty allusion is made to the customary laws defined as the 'corus fine' and 'corus feine.'

The portion of the tract which has been hitherto considered is, in the point of view of the compiler, distinguishable from the subsequent part.

The first part is intended to deal with purely customary law, the origin of which is not referable to any person or time; the latter portion of the tract, dealing chiefly with the rules connected with ecclesiastical establishments, must have been felt to have had an origin, and is naturally attributed to the period of the introduction of Christianity. "Every law which is here (*i.e.* in the preceding portion of the tract) was binding until the two laws were established. The law of nature was with the men of Erin until the coming of the faith in the days of Laeghaire, son of Nial. It was in his time Patrick came. It was after the men of Erin had believed Patrick that the other two laws were established—the law of nature and the law of the letter."* What were the ideas of the writer of the text as to the origin and meaning of the law of nature it is not easy to discover; but the following is suggested as a probable explanation. In early societies men do not obey the commands of the law, but rather conform their conduct to the immemorial usage and habit of the community. The next step in legal development is the half-inspired declaration of some judge, embodied in the form of a judgment, upon an individual case; and such a decree or specific command is considered as a leading authority morally binding upon subsequent judges in similar cases, and imagined ultimately to represent the law as it existed at the date of the original decision.

In the Irish tribes there existed an hereditary caste, which, in some manner unknown to us, had acquired the exclusive

* Pages 27, 29.

right of arbitration in the cases which disputants, either voluntarily or under the pressure of public opinion and custom, submitted to their decision. The condition of society among the Irish tribes was such that a very large proportion of leading cases would be handed down in the hereditary legal caste, and very many such authorities would be traditionally preserved. It is evident that very many of the paragraphs in the commentaries upon the text in this volume are summaries of such decisions, written in under the preceding paragraph of the text as the title to which they are referable. The term "law of nature" must have been introduced after the introduction of Christianity. It is evidently a translation of the *jus naturale* or *jus gentium*, which, in the fourth century, was used in the later sense of a law founded upon abstract moral principles. The authors of the glosses clearly saw that what was meant by the Irish term (*pecht naemig*) was very different from the received meaning of the Latin words, and they explain it as the law "of the just men," and again as the law "of the Brehons Moran, and Fithal, &c.," i.e., the mass of prior decisions preserved among the Brehon class as leading cases. An hereditary caste of lawyers must have from an early period distinguished between the two distinct bases upon which cases were to be decided, the decisions traditionally handed down, and (to some extent) generally applicable, and the local customs, to be proved in many cases as matters of fact. Thus, even at the introduction of Christianity, the double character of the law may have attracted observation. Upon this mixed body of local custom and leading cases there was superadded, on the introduction of Christianity, what is described as "the law of the letter."

There is no trace that any new legislation, either derived from Roman sources or founded upon specially Christian morality, was introduced by Patrick; on the contrary, the traditional tribe-law became the ecclesiastical law, and the Roman ideas of Christian organization were wholly unknown in the Irish Church. All that is attributed to

Patrick is the rejection of that portion of the pre-existing law which was inconsistent with the new religion, and, further, a collection of the native laws as they then existed. But although no new laws were systematically introduced, a large body of new law must have arisen.

The rules with reference to ecclesiastical establishments, although modelled on the old tribe-law, were manifestly new. The rights of the Church, the succession to ecclesiastical dignities, the relations of the tribe of the saint and the tribe of the land, &c., produced a fresh body of customary law, evidently distinguishable from the old custom, and specially connected with ecclesiastical bodies. This may be considered to be what is meant by the law of the letter, not because it was at any time enacted or published as a new written law, but because Christianity, with which the laws of ecclesiastical bodies would be confounded, was regarded as the religion of "the book," not of any particular book or books, but as intimately connected with the introduction of books and writing into the island.

The uncertain nature of the text of such a document as that under discussion is clearly shown by the contents of the original text in pages 1 to 27. The text asserts that "every law, which is here, was binding until the two laws (of nature and the letter) were established;" nevertheless, in the preceding portion of the text there are numerous references to institutions necessarily subsequent to the introduction of Christianity, "e.g. tithes, first fruits, abbots," &c. The compiler of the text must have been guilty either of great carelessness in adopting the cotemporary form of the custom as descriptive of the customary law before Patrick, or the text of the old custom has been from time to time largely interpolated. Both causes may have acted together. The old traditional formulæ would be altered by references to institutions of later introduction, and the compiler may have adopted the text then current in its altered state.

The text sets out in the next place the reciprocal rights of the Church and the people; the Church is bound to per-

form its obligations toward the people, the people to fulfil their services to the Church. The rights and obligations on both sides are based, not upon an assumed contract, but upon the performance of reciprocal duties.

If the laity fulfil their duties toward the Church, the latter is bound to perform the rites of baptism, communion, and the requiem, and "offering from every church to every person after his proper belief, with the recital of the word of God to all who listen to it and keep it." The members of a monastic community were also bound, for the benefit of the laity, to preserve their respective proper positions, so that the offerings of the laity might be legal.

The rights of the Church as against the people are declared to be—(1) tithes, (2) first fruits, and (3) firstlings, which were due to the Church from her subjects.

Tithes are generally supposed to have been introduced into Ireland by the Council of Cashel in 1172; but the third canon of that council directs, not that tithes should be paid to the Church by the laity, but "that all good Christians do pay the tithes of beasts, corn, and other produce to the church of the parish in which they live." By this canon, tithes may have been first introduced; or it may treat them as a pre-existing right of the Church; in which case the reform intended to be effected was either that all the laity should pay tithes, or that the tithes of all the laity should be paid to the churches of the parishes in which they lived. The latter practice had been then lately established in England; but though the form of the canon is English, the text of the present tract leads to the supposition that the extension of tithes to all the laity may have been the chief object of the Irish canon. That tithes as a legal obligation were introduced in the time of Patrick as part of the law of the letter is most improbable. The canonical duty of paying tithes first appears in the decrees of some of the French councils of the sixth century. The legal, though yet only occasional, payment of tithes appears first about the close of the Merovingian dynasty. The clergy first obtained on the Continent a legal right to tithes by the Car-

olingian Capitularies of A.D. 785. Tithes, in the ordinary sense of the word, could not have been introduced into Ireland in the time of Patrick—probably not before the eighth century. It may be asserted with equal confidence that the Irish Church was never reformed upon the continental model before the twelfth century, and that its ecclesiastical system, as it existed prior to that date, was of native development. We must not overlook the possibility that the portions of the Brehon Law Tracts which deal with the question of tithes may be comparatively modern. But although the date of the Brehon Tracts, in their present form, is probably much later than that attributed to them, it is impossible to bring the text down to a date at which the rules as to tithes, if first introduced in the twelfth century, had passed into customary law. The difficulties on the point may be met by the supposition that the origin of tithes in Ireland was independent of their canonical or legal establishment on the Continent, and that the character of the tithes and that of the persons by whom they were paid were different. Tithes were possibly founded upon the assumption that the ordinances of the Levitical Code were of universal obligation, and that, when the Christian Church and its priests were once established in the position occupied by the Temple and Levites, tithes, by the divine law, became payable to the clergy. Such ideas had been embodied in the decrees of councils in the sixth century, and it is, therefore, probable that they were not unknown to the early Irish Church, which in its origin appears not to have been free from Gallic influence. The establishment of the Church in the place of the Levites may not improbably have been an idea familiar to the mind of the early missionary.*

* That the rights of the Church to tithes were asserted in the sixth century, but the tithes themselves were not regularly paid, appears from the following passages:—

"Leges divinæ, consulentes sacerdotibus ac Ministris Ecclesiarum, pro hereditatis portione omni populo præceperunt Decimas fructuum suorum locis sacris præstare, ut nullo labore impediti, horis legitimis spiritualibus possint vacare ministeriis. Quas leges Christianorum congeries longis temporibus custodivit intemerata. Nunc autem paulatim prævaricatores legum pœne Christiani omnes ostenduntur,

In reference to this subject, it is necessary first, to examine the text with the object of ascertaining what was understood by the payment of tithes, and then, to consider whether, in the first establishment of the Church, there were or were not circumstances which might have led to the institution of such tithes as are referred to in the text. The text runs:—"The right of a Church from the people is tithes and first fruits and firstlings; these are due to a Church from her members" (i.e. according to the gloss, from her subjects). Tithes, first fruits, and firstlings, are here classed together as equally claimed by the Church.

dum ea quæ divinitus sancita sunt, adimplere negligunt. Unde statuimus ac decernimus ut mos antiquus a fidelibus reparetur, et Decimas Ecclesiasticis famulantibus ceremoniis populus omnis inferat, quas sacerdotes aut in pauperum usum, aut in captivorum redemptionem prærogantes, suis orationibus pacem populo et salutem impetrant. Si quis, autem contumax nostris statutis saluberrimis fuerit, a membris ecclesiæ omni tempore separetur."—(*Concil. Matiscouense*, II., cap. 5: *Bruns. "Cam. Apos. et Con."*, vol. ii., p. 250, A.D. 585).

In the letter of the Bishops of the diocese of Turin to their flocks, A.D. 567, the people are exhorted, "ut unusquisque ad exemplum Abrahæ Decimas offerat de suis mancipiis," &c.

In the decree of the Council above quoted the sanction by which the payment of tithes was enforced was purely ecclesiastical, but the payment was afterwards enjoined by the civil law. By the Capitularies of Paderborn, A.D. 785, Charlemagne enacts:—"Similiter secundum Dei mandatum præcipimus ut omnes decimam partem suis ecclesiis et sacerdotibus donent, tam nobiles quam ingenui, similiter et liti."

If the distinction between the establishment of the ecclesiastical custom and its enforcement by the civil law be borne in mind, much of the difficulty as to the date at which tithes were established will be removed. The gradual development of the law as to the payment of tithes is fairly stated by Dr. Milman: "Already, under the Merovingians, the clergy had given significant hints that the law of Leviticus was the perpetual and unrepealed law of God. Pepin had commanded the payment of tithes for the celebration of peculiar litanies during a period of famine. Charlemagne made it a law of the empire; he enacted it in its most strict and comprehensive form, as investing the clergy in a right to the tenth of the substance and of the labour alike of freeman and serf."—(*Milman's "Latin Christianity,"* vol. iii., p. 86.)

The origin of tithes in England is usually attributed by the English historians to the supposed grant of tithes by Æthelwulf, A.D. 834 or 835; but there is no doubt that they were claimed by, or paid to, the Church long prior to that date.

By some writers they are referred to a synod held A.D. 786, which is alleged to have been confirmed by a law of Offa, but no such law is in existence. The latter date may be adopted as that at which a distinct canon of the church

Here the rights of the Levites are adopted in a fulness not found elsewhere, and not borrowed from any of the

enforced as obligatory what before had been a customary, although voluntary, payment.

Whether the Penitential of Theodore, who was Archbishop of Canterbury from A.D. 668 to A.D. 690, was or was not the work of its alleged author, it is quoted by Archbishop Egberht of York, who held that see from A.D. 734 to A.D. 766, and, therefore, represents the opinions of the Church in the first half of the eighth century.

In the Penitential of Theodore (*Councils, &c., of Great Britain*, Haddan and Stubbs, vol. iii., p. 203), there is the following passage:—

“9. Tributum ecclesie sit, sicut consuetudo provincie, id est, ne tantum pauperes inde in decimis aut in aliquibus rebus vim patientur.

“10. Decimas non est legitimum dare nisi pauperibus aut peregrinis, sive laici suas ad ecclesias.”

In the Report of the Legates to the Pope Adrian I., A.D. 787, among the rules delivered to the English to be observed occurs the following:—

“XVII. De decimis dandis sicut in lege scriptum est ‘Decimam partem ex omnibus frugibus tuis seu primitiis deferas in domum Domini Dei tui.’ Rursum per Prophetam; ‘Adferite,’ inquit, omnem decimam in horreum Meum, ut sit cibus in domo meâ; et probate me super hoc, si non aperuero vobis cataractas celi, et effudero benedictionem usque ad abundantiam; et increpabo pro vobis devorantem, qui comedit et corrumpit fructum terræ vestræ; et non erit ultra vinea sterilis in agro, dicit Dominus.’ Sicut sapiens ait; ‘Nemo justam eleemosynam de his quæ possidet facere valet, nisi prius separaverit Domino, quod a primordio Ipse Sibi reddere delegavit.’ Ac per hoc plerumque contingit ut qui decimam non tribuit ad decimam revertitur. Unde etiam cum obtestatione præcipimus ut omnes studeant de omnibus quæ possident decimas dare, quia speciale Domini Dei est; et de novem partibus sibi vivat, et eleemosynas tribuat, et magis eas in absconditis facere suasimus, quia scriptum est, ‘cum facis eleemosynam, noli tubâ canere ante te.’”—(*Councils, &c., of Great Britain*. Haddan & Stubbs, vol. iii., p. 466.)

The gradual growth of the law of tithes is indicated by the statement in the Anglo-Saxon Chronicle of the donation of Æthelwulf, A.D. 855—“This same year Æthelwulf booked the tenth part of his land throughout his realm, for God’s glory and his own salvation.”

Theodore’s Penitential proves, in the seventh or the commencement of the eighth century, an assertion by the Church of the moral duty of the payment of tithes by the laity. The canonical obligation to pay tithes is established by the Legates in A.D. 787. The personal duty is recognised by the King in A.D. 855. The legal obligation to pay tithes is at length recognised in the Code of Edward the Elder and Guthrum, A.D. 901—“If any one withhold tithes, let him pay ‘lahslit’ among the Danes, ‘wite’ among the English.”

So fluctuating, however, was the mode in which the obligation to pay tithes was regarded that in the laws of Edward and Guthrum (*ob.* A.D. 901) the non-payment of tithes entailed civil penalties (sect. 6), but in the laws of King Edmund (A.D. 940–946) the payment of tithes was enforced by an ecclesiastical sanction only (sect. 2’).

European nations, who were sufficiently unwilling to pay the tithes alone. The meaning of the right to firstlings is first explained in the following paragraph. They are—"Every first, *i.e.* every first birth of every human couple, and every male child which opens the womb of his mother, being a lawful first wife; and also every male animal that opens the womb of its mother, of small or lactiferous animals in general." First fruits are described as—"First fruits are the first of the gathering of every new produce whether small or great, and every first calf and every first lamb which is brought forth in the year."

In addition to the Levitical rules as to tithes and first fruits, it would appear from this tract that an Irish church claimed as against its laity rights unknown elsewhere. Under the head "firstlings" were included the first-born of a marriage; and if there were eleven or more children of a marriage, of whom not less than ten were sons, the Church was again entitled to a second son of the marriage. The rules in the text as to this selection for the benefit of a church were as follows:—(1) the first-born, if a son, was given to the Church; (2) if the first-born were a daughter, she was the first-born, but her place was taken by the next born son; and (3) if there were ten sons other than the actual first-born, the Church had a claim to one of them; the son who fell to the Church's share was ascertained by setting aside the three worst of the ten, and casting lots upon the remaining seven. A son thus given to the Church as a first-born or a tenth, obtained as large a share of the family property as any other son, but was bound to render service to the Church for his own lands, as a 'saer'-stock tenant; in consideration of which service the Church was bound to teach him learning.*

Rights such as are thus set forth in the text were never

* The claim of the Church to first fruits is now so obsolete, that the majority are ignorant that it ever existed. In point of date however first fruits preceded tithes.

In the Apostolic Canons it is declared, "Ἡ ἅλλη πᾶσα δαπάνη εἰς οἶκον ἀποστέλλεται."

claimed as against the whole body of the laity by any other Christian Church in Europe. It may be surmised that the text is not so much the statement of the law actually existing at any specific time, as the expression of the opinion of an early churchman as to what the ideal law ought to be. The commentary on the text, however, shows that at a subsequent period the principles laid down in the text were treated as existing law. On the other hand, there is in the commentary an absence of those leading cases which are so profusely cited upon other subjects.

The difficulties as to these claims of a church may be

λέσθω, ἀπαρχὴ τῇ ἐπισκόπῳ καὶ τοῖς πρεσβυτέροις, ἄλλα μὴ πρὸς τὸ θυσιαστήριον, ὅλλον δὲ, ὡς ὁ ἐπίσκοπος καὶ οἱ πρεσβύτεροι ἐπιμερίζουσι τοῖς διακόνου καὶ τοῖς λοιποῖς κληρικοῖς."—(*Apos. Can.*, IV. (V.), *Bruns.*, vol. i, p. 1.)

The claims of the Church to first fruits were in addition to the demand for tithes, and were the subject of canonical regulation as late as the thirteenth century, but they do not seem to have been ever enforced by the sanction of the civil law.

The following passages, collected by Du Cange, illustrate the nature of the first fruits claimed by the Church :—

"De primitiis vero statuimus, ut laici per censuram Ecclesiasticam compellantur ad tricesimam vel quadragessimam partem, usque ad quinquagesimam nomine Primitiis persolvendam."—(*Concil. Burdegal.*, cap. 20, A.D. 1253.)

"De primitiis vero dicimus, et juri esse consentaneum reputamus, et sic in Nemausensi diocesi præcipimus observari, quod primitiæ Ecclesiæ illi dentur de proventibus seu fructibus prædiorum decimæ persolvantur, cum non debeat una eademque Ecclesiæ censerī; nomine autem Primitiarum, seu pro primitiis ad minus sexagesima pars de vino et blado Ecclesiis debet solvi."—(*Synodus Nemausensis, Cap. de Decimis, A.D. 1284.*)

"Ut sexagesima pars offeratur eorum, quæ gignuntur a terrâ," &c.—(*Decretal. Gregor. IX.*, lib. iii., tit. 30, cap. 1.)

"Primitias eorum rerum de quibus præstatetur decima, dari volumus per trentenam. juxta modum Ecclesiæ Carcasonensis."—(*Stat. Synod. Ecol. Carcass.*, cap. 16, A.D. 1270.)

The distinction between the first fruits of the altar and of the priest, which appears in the Apostolic Canon, still continued in the middle ages :—

"Primitias de fructibus vestris et de laboratu debetis offerre ad altare, id est, spicas novas et uvas et fava. Alias Primitias ad domum presbyteri de omni fructu debetis portare, et presbyter eas benedicat."—(*Incerti auctoris Homilia apud Baluz in app. ad Cap. Col. 1376.*)

"Omnes autem Primitias de Curtangis habebit presbyter, illis exclusis quæ veniunt ad altare, scilicet agnorum, vitulorum, porcellorum, et lanarum, quarum presbyter tertiam et monachi duas partes habebunt."—(*Chartul. S. Vincentii, Cenoman.*, fol. 55.)

reconciled if the position of the early Christian Church in Ireland be carefully borne in mind. There was no national Church claiming its rights as against the collective laity; there were many independent Churches, or groups of allied Churches, which claimed specific rights as against the laity of a specific tribe living within a certain defined district. In some cases, the first convert, if the head of a clan probably with the consent of his clansmen, consented to the establishment of a Church within the territory of his tribe. Upon the common tribe land the monastic church of the saint was then erected. Upon what was originally the land of one lay tribe there were thus two tribal (or joint-stock) communities established; the tribe of the saint* or the perpetual succession of monks occupying the religious monastic establishment under the rule of the abbot, and possessing, in a *quasi* corporate capacity, a portion of the original common land; and the old lay tribe, described as "the tribe to whom the land belongs," occupying the residue of the tribe land, but devoted to the "tribe of the saint." A Church so founded must have come into contact with two classes of laity—the occupying tenants of the portion of the tribe land actually allotted to the "tribe of the saint," and the members of the "tribe to whom the land belonged," occupying the residue of the tribe land. Except under these two relations, it is difficult to see what rights a Church could claim as against the laity; and if the portion of the text of the 'Corus Bescna' which deals with the rights of a Church be exclusively confined to these two classes, no intelligible meaning can be given to the text; but if it be remembered that certain lay communities devoted themselves (*sese et familiam suam*) to the service of God in a peculiar manner, the rules laid down in the tract can be believed to have represented actually existing facts. If the early convert had devoted himself and his tribe to the Church, such

* The phrase "tribe of the saint" is used in two distinct meanings—(1) in opposition to the lay tribe, to describe the members of the monastic establishment ('fine manach'); (2) in tracing the right of succession to the abbacy, as the lay tribe of which the saint who founded the monastery had been a member, as distinguished from the monks who were inmates of the monastery.

a solemn dedication of an individual and his house to the special service of God created a relation wholly different from that which arose from the ordinary establishment of a monastery upon a portion of the tribe land. The convert and his clan, by their dedication of themselves to the service of God, created a relationship the precise meaning of which the original parties to the transaction may never have comprehended. It was subsequently necessary that the rights of a church against such a tribe, on whose lands it had been founded, should be defined, and then, as the only known standard, the Levitical system, with extensions and various alterations, was assumed by the Church as the explanation of its claims.

There may be a question whether these rights of the Church were to be exercised against the tenants occupying the portion of the tribe land allotted to the Church, or against the members of the "tribe to whom the land belongs," still occupying the residue of the tribe land, who had devoted themselves to the Church, and who were the class described as the "subjects of the Church?" It appears from the text that these rights of the Church must have been exercised as against members of the original lay tribe, and not as against its own sub-tenants. The first-born, or tenth son chosen by lot, carried out of the family stock the share to which he was entitled as a member of the family, to hold, not as his father or the residue of his brothers held, but as a 'saer'-stock tenant of the Church. Such a rule would be wholly inapplicable to the actual tenants of the Church land holding the land as 'saer'-stock tenants, and positively injurious to the Church, if applied to its 'daer'-stock tenants. The system of tithes would also seem inapplicable to the actual tenants of the Church, if the nature of the tenancies known as 'saer' and 'daer' stock be borne in mind.* If the rights of the Church stated in the text were continuously enforced against, or acquiesced in by, the entire lay tribe, the members of the tribe must have gradually been converted into 'saer'-tenants of the Church; and, as

* Vid, *Senchus Mór*, vol. 2, Preface, pp. xlvii.-liii.

'saer'-tenants would have been bound to forty nights' service to the Church. All the first-born and tenth sons, though retaining their character as free, must have sunk into vassals of the Church, and the tribe "to whom the land belonged" might be described as the family of the patron saint.

How far, if at all, the claims of the Church were generally enforced, it is not necessary here to inquire.

The duty that gifts should be given by the various classes of the laity to the Church, and the amount to be given by each class in proportion to its dignity, are the subject of the next section of the text. After detailing the amount of the gift to the Church from each grade of the laity, the text concludes—"But the 'comharbas' are not alike; the 'comharba' who sells and buys not; the 'comharba' who neither sells nor buys; the 'comharba' who buys and sells not." The title of 'comharba' is usually referred to the person who, as the representative of the original saintly founder of a monastic house, represented the society formed jointly of the tribe of the saint and the tribe to whom the land belonged. Is it possible that the term should be used in this sense in the present text? Are the class of 'comharbas' in this section distinguished from the several ranks of chiefs previously mentioned, or are they some general class in which the former are included? The three divisions of 'comharbas,' specified in page 43, would seem to be identical with the three divisions of persons of all grades in page 45; and the text in page 49, seems merely an application of the general rule to the case of a 'boaire'-chief. It is further evident from the commentary at the foot of page 47, that the rule primarily laid down as to 'comharbas' was applicable to every man who possessed land over which a disposing power was acknowledged to exist. It may therefore be presumed that the extension of the term 'comharba' is greater as it is used in the text than it is in its ordinary use. No objection to any such extension of the word arises from its derivation or original meaning. The word has no peculiar connexion with things ecclesiastical, and being derived from the words 'comh' (with) and 'orba'

(land), signifies one who represents a joint possession in land. If taken in its primary meaning, it signifies one who is the legal owner of property in which others than himself claim or have an interest. If such be the meaning of 'comharba,' it is equally applicable to the representative of the joint religious and secular tribe, the chief holding the tribe land as the head of his clan, and the paterfamilias, whose proprietorship is bound by a trust more or less extensive, for the members of his family. The rules laid down in the commentary are referable to all persons holding these various legal positions.

The general principle which runs through this portion of the tract is, that the legal owner of property in which others have an interest is, for the benefit of those interested, restrained in the exercise of his powers of ownership. How far the head or representative of a family could alien his lands, was a question of importance when no strict rule of hereditary succession or primogeniture had been established; it was necessary then to lay down some rule according to which the exercise of ownership by the head or representative of the family might be reconciled with the rights of the junior members.

In such cases two distinctions are made—(1) between the disposition of property handed down by the previous owner to the existing head of the family, and (2) between legal and illegal dispositions, by the head of the family, of the property which he might possess. Thus in early English law the power of alienation by the owner was different in the case of what was then defined as *hereditas*—land which had descended by inheritance—and *quæstus*, land acquired by purchase. In the case of 'hereditas,' the owner might alienate *in remunerationem servi sui* or *in elemosinam*, but not otherwise; in the case of 'quæstus,' the owner might alienate for any purpose, but not to such an extent as to disinherit wholly his son and heir. If a man possessed lands both by inheritance and purchase, he might alien all those held under the latter title, and retain his right to dispose partially of the land received by inheritance, in

what was considered as a reasonable manner and to a reasonable extent. Excluding the idea of heirship, the same principle is adopted by the Brehon law in the present tract.

"He who has not sold or bought is allowed to make grants, each according to his dignity. He who buys and has not sold is capable of *making* grants as he likes out of his own acquired wealth, but *only if* he leaves the property of the tribe intact, or a share of other land after him for the augmentations of the tribe" (page 45).

"He who sells *out* and does not buy *in* is not capable, or, *according to others*, is capable of *making* grants, provided he has not sold *out* too much" (page 45). Again—"It is lawful for the 'boaire'-chief to make a bequest to the value of seven 'cumhals' out of the acquisition of his own hand, but *only if* he leaves two-thirds of his acquired property to the original tribe" (page 49).

"No man should grant land except such as he has purchased himself, unless by the common consent of the tribe, and *that* he leaves his share of the land to *revert* to the common possession of the tribe after him" (page 53).

It must be borne in mind that the text deals solely with alienations in favour of the Church; and with reference to such gifts, the law lays down that as to inherited property, the power of alienation for this purpose is limited by a maximum; as to acquired property, there is an unlimited power of alienation. It is impossible to reconcile the commentary with the text; but the variance between them is not in the principle, but in the details of its application. It was the duty of the representative of a family or joint ownership to preserve the *corpus* of the property for the benefit of all interested therein; but in view of ordinary contingencies, it was obviously impossible to maintain it constantly in the same unvarying condition; the representative of the family or association necessarily had a power of alienation for the benefit of all, which might be exercised more or less prudently.

Hence follows the distinction between "necessary" and "unnecessary" alienations. Unnecessary or improvident

alienation, though for the benefit of the community, restricted the power of the representative of the community to alien for his own benefit. The rules in the commentary upon this subject are evidently added by different hands, and are naturally inconsistent; but the meaning and design of all are the same. The commentary commencing in page 47 plainly refers to the power of disposition over inherited lands possessed by the head of a family (whom the commentator included under the term 'comharba'). According to it the property of any such person was divisible into three portions, viz., the share (1) of the tribe, (2) of the chief, and (3) of the Church. His power of alienation could be exercised only as against the third of the tribe, and for certain specific purposes, viz., in contracts and covenants, in gifts for the health of his soul, and as tenancy to a lay chief. By the tribe share must be understood the share to be transmitted to the aggregate body which he represented—his family in the original sense of the term; by the share of the chief it may be intended that one-third of his lands would, on the death of the owner, lapse into the general stock of the tribe; what rights were taken by the Church in the remaining third it is impossible to conjecture. This statement as to the power of the head of a family to alien is followed by the rule as to the power of alienation of a woman over her 'cruib'-land* or 'sliasta'-land†; in this case also the tribe, or rather family, had a right to one-third, but the remaining two-thirds were subject to her power of alienation arising from her cultivation of the inherited land. As to acquired property, a distinction was drawn between the case in which the means of acquiring additional property arose from the industry of the owner, and the produce of the land in the ordinary course of husbandry; the power of alienation naturally being greater in the former than in the latter case. Property acquired by the exercise of an art or trade was placed in almost the same position as property the result of agri-

* From *croib*, the hand.

† Derived from "*placpao*", the thigh, or loins.

culture; two-thirds of it were alienable; but in a state of society in which the exercise of particular arts and professions were caste privileges, the profits of any such social monopoly were naturally distinguished from those acquired solely by individual ability, and therefore the emoluments accruing to any man by the exercise of "the lawful profession of his tribe" were subject to the same rights for the benefit of the tribe to which he belonged as ordinary tribelands.

It may be remarked, that in this very interesting portion of the tract the commentary rather obscures than elucidates the text. The original rules are simple and consistent, and analogous to those which in other countries, *e.g.* England, treated of property similarly situated. If the rules laid down in the commentary are aught else than speculative, they must have involved the alienation of property in questions of account which would in any, and especially a primitive state of society, have rendered any alienation practically impossible. As to the commentary which commences in page 47 (already referred to), it is to be desired that some evidence could be discovered to prove that such a scheme for the devolution of property upon the death of the owner was ever practically enforced.

The real spirit of the law in its original simplicity, and the objects which it was designed to effect, are best shown by a subsequent passage of the original text:—

"The proper duties of *one* towards the tribe are, that when he has not bought, he should not sell; * * although he be not wealthy, but that he be not a plunderer of the tribe or land. Every one is wealthy who keeps his tribe land perfect as he got it; who does not leave greater debt on it than he found on it" (page 55).

Among the forms of alienation previously mentioned as sanctioned by law was included an alienation for the future maintenance of the donor. In a state of society where there was no means of investing savings, and little security for those unable to protect themselves, it was an obvious expedient that the old or feeble should make over their property to another upon the condition of being maintained

during their life. The transaction was the same as the purchase of a life annuity from the Government or an insurance company.

Such arrangements were carried out in two modes; the owner of property might retire from the headship of his family, permitting his son or heir to succeed him upon the condition of maintaining him during life, or he might purchase from a monastic church a right to reside in its buildings and feed with its inmates. Rights of life maintenances of the kind were sold by the Church until a late period, under the name of *corrodies*—a business in which the Templars embarked largely.

If a father transferred his property to the son upon the condition of the son's maintaining him, and, as a consequence of the transaction, the headship of the family passed to the son, the relative position of the parent and son would be reversed, and the father would be placed in the hand or under the power of the son. Between both would exist the reciprocal obligation to keep the capital stock unimpaired; the son could annul previous contracts of the father, injurious to the property, and the father could prevent the son diminishing the fund charged with the burden of supporting the father during his life. "A son who supports his father impugns every bad contract of his father's; he does not impugn any good contract. So is the father in relation to the son who supports him; he impugns every bad contract; he does not impugn any good contract" (page 57). If the son failed to fulfil his contract to support his father, the rights of the father as against the son were as follows:—The property given by the father to the son may be treated either as having been given upon a condition, or as having been given subject to a charge for the stipulated maintenance. The latter view is adopted in the text in page 53—"The father may remove a son who does not maintain him from his land, and give his land to one who maintains him, until the value of a man is got out of it." The land pursuant to this rule would stand charged with a sum for maintenance fixed at what was the legal

price of the father's life according to his rank in society. The former view of the father's rights is stated in the text in page 57—"Not so the son who does not support his father; he does not dissolve any good contract or any bad contract of his father's. Not so the father in regard to the son who does not support him; he sets aside every bad contract and good contract of his son's, if he has by notice repudiated the contracts of his son, that all might know it. The 'seds' of his son are forfeited to him wherever he seizes them. Whatever the son has obtained from others in exchange is forfeited;" *i.e.*, the father re-enters upon his property as upon condition broken.

If land were aliened to a monastic church as the consideration for a life maintenance, the respective rights of the Church and the tribe in the land required to be adjusted. The tribe might claim the succession to lands after the death of the owner, but was at the same time bound to support any tribesman who required assistance. If the profits of the land during the life of the former owner had been insufficient to indemnify the Church against the expense of his maintenance, the tribe, if absolutely entitled to the succession, might at once take the benefits, but repudiate the obligations arising from the tribe relation. A rude compromise was struck by the rule that, on the death of the former owner, the land aliened by him to the Church for his maintenance was charged in favour of the Church with a sum varying with the ability of the tribesmen to have maintained him—one-half of the actual expenditure incurred in his maintenance if the tribe were able, one-third if unable, to fulfil their duty.

From page 59 to the end of the tract the original texts are wholly fragmentary, being, in most cases, simply the catch-words to the rules which were well known by the compilers; from the same page also the arrangement of the subject-matter is confused and inconsecutive.

The rules as to the rights of fathers against sons who failed to support them are followed by the unintelligible text—"His 'eric'-fine and his bequest," which, from the

commentary annexed, appears to have been introduced from a tract on criminal law.

Next follow a short text and commentary as to the liability of those who entertained fugitives for the crimes committed by them, which portion is equally unconnected with the general subject of the tract. This is succeeded by a very defective text and commentary as to the liability of a son to support his mother. There are, as if a portion of the commentary upon the last-mentioned text, six lines of verse specifying the six classes of sons who are not bound to honour their fathers. This fragment is probably a relic of the purely traditional rules transmitted by memory only, which preceded the construction of any written text. The passage is possibly introduced in continuation of the rules as to the support of a father by his son, and the three intermediate fragments of text and the commentaries on them may be treated as an interpolation.

The remainder of the tract deals with questions of ecclesiastical law, as far as such a term is applicable to rules which have no connexion with ordinary canon law. The two first fragments of text refer to the rights of a church over its members. The monastic churches were bound together in certain understood relations to each other, not because the inmates were of a common order, but by the assumption of kinship as between the institutions themselves. The 'eclur' (*ecclesia*) was a large monastic church establishment, as contrasted with the 'cill,' or a smaller church (*cella*). The 'cill'-church does not appear to have been a dependent upon the larger establishment in the sense in which the term *cell* was adopted in the English use. A monastic church might stand towards any such other church in the relation of an 'annoit'-church, a 'dalta'-church, or a 'compairche'-church. An 'annoit'-church was that in which the patron saint had been educated or in which his relics were kept; in other glosses it is explained as equivalent to the idea of a mother church, as the church from which the original founder of the church in question had come. A 'dalta'-church was one founded by a member

of the same community as the founder of the church in question; a "sister church," if the term be permitted. A 'compairche'-church was one under the tutelage of the same saint. The members of the church tribes of churches thus related had certain rights of succession to each other, or peculiar rights in the property of their members.

The text and commentary in page 65 treat of desertion from an original church. It is not clear who are the persons whose desertion is contemplated by the rules in question. The author of the gloss in C. 834 explains the term "desertion" as referable to the conduct of monks who, not valuing their condition as monks, went away from their church; but the commentator contemplates the contingency that the person who had so deserted his church might die leaving issue to succeed him—an idea inconsistent with the celibacy which was inherent in the early Irish Church; and in the next section of text and commentary (p. 67) the same rules as those contained in the paragraph treating of desertion are applied to a class which includes tenants of church land. Desertion is declared to be allowable in seven cases of necessity. From the commentary it is evident that by the term desertion was not meant merely the abandonment of the original church, but a removal or exchange from a church to another standing in the "annoit" or "dalta" relation to it. In the case of "necessary desertion" to an 'annoit'-church, if the person who has so abandoned the original church died at the 'annoit'-church, two-thirds of his 'ceannaighe'-goods reverted to the original church, one-third only remaining with the 'annoit'-church in which he died; if he had left the 'annoit' and proceeded to a 'compairche'-church and died there, his 'ceannaighe'-goods would be divided in similar proportions between the original church and the 'compairche'-church. The rights of the original church did not cease with the division of the 'ceannaighe'-property of its former member, but, although in a decreasing ratio, affected the similar property of the two first generations of the descendants of the deceased. It may be conjectured that the next generation would be

wholly discharged from the claims of the church of their ancestor of the third generation, and that the church in whose district they resided would then be considered as their original (or native) church.*

The next section treats of the mode in which the land of a church tenant who has been "forfeited" is divisible. The meaning of the text is very obscure; but it contemplates the possibility of a tenant of the church being given over to some external body or tribe, as a pledge for the payment of the damages for a wrong of which he is guilty. Such a pledge would be forfeited unless redeemed by the Erenach (or *Æconomus*) of the monastic church within a fixed period, and he would appear to have taken out with him his land, "if the Church advised that land should be given him." Against the land of the man thus forfeited and his son, the original church had a claim as in the case of a member who had deserted. The rights thus exercised by the remaining members of the community over the property of those who, in some manner, voluntarily or otherwise, had gone out of the monastic church body, do not imply that the condition of those whose property was subject to such rights, was of a servile condition. These rules exhibit the difficulty with which, in the early form of society, the member of a tribe or association could sunder himself from his fellows, or carry his share of property out of the original stock.

This *solidarité* existing between the members of a tribe is further illustrated by the commentary in page 69, which seems to have no immediate connexion with the text, except the reference in the latter to the distinction between acts of necessity, *i.e.*, "crimes of inadvertence and unnecessary

* There appears to have been an exception to these rules in the case of a pilgrimage, which was included among the seven "necessary desertions;" for the commentary in page 73 states:—"If his soul's friend has enjoined upon him to go on a pilgrimage after the murder of a tribe-man, or murder with the concealment of the body. If it be after consulting his own church that he has gone on a pilgrimage, whether he has left 'ceannaighe'-goods or not, whatever he leaves to the church to which he goes, be it ever so much, is *due* to it. If, however, he has not consulted with it (*his own church*), his 'ceannaighe'-goods, if he has any, *due* to his original church."

profit," and of non-necessity—"intentional crime and such as was not deserved *by the injured party*." The fines payable in respect of either class of crimes, upon the failure of the property of the criminal himself, were payable by his tribe, "as they divide his property." The only difference in the mode of treating the two classes of crimes was that in the case of a crime of non-necessity, the criminal himself was given up, with his cattle and his land, to the injured party.

If a child was "offered to a church for instruction," the church acquired an interest in him as a future member; and if the father removed his son from the church to which he had been offered, the church was entitled both to payment for his fosterage and to honor-price and body-fine; and thus the removal of the student from the institution was treated as equivalent to the death of one of its members. The amount of the compensation payable to the church would naturally depend, not so much upon the rank of the student, as on that of the church itself, and therefore there was a distinction drawn between the amount payable to a noble church and to a 'cill'-church.* It is difficult to understand what is the meaning of the commentary—"His land, moreover, along with himself, *are due* to the church from which he is taken, unless he is ransomed from it." There is no means of ascertaining how far a student, upon taking monastic vows or ordination, carried into the church the property of which he was possessed; and it seems very improbable that his rights in tribe land should be transferred to an ecclesiastical or monastic body. It appears that, if a student were killed, his body-fine was paid, not to the church, but to the tribe; but "the *lay* chiefs shall not obtain anything of what the 'cain'-law adds *to the body-fine*." The text upon this passage in the commentary is—"Chieftains shall not come

* The act of a father, who reclaimed his son from the church, was similar to the claim by the adulterer against the husband of the mother for the possession of the person of an adulterine bastard. The rules of law applicable to both cases were identical. The law of adulterine bastardy is treated at length in the subsequent introduction to the Book of Aicill.

against the church;" and the meaning may be, that the church received whatever compensation would, under the 'cain'-law, have been payable to the chief, if the slain had been a layman. This rule of the Brehon law is illustrated by the fifth paragraph of the decrees of the Council of Cashel (A.D. 1172), viz. :—"In the case of homicide committed by laymen, when it is compounded for by the parties, none of the clergy, though kindred to the perpetrators of the crime, shall contribute anything," &c. (*Girald. Camb. Ex. Hib.*, chap. 35.)

The priest or monk did not, by entering into orders, escape from the liabilities arising from the tribe relationship; and, similarly, it was the tribe, and not his church, to which the compensation for his death was payable. As the church acquired certain rights in the student whom it educated, so it incurred the correlative duty of supporting and instructing him. In the case of the death of a student, "if it was it (*the church*) that did not feed him after knowledge of his hunger, it will be body-fine or honor-price, or full fines and costs, *that will be due*." There is a distinction drawn between the student's "own church" and a strange church. The former term evidently expresses the relation which existed between a church established upon the land of a tribe and the lay members of the tribe. It possessed the right that such of the lay tribe as took orders should enter into its body. "If he (*the son to be educated for the ministry*) has been offered to his own church for instruction, and for being in the service of God therein, and she did not receive him, and he then is educated in another church, he is forfeited by her (*his own church*) to the church that has educated him, until his original church pay the price of his education." On the other hand, "his own church" educated the student on better terms than could be obtained elsewhere, "If his father does not offer him to his own church, it is the father that shall pay the expense of his education."

The remainder of the tract, from page 73 to the end, deals with the law of succession to an abbacy, which, as a free election of the abbot by the monks was unknown to the early Irish monastic system, involved numerous complicated rules

to determine the respective rights of the Church and the lay tribe. To understand these rules, it is necessary to bear in mind the mode in which the early Irish monasteries were established and endowed, of which we have an example in the account of the founding of the monastery of Armagh in the life of St. Patrick. The chief, representing the tribe, gave to the saint a portion of the tribe land for the foundation of a monastery. The gift was made out of the land of the tribe, to the saint personally, and for a definite object. The transaction was quite different from the gift of land to a monastic corporation. The saint, and not the corporate body, was the original grantee. The lay tribe, the original owners of the land, parting with their land for a specific purpose, retained their property in the land subject to its being used for the purpose to which it had been originally devoted, and possessed certain rights against the Church, (viz., that the divine services should be performed, and education given to students of the tribe, &c.,) and the right of succession to the abbacy in certain contingencies.

The abbacy on a vacancy passed to the tribe of the patron saint (the founder) "as long as there shall be a person fit to be an abbot of the *said* tribe of the patron saint; even though there should be but a psalm-singer of them, it is he that will obtain the abbacy." By the tribe of the patron saint must here be intended the tribe of which he himself had been a member, and not the artificial monastic tribe of which he had been the head; for the tribe of the saint might forfeit their privilege by neglect to claim during the time of prescription. In default of any person of the tribe of the saint fit to succeed to the abbacy, the right of succession passed to the tribe upon whose tribe-land the monastery had been established, subject to the condition that if there should be any member of the tribe of the saint *better* qualified, he should be substituted for the abbot of the tribe to whom the land belonged. If the patron saint or founder had been a member of the tribe to whom the land belonged, he was described as being on his own land. The right of the tribe of the saint was claimed through the founder, for he could

release the rights of his tribe to the succession in favour of the tribe to whom the land belonged; in which case the order of succession was inverted, the tribe of the saint taking next after the tribe to whom the land belonged. In the same manner, if the tribe to whom the land belonged acquired by prescription the right to the abbacy as against the tribe of the saint, the right of the latter was only postponed, not extinguished. If no fit person of the two first classes were found, the succession passed to the "fine-manach," or monk tribe who occupied the monastery, subject to a similar condition in favour of the two preceding classes. The right to the abbacy, in the absence of any fit person of the three preceding classes, passed successively to the 'annoit'-church, a 'dalta'-church, a 'compairche'-church—the several religious establishments bound to the church in question by the artificial ecclesiastical relationship before alluded to. All parties having claims to the succession being exhausted, a neighbouring 'cill'-church might supply the vacancy; and in the extreme case of no fit person being found in any of the above classes, a "pilgrim," *i.e.*, any qualified person arriving on the spot, was entitled to assume the abbacy, as a "general occupant." Although any member of the tribe of the saint, or of the tribe to whom the land belonged, if more worthy than the abbot belonging to the classes lower in the scale, might displace the abbot in actual possession, it does not seem that any of the other classes exercised this right against those lower in the scale than themselves. When the abbacy passed to any class inferior to that of the "fine-manach," the rights of such an abbot must have been much restricted; for, "while the wealth of the abbacy is with an 'annoit'-church, or a 'dalta'-church, or a 'compairche'-church, or a neighbouring 'cill'-church, or a pilgrim, it (*the wealth*) must be given to the tribe of the patron saint, for one of them fit to be an abbot then goes for nothing."*

* In the case of an abbey founded by a foreign saint, *e.g.* St. Patrick himself, there would not exist any tribe of the saint; the tribe, upon whose land the monastery was founded, would, therefore, possess the primary right to the abbacy. The succession to the abbacy (or archbishopric) of Armagh is thus explained, without the supposition that the rights of the church were invaded by the members of the lay tribe.

An abbot of any of the four inferior grades was obliged to bring in his property in some manner for the benefit of the monastery; "he shall leave all his legacy within *to the church*;" and the pilgrim at least was bound to give security on his entering into possession, and was subject to damages.

A distinction is drawn between a church founded by a saint and a 'cill'-church of monks. In the latter case the monastery may have been founded by, and the grant made to, several monks at one time, as joint tenants. In such a church there could be no founder's tribe, and the artificial monk tribe took the first place in the order of succession.

As to the mode in which the abbot should be selected out of the members of the class to which he belonged, there is no information given. From the last section we learn that "the order of the succession by lot shall not devolve upon the branching tribes when there is a person better than the others;" it may be hence assumed that where no such marked superiority existed, the choice by lot was not unknown.

These rules of succession to an abbacy explain the constant succession of abbots sprung from the tribe "to whom the land belonged." The enjoyment of the office of abbot by members of the lay tribe is shown, not to have been an usurpation by the laity upon the monastic body, but the legitimate exercise of a legal right, resembling the right of nomination to a church or parish enjoyed by the original benefactor and his representatives.

The portion of this tract, which deals with ecclesiastical matters, is among the most interesting remnants of early Irish law. It is too fragmentary to enable us to form a complete idea of the organization of the Irish Church. Many of the rights claimed for the Church may have existed in theory rather than practice; many of them are not as generally applicable as the text would seem to assert; but the peculiar spirit of the Celtic Church organization is exhibited with a distinctness hitherto unknown.

The early missionaries to the other European nations

beyond the limits of the Roman Empire, introduced at once Christian doctrine and Latin organization. Into Ireland Christian doctrine was introduced, but the organization of the Church developed itself in accordance with the principles of the civil society in which it was established.

As the nation was split into independent tribes, the Church consisted of independent monasteries. The civil chaos, out of which society had not yet escaped, was faithfully reproduced in a Church devoid of hierarchical government; intensely national, as faithfully reflecting the ideas of the nation; but not national in the ordinary acceptance of the term, as possessing an organization co-extensive with the territory occupied by the nation.

INTRODUCTION TO THE BOOK OF AICILL.

THIS Book professes to be a compilation of the opinions (*responsa prudentium*) of Cormac and Cennfaeladh.

Cormac, having been accidentally blinded in an affray at Temhair, became incapable of retaining the sovereignty, which was given to his son Coirpri Lifechair, and retired to Aicill, now the hill of Skreen, in the county of Meath. In difficult cases he was consulted by his son, and hence his answers to the questions submitted to him commence with the words, "My son, that thou mayest know." The date of the reign of Cormac according to the received chronology, is from A.D. 227 to A.D. 266.

Cennfaeladh, the son of Oilell, having been wounded at the battle of Magh Rath (Moirá) in the year 642 A.D., was brought to be cured to the house of Bricin of Tuam Dreacain, now Toomregan, in the county of Cavan. This town was then the residence of certain professors of literature, law, and poetry, and what he there learned Cennfaeladh noted and transcribed into a book.

Such are the origin and date attributed to the dicta which form the original text of this work. The date at which they were collected and commented upon is a very different matter.

The Book commences with a philological and metaphysical discussion upon the derivation and several meanings of the word "eitged," in which the author professes an acquaintance with the Hebrew, Greek, and Latin tongues, and the logical definitions of the schoolmen; his learning, however, is neither extensive nor very profound, and it may be hoped that it is not to be taken as a specimen of the education given in the ancient Irish schools.

The scope of the work is to collect in a digest the leading authorities upon the subject of "eitged," a word now obsolete,

and therefore left untranslated. It is possible from the various definitions and classifications of it to gain a tolerably clear idea of the original meaning of the word, which must have become technical at the date of the author. "Its import, *i.e.*, its true meaning," we are informed, "that which is not obvious in the word itself, can be found through investigation, as 'eitged,' *which means* criminal, and 'eitged,' *which means* exempt." It seems to belong to that class of words in many languages, which at first indicate something merely unusual, and are subsequently used to indicate impropriety or criminality. The idea is, that of any act which is contrary to or an exemption from the ordinary rule, which breaks through or overflows the limits set by custom or tradition. The meanings of the words *ὑπερφιάλος*, insolentia, monstrous, and trespass, have undergone a similar change. The law as to acts unusual, meaning thereby criminal, is the subject which this digest is intended to embrace. It may, however, be remarked that the word "eitged," in its primary sense, may be applied to a large portion of the text, which treats of the cases that from peculiar circumstances are exceptions from the general rule, and are distinguished by the author as "the exemptions."

The Book of Aicill may be considered as the code of ancient Irish criminal law. The term criminal can only be used with reference to the acts which are the subject of the law, not as defining the nature and object of the laws themselves. An act is criminal in the correct use of the word when it is regarded as an offence against the state, and distinguished from wrongs which are offences against individuals (delicts or torts). The distinction lies not in the nature of the act itself, but in the point of view in which the legislator regards it. The idea of a crime cannot arise until the idea of the state has been realised, and it gradually acquires definiteness as the duties of the state are more clearly understood. Even in civilised communities the distinction between crimes and torts, and the double aspect in which almost every wrong may be regarded, are very slowly and imperfectly appreciated. Theft was classed by Gaius among civil wrongs.

Among ourselves, when the wrong is of so aggravated a character as to amount to felony, the individual loses all right to compensation, an injustice avoided by the French law, which combines into one proceeding both the criminal and civil action.

The idea of the state as an existing entity, consisting of all the citizens, and defending the person and property of each against the others, was wholly unknown to early tribal communities. The several families who formed a tribe, although possessing common property and united defensively as against their neighbour, occupied inter sese the position of independent communities; there existed no sovereign bound to see that justice was done, no common tribunal to which an appeal might be had. Wrongs were resisted and avenged, if the parties who suffered them were capable of so doing. No *duty* compelled the other families, members of the tribe, to intervene in the dispute.*

From the very earliest period the inconvenience arising from reprisals and vendettas must have compelled the other

* To the members of a civilized community the vendetta, as still practised in Corsica and other semi-civilized countries, appears, and is rightly judged, to be a crime and violation of public order; in a primitive society on the other hand it is the only sanction by which life and property were secured.

"Dans les sociétés primitives, tout l'ordre social est concentré dans la famille. La famille a son culte, ses dieux particuliers, ses lois, ses tribunaux, son gouvernement. C'est elle qui possède la terre. Toute nation est composée d'une réunion de familles indépendantes, faiblement reliées entre elles par un lien fédéral très lâche. En dehors des groupes de familles, l'état n'existe pas. Non seulement chez les différentes races d'origine aryenne, mais presque chez tous les peuples la famille présente à l'origine les mêmes caractères. C'est le *yévos* en Grèce, la *gens* à Rome, le *clan* chez les Celtes, la *cognatio*, chez les Germains,—pour emprunter le mot de César.

"Dans les temps reculés où l'état avec ses attributions essentielles n'existe pas encore, l'individu n'aurait pu subsister ni se défendre, s'il avait vécu isolé. C'est dans la famille qu'il trouvait la protection et les secours qui lui sont indispensables. La solidarité entre tous les membres de la famille était par suite complète. La vendetta n'est point particulière à la Corse; c'est la coutume générale de tous les peuples primitifs. C'est la forme primordiale de la justice. La famille se charge de venger les offenses dont l'un des siens a été victime: c'est l'unique répression possible. Sans elle, le crime serait impuni, et la certitude de l'impunité multiplierait les méfaits au point de mettre fin à la vie sociale."—(*Les Formes Primitives de la Propriété*.—*Revue des Deux Mondes*, tom. 101, p. 39.)

members of the tribe to intervene to preserve the peace for the benefit of all; but the action of the other members of the tribe is not in the character of a sovereign power possessing original jurisdiction, but in that of a friendly arbitrator desirous of arranging the differences between his friends, and the sentence of the arbitrator does not declare that the guilty party is liable to any punishment for the wrong, but awards that a certain amount of compensation, paid by the aggressor to the injured party, should satisfy the latter and be taken by him in lieu of his revenge. The measure of damages is not the loss actually suffered, but the amount of vengeance which the injured party, under the circumstances of the case, and in accordance with prevalent ideas and local customs, might be expected to take.

The award, when pronounced, was not legally binding upon either party, for the arbitrator had no means of enforcing his award, nor was there any civil power to which the injured party could appeal for the execution of the judgment. The jurisdiction of the judge, and the enforcement of his judgment, were derived from and had no other sanction than the public opinion. No legislator commands that any act should be done or foreborne, no civil power enforces the award of the arbitrator, but the public opinion of the village holds that the quarrels between its members should be compromised in a certain manner; and the customary law is the public opinion carried out into practice. The lower the stage of civilization, the more are the actions of men in accordance with the custom; the individual member of a tribe, whose ideas have never wandered beyond the limits of his village, thinks as his neighbours think, and therefore acts in accordance with, rather than obeys, the custom.

If the guilty party does not pay the amount awarded, the community does not compel him to do so, but the injured party is remitted to his original right to avenge his own wrongs by reprisals or levying of private war. The aggressor or defendant, if he decline to fulfil the award made by the arbitrator, and be supported by his family, may resist if able to do so, or abandon the community and become an

outlaw, his life being forfeit to the avengers if they discover his retreat.

As the social unit was the family, the family of the murdered man claimed the damages for his death, and the family of the wrong-doer were in a secondary degree bound to pay the damages awarded against him. When in a later stage of the development of law the kinsmen of the wrong-doer were *compelled* to pay the damages, which the principal neglected to pay, this *solidarité* existing among kinsfolk was regarded as a burden and obligation; in an earlier stage it may have been of advantage that the other members of a family could buy off the consequences of the feud brought upon them by one of their own members.

When the wrong-doer himself neglected or was unable to pay the compensation, two courses were open to the members of his family, either to pay the amount themselves, or to deliver up the wrong-doer to the party offended. In the *Corus Besena* distinct allusion is made to the delivery to the injured party of the wrong-doer and all his goods. By such an act the party injured was left at full liberty to work out his vengeance on the captive as he pleased. This is clearly shown in the present tract in page 485—"Thou shalt not kill a captive unless he be thine. That is, the captive who is condemned to death. It is lawful for the person who had him in custody to kill him; and the person who assisted him is exempt, if the person in whose custody he was were not able to kill him; but if he was, fine for an unjust death is *due* from him who assisted him; this is obtained by the family of the captive."

This passage clearly shows that the wrong-doer, when handed over to the person whom he had injured, could be put to death by him with impunity; but that the right to put him to death was purely personal is shown by the fact that a third party, assisting unnecessarily in the killing of one who had done him no personal injury, became himself a wrong-doer. In the case of manslaughter, the nature of the compensation given by the wrong-doer varied with the mode in which the duty, or the rights of the kindred of the

slain were regarded. The kinsmen might be considered as either having the duty of revenge thrown on them, or as being themselves entitled to compensation for the injury done to the family. The mode in which the custom would effect an arrangement between the parties would naturally differ according to these respective views of the rights and position of the family. In the Levitical Code the right of vengeance to be exercised upon any shedder of blood is expressly admitted; but a refuge is provided for the involuntary slayer, to which if he attains, he is secured a trial, and if acquitted of malice, sheltered for a certain space, until the death of the high priest, which is treated as a fixed period of limitation. Among the Maoris, whose customs are singularly illustrative of early law, the difficulty is met by a constructive death of the slayer, who is publicly wounded by the avenger, and thereupon considered as dead; his goods are divided among his tribesmen as in the case of actual death, and he is re-admitted by adoption into his original tribe. In most early codes with which we are acquainted, the idea of compensation predominates over that of the duty of revenge, and the transaction is reduced to a pecuniary payment, which, in a subsequent period, is regarded as a fine.

In one point of view only was an act of violence regarded in early law as a matter cognizable by the whole body of the people, viz., when the act was regarded as a sin calling down Divine punishment upon the entire community. The necessity of the purification both of the individual and the community from the sin is manifest in the early laws of both Rome and Greece; but the offence was brought under the notice of the community as a sin against God, not as an injury to an individual. Such, probably, was the jurisdiction of the Areopagus at Athens; and at Rome, apparently, from a very early period, the Pontifical jurisprudence punished adultery, sacrilege, and perhaps murder. In those early customary codes which were compiled after the introduction of Christianity, the treatment of certain acts as sins, and as such affecting the community, has been re-

jected, the consequences of, and the purification from, sin being regarded as lying exclusively between the Divinity and the sinner himself. To the influence of Christianity also may be attributed the preponderance which, in such codes, the right to compensation acquires over the duty of vengeance.

The amount of the payment to be made in any case, representing the revenge which would probably be taken by the injured party, must be the result of various fluctuating factors. The actual power and rank of the injured person and his family, as the measure of the power to revenge wrong, form the most essential element; the actual wrong inflicted, the place in which it was inflicted, the circumstances attending its occurrence, the intention of the wrongdoer, and the degree in which the injured party was himself, by his negligence or otherwise, a cause of what occurred, would all be elements of the calculation. In addition to the payment to the injured party, the remuneration of the arbitrator would have to be provided for; this might be effected by either a charge upon the amount of damages recovered, or a payment to be made by the unsuccessful party.* When at a later date a permanent tribunal was

* The subjoined, anonymous and undated, constitution, which appears among the laws of King Wihtraed, in the *textus Ruffensis*, is remarkable both as illustrating the mode in which damages were estimated, and also the extent to which the local customs of a semi-barbarous society overpowered in the minds of the clergy the traditional principles of Roman and canon law. Wihtraed, according to Bede, died in the year 725 A.D.—(Ecc. Hist., B. 4, chap. 24):—

CONSTITUTIO QUOMODO DAMNA ET INJURIE SACRIS ORDINIBUS ILLATA SUNT
COMPENSANDA.

I. Septuplicia sunt dona spiritus sancti, et septem gradus sunt ecclesiasticorum ordinum et sacrarum functionum. Septem etiam vicibus dei ministri deum quotidie laudare debent in ecclesiis et pro universo populo Christiano diligenter intercedere. Et ad omnes dei amicos quam maxime pertinet, ut ecclesiam dei diligant et honorent, et dei ministros pace ac concordia tueantur. Et si quis illis damnum intulerit verbo vel facto, septuplici compensatione diligenter compenset, pro ratione facti et pro ratione ordinis, si dei misericordiam promereri velit.

II. Sanctuarium etenim et ordines sacri et sancta dei domus ex timore dei sedulo honorari debent. Et ad compensationem ordinis violati, si vita damnum patiatur, præter justam capitis æstimationem primus gradus, compensetur una libra, et cum pia satisfactione veniam ille exoret sedulo.

substituted for an arbitrator *ad hoc*, the payment to the arbitrator for his time and trouble was reduced to a fixed payment and considered as a fine; but it is clear that originally the State did not take from the defendant any sum as a composition for any wrong supposed to be done to itself, but simply claimed a share in the compensation awarded, as the payment for service rendered.

In all essential principles the ancient Irish and the ancient English (Anglo-Saxon) criminal law were the same; but in England, as elsewhere in Europe, the law of crimes was, as the necessary consequence of the establishment of vigorous central governments and of the knowledge of Roman law, altered by the distinction of crimes and torts being more or less acknowledged. The anarchical condition of the Celtic race in Ireland prevented the idea of the State from taking root among the natives of that country, and as the necessary consequence, all acts of violence or wrong were treated as torts, and never as crimes. The English settlers, unaware that their own ancestors some centuries earlier had entertained the same opinion, treated the Irish criminal

III. Et ad compensationem ordinis violati, si vita damnum patiatur, præter justam capitis æstimationem secundus gradus duabus libris compensetur cum ecclesiastica confessione.

IV. Et ad compensationem ordinis violati, si plena pacis violatio fieret, præter justam capitis æstimationem tribus libris tertius gradus compensetur cum ecclesiastica confessione.

V. Et ad compensationem ordinis violati, si plena pacis violatio fieret, præter justam æstimationem capitis quarto gradui quatuor libree solvantur.

VI. Et ad compensationem ordinis violati, si plena pacis violatio fieret, præter justam capitis æstimationem quintus gradus quinque libris compensetur cum ecclesiastica confessione.

VII. Et ad compensationem ordinis violati, si plena pacis violatio fieret, præter justam capitis æstimationem sextus gradus sex libris compensetur cum ecclesiastica confessione.

VIII. Et ad compensationem ordinis violati, si plena pacis violatio fieret, præter justam capitis æstimationem septimus gradus septem libris compensetur cum ecclesiastica confessione.

IX. Et ad compensationem ordinis violati, si pax semifracta fuerit, compensatio fiat sedulo pro ratione ejus quod factum est. Jure judicandum est juxta factum, et moderandum juxta dignitatem coram deo et coram sæculo.

X. Et compensationis violati ordinis pars una episcopo, secunda altari et tertia societati tradatur.

code as something altogether unnatural and iniquitous. A certain mystery, therefore, has been supposed to be connected with the Brehon criminal law, and Irish antiquaries have been accustomed to speak of this system as peculiar to the Celtic race and quite abnormal in its character. This belief was not entirely exploded until the comparative study of the laws of early nations, so recently commenced and so successfully pursued, had taught us that the laws of all the early Aryan tribal communities were almost identical in their principles, and that if some of the laws of such a community were abstractedly stated, it would be impossible to pronounce with certainty whether they were derived from the banks of the Ganges or the shore of the Atlantic. Every archaic code exhibits the same principles with peculiar variations, and not only illustrates the social life of the people among whom it prevailed, but also throws new light upon the customs of other nations in a similar stage of civilization.

The ancient criminal code of Ireland has been comparatively unstudied; it was known that it consisted of a complicated system of pecuniary compensation, but the principles of the calculation, and their application to individual cases could not be ascertained so long as the present work remained unpublished. Sir H. S. Maine, in his work on ancient law, states that "The Teutonic codes, including those of our Anglo-Saxon ancestors, are the only bodies of archaic secular law which have come down to us in such a state that we can form an exact notion of their original dimensions."

The Brehon criminal law is, for reasons peculiar to itself, worthy of study, and exhibits more completely than any other archaic code the ideas of an early society as to the whole body of acts included under the names of crimes and torts.

The Irish customary law was collected and recorded in writing at a period as early as, if not earlier than, that of any of the Teutonic codes which have come down to us. The missionaries who introduced Christianity into the island

were few in number, and, probably, themselves very imperfectly Latinized; the doctrines of Christianity were not forced upon the natives by any foreign power, as was the case in Germany. The early tribal system of society was never effectually broken up, nor were the legal ideas of the people modified by the introduction of principles derived from the civil law. If the Irish nation had been reduced under the rule of any single monarch, it is probable that their criminal law would have been independently developed in the same manner as we find to have been the case in other nations; but unfortunately the idea of a national sovereignty never took root, and therefore the conception of the State was never attained by the Irish Celts. The archaic criminal law remained practically unaltered in Ireland from the date of the earliest notices of its existence down to the final suppression of the Irish tribal system at the commencement of the seventeenth century. It cannot be asserted that the internal social condition of the tribes continued unaltered during this period, but rather that their ideas as to criminal law were never developed.

In Ireland, the study and administration of the law being the monopoly of a separate hereditary caste, the traditional rules of the law and the opinions of celebrated lawyers were preserved in writing and commented upon in a manner peculiar to the Brehon system. If we compare the rules of the early Teutonic codes as to crimes or torts with the Brehon law books, we shall find the difference between the nature of the documents to be striking. The former consist of simple principles or enactments, being probably mere collections (made by the authority of the king whose name they bear) of the old customs handed down by tradition. The ancient customary law of the Irish consisted of similar rules of uncertain origin, collected not by any sovereign authority, but by the practitioners of the law, and continuously commented upon by lawyers, in the same manner as a barrister notes up in his text-book the latest authorities.

There was not among the Irish any sovereign authority

competent to enact a new law; the customs were assumed to exist, and the early text was taken to represent the custom correctly. There was not, further, any tribunal of original jurisdiction whose decisions could be received as of binding authority. The mode, therefore, in which the archaic Irish customary law was worked out was very similar to the effect of the *Responsa Prudentium*—the answers of those learned in the law—upon the Decemviral Roman law.

The course which the Irish law pursued is described, with certain modifications to be hereafter noticed, in Sir H. S. Maine's account of the effect upon the Roman law of the *Responsa Prudentium*:—"The form of these responses varied a good deal at different periods of the Roman jurisprudence, but throughout its whole course they consisted of explanatory glosses on authoritative written documents, and at first they were exclusively collections of opinions interpretative of the Twelve Tables. As with us, all legal language adjusted itself to the assumption that the text of the old code remained unchanged. There was the express rule. It overrode all glosses and comments, and no one openly admitted that any interpretation of it, however eminent the interpreter, was safe from revision on appeal to the venerable texts. Yet in point of fact, Books of Responses bearing the names of leading juriconsults obtained an authority at least equal to that of our reported cases, and constantly modified, extended, limited, or practically overruled the provisions of the Decemviral law. The authors of the new jurisprudence during the whole progress of its formation professed the most sedulous respect for the letter of the Code. They were merely explaining it, deciphering it, bringing out its full meaning; but then in the result, by piecing texts together, by adjusting the law to states of fact which actually presented themselves and by speculating on its possible application to others which might occur, by introducing principles of interpretation derived from the exegesis of other written documents which fell under their observation, they educed a vast variety of canons, which had never been dreamed of by the compilers of the Twelve Tables

and which were, in truth, rarely or never to be found there."*

The surrounding circumstances and the education of the early Roman lawyer and the Irish Brehon were very different. No new ideas of law or philosophy were introduced from foreign sources into the law schools of the Brehons; no intercourse with foreign nations brought under their notice the legal principles which educe themselves from an observed conflict of laws. The civilization of the roving Scandinavian was inferior to their own; the law of the Norsemen in their original settlements, though better in its practical working, was identical in principles with their own. The system of law introduced by the English was too different from the native Irish law to be fused with it, and was therefore naturally repudiated in its entirety by the Brehon lawyers. The profession of the law in Ireland being the possession of a caste, law was studied and applied in the spirit of a close corporation, and reduced as far as possible to an occult science. Under these circumstances it is not extraordinary that Irish criminal law assumed the form in which it appears in the ancient Brehon tracts. The root of the Brehon law is the archaic custom preserved in the collections made for their own convenience by professors of law. This custom was not and could not be abrogated or altered. Owing to peculiar circumstances, it never was naturally developed, but was continually increased in bulk by the efforts of the commentators, who in their commentary had no desire to improve, but solely to exhibit the application of the custom to any possible contingency. In such speculations they display a fatal delight in arithmetical operations. As the "law" of each case resolved itself into the calculation of the amount of damages, which was the result, as before stated, of constantly varying factors, the possible combinations of which were practically infinite, the Brehon lawyers had an unlimited field for their legal speculations; but, however prolonged their labours, they could not from their very nature have brought any improve-

* Ancient Law, pp. 33, 34.

ment to the administration of justice, or have met any social want of the nation.

The Brehon law, although buried in a mass of technical commentary, still retains in matters criminal the peculiarities which distinguish an archaic from a more modern code. The narrowness of view of the Brehons, which reduced their commentaries to a mere logical development of forms, preserved the criminal law free from the introduction of those ideas which have become so familiar to us that we believe them to be the first and necessary elements of jurisprudence.

The features of early law in criminal matters, which come out with peculiar clearness in the Brehon law tracts, and especially in the present work, may be summed up as follows:—(1), the entire absence of any legislative or judicial power; from which it follows (2), that the law is purely customary, and theoretically incapable of alteration; and (3), that all judicial authority is purely consensual, and the judgments are merely awards founded upon a submission to arbitration, whose only sanction is public opinion; (4), that all the acts defined by us as crimes are classed as torts; and (5), that the form which all judgments assumed is an assessment of damages.

The procedure by which redress for an injury was obtained under the Brehon law explains at once the position of the judge and the nature of his judgment.

The injured person did not apply to the civil power for redress, for there was no magistracy or police; he could not issue any summons or writ to bring the wrong-doer before a judge, for there were no tribunals whatsoever; he was at liberty to take the law into his own hands, and redress himself. No one would have prevented him from doing so; but it was the custom, or the local public was of the opinion, that a person who had been injured should not himself revenge the wrong suffered, but rather be indemnified by damages. The first step was to induce the wrong-doer to enter into a consent to submit the matter to arbitration; this was effected by the solemn process of a distress, explained

so fully in the preceding volumes. The levying a distress was a public reprisal, an assertion of the plaintiff's right to revenge the wrong suffered. Or the plaintiff, abstaining from an act which, although ultimately a mere form, had originally been a proceeding by force, might appeal to the miraculous interference of Providence by fasting upon the aggressor. The levying of the distress and the fasting would in the end be no more realities than were the entry and ouster in an English ejectment. The submission to the technical act of retaliation, and the yielding to the demand of the starving suppliant, were originally voluntary acts of the wrong-doer, enforced alone by the sanction of public opinion. The whole dispute between the parties is here-upon submitted, not to an official or judicial person, but to the member of that family which has preserved the traditional customs and acted as usual arbitrators, thus securing the same monopoly of the judicial business which the village smith or doctor enjoyed in respect of their several occupations. The Brehon, at the request of the parties, proceeds to settle all the existing differences between them. In the vast majority of cases, the settlement of their existing differences amounted simply to awarding damages for the wrong committed; but various reprisals and acts of violence might have occurred before the submission to arbitration, or the wrong-doer might have had some old complaint of his own to be brought forward as a set-off; in such cases the Brehon took an account between the parties. Every injury on both sides being duly credited or debited at a fixed amount, he then struck a balance which represented the sum, upon the payment of which all complaints between the parties were satisfied. The Brehon was paid out of the amount of damages awarded by him.

The primary elements in the calculation of the amount of compensation were the nature of the wrong and the rank or power of the parties. Every possible wrong was calculated according to a fixed ratio, the scale of the taxation depending upon the rank of the parties, and an additional personal compensation, independent of the nature of the injury, but with

reference to the rank of the injured party, was introduced as a separate item into the account. Such a stated account is detailed in the Commentary on the *Senchus Mor* (vol. i., p. 77):—"A balance was struck between the crimes, here i.e., Eochaidh Belbhuidhe was killed while under the protection of Fergus, who, being the king of a province, was entitled to eighteen 'cumhals,' both as 'irar'-fine and honor-price for the violation of *his protection*; there were also due to him nine 'cumhals' for his half 'irar'-fine and half honor-price, in compensation for Dorn having reproached Fergus with the blemish, for he was not aware that he had the blemish; so that this was altogether twenty-seven 'cumhals' to Fergus. Honor-price was demanded by the *Feini* for the killing of the pledge, for the pledge they had given was a pledge without limitation of time, and for it twenty-three 'cumhals' were payable by him for 'irar'-fine and honor-price. For the authority of Fergus was opposed at that time. Buidhe, son of Ainmirech, was entitled to honor-price for the killing of his daughter, i.e., he was an Aire-Forgill-chief of the middle rank, and was entitled to six 'cumhals' as honor-price. Her brother was also entitled to honor-price for her death; he was an Aire-ard, and was entitled to four 'cumhals' as his honor-price; so that this which the men of the South demanded amounted to thirty-three 'cumhals,' and the men of the North demanded twenty-seven; and a balance was struck between them, and it was found that an excess of six 'cumhals' was due by the men of the North, for which Inbher Debhline was again restored by the men of the North."

If the facts of the case were established, the skill of the Brehon lay in discerning what were the proper items to be introduced into the account, and the scale in which they were severally to be assessed. The great body of the present work therefore consists of statements of the mode in which wrongs of all possible descriptions are to be charged, the possible items to be introduced into such accounts on either side, and leading cases of accounts so taken as precedents to be followed. For such a purpose allusions are made to, and

illustrations drawn from, the ordinary social life at the time ; and thus a vast amount of information as to the state of society is collected.

In the absence of any metallic currency the fine was calculated in cumhals, which were the conventional units of value.* The 'cumhal' originally signified a bond-maid, and subsequently denoted any goods equivalent in value to a bond-maid, the price of whom was supposed to be three cows. If either the payer or payee had the power of electing in what particular articles the payment should be made, considerable inconvenience might have been caused to the opposite party. To prevent this the rule was established, that in the case of what would now be called unliquidated damages, the payment, when it exceeded a certain amount, should be made in different sorts of goods in certain fixed proportions. Half a cumhal was payable in one species of goods, one cumhal in two species of goods, in both of which cases it is to be presumed that the payer had the election of the form in which the payment was to be made. When the amount was "cumhals," that is three cumhals and upwards, the payment was made in three species of goods, viz., one-third in cows, one-third in horses, and one-third in silver ; and, further, one-third of the cattle were required to be male, one-third of the horses mares, and one-third of the silver by weight might be copper alloy. This mode of calculating value, archaic as it seems, still prevails among the Irish peasantry in the case of grazing contracts, in which, in lieu of a cow, the owner of the cattle may substitute calves, sheep, or geese in a fixed ratio. The mode of paying damages in mixed goods did not apply in proceedings founded upon an express contract to furnish a specific article or class of articles, except in the case where the purchaser had, and the speculative vendor had not, notice that the specific articles could not be procured in the market.

*The 'cumhal' must have varied in different districts. In page 109, the commentator, quoting some custom or maxim says, "the 'smacht'-fine for being without 'teist'-evidence is a cow or a 'cumhal' ; and the 'cumhal' here means the fourth part of seven 'cumhals.'" The local custom or author made use of a local currency in the estimates.

The first case discussed in the present tract is that of homicide, a subject which takes precedence as well from its importance, as from the simplicity of the account to be taken.* As to the nature of the deed itself, homicide was divisible into the two classes of simple manslaughter and murder, the difference between which lay in the existence or absence of malice aforethought, the fine in the latter being double what it was in the former case. The commentary discusses the case of a homicide with or without concealment or secrecy. The secret homicide was one committed "among neighbours," (that is, in a place where the body would be once discovered,) when it was concealed with the object of escaping detection, or when the homicide took place in a remote place, where the body was not likely to be discovered, and the guilty party did not before detection give notice of the fact. The concealment in the former case was defined as an act subsequent to the homicide, and done with the view of concealment; if the difficulty of finding the body arose from the nature of the homicide, it was not technically a concealment.

The homicide and concealment being two distinct and consecutive acts, might be committed by one person or by two different persons. The accessory to a homicide was also liable in damages, but a person might be an accessory to both or one of the above-mentioned acts, viz., the actual homicide or the subsequent concealment. If all the parties to the transaction were of the same rank in society the calculation of the result may be made without much difficulty. The commentary takes first the case of a native freeman, by which we must understand a full member of the tribe, a *ceorl* in the original use of that term. For the homicide

* This text and commentary treat all homicide as subject to the rules of 'eric'-fines; malice aforethought merely doubles the amount payable by the slayer. The commentator in the *Corus Bescna* treats homicide and all other wrongs done with malice aforethought as exceptions to the ordinary law, and states that the slayer should be given up, with all his goods, to the family of the slain. This statement in the *Corus Bescna* is perhaps a further instance of the Ecclesiastical, or rather Levitical spirit apparent in that work, and, with other passages, strengthens the suspicion that much of the law there laid down is what the authors believed ought to be the custom rather than what they found actually to exist. (*Corus Bescna*, ante, p. lvi.)

simply, the guilty person paid the amount of his own honor-price (his "wer" in the English law), and the fine (body-fine) of seven 'cumhals'* as the compensation for the death, which corresponds with the "bôt" of the early English law; for the concealment of the body the guilty person, whether the same as, or other than, the original slayer, paid also full honor-price and a fine of seven 'cumhals'; the result of which was that the native freeman when guilty of murder paid double his own honor-price and fourteen 'cumhals.' If, however, the body was found, the fine for concealment, but not the honor-fine, was remitted. A witness to either or both of the acts of homicide and the concealment, if a native freeman, was liable to one-fourth of the damages payable by a principal, subject to the reservation, that if the body were discovered the fine for concealment was remitted. The amount of the honor-price in all these cases depended upon the rank of the person chargeable with the payment, not of the person guilty of the act. If the rank of the parties to the transaction were other than that of freemen, the calculation became much more complicated. The original text merely states that the fines are doubled by malice aforethought, and contains no table of what the exact amounts are. The commentary, though more consecutive than usually is the case, contains rules contradictory to each other as to the amount of the payment; these varying statements probably represent the application of the general principle contained in the text to diverse local customs; it is therefore impossible to calculate with any certainty the amounts payable in every combination. But the following are presented as the deductions which may be drawn from the commentary. The value of a freeman being taken as the unit, a stranger, a freeman who resides in the tribe, but is not of the tribe, is valued at four-sevenths; a foreigner, a freeman not of the

* It is difficult to understand that the fine for the slaying of any freeman should be seven 'cumhals,' inasmuch as the commentary upon the next section of the text defines the septenary grade as consisting of those, *e.g.*, a bishop or chief professor, &c., who were entitled to a fine of seven 'cumhals' of penance and *seven 'cumhals' of eric-fine*. The eric of a bishop or chief professor must have exceeded that of a simple freeman.

tribe, or permanently residing in it, is rated at two-sevenths* and one-fourteenth; a 'daer'-man is valued at the one-seventh of the value of the man in whose hand he was. Seven 'cumhals' being taken as the amount of the fines payable by a freeman for the homicide of a freeman and for the concealment of the body, the amount would be rateably diminished in proportion to the rank of the slain or of the slayer. That the rank of the slain affected the amount is evident, not only from the analogy of similar codes, but from the passage, "It is for the concealing of the body of a native freeman the fine of a 'cumhal' is due; and four-sevenths of it (the 'cumhal'-fine) for the concealing of the body of a stranger; it is two-sevenths and one-fourteenth (of the same) for the concealing of the body of a foreigner; a seventh only for the concealing of the body of a 'daer'-man."†

The actual amount which could be recovered for the death of any person is made the unit upon which fines for lesser injuries are again calculated, and the full body-fine is in the *Corus Bescna* treated as the maximum of damages a father could recover from the son, who, having received his father's property on the condition of maintaining him, had failed to do so.

The variation of the fine in relation to the rank of the criminal appears in the following passage‡:—"This is the fine

* From the commentary in page 129 it would seem that a freeman who leaving his property goes into another tribe (the evident meaning of which is that he was only temporarily absent) loses one-half of both honor-price and body-fine i.e., his honor-price and body-fine are less by one-half under such circumstances.

† Page 103.

‡ The principle that the amount of the damages should be affected by the rank of the guilty party seems at first unusual, but it appears in some passages of the early English law; thus in the second section of the secular laws of Edgar, the passage occurs, "If the law be too heavy, let him seek a mitigation of it from the king; and for any 'bōt'-worthy crime, let no man forfeit more than his 'wēr';" the force of which provision lies in the distinction between the 'bōt' and the 'wēr,' and the passage therefore means "the amount of damage to be recovered against any guilty person shall never exceed the amount of the 'wēr' which might be claimed by his family in the event of his murder." If the existence of this principle be borne in mind, the usual objections to the text in the 7th section of the laws of Æthelbirht disappears; and the rule, "If the king's 'ambiht-smith' (official smith) or 'land-rine' (guide) slay a man, let him pay a half 'leod-geld' (or 'wergeld')," is another instance of the status of the slayer being an element in the calculation of the damages. Great

due from the 'daer'-man of a native freeman for the concealing; four-sevenths of it *are due* from the 'daer'-man of a stranger; two-sevenths and one-fourteenth from the 'daer'-man of a foreigner; and a seventh of the seventh from the 'daer'-man of a 'daer'-man. How is it found out that it is a seventh of the seventh of a 'cumhal' which is *the fine* upon the 'daer'-man of a 'daer'-man for the concealing of *the body*, as no book mentions it? It is thus inferred: because seven 'cumhals' are *the fine* upon a native freeman for it; and a seventh of this, *i.e.* one 'cumhal,' is *the fine for the concealing* upon the 'daer'-man of a native freeman, it is fair that it is the seventh of the 'cumhal,' which is *the fine* upon the 'daer'-man of a native freeman for concealing, that should be *the fine* upon the 'daer'-man of a 'daer'-man for the concealing; and this is the seventh of the seventh."^{*}

The reported case of the ancient Brehon arbitration contained in the first volume is an authority entitled to much more weight than the present commentary; and it is not easy to reconcile that decision with the complicated rules contained in the commentary. The commentary in this and other passages of the present volume probably bears the same relation to the original law as the Talmud to the Pentateuch.

The infliction of a further injury upon the body in the act of concealing created a claim of an entirely new character. The body was held to be the property of the original church of the deceased. Whether this means the church or monastery

anomalies must have arisen if the principle be admitted that the rank of the criminal affected the amount of compensation to be paid by him. In a note upon the above-mentioned section of the laws of Æthelbirht, the editor of *The Ancient Laws and Institutes of England* remarks:—"I have sought in vain for an example where the 'wer' is fixed, as on the present occasion, for men of all degrees and in favour of persons holding particular offices. The *wer-geld* was the property of a man's family. There might be grace in increasing it, but to lessen its amount in favour of any class of men would be little short of giving encouragement to the commission of the very crime against which the law is directed. Indeed such a principle is in opposition to the whole body of Germanic jurisprudence, in which the 'wer' and the duties connected with it may be said to be the corner-stone of the fabric."

* P. 105. If this principle were carried out in the case of the murder "with malice aforethought" of the 'daer'-man of a 'daer'-man by the 'daer'-man of a 'daer'-man, the amount of damages to be paid by the slayer would be the equivalent of the decimal .0166 of the value of one cow.

situate within the land of his tribe, or a church founded by a member of his tribe, the honor-price, but not the body fine, which should have been paid to the deceased on account of such an injury if inflicted in his lifetime, was payable to the church to which he belonged; thus constructively the dead man was regarded as the member of the monastic church in which his remains should have reposed.

Inasmuch as the compensation to be paid by or to any person depended upon his rank in the community, it was important in every case to ascertain the real rank of the individuals connected with the transaction. If the status of the individual depended solely on descent, there would be no difficulty in the matter. The idea of rank or status is different in the case of a nation of unmixed descent and of one formed of a conquering superimposed upon a conquered race. In the latter case the test of nobility is purity of blood; a man remains in the rank in which he was born, and therefore a certain descent is a condition antecedent to the acquiring of nobility; such was the position of the Spartiate in Lacedæmon, or the patrician of Rome. But in a nation of one stock only, although a peculiar position is occupied by the ruling families, and although at an early period birth and nobility are associated, yet nobility does not confer the position occupied by one of a conquering in relation to the members of a conquered race; in such a nation property or personal distinction is considered as a sufficient foundation of nobility. Nothing indicates the completeness of the destruction or expulsion of the British nation before the English more clearly than the possibility of attaining social rank without any reference to birth. Although the early Irish history records successive settlements and invasions, it is certain that the Celtic population did not occupy the position of a conquering as contrasted with a conquered population. Naturally, therefore, in a legal point of view, rank was not the result of descent purely, but could be reached by one who possessed certain personal qualifications or property; it was therefore possible that personal status might from time to time be altered by circumstances

external to the individual himself—that, as the original text describes it, “The head of a king should be upon a plebeian, or the head of a plebeian upon a king.” Rank, as measured by the amount of the honor-price, might depend on the family, profession, or property of the individual. Professional rank might depend upon the position attained by the person in question—*e.g.*, a bishop or a chief professor; or, in the case of a retainer, upon the rank of the chief to whom he belonged, as in the Barbaric codes a “ministerialis” of the king, although taken from the servile class, had therefore an increased value. That the grade of an individual could be determined by the amount of his property appears from the rules subsequently laid down as to partnerships in the commentary, in page 143, where it is stated that if the owner of twenty-eight ‘cumbhals’ worth of land enter into a partnership with the owner of twenty cows (eight ‘cumbhals’ of cows), not only do certain incidents as to the ownership of the property occur somewhat similar to our own law of partnership, but each of the partners was entitled to an honor-price of the grade double whose property they possessed, and therefore both of the partners in such a case would take the rank of a middle ‘Bo-aire’-chief; from which it may be assumed that property to the amount of eighteen ‘cumbhals’ was either sufficient to confer, or necessary to maintain, the specified rank.

It is evident that in estimating the amount of the honor-price of any person the result might be very different according to the particular qualification with reference to which his grade was determined. When an individual could qualify in more than one grade, if the question of the amount of his honor-price arose, he was required to elect on what basis, whether birth, profession, services, or property his grade should be ascertained, and by such election, when once made, he was thereafter bound. “The head of a plebeian is upon a king” when one of noble rank elects that his honor-price should be ascertained in respect of his property and not his birth, and afterwards loses the property, the ground of his qualification. In such a case he could not, on a subse-

quent occasion, fall back upon his birth as his qualification ; he would be considered to have voluntarily abandoned his ancestral grade, and to have lost the qualification thereof for that which he had elected to retain. Although, however, he loses the benefits acquired by his own descent, the loss is purely personal, and if he has children he transmits to them the hereditary grade, and can, in their right, claim the original honor-price which he had renounced for himself. This passage contemplates the possibility of a person of kingly (or rather noble) lineage finding it more advantageous for himself to assess his honor-price with reference to his property. If it was his interest to elect to be rated, not with reference to his birth, but upon the basis of property, because the honor-fine to which in the latter case he would be entitled would be greater than in the former, we must conclude that the temporary possession of property conferred a rank on its owner, at least as high, or gave its owner a right to an honor-price as great, as that of the son of a kingly house. This result is so extraordinary that the commentary might be suspected of being purely speculative ; the proverb, however, referred to in the text shows that the transaction was both ancient and notorious. Rules similar to the last are also laid down in the case of the contingent qualifications of service.

The next section (page 109) treats of the consequences of having falsely boasted of having committed a crime. When the Brehon arbitrator had not to inquire into the question of abstract guilt or innocence (terms quite foreign to the ideas of the time), but was required to give a decision upon the admitted facts as between the litigants, an acknowledgment once proved threw upon the party who had made it the onus of proving the contrary ; and hence it followed that the plea that the previous acknowledgment or boast of having committed the deed was false in fact required to be proved strictly. The boasting that an injury had been committed against a person or his property, although untrue, was in itself an injury, and entailed upon the boaster a portion of the damages payable if the act in question had been actually committed. Considerable difficulty is acknowledged

by the commentator to exist as to the exact proportion of the damages which were left or removed upon proof of the act in question never having been committed, a difficulty which is attributed to the conflict of 'Cain' and 'Urradhus' law—the former of which must be considered as the general customary, the latter as the local customary law, which prevailed in the tribe to which the Brehon commentator belonged. There might have been as many Urradhus laws as there were tribes, but the author himself, naturally attached to a particular tribe, speaks of *its* custom as *the Urradhus law*. The treatment of untruthful boasting, as an actual tort, had not been established without opposition. The commentator quotes the old maxims, "Much is said through aggravated anger and the folly of mental disturbance," and "Though one should boast of a thing which he did not do, he shall not be fined for it." As this is in direct contradiction to the text which he is annotating, the commentator strives to reconcile them thus: the boasting is a tort or wrong to the person represented to have been injured, but it is an injury only so far forth as it would be believed by a reasonable man; the boaster is liable therefore in the inverse ratio of the excellence of his own character. If the person who boasted "were a thief, or if he were a person who was always in the habit of boasting, it is less likely the deed was committed by him, and it is right that there should be no fine upon him."*

When the homicide in question was not the act of a single individual the question naturally arose by whom and in what proportions the damages were to be paid.† A distinction was drawn between the instigation to do the act and the commission of the act itself, which were treated as separate wrongs. For the instigation to commit the act, "if one man led them out by force or *through their* ignorance," whether those guilty of the act itself were discovered or not, a fine of seven 'cumhals' was payable by the man "who led them out." If all the parties to the transaction are known and proceeded against conjointly for the act committed, the

* Pp. 112, 113.

† P. 115.

fine, "if they were led out with their consent," is still seven 'cunhals,' the instigator or leader paying one-third for the instigation, and his share of the residue as one of the parties guilty of the wrong. Proceedings might be had against the instigator for the instigating and for the act itself, either jointly or severally. The result of the arbitration and payment of the award would amount only to a satisfaction for the actual wrong, the basis of the arbitration. The purely voluntary nature of the submission is shown by the rule, that if it is agreed that the questions both of the instigation to commit the act, and of the act, should form the subject of a single arbitration, the fine of seven 'cunhals' discharges the defendant from all liability. If the causes of action were not combined in the original arbitration, and consequently two several proceedings were at different times commenced against the instigator, he paid the seven 'cunhals' on the action for instigation which was instituted against himself severally, and his share, two-thirds of the seven 'cunhals,' which were recovered on the action founded on the act itself. A *solidarité* existed between the instigator and the parties instigated, but this, from the nature of the jurisdiction, was different from that in the cases of joint defendants in an action of tort in the English law. Under our law all the wrong-doers are defendants in the first instance to the action, the judgment against them is joint and several, and may be levied off all or any at the election of the plaintiff. In the Brehon law the arbitration was effectual only between the parties to the submission; if the others refused to come in, the defendant might or might not pay the whole damage and obtain an indemnity for them; if he did not, they remained open to reprisals; but if they subsequently elected to come in, they could take the benefit of the previous arrangement by settling their account with the injured party or the party who had previously paid the entire damages.

Independently of wrong committed against the person directly injured, or (in the case of his death) against his kin, the commission of an act of violence was a wrong to the person in, or in the neighbourhood of, whose house the trans-

action took place. Around such a residence there was a space ("Maighin" translated 'precinct') of varying extent, within which the owner of the house had a right to insist that the peace should be kept. The extent of the precinct depended upon the rank of the owner of the house; thus the precinct of a bishop was the space included in a circle, the centre of which was his house, and the radius one thousand paces. The limits of such a precinct are sometimes less definitely marked by reference to the distance at which certain sounds might be heard, *e.g.*, the sound of a bell or the crowing of a cock. It is improbable that the privilege of the owner of the precinct was confined to any special ranks in the community; the rules in the Brehon law, as to the rights of the resident within the precinct, necessarily flow from the established fact that in all early tribe systems the family was the unit of social organization. Within the house and lot of land attached allodially to it, the family was an absolutely free community; an entry by one not a member, otherwise than as a guest, or the commission of any violence therein, was a distinct wrong to the collective body of the family, as represented by its head for the time being. In the Teutonic tribes "each family in the township was governed by its own free head or pater-familias. The precinct of the family dwelling-house could be entered by none but himself and those under his *patria potestas*, not even by the officers of the law, for he himself made law within and enforced law without."* The right to enforce the peace within the house of the family, was naturally extended in the case of those of the higher

* Maine Village Communities, p. 78. The modern use of the word town, and of the Irish townland, as meaning an enclosed space the joint property of more than one person, appears in the Laws of Ine, section 42, "If 'ceorls' have a common meadow (gers-tun) or other partible land to fence, &c.," the leading idea was the enclosing of a piece of land, the cutting it out of the general public stock; and the ancient use of the term, and the law of the precinct, indicate the mode in which the members of a tribal community fixed their dwellings; "*vicos locant non in nostrum morem, connexis et coherentibus ædificiis; suam quisque domum spatio circumdat.*"—Tacitus Ger. c. 16. The law of the precinct in the Brehon laws is worthy of attention as indicating a state of society anterior to that generally described in them, and proving that the principle of the unity and independence of the family is common to all the Aryan tribal communities.

ranks to certain limits drawn around their abode—limits which, doubtless, at first represented an actual fence or bound, but afterwards, perhaps, only existed constructively in the contemplation of the law. Such was the space indicated by the English 'tūn' (Germ. zaun), originally a plot of ground enclosed by a hedge, the separate allodial possession of a family, and subsequently used precisely as the Irish 'Maighin'; as in the phrase, "If anyone be the first to make an inroad into a man's 'tūn,' &c." (*Æthel*, sect. 17).^{*} Thus we meet in the English law the rules: "If a man slay another in the king's 'tūn,' let him make 'bôt' with fifty shillings," and "If a man slay another in an eorl's 'tūn,' let him make 'bôt' with twelve shillings" (*Æthel*, sect. 5 and 13). The theory of the precinct, if it operated to protect the family from acts of violence done therein, naturally threw on them the duty not only of maintaining order within, but also of preventing its inviolable character being abused by the protection of wrong-doers against the consequences of their acts. The head of the family was bound to prevent wrongs being done to third parties within the limit of his absolute jurisdiction; if the hand of the avenger was stayed at the limit of the enclosure, the head of the family was responsible for the acts of those whom the sanctity of the precinct thus protected. This principle, which occurs constantly in the present tract, is reiterated in all the early English laws from the earliest down to those of Henry I.[†] They are almost identical with those of the Brehon law.

The rights and liabilities of the family in respect to the precinct are naturally correlative, and are shown to be such in the rules as to payment of compensation for offences, when it is unknown who the guilty parties are.[‡] If, although the guilty person be not ascertained, it be certain that the inhabitants (of the village), or some of them, slew the deceased, they all conjointly pay the fine of seven 'cumhals' to the king and to

^{*} The Irish law justified the slaying by the owner of the house of the thief who broke in at night, exactly as the English law.

[†] Early English Laws, H. and E. 15, p. 14; Cnut. s. 28, p. 168; Ed. Con. 28, p. 195; Wm. I., 48, p. 209; Hen. I., par. viii., s. 5, p. 223.

[‡] P. 117.

the owner of the land as compensation for the violence committed upon the land of the family. The amount of the latter payment is described as being different under the Urradhus and Cain laws; in the former it was one-twentieth part of the honor-price of the owner of the land, if the act occurred without, and one-half if within the precinct; according to Cain law, it was seven-twentieths of his honor-price, whether the act took place within or without the precinct. If, however, it was not certain that the inhabitants of the district were the guilty parties, they pay the fine of seven 'cunhals' as before, but the position of the owner of the *locus in quo* is reversed, and he pays a part of the compensation, the amount of which was uncertain. The reason of these rules was that in the former case no default existed on the part of the owner; the act had been committed by an ascertained class, although the individual had not been ascertained, and, as incident to the act itself, a trespass had been committed upon his exclusive property; but in the latter case it was possible that the act had been committed by parties who had been permitted by the owner to enter upon or remain on his exclusive property, and for whose acts he was therefore responsible.

If the guilty parties were ascertained to consist of a mixed body of freemen, strangers, &c., the compensation was paid by them rateably in proportion to their respective honor-prices; but no information is given as to the rights or liabilities of the owner. If the person guilty of the act stood by when the compensation was paid by the inhabitants, he became liable to recoup them with an additional fine for "looking on" at the payment. The varying amount of compensation with reference to the rank of the payer rendered such an adjustment of accounts complicated, and produced a series of rules the general object of which was to compel the guilty person to indemnify those who had paid the compensation for his act. The fine for looking on was calculated with reference to the amount paid, the payment to be made in respect of each successive "sed" being estimated in a decreasing ratio. The fine for looking on also varied

with reference to the nature of the goods in which the compensation had originally been paid. From a passage in the commentary, which is evidently a reference to some well-known case, the amount of the fine for looking on was diminished if the parties who had paid the compensation might with reasonable diligence have discovered the person really guilty—*e.g.*, if they had seen him coming from the locality where the killing took place,—because in such a case there was no fraudulent attempt at concealment.

An important element in the calculation of the amount of damages was the intention of the defendant both as to the person whom he intended to injure and the nature of the injury which he intended to inflict. When it was intended to slay an outlaw, the person actually slain might have been a "lawful" man, and conversely, when it was the intention to kill a "lawful" man, the slain may have proved to be an outlaw. No information is given as to the causes of outlawry. This is the more remarkable, inasmuch as the specific acts, which entailed this penal consequence, are detailed minutely in the English laws. Our modern idea of an outlaw is that of one who, having refused to obey the law, has been by a distinct judicial act declared *hors de loi*; in consequence of his violation of the law society withdraws its protection from him; having repudiated his civil duties he loses his civil rights. Such a process presupposes the existence of judicial authority (perhaps, rather, legislative authority, as in the case of the Roman privilege), or of a feudal lord. The Welsh laws speak of an outlaw, as "one outlawed from the Lord's peace by a public act, or lawful banishment and process." (Welsh Laws. *Cyvreithiau Cymru*. iii., 13, page 595.) Such could not be the meaning of the word in a tribal society, the most remarkable characteristic of which was the absence of any public law or criminal procedure. Under the early English laws acts of an aggravated nature, such as "felling aman to death," &c., rendered the guilty party "utlah"; but the life of the outlaw was not therefore at the mercy of every man, but "all those who desired right" should seize him. "And if he so do that any one kill him, for that he

resisted God's law or the king's, if that be proved true, let him lie uncompensated."^a But according to the English law the outlaw when arrested took his trial, and compounded his act in the usual manner. Although outlawry in the later English laws (*e.g.*, Crut., s. 13) entailed penal consequences, it originally was little more than an arrest on mesne process. The meaning of the term, also, as it occurs in the early English law, is inapplicable to the Brehon code, which nowhere conceives the idea of a compulsory process.

It is to be remarked that the text distinguishes two classes for whose death the full fine is not payable—viz., the person on whom it is right to inflict the retaliation of an injury, and the condemned outlaw. Both these parties suffer a "*diminutio capitis*," but the loss of his legal rights in the case of the former was partial, in the case of the latter absolute. He upon whom it was "right to inflict retaliation for an injury" must be one who himself had previously inflicted an injury upon the person who retaliated; from this it is clear that the outlawry did not simply arise from the commission of the act itself, and that some further deed was necessary to drive the guilty person out of the community—some formal act must have evidenced that he was so driven forth. The only act to which such consequences can be attached is a refusal to act in conformity with the tradition and custom of the tribe in fulfilling an award made in accordance with customary law. No judicial body existed to decree the expulsion of an individual from the community; but we know that in similar cases an organised body, formed in accordance with immemorial custom, could by a popular expression of universal disapproval drive from out itself the member who repudiated the principles upon which the whole social organism was established. Such was the mode in which a member of a Comitatus was expelled, as described in the well-known passage:—"At si . . . terrâ perfugere maluisset, ad nemus usque pari militum curâ comitandus erat, cunctis tam diu in ejus abitu expectantibus, quousque procul ipsum abesse cognoscerent. Ac tum demum magno cum totius

^a The Laws of Edward and Guthrum, sec. 6.

*militiæ fragore ter valide edendus clamor, cunctaque strepitu miscenda fuerant, ne fugiturus ullo ad eos errore referri posset.** Some such process must have been absolutely necessary in every archaic community. Some circumstances must have been held to justify the expulsion, and probably some ceremony may have indicated that the member of the community who rebelled against the custom was cast out, and had become "friendless," "flyma," or "exlex."

In the text the word translated "outlaw" seems to be sometimes used in a double sense, as implying both one on whom it was right to retaliate a wrong, and also one belonging to the class of condemned outlaws. The head of the family was bound not to allow his house to be made a sanctuary by those upon whom a just vengeance could be inflicted, for he could not, by doing so, stop the course of legitimate revenge; and therefore no damages could be claimed by him if in such case the peace of his precinct were violated. The general principles upon which the commentary in page 137 proceeds are clear, although the rules there laid down are confused and obscure. If a man slay another in the house of a third party, he was guilty of a wrong towards, and was bound to pay damages to, both the kin of the slain and the owner of the house in which the slaying took place. The amount of the fine was, however, variable, according to the "intention" of the slayer; and the rights of the owner of the house to compensation, were affected, if he had harboured in his house an outlaw or wrong-doer. Hence six possible cases of homicide committed in the house of a third party arise; (1) If the intention be to slay a lawful man and he is slain; (2) If the intention be to slay a lawful man and another lawful man is slain; (3) If the intention be to slay a lawful man and an outlaw is slain; (4) If the intention be to slay an outlaw and a lawful man be slain; (5) If the intention be to slay an outlaw and he is slain; and (6) If the intention be to slay an outlaw and another outlaw is slain. If the act done be that which it was intended should be done, the assessment of damages was simple; but if the act was not that intended,

* Saxo-Gram. (Ed. Stephani), p. 139.

damages had to be calculated with reference both to the act and to the intention ; and the damages arising from the nature of the place in which the act was committed must have been affected by the conduct of the owner of the *locus in quo*. The difficulty in the commentary arises from the fact of fine for the "place" being represented as payable to the injured person, or to the person intended to be injured. It may be fairly conjectured that the commentator was discussing the several cases rather with the object of defining the amount to be paid, than the person to whom it was payable. With such correction the general rules may be summed up as follows:— If the intention was to kill a lawful man, and he was killed, all the full damages, both for the intentional act and the violation of the rights of the owner of the *locus in quo* were payable by the slayer. If the intention was to slay one lawful man, and another lawful man was slain in his stead, the intention of the wrongdoer and the act were practically the same, and the damages were as in the former case. If the intention was to slay an outlaw, and a lawful man was slain, in every respect, except the actual slaying, the slayer was in the same position as if he had slain an outlaw, and for the actual slaying of the lawful man, upon proof of the intention to slay an outlaw, only half body-price and half honor-price were payable. If the person slain was not a condemned outlaw, but merely a person against whom the slayer had a right to retaliate a wrong, two-thirds of the fine were payable ; that is, in the general account between the families, the fine for the slaying of the original wrongdoer would be subject to a discount of one-third. If the slain was a condemned outlaw, the man who had slain him, intending so to do, was exempt altogether. If one outlaw was slain in the stead of another, the position of the slayer was the same as if he had succeeded in carrying out his original intention. By the term 'a fine for intention' is meant the fine payable upon an unsuccessful attempt to commit a wrong.

The general impression produced by the rules in the commentary is that the attempt to commit an act was treated as

equivalent to its commission, unless the result of the attempt were very insignificant. Thus, if an attempt were made to slay, or to inflict an injury which would endure for life, and blood were shed, the fine was the same as if the attempt had succeeded; if the injury did not amount to the shedding of blood, the fine was reduced one-half. If the intention were to inflict any specified injury, and a different injury was inflicted, a calculation was made of the total of "a seventh for intention, one-half for going to the place and the body-fine for inflicting the wound." And the plaintiff could elect between the result of this calculation, and the fine for the wound he intended to inflict and the fine for the wound which he actually inflicted.*

In the case of injuries inflicted on the person, the most important element in estimating the damages was naturally the nature of the injury itself; and it was therefore attempted to schedule all possible injuries at different amounts. The damages for each injury were calculated as a fractional part of the damages payable in case the injured person had actually been killed. It is evident from the commentary that no definite scale of damages had been universally established; the commentary commencing at page 345 differs in its mode of calculation from that commencing in page 349; and the author of the latter commentary, or a subsequent writer, notices the differences of opinion which existed. The following excerpts from the latter commentary give a fair idea of the mode of calculation. For the loss of the use of one leg, one hand, one lip, the tongue with loss of speech, the nose with loss of smell, the sight of an eye, or the hearing of an ear, there were payable half body-fine, half compensation, and the full body-price. In such a system of calculation the difficulty must have occurred that a person, who had received several injuries, might, although his life were spared, claim more than the amount of damages payable in the case of his death; the full body-fine, therefore, was naturally taken as the maximum which could be recovered for injuries inflicted upon any one occasion. When a person had once been maimed, and had recovered

* Page 139.

part or all of his body-fine, his position in the case of subsequent injuries was not altered for the worse. No subsequent wrong-doer could insist that the injured person should be rated as a damaged article. Compensation for the hand was according to some fixed at thirty-six 'screpalls', eighteen of which represented the thumb, nine the first finger of the right, or middle finger of the left hand, and the remaining fingers were rated at three screpalls each; and this was again divisible among the three joints of each finger. As the classes of injury were defined by certain limits from each other, when an injury fell within a defined class, the fine or compensation for it would be the same, independent of its more or less aggravated character; thus the compensation for cutting off an arm being fixed at a certain sum, it was immaterial whether the arm were cut off at the shoulder or at the elbow; similarly it was immaterial whether the leg were cut off at the knee or at the ankle. The rules as to the injury to the nail of a finger are interesting, as occurring in other codes. "If the top of his finger has been cut off him from the root of the nail, or from the black upwards, body-fine and honor-price *are paid for it* according to the severity of the wound; or if bleeding was caused in cutting off his nail, he shall have 'eric'-fine for bleeding on account of it. If it was from the black upwards, his nail was cut off him, *there shall be one fine for a white blow on account of it.*"*

That the same injury might involve greater loss to one person than to another, and that compensation was not given by the strict traditional fine, was too obvious to escape observation; in some cases therefore the character and position of the injured party increased the amount of damages. Thus "a wing nail shall be given to the harper, if it was off him it (*the nail*) was cut."

If the wound were inflicted inadvertently in lawful anger, the payment was made upon a diminished scale; but the commentary at page 347 is so obscure that it is impossible to extract any definite rules from it.

* Page 353.

In some cases the amount of damages was diminished with reference to the character and position of the injured party, hence the strange rule that a decrepit man, and a man in orders were, if castrated, entitled to body-fine only "according to the severity of the wound;" but a layman (not decrepit) was entitled for the same injury to full body-fine, full honor price and complete compensation.*

The principle that the injuries are to be atoned for by pecuniary compensation, and that the amount of such compensation fluctuates with reference both to the nature of the injury and the rank of the parties, is common to all early Teutonic and Celtic codes; and this rule being once established, it follows that every such code must contain a classification of wrongs with reference to the amount of damages payable in respect of them. There is therefore nothing peculiar in the speculations contained in the Book of Aicill as to the damages to be paid in the several cases discussed. The obscurity which confessedly exists in the text is to be attributed neither to the nature of the subject nor to the character of the law, but rather to the mode in which the book has been composed, and the speculative tendencies of the commentators. Perhaps also, as it may be fairly surmised, there was no universally accepted scale of damages.

As an illustration of the identity of the principles of the Brehon law relative to torts, there is here subjoined a selection from the laws attributed to Æthelbirht, King of Kent, who was baptized by St. Augustine, and died after a reign of fifty-six years, according to Bede, on the 24th of February, 616 A.D.†

21. If a man slay another, let him make 'bôt' with a half 'leod-geld' of C. shillings.‡
23. If the slayer retire from the land, let his kindred pay a half 'leod.'
25. If any one slay a 'ceorl's' 'hlaf-ceta,'§ let him make 'bôt' with vi. shillings.

* Page 355.

† Eccl. Hist. B. 2., c. 5.

‡ That is, if one freeman (ingenuus) kill another.

§ Lit. loafeater, domestic servant.

26. If any one slay a 'læt'* of the highest class, let him pay lxxx. shillings; if he slay one of the second, let him pay lx. shillings; of the third, let him pay xl. shillings.
32. If any one thrust through the 'riht ham-seyld,† let him adequately compensate.
33. If there be 'feax-fang'‡ let there be l. sceatts for 'bôt.'
34. If there be an exposure of the bone, let 'bôt' be made with iii. shillings.
35. If there be an injury of the bone, let 'bôt' be made with iv. shillings.
36. If the outer 'bion'§ be broken, let 'bôt' be made with x. shillings.
37. If it be both, let 'bôt' be made with xx. shillings.
38. If a shoulder be lamed, let 'bôt' be made with xxx. shillings.
39. If an ear be struck off, let 'bôt' be made with xii. shillings.
40. If the other ear hear not, let 'bôt' be made with xxv. shillings.
41. If an ear be pierced, let 'bôt' be made with iii. shillings.
42. If an ear be mutilated, let 'bôt' be made with vi. shillings.
43. If an eye be (struck) out, let 'bôt' be made with l. shillings.
44. If the mouth or an eye be injured, let 'bôt' be made with xii. shillings.
45. If the nose be pierced, let 'bôt' be made with ix. shillings.
46. If it be one 'ala,' let 'bôt' be made with iii. shillings.
47. If both be pierced, let 'bôt' be made with vi. shillings.
48. If the nose be otherwise mutilated, for each let 'bôt' be made with vi. shillings.
49. If it be pierced, let 'bôt' be made with vi. shillings.
50. Let him who breaks the chin bone, pay for it with xx. shillings.
51. For each of the four front teeth, vi. shillings; for the tooth which stands next to them, iv. shillings; for that which stands next to that, iii. shillings; and then afterwards, for each i. shilling.
52. If the speech be injured, xii. shillings. If the collar bone be broken, let 'bôt' be made with vi. shillings.
53. Let him who stabs (another) through the arm make 'bôt' with vi. shillings; if an arm be broken let him make 'bôt' with vi. shillings.

* Latin latus. Fiscalinus, a servant or member of the comitatus of the king.

† Right shoulder blade.

‡ A taking hold by the hair.

§ Probably the periosteum or outer membrane covering the bone.

54. If a thumb be struck off, xx. shillings. If a thumb nail be off, let 'bôt' be made with iii. shillings. If the shooting (*i.e.* fore) finger be struck off let 'bôt' be made with viii. shillings. If the middle finger be struck off, let 'bôt' be made with iv. shillings. If the gold (*i.e.* ring) finger be struck off, let 'bôt' be made with vi. shillings. If the little finger be struck off, let 'bôt' be made with xi. shillings.
55. For every nail a shilling.
56. For the smallest disfigurement of the face, iii. shillings; and for the greater, vi. shillings.
57. If any one strike another with his fist on the nose, iii. shillings.
58. If there be a bruise, i. shilling; if he receive a right hand bruise, let him (the striker) pay a shilling.
59. If the bruise be black in a part not covered by the clothes, let 'bôt' be made with xxx. scættis.*
60. If it be covered by the clothes, let 'bôt' for each be made with xx. scættis.
64. If any one destroy (another's) organ of generation, let him pay him with iii. 'leud-gelds'; if he pierce it through, let him make 'bôt' with vi. shillings; if it be pierced within let him make 'bôt' with vi. shillings.
65. If a thigh be broken, let 'bôt' be made with xii. shillings; if the man become halt, then the friends must arbitrate.
66. If a rib be broken, let 'bôt' be made with iii. shillings.
67. If a thigh be pierced through, for each stab vi. shillings; if (the wound be) above an inch, a shilling; for two inches, ii. shillings; above three, iii. shillings.
68. If a sinew be wounded, let 'bôt' be made with iii. shillings.
69. If a foot be cut off, let l. shillings be paid.
70. If a great toe be cut off, let x. shillings be paid.
71. For each of the other toes, let one-half be paid, like as it is stated for the fingers.
72. If the nail of a great toe be cut off, xxx. 'scættis' for 'bôt,' for each of the others make 'bôt' with x. 'scættis.'
86. If one 'esne'† slay another unoffending, let him pay for him at his full worth.
87. If an 'esne's' eye and foot be struck out or off, let him be paid for at his full worth.

* A 'scætt' was the fourth part of a penny.

† Equivalent to mercenarius, peow, a menial servant.

Between the Irish and the English law there is no difference in principle. The distinction is in the form of expression; the Irish being preserved in what may be fairly considered as a practising lawyer's notebook, the English in an authorized and systematised digest. If, however, an attempt be made to apply the English law to any supposed case, the difficulty of so doing will be found to be as great as is experienced in a similar case under the Irish law.

Under both laws payments of a triple character are stated to be made in the case of torts; (1), the payment which was assessed in relation to the deed itself, the Ang. Sax. "bôt," styled *mœgbôt*, being the compensation to kindred in the case of homicide, and corresponding to the *galanas* of the Welsh law; such we must understand the body-price and compensation of the Brehon law; (2), the payment made with reference to the rank of the party concerned, the *wer-geld*, *leod-geld*, or *leod* of the English law, perhaps corresponding to the Welsh *gwyneb-werth* and described in the Brehon law as the honor-price or *eric*; and (3), the "wite" of the Angl. Sax. law, a penalty paid to the king or chief for the breach of the custom or law, the Welsh *camlwrw*; to which it is suggested that the Irish *dire-fine* may correspond.* The expenses of the arbitration were provided for by the custom that the Brehon should receive one-twelfth on the amount awarded.† In the sixteenth century the remuneration of the judge and the fines inflicted had been arbitrarily increased.‡

The rules extracted from the law of *Æthelbirht* are in no wise peculiar to that code; similar passages might be extracted in abundance from any Saxon, Frisian, Gothic, or barbarian laws; nor does the resemblance lie only in the general principles; a series of specific rules common to the English and Teutonic and Irish laws might be collected, illustrative of the identity of all the early forms of Aryan society.

* It is impossible to give any consistent or satisfactory explanation of the term 'dire'-fine. In the case of what would now be civil actions, hereinafter analysed, it was payable to the injured party, and not to be distinguished from the 'eric-fine.'

† Page 305.

‡ State Papers, H. viii., Vol. III., part 2, page 510.

To Alfred the Great belongs the merit of having conceived law to be something more than mere custom, as being founded upon the principles of moral right and wrong, revealed to man by God. It is with this view that he commences his code with a translation of the Ten Commandments as the original source of all criminal law. As a corollary to this declaration of God's will, and in the spirit of the Levitical law, he announces that certain acts are crimes, and to be punished as such. Section 13 says:—"Let the man who slayeth another willingly perish by death. Let him who slayeth another of necessity, or unwillingly or unwilfully, as God may have sent him into his hands, and for whom he has not lain in wait, be worthy of his life, and of lawful 'bôt,' if he seek an asylum. If, however, any one presumptuously and wilfully slay his neighbour through guile, pluck thou him from mine altar, to the end that he may perish by death."

This idea of law founded on moral right and wrong was apparently introduced into Ireland, as before suggested, upon the first preaching of Christianity, and appears in isolated passages in the *Corus Bescna*—a work evidently composed under ecclesiastical influences—but it never acquired such a hold on the popular mind of the Irish as it did elsewhere, so far as to supersede the archaic ideas of the customary law.

The compensation and honor-price, awarded in respect of any injury, were primarily payable by the wrong-doer, and received by the person injured; but there existed a *solidarité* between persons standing in certain relations to each other, whereby parties, strangers to the transaction, might be required to pay, or entitled to receive, a portion of the award.

The first and most obvious of such relationships was that of the family. If the wrong-doer himself failed to pay the amount awarded against him, the members of his family were liable in a secondary degree, and were required to make good his default, the right being reserved to them to recover the amount due against the wrong-doer himself, as being the party primarily liable. If they desired to relieve themselves from such contingent responsibility, they were re-

quired to expel from their body the member for whose ill-deeds they refused to be any longer responsible, and by a fixed payment to insure themselves and their property against the consequences of his subsequent acts.* The member thus disowned by his kin, and expelled from his family, became, what was styled, "an outlawed stranger." This process is described in the following passage:—

"What is it that makes a stranger of a native freeman and a native freeman of a stranger? That is, an outlawed stranger; he is defined to be a person who frequently commits crimes, and his family cannot exonerate themselves from his crimes by suing *him* for them, until they pay a price for exonerating themselves from his crimes, *i.e.*, seven 'cumhals' to the chief, and seven 'cumhals' for his seven years of penance are paid to the Church, and his two 'cumhals' for 'cairde'-relations *are paid* to each of the four parties with which he had mutual 'cairde'-relations; and when they (*the family*) shall have given in this way, they shall be exempt from his crimes, until one of them gives him the use of a knife, or a handful of grain; or until he unyokes his horses in the land of a kinsman out of family friendship." The acts specified are, of course, only selected overt acts, proving his re-admission into the family.

The payments thus made by the family formed the fund for the compensation of the wrongs which might subsequently be committed by the expelled member. The seven cumhals in the hands of the chief formed the primary fund for the compensation of future wrongs committed, irrespective of the status of the injured party. The seven cumhals paid to the Church remained solely liable to meet subsequent damages claimed by the Church, upon the fiction that the amount paid to the Church represented penance. The cumhals paid to the parties with whom he had cairde-relationships, remained to meet damages arising from injuries subsequently committed against such persons.

It became the duty of the king to restrain the outlaw, if he were not taken into the employment or hire of any per-

* Page 381.

son; if the king neglected to perform this duty, he himself became liable to pay the compensation for subsequent wrongs committed. If the outlaw were received by any person upon his lands as a retainer or hired servant, the employer then became liable for his acts, but was in such case entitled to his body-fine, the amount of which was reduced from the rate of the native freeman to that of a stranger. If the king did not fail in his duty, and the outlawed criminal were not on the land (and in the employment) (?) of any person, he might be slain with impunity. The person who received in his house such an outlaw, became liable for his acts: "If a particular person feeds him, he shall pay for his crime according to the nature of his feeding before or after committing the crimes. Full fine *is to be paid* for the feeding before committing crimes, and half fine for the feeding after committing crimes. * * * The full fine is paid on account of kindred, and the half fine is paid on account of feeding."* The meaning of this would appear to be that in the former case the criminal, at the date of the commission of the crime, was "domiciled" in the house of his entertainer, and there existed between them the relationship of *quasi* kinship.

The passage already cited illustrates the relation of suretyship which existed between an employer and those received into his household in a servile or menial character.

There is no means of ascertaining who are the parties that would have been considered as the family or kindred of any criminal or injured party. The analogy of the cases of the host or employed would lead to the supposition that the family obligation arose not from the blood relationship solely, but required the additional element of common residence. It is, however, clear that under similar customary laws the liability of kinship existed without the additional circumstance of residence in a common household. Thus, in the laws of Alfred, section 27—"If a man kinless of paternal relatives, fight, and slay a man, and then if he have maternal relatives, let them pay a third of the *wēr*," &c.; thus also the spear-penny (*ceiniog baladr*) of the Welsh law was payable by every

male relative within the seventh degree of the homicide as his contribution towards the galanas or compensation.

A similar liability affecting the kindred or the lord of the wrong-doer, and a mode of escaping it, appear frequently in the English law: *e.g.*, "And he who oft before has been convicted openly of theft, and shall go to the ordeal, and is there found guilty; that he be slain, unless the kindred or the lord be willing to release him by his 'wēr,' and by the full 'ceap-gild,'* and also have him in 'borh,' that he thenceforth desist from every kind of evil. If after that he again steal, then let his kinsmen give him up to the reeve to whom it may appertain, in such custody as they before took him out of from the ordeal, and let him be slain in retribution of the theft" (*Æthelstan Judicia Civitatis*, Lund. i., 4). And, again; "respecting those lordless men of whom no law can be got, that the kindred be commanded that they domicile him to folk-right, and find him a lord in the folk-mote; and if they then will not or cannot produce him at the term, then be he thenceforth a flyma, and let him slay him for a thief who can come at him; and whoever after that shall harbour him, let him pay for him according to his 'wēr,' or by it clear himself" (*Æthelstan*, i., 2).

Whoever received a stranger in his house became liable for the acts of his guest. There is much difficulty in ascertaining what were the rules of the Brehon law on this subject. The commentary, in page 409, admits that there were uncertainty and conflict upon this point, both in the rules of the Cain and Urrudhus law, and in the opinions of the lawyers. It is impossible to extract from the commentary any distinct principles. It appears that the obligation affected the seven houses in which he had been consecutively entertained, but how much was paid and in what proportions it is difficult to assert. This obligation arising from hospitality appears in all ancient codes:—"If a man entertain a stranger for three days at his own home, a chapman or any other who has come over the march, and then feed him with his own food, and he then do harm to any man,

* The marked price of the article stolen.

let the man bring the other to justice, or do justice for him." (Hlothhære and Eadric, sec. 15):—Again, it is enjoined, "That no one receive any man longer than three nights, unless he shall recommend him whom he before followed; and let no one dismiss his man before he be clear of every suit to which he had been previously cited." (Cnut, sec., 28.) The section cited from the law of Cnut, appears literally translated into Latin, as section 48 of the laws of the Conqueror. It again appears in the laws of Henry the First, in an expanded form:—"Nemo ignotum, vel vagantem, ultra triduum, absque securitate detineat, vel alterius hominem, sine commendante vel plegiante, recipiat, vel suum a se dimittat, sine prelati sui licenciâ et vicinorum testimonio, quietum eciam in omnibus, in quibus fuerit accusatus" (par. viii., sect. 5). It is to be observed that the liability under the Irish law went further than that created by any of the sections above cited, in extending the obligation to a series of successive hosts, and rendering them liable for crimes committed before or during the residence of the guest; on the other hand, it would appear that this obligation under the Irish law did not arise unless the guest was either a vagabond, *i.e.*, a person guilty of the non-observance of the *corus-fine* law, or a person expelled by his kindred from his original family.

The principle of compensation for wrongs inflicted acquired an extension under the Irish system, which it possessed under no other law. The ingenuity of the lawyer caste discovered that any single act might involve wrongs to many different persons; according as the transaction was viewed from different standpoints. Thus the criminal might be required to pay many distinct compensations to different persons, for the consequences of a single act affecting them severally in divers capacities. If the payment of the compensation was to free the guilty party from all liability, it necessarily followed that all the parties entitled to compensation should be made parties to the suit, and their respective claims ascertained and adjusted.

These refinements of the archaic principle of compensation are well illustrated in the case of a theft from a dwelling-

house. The questions of compensation, which arose from such an occurrence, were complicated in the view of even the Brehon lawyers :—"The fine for *stealing from* a house is a difficult fine." To realize the rules laid down upon the subject, we must imagine the house of a saer-stock tenant or other member of the tribe, a large building with various nooks and recesses, which were allotted to its inmates for their sleeping apartments ("the beds"), and suppose a thief to enter the house and steal an article from some one of these compartments. The person primarily injured was the owner of the article stolen; but in a secondary degree the owner of the house had a right to complain of the violation of his precinct, and as the owner of the house complained of the illegal entry into his house,* so the owner of the "bed" complained of the intrusion upon the compartment belonging to himself exclusively. If the owner of the bed had lent it temporarily to a third party, he also complained of the violation of his privacy. It might be expected that the list of injured persons would stop here, but it was further discovered that the violation of the house was an insult to any chief who was accustomed to require hospitality at the hands of the owner of the house. Here some limit had to be fixed and compensation could be required by no more than seven "noblest of chiefs of companies, who came on a visit to the house." On the occasion of such a theft, eleven honor-prices are considered, *viz.*, honor-price to the owner of the house, and honor-price to the owner of the 'sed' (the article stolen), and honor-price to the owner of the bed, and honor-price to the person to whom the bed was given, and honor-price to each of the seven noblest chiefs of companies who came on a visit to the house; and the one-and-twentieth part of each honor-price of them is due to the owner of the house, except that of the owner of the 'sed,' and that of the owner of the bed; that is, the owner of the article stolen and of the compartment from which it was stolen, were exempt from contribution to the owner of the house, as they stood in the same position as he, if they did not possess a right

* Page 459.

as against him to protection whilst within his dwelling. It appears that if the article stolen was the property of the owner of the house, he lost his claim to contribution from the other parties respectively entitled to damages. This seems inconsistent with the statement, that those who had to contribute towards the indemnity of the owner of the house out of their respective honor-prices, were required to do so because "it is in right of the owner of the house that anything is *due* to them."*

If the number of chiefs who frequented the house, and under whose protection the dwelling may have been supposed to be, exceeded the number of seven, the honor-prices of the seven noblest of them were divided among them "equally or unequally." This may mean that if they were of equal rank they took equal shares, but if of unequal rank they took in the ratio of the honor-prices of their respective ranks.

The honor-price which any such chief received, he did not retain if he had company with him when he visited the house, in which case he paid over to his company one-half of what he received.

In this commentary, as in most others, there is much ambiguity and obscurity, and the interpretation must vary according as it is taken to state a general custom or to report a special case. If the latter view of the passage be correct, the chiefs in question must be supposed to be partaking of the hospitality of the owner of the house at the date of the theft. It would further appear that the occupant of the bed must have borne some exceptional relation to the owner of the house, such as "a son-in-law, or a soldier, or a particular person," to entitle him to any claim as against the wrong doer.

It is difficult to estimate the operation of a system of compensations for wrongful acts in restraining crime and maintaining order. That such a system was in the earlier stages of society efficient for such a purpose is evident, from the fact that similar customs were established in all the tribal societies of the Aryan stock. They were universally adopted, because they were universally found to be advantageous. Imperfect as such institutions are, they were an

* Page 461.

improvement upon the antecedent condition of family autonomy, or private war. The success of such a system depended upon a general equality of all the members of the tribe in power and wealth, and the blind submission to custom, which exists in an early stage of society. If there arise an inequality of wealth and power, and the old customs and traditions of the tribe lose their hold upon the public mind before a sovereign ruler succeed in establishing himself, the system of compensation for wrong doing becomes essentially mischievous, as antagonistic to all ideas of moral responsibility. Among the Teutonic nations kingship arose as a necessary consequence of their invasion of the Empire; and some central government being established, the system of compensation was transformed into a system of mulcts or pecuniary punishments. If traditional customs cease to be blindly and implicitly obeyed, and there is no central authority, anarchy must ensue in the absence of a positive law enforced by an executive. The wrong-doer, if powerful, despised the private vengeance which was the only sanction of the Brehon's judgments; the injured party, if powerful, preferred revenge to compensation; the wealthy, even if obeying the custom, enjoyed a practical immunity from punishment. It cannot be doubted that to a persistent adherence to the idea of compensation atoning for injury, and to a want of perception of the criminality of any act, much of the disorder and lawlessness apparently inherent in the Irish Celtic tribes must be attributed. A personal sense of sin is entirely different from a consciousness of crime or illegality. Though it be very material to himself, it is indifferent to society whether a criminal do or do not repent of his ill deeds. The wealthy or high-handed wrong-doer might in his latter days retire into a monastery and do penance for his sins, but he never imagined that he violated any duty towards society as long as he paid the damages awarded, or defied private vengeance. The consequences of the crystallization of archaic customs in a written code administered by an hereditary law caste appear in the constant acts of violence which occupy so much of the Annals of the Four Masters.

It is now necessary to consider the Brehon law as applied

to cases which in a more advanced system of jurisprudence would be considered as private wrongs, and which therefore fall within the jurisdiction of the civil as distinguished from the criminal tribunals.

The principles upon which the Brehon law, as well as all archaic systems of jurisprudence, proceeded in cases of acts of manifest violence committed by one member of a community against another, are reasonable and obvious. It was desired that certain fixed damages should in such cases be received by the injured party or his kinsmen in lieu of the revenge which they might otherwise have exacted. In such cases, as has been before observed, the amount of the sum to be paid is estimated with reference to the capacity of the injured party to exact retribution, and the extent to which in each case he would have been under ordinary circumstances likely to have exercised this power. The actual damage occasioned by the act in question rarely forms an element in the ascertainment of the damages. In an action under Lord Campbell's Act, by the representatives of a deceased person who had lost his life through the negligence of the defendant—a proceeding which bears an apparent resemblance to an arbitration under the Brehon law in the case of a homicide—the loss of income entailed upon the family of the deceased is the measure of the damages recovered. Such an idea was foreign to archaic jurisprudence, in which the circumstances attending the act, and the rank of the respective parties, are the basis on which the amount of the payment was calculated.

This radical defect in the calculation of the amount to be paid is explicable, if it be borne in mind that the object of the proceeding was rather the preservation of the peace of the community than the replacing of the plaintiffs to the suit in the position which they had previously occupied—atonement, using the word in its literal sense, rather than compensation, was the result to be attained. In an early tribal or village community, in which property was held rather by families than individuals, and the means of supporting life arose chiefly from the cultivation of the land, the

pecuniary injury arising from the death of an individual would not be so perceptible as in an advanced society, where families depend for subsistence upon the daily earnings of their head. If the decisions of the Brehons had been confined to disputes arising from acts of violence, the insufficiency of the principles, upon which damages were assessed by them, would have been immaterial; but it became of importance when the cases brought before them for decision were of a civil rather than a criminal nature.

When the Brehon had been established as the professional arbitrator between members of the community, there was established a tribunal before which all disputes between members of the community could be easily determined, and it is evident that there arose a considerable amount of litigation essentially different from the disputes which it was the primary object of the jurisdiction of the Brehon to allay.

It is manifest that actions arising from involuntary or accidental injuries, or from violations of a legal regulation not accompanied by violence, must be treated in an altogether different mode from that applicable to acts at once wilful and violent. The former class could be satisfactorily arranged by compensation in the strictest sense, the latter are not really capable of such treatment.

The later date of the civil, as compared with the criminal procedure under the Brehon law, is marked by the fact that the principles applicable to cases of violence, in the point of view in which they were regarded in the archaic law, were applied to cases which in modern procedure would be considered as the subjects of civil actions, not of criminal proceedings.

It is not intended to be here asserted that the principle of compensation in such cases was unknown to the Brehon law; it is impossible that a doctrine so obvious could have been overlooked by professional arbitrators, and in many cases it forms one of the grounds upon which damages were assessed. It was, however, never adopted as the sole measure of damages, the estimation of which in all cases was rather a question of law than of fact, the nature of the injury itself and

the rank and position of the parties being of more weight in the decision than the loss actually entailed. In taking accounts between the parties to a suit, numerous items would be introduced wholly foreign to the inquiry if conducted under any system of modern law; a vast number of technical rules and arithmetical processes would be introduced into every decision, the result of which must have been in some cases to exaggerate, in others to diminish, the damages above or below the amount sufficient to indemnify the injured party.

The substitution of technical rules for the obvious consideration of the facts of the case is a radical defect running through the Brehon law, so far as it deals with what now would be considered civil actions. This false principle becomes more obvious in proportion as the action to which it is applied resembles what would now be considered as an action upon a contract. It being admitted that an homicide should be arranged upon the principles adopted in the Irish and other archaic systems of law, it is not unreasonable that a violent assault or wounding should be dealt with in the same manner; but when the damages in a simple case of negligence, or in an action on the case, or in the case of a liability arising from suretyship, are assessed upon the same principles, the anomaly is obvious. This peculiarity and defect in the Brehon law can be best illustrated by reference to instances which are selected from the text of the present Tract.

The first case to be considered is that of injuries arising from the negligent exercise of a legal right, which in our law would assume the form of an action of tort—the wrong in the case being the negligence and disregard of the interest of others. Of this class of actions there are numerous instances in the present Tract, and they are all dealt with upon the same principles. These cases fall under the head of what are called “exemptions”—that is, the consideration of the attendant circumstances which tend to diminish the amount of damages to be paid in the case in question.

The principle upon which these discussions turn is, that certain acts between certain parties are to be compensated by fixed payments, but that certain circumstances enable

the defendants to reduce the amounts according to certain rates, or to get cross credits on the account to be settled by the Brehon.

In page 175 we find a discussion as to injuries which arise from acts done by servants in the course of their ordinary duties. The work on which the servant is supposed to be employed is cleaving faggots and bringing them home. The legal propositions contained in the commentary may be summarized as follows:—

(I). A servant performing the work, which he is bound to perform, in the ordinary and proper manner, is not liable for injuries by accidents incident to the work in which he is engaged.

This proposition is, of course, subject to the assumption that the work which he was hired to perform, is in itself legal. Hence it appears from leading cases cited in the commentary that—

(a). If the faggot which a servant carries home was so improperly made up that an accident arose therefrom, the servant who carries it is not responsible if he has no notice of the improper mode in which the faggot had been made up.

(b). If a servant use a hatchet without notice that it is insufficiently fastened, he is not responsible for any accident which arises from the head flying off from the haft; but this applies only to the first occasion on which such an accident happens.

(II). A distinction is drawn between persons who are bound, or have a right to be, present, and those who are present without reasonable or necessary cause, hence—

(a). If an injury happen during the making-up of a faggot, those who have no duty which requires them to be present can claim no compensation; but those whose duty requires their presence, and the owners of cattle, whose beasts are nigh the spot, can claim compensation if injury be done to the former, or to the cattle of the latter.

(b). If a faggot be cast down in the ordinary and usual place, and in so doing injury be done to any or the cattle of any, those who have no duty requiring their presence can

claim no compensation; but those whose duty requires their presence, and those whose cattle are injured, can claim compensation, the amount of damages is however reduced from half dire-fine to one-third of compensation.

(III). There is next a distinction drawn between the acts of a person who exercises a legal right in the ordinary and customary manner, and those of one who exercises a legal right in an extraordinary manner, hence—

(a). If a faggot be cast down in an unusual place and an injury thence occur, those present, although no duty requires their presence, are entitled to half compensation; those whose duty requires their presence, to full compensation; and the owners of cattle which are injured, to half dire-fine and compensation if the cattle could have been seen, and to compensation alone if they could not have been seen.

(b). If the injury has occurred during the cutting, or gathering, or tying of the sticks, or their adjustment upon the back of the servant, those whom no duty requires to be present receive no compensation; in all other cases the amount payable is reduced from half dire-fine to one-third of compensation.

(c). If an injury result from the slipping of the tying of the bundle, the same principles are applicable as in the case of the head of the hatchet flying off the haft; if the bundle be tied again in the usual manner, each case of its breaking loose is treated as a first breakage. These rules as to the breaking of the bundle are to be restricted to cases in which the accident occurs in the course of its regular transit.

(d). If the bundle be placed upon a wall or uneven fence (places where it was exposed to accidents), the transaction, though legal, involves a liability for the consequences of the negligence.

(e). If the accident happen from insufficient tying, the servant without notice is in the same position as if he laid down the bundle in the usual place; if he have notice, he is in the same position as if he laid it down in an unusual place.

(IV). The amount of the damages is affected by the existence or absence of negligence on the part of the defendant,

and by the contributory negligence of the injured party ; thus—

(a). If the bearer saw the injured person, who did not see him and was not aware of the place where the faggots were usually deposited, the bearer pays an eric-fine to the injured person, because he saw him, and the injured person pays an eric-fine to the bearer for not having seen him.

(b). If the injured person saw the bearer, and knew the place in which the faggots were usually deposited, and the bearer did not see the injured party, "eric-fine for seeing" is due from the injured person to the bearer, and "eric-fine for not seeing" is due from the bearer to the injured person.

(V). The amount of the damages payable by the plaintiff is affected by his status in the inverse ratio of his rank ; thus—

(a). The full amount of compensation is payable by a native freeman ; four-sevenths by the servant of a stranger ; two-sevenths and one-fourteenth by the servant of a foreigner ; and one-seventh by the servant of a 'daer'-person.

(b). For injury to a cow the full amount is payable by a native freeman ; three-fifths by the servant of a stranger ; two-fifths by the servant of a foreigner ; one-fifth by the servant of a 'daer'-person.

(c). For injury to a horse the full amount is payable by a native freeman ; three-fourths by the servant of a stranger ; five-ninths by the servant of a foreigner ; half by the servant of a 'daer'-person.

In the commentary here analysed there are contained all the questions which in the present day should be taken into account for the purpose of increasing or mitigating the damages in an accident arising from the use of a machine ; viz.—(1), the knowledge or ignorance of the defendant as to the defect from which the accident arose ; (2), whether the act of the defendant was or was not in the ordinary course of his business ; and (3), the contributory negligence of the plaintiff.

But it is to be remarked that the amount of damages, to

be diminished or increased with reference to the above considerations, is not primarily to be measured by the actual injury and loss suffered by the plaintiff. A fixed compensation having reference to the class in which the injury falls and to the rank of the person injured is assumed; and thus the actual amount is reduced or diminished, and moreover the result so arrived at is again subject to deduction with reference to the social position of the person by whom the injury was inflicted.

These cases have been selected as leading cases, with reference to actions of tort founded upon negligence, inasmuch as the subsequent cases discussed are evidently introduced merely for the purpose of illustrating the principles laid down in what was considered the leading case upon the subject.

The position and character of the Brehon, viz., that he was employed by the parties to the suit to perform a specific service, is illustrated by the fact that he was himself subject to damages for a "false judgment," and by the principles upon which, in such a case, the amount would be assessed. The amount of the damages would depend upon the following issues—(1), whether the 'false' judgment was pronounced through 'malice' or 'inadvertence'; (2), whether or not the Brehon still adhered to his 'false' judgment; and, if so, (3), whether he did so through malice or inadvertence. The highest amount of damages was payable in the case of a 'false' judgment maliciously given and maliciously adhered to; the most mitigated case, viz., a 'false' judgment inadvertently given and not adhered to, which was equivalent merely to a failure of the consideration, entailed only the forfeiture of "his twelfth" i.e. his remuneration.*

The calculation of the damages payable to a person injured by a trap set for a deer, or by the deer while being driven toward the trap, appears from the references made to it to have been considered a leading case by the Brehon lawyers.† The varying elements by which in such a case the amount of damages was determined were as follow:—(1), Whether the person who set the trap had or had not a legal right to

* Page 305.

† Page 449.

do so ; (2), whether the trap was properly fenced in, and due notice given of its existence ; (3), the nature of the place in which the trap was placed ; (4), whether the injury was done to a person or to cattle, and, if to the latter, of what species ; (5), whether the injured person had (*i.e.*, ought to have had) knowledge of the place where the trap was set ; and (6), whether the injured person was guilty of contributory negligence by unnecessarily deviating from the high road.

If the trap were fenced in, and due notice given, a person who knew the territory was entitled to no compensation ; in the same case, a person who did not know the territory was not himself entitled to compensation, but in case of his death his kinsmen were entitled to one-third 'dire' fine.

If the spear were set "between a green and a wild place," for an injury to a person, there was payable one-fourth dire-fine with compensation ; for injury to a cow, one-third of dire-fine with compensation ; for injury to a horse two-thirds of dire-fine with compensation ; but if the spear had been set in a mountain or wild place, the respective proportions of dire-fine payable in the several cases were reduced to one-fourth of one-fourth, one-third of one-third, and two-thirds of two-thirds, with compensation in each case.

If the hunter were "unlawful", *i.e.*, if the hunting was an illegal act, the amount of dire-fine in each case was fixed in a greater ratio.

The number of cases in which the possible damages could be calculated in accordance with the above heads of injury, is necessarily very large, and the principles are not clearly brought out in the commentary ; a complete analysis therefore of this passage is impossible, but the passage deserves consideration as a specimen of the manner in which such questions were worked out.

"The full *fine* which is *due* from them in a green is found in law books ; but the full *fine* which is *due* from them all between a green and a wild place, or in a mountain, or in a wild place is not found, but is inferred from the pitfall of the unlawful hunter.

"Whence is it derived that three-quarters of 'dire'-fine are

due from the owner of the set spear *when* between a green and a wild place for *injury* to a person? It is derived from the rule respecting the pitfall of an unlawful hunter in a green; for it is three 'cumhals' of 'dire'-fine, and one 'cumhal' of compensation that are *due* from the owner of it in a green for *injury* to a person, the fourth of that is the 'cumhal' which is *due* from it *when* between a green and a wild place for *injury* to a person; it is right from this that as it is full 'dire'-fine that is *due* from the owner of the set spear in a green for *injury* to a person, it is the fourth of 'dire'-fine that should be *due* from it between a green and a wild place for *injury* to a person.

"Whence is it derived that the third of 'dire'-fine is *due* from the owner of the set spear *when* between a green and a wild place for *injury* to a cow? It is derived from the rule respecting the unlawful pitfall within the green; for it is two cows of 'dire'-fine and one cow of compensation that are *due* on account of it *when* within the green. The third of that is the cow of compensation that is *due* on account of it *when* between a green and a wild place for *injury* to a cow; it is right, therefore, that as full fine is *due* from the owner of the set spear in a green for *injury* to a cow, it is a third of it that should be *due* from the owner of it (the set spear) *when* between a green and a wild place for *injury* to a cow," &c.*

The same rigid and authoritative mode of assuming the damages, irrespective of the actual injury sustained, appears in the commentary upon the case of injuries received from the stings of bees which were the property of an individual. In this case the amount of the fines is laid down as follows:—(a) for a person stung to death, two hives; (b) for a person blinded, one hive; (c) for the drawing of blood, a full meal of honey; (d) for an injury leaving a lump, one-fifth of a full meal; and (e) for a white blow, three-fourths of a meal.† In this commentary, evidently contributed by various hands, other schedules of the amount of damages are contained, but the general principles are the same. If the person stung killed the bee which stung

* Page 455.

† Page 433.

him, the value of the bee was treated as a set off *pro tanto* against the damages payable for the injury caused by the sting. "If the person has killed the bee while blinding him, or inflicting a wound on him until it reaches bleeding, a proportion of the full meal of *honey equal to the 'eric'-fine* for the wound shall be remitted in the case; the remainder is to be paid by the owner of the bee to the person *injured*," &c.* The amount payable for the different classes of injuries to persons being thus fixed, the compensation in respect of similar injuries to beasts, has to be ascertained. This is accomplished in the following passage:—"What shall be *due* from the owners of the bees for the animals *injured*, and from the owners of the animals for the bees? If the bee has blinded or killed the animal, what shall be *the fine* for it? The proportion which the hive that is *due* from the owners of the bees bears to *the fine for their blinding the person*, or which the two hives that are *due* for their killing him bear to the natural body-fine of the person, is the proportion which the full natural 'dire'-fine of the animal shall bear to that *fine* which shall be *due* from the bee for blinding or killing it."† "What shall be *due* from a bee for making the animal bleed? The proportion which the full meal of honey that is *due* from a bee for making a *person* bleed bears to the hive that is *due* from it for killing him, is the proportion which the 'eric'-fine for blinding or killing the animal bears to that which will be *due* from a bee for making it bleed, *i.e.*, four-fifths is the proportion for its lump-wound, three-fifths for its white wound," &c.‡

The amount payable by the owner of the bee varied further with the social status of the parties. Taking the fine paid by a native freeman as the measure of the amount, a stranger paid one-half; a foreigner one-fourth; a 'daer'-person paid nothing, "until it reaches sick-maintenance or compensation, or, *according to others*, even when it does."§

The mode in which the Brehon took the account appears very clearly in such a case. If the bee of A injured the cow of B, he would have proceeded thus: he first ascertained

* Page 435.

† Page 435.

‡ Page 437.

§ Page 439.

under what category the injury in question fell, and obtained the fixed value of such an injury in the case of a human being. This amount was then diminished in the ratio that the natural body-fine of B, the owner of the cow, bore to the full dire-fine for killing a cow. The result thus obtained would, if A, the owner of the bee, were not a native freeman, be diminished in a fixed ratio according to his rank; thus would be ascertained the amount to be placed primarily to the debit of A. This would be again diminished if the bee of A had been killed by the cow of B in accordance with certain fixed rules, which roughly arrived at regulating the penalty for killing the bee in the inverse ratio of the degree of injury which it had inflicted.

The most remarkable application of the law of compensation to a case of contract is the series of rules regulating the relations between creditors, debtors, and sureties,* the object of which seems to have been not merely to enforce the payment of debts, but also to restrain the institution of unjust actions. Fairly to estimate the policy of these regulations, the irritating and apparently violent procedure necessary to enforce a reference to the Brehon must not be forgotten. They may be stated as follows:—

- A. (1.) If a creditor *malá fide* bring a suit against a debtor before the debt be payable, he forfeits the debts and pays the debtor five 'seds' and honor-price;
- (2.) If he do so *boná fide* he forfeits the debt and pays five 'seds';
- (3.) If he fast against the debtor, certainly believing the money to be payable, he pays five 'seds' to the debtor.
- B. (1.) If a creditor *malá fide* proceed against a surety before the debt is payable or the debtor had absconded, he pays five 'seds' and honor-price, and loses all right of action against the surety;
- (2.) If he fast against the surety *boná fide*, being certain he had the right to do so, he pays five 'seds' and loses his right of action.

- C. (1.) If the surety *mala fide* proceed against the debtor before he himself has been called upon by the creditor to pay the debt, he pays five 'seds' and honor-price, and if compelled by the creditor to pay the debt, loses his right of action against the debtor;
- (2.) If he do so *bona fide*, he pays five 'seds,' and if compelled to pay the debt, loses his right of action against the debtor;
- (3.) If he fast against the debtor, being certain he had a right to do so, he pays five 'seds' to the debtor, but the debtor still remains liable to pay the debt to the original creditor. To this rule, in the Commentary, the remark, evidently a note by a subsequent commentator, referring to a decided case, is annexed, viz. :—"He (*the debtor*) offered to submit to law in each case of these (that is, in cases A 3, B 2, and C 3); for if he had not so offered, the man within in this case (*the debtor against whom there was fasting*) would be like 'the person who refuses its lawful right to fasting.'"
- D. (1.) If the creditor properly proceeds against the debtor, who thereupon absconds, in such case the surety, who *mala fide* refuses to pay the debt, is liable to pay five 'seds' honor-price, and double the debt; but
- (2.) If he *bona fide* refuse to do so, he pays five 'seds' and double the debt only;
- (3.) If he refuse, being certain that he was not bound to pay the debt, he pays five 'seds' and double the debt.
- E. (1.) If the surety properly sue the debtor, who *mala fide* absconds, the latter pays the surety five 'seds' and honor-price.
- (2.) If the absconding debtor believe *bona fide* that the debt is not payable, he pays five 'seds' to the surety.
- (3.) If the absconding debtor be certain that the debt is not payable, he pays the surety five 'seds.'

- F. (1.) If a plaintiff, being certain that nothing is due, proceed against a defendant to recover an alleged debt, he pays five 'seds' and honor-price, and a fine according to the length to which the action had proceeded.
- (2.) If the plaintiff proceed *bond fide*, he pays five 'seds,' and a fine, as in the last rule ;
- (3.) If he proceed, being certain the debt was due, he pays five 'seds.'
- G. (1.) If the plaintiff proceed against an alleged surety, knowing that he had not gone security for the debtor, he pays five 'seds' and honor-price, and a fine as above ;
- (2.) If he proceed *bond fide*, he pays five 'seds' and a fine as above ;
- (3.) If he proceed, being certain that the defendant is in fact a security for his debtor, he pays five 'seds.'
- H. (1.) If a person, untruly alleging that he has made a payment as surety for a third party, bring an action against such third party, he pays five 'seds' and honor-price, but no fine.
- (2.) If he bring the action *bona fide*, or being certain that the defendant is primarily liable, he pays but five 'seds.'

In this case it is evident that a proceeding purely civil is complicated by the introduction of the idea of a tort having been committed in a manner wholly foreign to our modern ideas.

The confusion existing in archaic law between crimes and torts or delicts has been often noticed, but it has not been generally observed that in such a case as that last referred to, there is a similar confusion between crimes and torts on the one hand, and rights arising *e contractu* on the other. This confusion of crime, tort, and contract, does not arise from any illogical distribution of legal rights, for there is no attempt at any classification of this description, but from looking upon actions at law exclusively with reference to the jurisdiction of the judge and to the procedure.

There was an equal absence of original jurisdiction in pro-

ceedings upon a tort, or in proceedings to enforce a contract. An actual wrong, and the breach of an agreement, would alike be followed up by acts of hostility on the part of the injured person directed against the wrong-doer. In both cases alike the interference of the Brehon would represent the action of traditional public opinion restraining the justifiable retaliation of the sufferer, upon the terms of the payment to him of a fixed compensation; in both cases the action was commenced by a distress—a symbolical and regulated act of hostility—upon the commission of which, custom compelled the litigants (or private enemies) to submit their quarrel to arbitration.

In a proceeding which we should now consider a civil action, the distress and subsequent arbitration of the Brehon represent the same ideas as those upon which were founded the procedure in the Roman process known as the "*Actio Legis Sacramenti*." In this latter case the subject-matter in dispute was supposed to be in court; if movable, it was actually so; if immovable, it was symbolically represented. "In the example selected by Gaius the suit is for a slave. The proceeding begins by the plaintiff advancing with a rod, which, as Gaius expressly tells us, symbolizes a spear. He lays hold of the slave and asserts a right to him in these words: '*Hunc ego hominem ex jure Quiritium meum esse dico secundum suam causam sicut dixi*;' and then saying: '*Ecce tibi vindictam imposui*,' touches him with the spear. The defendant goes through the same series of acts and gestures. On this the *Prætor* intervenes and bids the litigants relax their hold: '*Mittite ambo hominem*.' They obey, and the plaintiff demands from the defendant the reason of his interference, '*Postulo nunc ut dicas quâ ex causâ vindicareris*?'—a question which is replied to by a fresh assertion of right: '*Jus peregi sicut vindictam imposui*.' On this the first claimant offers to stake a sum of money, called a *sacramentum*, on the justice of his cause: '*Quando tu injuria provocasti D. æris sacramento te provoco*'; and the defendant, in the phrase '*Similiter ego te*,' accepts the wager."*

The minute proceeding which took place before the judge

* Maine, *Ancient Law*, 375.

was necessary to raise the jurisdiction, exactly as entry and ouster in the original form of an ejectment in the English law. It is impossible to misconceive the drift and meaning of the transaction. The litigant parties confront each other, spear in hand, across the subject of dispute. The public opinion of the community, embodied in the judge, requires them to lay down their weapons and submit to arbitration. The demand having been acquiesced in, the feigned wager is introduced as a fund for the remuneration of the arbitrator, and the question of right is decided by a jurisdiction evidently consensual. Under the Brehon system the aggrieved party, by distraining the goods of the wrong-doer, levies an act of war, in a manner as symbolical as the stroke of the spear in the Roman procedure. Public opinion sustains the act of the plaintiff, and restrains the defendant from retaliation, and both parties adjourn their dispute to the house of the professional arbitrator. Thus all proceedings, whether in crime, tort, or contract, under the Brehon system, are identical in origin, prosecuted in the same manner, and tend to the same result—the maintenance of the public peace, by means of a compromise.

The example cited from Roman law proves that a procedure such as that under the Brehon system might, and would, under favourable circumstances, have developed into an intelligible civil code. If the wealth of the community had increased, or if mercantile habits had been introduced, the symbolical acts originally necessary to found the jurisdiction would have fallen off, and the Brehon would have assumed the character of a civil judge. Such a legal improvement would have been contemporary with the growth of the distinction between crimes and torts; but in the disorganized and unmercantile society which existed among the Irish Celts, crimes on the one hand were not distinguished from torts, and the principles applicable to the assessment of damages in cases of contract were not distinguished from those applicable to actions founded upon torts or crimes.

The most remarkable instance of the discussion of purely speculative cases is the consideration of "the exemptions" as regards thefts committed by a cat.

“The exemption as regards a cat in a kitchen. That is, the cat is exempt *from liability* for eating the food which he finds in the kitchen owing to negligence in taking care of it; but so that it was not taken from the security of a house or vessel; and if it was so taken, *the case as regards* the food is like that of a profitable worker with a weapon, and *the case as regards* the cat is like that of an idler without a weapon; and it is safe to kill the cat in the case. The exemption as regards a cat in mousing. That is, the cat is exempt *from liability* for *injuring* an idler in catching mice when mousing; and half fine *is due* from him for the profitable worker *whom he may injure*, and the excitement of his mousing takes the other half off him.”*

In the above passage two actions are assumed to have been taken against a cat, and it is considered upon what principles the damages to be assessed against the feline defendant are to be ascertained. In the former case the wrong committed by the cat is the eating of food, or the stealing of food to eat; in the latter it is some injury to a person or thing, accidentally occurring while the cat was in the pursuit of mice. As is usual in such case the intention of the defendant or wrong-doer is considered. The cat which steals food is simply a wrongdoer as far as that specific act is concerned, and is to be considered as an “idler,” that is, a person who cannot allege any excuse or justification for the act which he has committed. But if the food stolen by the cat has been left in its way through the negligence of the owner, the carelessness of the latter is set off against the trespass of the former, and no damages are payable. On the other hand, if the owner of the food be not guilty of negligence, and the cat has stolen the food from a place in which it might reasonably be considered secure, the owner of the food is considered as a profitable worker; that is, a person whose conduct entitles him to the full amount of damages, and he is authorized to use, as against the cat, all the right exercised by the owner of a house against a thief who breaks into his precinct *vi et armis*. In the second case the cat, being engaged in his legitimate business of mousing, cannot be treated as

* Page 297.

a wrongdoer pure and simple, the injury being incident to the zealous performance of its duty. The cat therefore pays to the "profitable worker" mitigated damages, and to an "idler" who was not present in the fulfilment of any duty of his own, no damages whatsoever. A similarly imaginary case is the "exemption as regards animals throwing up clods," to which exactly the same legal principles are applied.*

As to many of the cases discussed it is difficult to decide whether they are imaginary or are derived from reported decisions. We find in the text the "exemption of a chip in carpentry." "The exemption of pigs at the trough or in the sty." "The exemption as regards the ball in being hurled on the green of the chief 'Cathair'-fort," &c. Many such cases may represent traditional precedents, the facts of which were not more trivial than those in respect of which some of our modern leading cases were decided.

The most remarkable custom described in the Book of Aicill is the fourfold distribution of the family into the 'geilfine,' 'deirbhfine,' 'iarfine,' and 'indfine' divisions. From both the text and the commentary it appears that the object of the institution did not extend further than the regulation of the distribution of their property. Within the family seventeen members were organized in four divisions, of which the junior class, known as the 'geilfine'-division, consisted of five persons; the 'deirbhfine' the second in order, the 'iarfine' the third in order, and the 'indfine' the senior of all, consisted

* This very extraordinary case would naturally occur to the mind of a teacher acquainted with early Celtic poetry, the authors of which delighted to depict the steeds of their heroes spurning fragments of the turf in every direction. Thus when the apparition of Cu-chulaind ascends at the bidding of St. Patrick to testify to Leaghaire as to the hell alleged by the Saint to exist, the following passage occurs in the description of the approach of the phantom troop:—"We saw then the heavy fog which dropped upon us. I asked *concerning* that heavy fog also of Benen. Benen said they were the breaths of men and horses that were traversing the plain before me. We saw then the great raven flock above us, above; the country was full of them, and it was among the clouds of heaven they were for their height. I asked *concerning* that matter of Benen. Benen said they were sods from the shoes of the horses that were under Cu-chulaind's chariot." This passage, which is taken from the introductory part of the "Demoniac Chariot of Cu-chulaind," in the *Leabhar-na-h'Uidhri*, as translated by Mr. Crowe, for the *Kilkenny Archaeological Society*, Vol. I., 4th Series, pp. 375-76, cannot fail to remind the reader of the extravagances of the *Râmâyana*.

respectively of four persons. The whole organization consisted, and could only consist of seventeen members. If any person was born into the 'geilfine'-division its eldest member was promoted into the 'deirbhfine'; the eldest member of the 'deirbhfine' passed into the 'iarfine'; the eldest member of the 'iarfine' moved in into the 'indfine'; and the eldest member of the 'indfine' passed out of the organization altogether. It would appear that this transition from a lower to a higher grade took place upon the introduction of a new member into the 'geilfine'-division, and therefore depended upon the introduction of new members, not upon the death of the seniors. The property held by any class, or by its members as such, must have been held for the benefit of the survivors or survivor of that class; but, upon the extinction of a class, the property of the class or of its members as such passed to the surviving classes or class according to special and very technical rules.

On the failure of the 'geilfine'-class, three-fourths of its property passed to the 'deirbhfine,' three-sixteenths to the 'iarfine,' and one-sixteenth to the 'indfine'-class.

On the failure of the 'deirbhfine'-class, three-fourths of its property passed to the 'geilfine,' three-sixteenths to the 'iarfine,' and one-sixteenth to the 'indfine.'

On failure of the 'iarfine'-class, three-fourths of its property passed to the 'deirbhfine,' three-sixteenths to the 'geilfine,' and one-sixteenth to the 'indfine.'

On failure of the 'indfine,' three-fourths of its property passed to the 'iarfine,' three-sixteenths to the 'deirbhfine,' and one-sixteenth to the 'geilfine.'

On failure of the 'geilfine' and 'deirbhfine'-classes, three-fourths of their property passed to the 'iarfine,' and one-fourth to the 'indfine.'

On failure of the 'indfine' and 'iarfine,' three-fourths of their property passed to the 'deirbhfine,' and one-fourth to the 'geilfine.'

On failure of the 'deirbhfine' and 'iarfine'-classes, three-fourths of their property passed to the 'geilfine,' and one-fourth to the 'indfine.'

On failure of the 'geilfine' and 'indfine,' three-fourths of

the property of the 'geilfine' passed to the 'deirbhfine' and one-fourth to the 'iarfine'; and of the property of the 'indfine,' one-fourth passed to the 'iarfine,' and one-fourth to the 'deirbhfine.'

Two possible combinations of two extinct classes, viz. :— the 'geilfine' and 'iarfine,' and the 'deirbhfine' and 'indfine,' are omitted from the commentary. It would appear that upon the failure of any two classes the whole organization required to be completed by the introduction of a sufficient number into the 'geilfine'-class and by promotion carried on through all the classes upwards; and if there were not forthcoming sufficient persons to complete the organization there was no partition among the surviving two classes, but the property went as if the deceased were not members of an organization at all. The rules as to the distribution of property upon the extinction of any one class or of any two classes may be understood from the annexed diagram.

		1	2	3	4	5	6	7	8	(9)	(10)			
Indfine,	16	1	1	1	0	8	0	8	0	0	4	4		
Iarfine,	16	3	3	0	12	24	0	0	4	12	12	4	12	12
Deirbhfine,	16	12	0	12	3	0	24	0	12	4	0	0		
Geilfine,	16	0	12	3	1	0	8	24	0	4	12	0		

The rule upon which the distribution of the property of such an organization depends appears clearly from the above diagram. Let it be assumed that each class possesses property represented by the figure 16. The class or classes extinct are denoted in the subsequent columns by a cypher, and the distribution of the property of the extinct class or classes is indicated by the numbers set opposite the names of the surviving classes. Three-fourths of the property of any extinct class pass to the next junior class, and in default of any junior surviving class, to the next senior class. The remaining one-fourth is treated in the same manner. If, exclusive of the class which has received its share, there

remains but one class, the residue passes to that class, but if two classes survive, three-fourths of the residue pass to the next junior class, and, in default, of such class, to the next senior class; and the residue, one-fourth of a fourth, or one-sixteenth of the entire, goes to the remaining class. If two classes become extinct, the property of each is distributed according to this rule, in which case, if the two classes which become extinct are next to each other, the distribution of the property of both is identically the same; but if the extinct classes are not next to each other, the property of each is distributed to the remaining classes in varying proportions. It is evident from the commentary that the original principle, however it arose, had been forgotten, so that the distribution contained in column 8 of the above diagram is very awkwardly expressed, and the cases in columns 9 and 10 are altogether omitted. The meaning of this very artificial arrangement appears from the following passage:—"If the father is alive and has two sons, and each of those sons has a family of the full number—*i.e.*, four—it is the opinion of *lawyers* that the father would claim a man's share in every family of them, and that in this case they form two 'geilfine'-divisions. And if the property has come from another place, from a family outside, though there should be within in the family a son or a brother of the person whose property came into it, he shall not obtain it any more than any *other* man of the family." From this it appears that the whole organization existed within the family, and consisted of the actual descendants of a male member of the family, who himself continued in the power of the head of the family. As soon as a son of the house had himself four children, he and his four children formed a 'geilfine'-class, and each succeeding descendant up to the number of seventeen was introduced into the artificial body. The entire property exclusively belonging to this family within a family was confined to the members of the organization until the number exceeded seventeen, when the senior member lost his rights to the separate estate, retaining those which he possessed in the original family.

This arrangement must be regarded as an invasion of the archaic form of the family, and an introduction *pro tanto* of the idea of separate property. How or when the system arose we have no information, but arrangements equally complicated have been elaborated in the evolution of customary law.

If it be admitted that the parent and his first four children (or sons) form the original 'geilfine'-class, it may be conjectured that the term 'geilfine'-chief, so often occurring in the Brehon law, indicates a son of the head of the family, who has himself begotten four children (or sons), and thus founded as it were a family within a family; and further, that, as upon the death of the head of a family each of his sons would become the head of a new family, the 'geilfine'-relationship in such an event would disappear, and its members would resolve themselves into a family organized in the normal manner. It may be conjectured that the parent always continued in the 'geilfine'-class, and that therefore it contained five members, although the other classes comprised four only, and that hence was derived the peculiar title of 'geilfine'-chief.

The passage in the Book of Aicill relative to the legitimization of adulterine bastardy is so instructive in relation to the origin and form of the Celtic family, that it merits special attention. The important portions of the text and commentary are as follow:—"Every cuckold *has a right to his reputed son until purchased from him. That is, to the cuckold belongs his reputed son until he is purchased from him by his real father—i.e., until there has been paid to him body-price and honor-price, according as he is a native freeman, or a stranger, or a foreigner, or a 'daer'-person, and the full price of fosterage for the length of time he was with him; the equivalent also of everything which he had paid for his crime shall be paid him back.*"* "If the full *fine* of the father who takes him away be equal to the full *fine* of the *reputed* father from whom he is taken, the father who takes him away shall pay his own full *fine* to the *reputed* father from whom he has been taken. If the full *fine* of the

* Page 311.

reputed father from whom he has been taken be greater, the father who has taken him out shall pay it, if he is able, but if he be not able, *the son* himself shall pay in right of his property; or it shall be paid by the father in right of the 'old promise.' " "He can be taken from man to man always until the evidence of men assign him to one father, and when he has been assigned to one father by the evidence of men, he cannot be taken from him until he be assigned to another father by the test of God; and when he has been assigned to another father by the test of God, he cannot be taken from him by the test of God, or the test of men until seven 'cumhals' *are paid for him*. His being brought from man to man in succession is by the commentator derived from the following verses, *i.e.* :—

Free is the womb that brings forth a birth
To produce a body,
Whichever of a hundred persons
Removes it."

This passage clearly shows that in the early Irish, as in other archaic societies, the nexus of the family was not marriage, but acknowledged actual descent from a common ancestor, and participation in the common duties and property of the family. The son of a married woman was *prima facie* a member of the family of the husband, but if another proved that he was the father in fact, the child belonged to the family of the adulterer. The family of the husband, however, possessed a vested interest in its reputed member, and was therefore entitled to compensation for the removal of one of its number, and also to the repayment of the previous expenses of maintenance. The claimant was also bound to indemnify the family of the husband for any payment previously made on account of the offspring. The obvious difficulty as to whether the body-fine and honor-price were to be estimated with reference to the rank of the natural or to that of the reputed father, was solved by making the claimant pay according to whichever of the two scales was the higher. The principle of the payment to be made in such a case by

the claimant to the family of the husband is the same as that which, according to the last section of the Book of Aicill, in the case of the abduction of a female member of a family, condemned the ravisher to pay compensation both to the abducted woman and to her family.* The theory of the Celtic family is further illustrated by a passage in the first volume of the Brehon Laws which has been previously referred to.†

“Eochaidh set out, long afterwards, to go to his tribe to demand justice from them, but was met at Sliabh Fuait by Asal, son of Conn of the Hundred Battles, and by the four sons of Buidhe, . . . and by Fotline, the son whom Dorn, the daughter of Buidhe, brought forth to a stranger, of whom was said:—

‘The son of Dorn is a trespasser on us,’ &c.

And they slew Eochaidh Belbhuidhe, who was under the protection of Fergus. Fergus went with forces from the north to demand satisfaction, and justice was ceded to him, *i.e.*, three times seven ‘cumhals,’ seven ‘cumhals’ of gold; and seven of silver, and land of seven ‘cumhals,’ Inbher-Ailbhine *by name*, for the crime of the five natives; and Dorn, the daughter of Buidhe, was given as a pledge for the crime of her son, for he was the son of a stranger, or of an Albanach (Scotchman), and was begotten against the wish of, or without the knowledge of, the tribe of the mother.” Dorn having been subsequently slain by Fergus, the honor price for her death was paid in various proportions to her father and brother, but not to her son. From the above passages it may be concluded that the family was based upon the descent from a male ancestor; that if the fact of the descent were admitted by the father, illegitimacy or legitimacy, according to the canon law, was immaterial; that the illegitimate offspring of two members of a family would be acknowledged as a member of the family; that the illegitimate offspring of a female member of the family, by a stranger, might be introduced into the family as a member, if begotten with the consent and knowledge of the tribe of the mother. The member of a family was of course a member of the tribe

* Page 541.

† Pages 71—75.

which included the family. On the other hand, the illegitimate offspring of a woman by a stranger, if begotten against the wish and without the knowledge of the tribe of the mother, would have no status in either the family or tribe of the mother, and would be considered by them as a stranger or trespasser. If an office were hereditary in a family all the members of which were equally eligible for election, all questions of legitimacy or illegitimacy were unimportant. There was nothing to prevent the adulterine bastard of a chief from being elected as his father's successor: both he and the legitimate offspring of his father were equally eligible for election. If the principles laid down in the Book of Aicill had been familiarly accepted by the Irish in the sixteenth century, the controversy between the English Government and Shane O'Neill could not have assumed the form which it did. Con O'Neill had, by Alison Kelly, the wife of a smith in Dundalk, a son whom the mother brought to O'Neill when of the age of sixteen years. In 1542 Con O'Neill was created by patent Earl of Tyrone, with remainder to this son (Matthew *alias* Ferdorogh O'Neill) and his heirs male. Shane O'Neill was the son of Con O'Neill by a wife. At the date of the creation of the earldom, Matthew was undoubtedly treated and accepted by the rest of his name as a son of Con O'Neill, and if he had been his son in fact, and had been admitted to be so by his actual father, he was one of the family of the O'Neill, and as such capable of election to the Chieftaincy of Ulster. The earldom of Tyrone being limited to Matthew as a purchaser in tail, his claim under the original letters patent was quite independent of his legitimacy; his rights to the headship of his sept also were unconnected with legitimacy, as resting upon the popular election, if any such election ever took place. Nevertheless, the question of the canonical legitimacy of the Baron of Dungannon is constantly discussed in the letters of Shane O'Neill and the English Government. Shane, the champion of the Celtic race, insists that his brother was illegitimate; the English Government asserts that the succession of the house of O'Neill was

hereditary, and that the Baron was the "heir in right." At a later period, when Hugh O'Neill, the son of the Baron of Dungannon, and the *protégé* of the English, fell away into rebellion, the English Government in their proclamations reproached him with the illegitimacy of his father. Were the parties to this correspondence ignorant of, or did they purposely ignore the existence of the Brehon law? Phrases occur in the correspondence which seem to indicate that both parties knew that the ancient custom was very different from the law with reference to which they assumed to discuss the question. Cecil, in a paper of heads of arguments,* uses these remarkable words:—"For O'Nele knew for truth that he was the son of a woman married in Dundalk to one Kelly a smith, and *therefore he could not be sure that he was his son; considering also that he was sixteen years old before his mother brought him to O'Nele.*" Again, Shane asserted that his father "being a gentleman never denied any child that was sworn to him, and he had plenty of them." Such expressions as these seem to indicate that both writers felt that the question of illegitimacy or legitimacy, as applicable to the status of the Baron of Dungannon, turned upon the question of parentage in fact, and had no connexion with marriage; but whatever may have been the *arrière pensée* of the writers, it is almost impossible to believe that at the date of the correspondence the Brehon law was recognised in Ulster as the local law, or that its principles were still understood and accepted by the inhabitants.

The rules as to the legitimization of adulterine bastards proves that children were considered by the head of a family as a benefit and not a burthen. In every village community possessing a share of public lands, to be drawn upon as occasion may require, the share of the family in the public land or pasturage increases in proportion to the number of its members. There is, therefore, in such societies a constant legal incentive to marriage and procreation. The excessive increase of population which the local custom stimulates in such forms of society is checked in modern village com-

* Carew MSS., vol i., pp. 304-5.

munities partly by a very high death rate, and partly by an organized system of emigration whereby overcrowded villages establish new village communities in unoccupied lands, after a systematic and organized manner.* It is a subject of curious inquiry, as a test of the condition of the Celtic population of Ireland, to ascertain if there be any grounds for concluding whether before the Danish invasion the number of tribes or village communities in Ireland was increasing or diminishing, and whether we have grounds for drawing any conclusion as to the rate of mortality which then existed.

Inasmuch as Cormac MacAirt is alleged to be the author of the Book of Aicill, it is proper to lay before the reader a short statement as to what is known of his history and his alleged connexion with the work in question. In the year 218 A.D., Cormac Ulfada, the grandson of Conn of the Hundred Battles, and commonly called Cormac O'Cuinn, and Cormac MacAirt, commenced to reign. The annals of Tighernach (ob. A.D. 1088)

*The following extracts from the essay of M. de Laveleye illustrate the above remarks. In his description of the Russian village commune (mir) he states:—"Dans l'Occident, une progéniture nombreuse est un malheur, que l'on évite par des moyens que certains économistes préconisent, mais que la morale condamne. En Russie, la naissance d'un enfant est toujours accueillie avec joie, car elle apporte à la famille des forces nouvelles pour l'avenir, et elle est un titre pour réclamer un supplément de terres à cultiver." * * "Ce qui dans l'organisation du mir doit surtout alarmer l'économiste, c'est que, contrairement aux prescriptions de Malthus, elle enlève tout obstacle à l'accroissement de la population et offre même une prime à la multiplication des enfans. En effet, chaque tête de plus donne droit, dans la partage, à une part nouvelle. Il semble donc que la population doive accroître en Russie plus rapidement que partout ailleurs. C'est même là la principale objection que M. Stuart Mill oppose à tout projet de réforme dans un sens communiste. Chose étrange cependant, la Russie est avec la France l'un des pays où la population augmente le plus lentement. La période de doublement, qui pour la France est de 120 ans environ, est de 90 ans pour la Russie, tandis qu'elle n'est que de 50 ans pour l'Angleterre et pour la Prusse." * * "Différentes circonstances contribuent à produire ce résultat. La première est la grande mortalité parmi les jeunes enfans." * * "La durée moyenne de la vie est par suite en Russie très inférieure à celle qu'on a constatée dans les autres pays. Au lieu d'être de 35 ans environ, comme dans les états de l'Europe occidentale, elle n'est que 22 à 27 ans." * * "Pour faire place aux familles nouvelles, qu'une civilisation plus avancée appellerait à l'existence, il ne resterait alors qu'une ressource: l'émigration et la colonisation. En effet, le régime du mir a été autrefois un puissant agent de colonisation."—Les Formes primitives de la Propriété. Par M. de Laveleye.—*Revue des Deux Mondes*, tom 100, Fl. 149/153,

were selected by the late Dr. Petrie as the most authentic authority respecting the events of his reign. It is advantageous to ascertain what are the facts recorded in this chronicle. In the year 218 it is stated that Cormac, the grandson of Conn, reigned 42 years. In the year 222 are mentioned the names of 31 distinct battles; and there is mention also of the more important facts of Cormac's having had a fleet over the sea for the space of three years, of the slaughter of the maidens in the Claenferta at Temur by the King of Leinster, and the consequent execution by Cormac of twelve Lagenian Kings, and of the exaction with an increase by him of the Borumba, or Boromean tribute. Under this year it is stated that Cormac was deposed by the Ultonians. In the year 236 A.D., six battles are recorded, and under this year Cormac is stated to have been expelled for seven months, and to have been subsequently dethroned by the Ultonians. In the year 251 A.D., one battle is recorded. In the year 254 A.D., Cormac expelled the Ultonians from Ireland to the Isle of Man, hence his name Ulfada. Under the same year the wound and death of Cormac are recorded as follows* :—

“The wounding of Ceallach, the son of Cormac, and the killing of Setna, the son of Blae, son of the lawgiver of Temur. And the eye of Cormac Ua Cuinn broken with one blow by Aengus, the son of Fiacha Suighi, the son of Feidhlim Rechtmar, whence he was called Aengus Gabh-uaihbtheach [i.e., Aengus of the Dreadful Spear]. Cormac afterwards gained four battles over the Desii, so that he drove them into Munster, and expelled them from their [original] country.”

“Cormac, the grandson of Con of the Hundred Battles, died at *Cleiteach* on Tuesday, the bone of a salmon having stuck in his throat; or it is the sheevree [genii] that killed him at the instigation of Maelcinn the Druid, as Cormac did not believe in him.”†

* Petrie, on the History and Antiquities of Tara Hill, p. 37.

† Than the late lamented Professor O'Curry, no author was more profoundly versed in the ancient Irish Manuscripts; it is, therefore, due to the memory of that great Irish scholar to introduce his views as to the records relative to Cormac Mac Art, contained in early Irish authors :—

“The character and career of Cormac Mac Art, as a governor, a warrior, a phil-

In the Annals of Tieghernach there is no mention made of the alleged literary or legislative celebrity of Cormac MacAirt; in the Annals of the Four Masters, however, there is express mention of the works upon which his reputation has rested. Under the year A.D. 266, the Four Masters state,* "Cormac, osopher, and a judge deeply versed in the laws which he was called on to administer, have, if not from his own time, at least from a very remote period, formed a fruitful subject for panegyric to the poet, the historian, and the legislator.

"Our oldest and most accredited annals record his victories and military glories; our historians dwell with rapture on his honour, his justice, and the native dignity of his character; our writers of historical romance make him the hero of many a tale of curious adventure; and our poets find in his personal accomplishments, and in the regal splendour of his reign, inexhaustible themes for their choicest numbers.

"The poet Maelmura, of Othna, who died A.D. 844, styles him *Cormac Ceolach*, or the Musical, in allusion to his refined and happy mind and disposition. *Cinaeth* (or *Kenneth*) O'Hartigan (who died A.D. 978) gives a glowing description of the magnificence of Cormac and of his palace at Tara. And Cuan O'Lochain, quoted in the former lecture, and who died A.D. 1024, is no less eloquent on the subject of Cormac's mental and personal qualities and the glories of his reign. He also, in the poem which has been already quoted, describes the condition and disposition of the ruins of the principal edifices at Tara, as they existed in his time; for, even at this early period (1024), the royal Tara was but a ruin. Flann, of Saint Buillé's Monastery, who died A.D. 1056 (the greatest, perhaps, of the scholars, historians, and poets of his time), is equally fluent in praise of Cormac as a king, a warrior, a scholar, and a judge.

"Cormac's father, Art, chief monarch of Erin, was killed in the battle of *Magh Mucruimhé*—that is, the plain of *Mucruimhé* (pron. "Mucrivy"), about A.D. 195, by Mac Con, who was the son of his sister. This Mac Con was a Munster prince, who had been banished out of Erin by Oilill Olum, King of Munster; after which, passing into Britain and Scotland, he returned in a few years at the head of a large army of foreign adventurers, commanded chiefly by *Benné Brit*, son of the King of Britain. They sailed round by the south coast of Ireland, and landed in the bay of Galway; and being joined there by some of Mac Con's Irish adherents, they overran and ravaged the country of West Connacht. Art, the monarch, immediately mustered all the forces that he could command, and marched into Connacht, where he was joined by Mac Con's seven (or six) step-brothers, the sons of Oilill Olum, with the forces of Munster. A battle ensued, as stated above, on the plain of *Mucruimhé* (between Athenree and Galway), in which Art was killed, leaving behind him an only son, Cormac, usually distinguished as *Cormac Mac Airt*—that is, Cormac the son of Art.

"On the death of his uncle Art, Mac Con assumed the monarchy of Erin, to the prejudice of the young prince Cormac, who was still in his boyhood, and who was forced to lie concealed for the time among his mother's friends in Connacht.

"Mac Con's usurpation, and his severe rule, disposed his subjects after some time to wish for his removal; and to that end young Cormac, at the solicitation of some powerful friends of his father, appeared suddenly at Tara, where his person had

* The translation is that given in Dr. Petrie's *History and Antiquities of Tara Hill*, p. 38.

the son of Art, the son of Con, after having been forty years in the government of Ireland, died at Cletty, the bone of a salmon having stuck in his throat, through the Sheevra, whom Mailgenn the Druid induced to attack him, after Cormac had turned from the Druids to the adoration of God; wherefore a

by this time ceased to be known. One day, we are told, he entered the judgment hall of the palace at the moment that a case of royal privilege was brought before the king, Mac Con, for adjudication. For the king in ancient Erin was, in eastern fashion, believed to be gifted with peculiar wisdom as a judge among his people; and it was a part of his duty, as well as one of the chief privileges of his prerogative, to give judgment in any cases of difficulty brought before him, even though the litigants might be among the meanest of his subjects, and the subject of litigation of the smallest value. The case is thus related:—Certain sheep, the property of a certain widow residing near Tara, had strayed into the queen's private lawn, and eaten of its grass; they were captured by some of the household officers, and the case was brought before the king for judgment. The king, on hearing the case, condemned the sheep to be forfeited. Young Cormac, however, hearing this sentence, exclaimed that it was unjust, and declared that as the sheep had eaten but the fleece of the land, the most that they ought to forfeit should be their own fleeces. This view of the law appeared so wise and reasonable to the people around, that a murmur of approbation ran through the hall. Mac Con started from his seat and exclaimed, "That is the judgment of a king;" and, immediately recognising the youthful prince, ordered him to be seized; but Cormac succeeded in effecting his escape. The people, then, having recognised their rightful chief, soon revolted against the monarch, upon which Mac Con was driven into Munster, and Cormac assumed the government at Tara. And thus commenced one of the most brilliant and important reigns in Irish history.

"The following description of Cormac, from the Book of Ballymote (142, b.b.), gives a very vivid picture of the person, manners, and acts of this monarch, which it gives, however, on the authority of the older Book of *Uachtonghail*; and, even though the language is often high-coloured, it is but a picturesque clothing for actual facts, as we know from other sources (see original in Appendix, No. XXVI.):—

"A noble and illustrious king assumed the sovereignty and rule of Erin, namely, Cormac, the grandson of Conn of the Hundred Battles. The world was full of all goodness in his time; there were fruit and fatness of the land, and abundant produce of the sea, with peace, and ease, and happiness, in his time. There were no killings nor plunderings in his time, but everyone occupied his lands in happiness.

"The nobles of Erin assembled to drink the banquet of Tara, with Cormac, at a certain time. These were the kings who were assembled at that feast—namely, *Fergus Dubhdeadhach* (of the black teeth), and *Eochaidh Gunnat*, the two kings of Ulster; Dunlang, son of Enna Nia, king of Leinster; Cormac Cas, son of Ailill Olaim, and *Fiacha Maileathan*, son of *Eoghan Mór*, the two kings of Munster; *Nia Mór*, the son of *Lugaidh Fírtí*, Cormac's brother by his mother, and *Eochaidh*, son of Connall, the two kings of Connacht; Oengus of the poisoned spear, king of Bregia (East Meath); and *Feradhach* the son of Asal, son of Conor the champion, king of Meath.

demon attacked him at the instigation of the druids, and gave him a painful death. It is Cormac who composed the *Teagasc na Riogh*, to preserve manners, morals, and government in the kingdom. He was an illustrious author in laws, synchronisms, and history; for it is he that promulgated law, rule,

"The manner in which fairs and great assemblies were attended by the men of Erin, at this time, was—each king wore his kingly robe upon him, and his golden helmet on his head; for they never put their kingly diadems on but in the field of battle only.

"Magnificently did Cormac come to this great assembly; for no man, his equal in beauty, had preceded him, excepting *Conaire Mór*, son of Edersgel, or Conor, son of *Cathbadh* (pron. nearly 'Cañ-fah'), or Aengus, son of the Daghdha. Splendid, indeed, was Cormac's appearance in that assembly. His hair was slightly curled, and of golden colour; a scarlet shield with engraved devices, and golden hooks, and clasps of silver; a wide-folding purple cloak on him, with a gem-set gold brooch over his breast; a gold torque around his neck; a white-collared shirt, embroidered with gold, upon him; a girdle, with golden buckles, and studded with precious stones, around him; two golden net-work sandals, with golden buckles, upon him; two spears with golden sockets, and many red bronze rivets, in his hand; while he stood in the full glow of beauty, without defect or blemish. You would think it was a shower of pearls that were set in his mouth; his lips were rubies; his symmetrical body was as white as snow; his cheek was like the mountain-ash berry; his eyes were like the sloe; his brows and eyelashes were like the shoen of a blue-black lance.

"This, then, was the shape and form in which Cormac went to this great assembly of the men of Erin. And authors say that this was the noblest convocation ever held in Erin before the Christian Faith; for the laws and enactments instituted in that meeting were those that shall prevail in Erin for ever.

"The nobles of Erin proposed to make a new classification of the people, according to their various mental and material qualifications; both kings and ollamhs (or chiefs of professions), and druids, and farmers, and soldiers, and all different classes likewise; because they were certain that whatever regulations should be ordered for Erin in that assembly, by the men of Erin, would be those which would live in it for ever. For from the time that Amergen *Gluinegal* (or of the White Knee), the *Filé* (or Poet), and one of the chiefs of the Milesian colonists, delivered the first judgment in Erin, it was to the *Fíles* alone that belonged the right of pronouncing judgments, until the disputation of the Two Sages, *Perceirne* the *Filé*, and *Neidhé*, son of *Adhna*, at Emania, about the beautiful mantle of the chief *Filé*, *Adhna*, who had lately died. More and more obscure to the people were the words in which these two *Fíles* discussed and decided their dispute, nor could the kings or the other *Fíles* understand them. *Concobar* (or Conor) and the other princes at that time present at Emania, said that the disputation and decision could be understood only by the two parties themselves, for that they did not understand them. It is manifest, said *Concobar*, all men shall have share in it from this day out for ever, but they [the *Fíles*] shall have their hereditary judgment out of it, of what all others require, every man may take his share of it. Judgment was then

and regulation for each science, and for each covenant according to justice; so that it is his laws that restrained all who adhered to them to the present time."

"It is this Cormac MacArt also that assembled the chroniclers of Ireland together at Temur, and ordered them to write the Chronicles of Ireland in one book, which was called the Psalter of Temur. It was in this book were [entered] the coeval exploits and synchronisms of the Kings of Ireland with the Kings and Emperors of the world, and of the kings of the provinces with the monarchs of Ireland. It

taken from the *Filés*, except their inheritance of it, and several of the men of Erin took their part of the judgment; such as the judgments of *Eochaidh*, the son of *Luichta*; and the judgments of *Fachtna*, the son of *Senchadh*; and the (apparently) false judgments of *Caradniadh Teisethé*; and the judgments of Morann, the son of Maen; and the judgments of *Eoghan*, the son of *Durrthacht* [king of Farney]; and the judgments of *Doet* of *Neimheinn*, and the judgments of *Brigh Ambui* [daughter of *Senchadh*]; and the judgments of *Diancecht* [the *Tuath Dé Danúnn* Doctor] in matters relating to medical doctors. Although these were thus first ordered at this time, the nobles of the men of Erin (subsequently) insisted on judgment and eloquence (advocacy) being allowed to persons according to rank in the *Breithia Nemheadh* (laws of ranks); and so each man usurped the profession of another again, until this great meeting assembled around Cormac. They then again separated the professors of every art from each other in that great meeting, and each of them was ordained to his legitimate profession.

"And thus when Cormac came to the sovereignty of Erin, he found that Conor's regulations had been disregarded; and this was what induced the nobles to propose to him a new organization, in accordance with the advancement and progress of the people, from the former period. And this Cormac did; for he ordered a new code of laws and regulations to be drawn up, extending to all classes and professions. He also put the state or court regulations of the *Teach Midhchuarta*, or Great Banqueting House of Tara, on a new and permanent footing; and revived obsolete tests and ordeals, and instituted some important new ones; thus making the Law of Testimony and Evidence as perfect and safe as it could be in such times.

"If we take this, and various other descriptions of Cormac's character as a man, a king, a scholar, a judge, and a warrior, into account, we shall see that he was no ordinary prince; and that if he had not impressed the nation with a full sense of his great superiority over his predecessors and those who came after him, there is no reason why he should have been specially selected from all the rest of the line of monarchs, to be made above all the possessor of such excellences.

"Such a man could scarcely have carried out his various behests, and the numerous provisions of his comprehensive enactments, without some written medium. And it is no unwarrantable presumption to suppose that, either by his own hand, or, at least, in his own time, by his command, his laws were committed to writing; and when we possess very ancient testimony to this effect, I can see no reason for rejecting it, or even for casting a doubt upon the statement."*

* MS. Materials of Ancient Irish History. pp. 42-47.

was in it was also written what the monarchs of Ireland were entitled to receive from the provincialists, and what the provincialists [i.e., provincial kings] were entitled to receive from their subjects from the noble to the subaltern. It was in it also were [described] the bounds and meres of Ireland from shore to shore, from the province to the territory, from the territory to the bally (townland), and from the bally to the *traigid* of land. These things are conspicuous in the *Leabhar na h-Uidhri*. They are also evident in the *Leabhar Dinnsenchusa*."

Upon this passage Dr. Petrie remarks, "This detail, it must be confessed, has but little agreement with the meagre and unsuspecting account given by Tieghernach. On everything stated by the Four Masters the earlier annalist is silent, except the notice of the cause of his death, and even in this what is doubtfully put by the one, is made positive by the others. Whether, however, these details are true or false, or in whatever degree they may be so, it is due to the character for veracity of the Four Masters to mention, that they found what at least appeared to them sufficient evidence upon which to ground their statements, in very ancient documents. The additional facts of importance stated by the Four Masters are three:—1, that Cormac was the author of the ancient tract called *Teagasc na Riogh*, or Instruction of the Kings. 2. That he was the author or compiler of laws which remained in force among the Irish down to the seventeenth century. And 3. That he caused the ancient chronicles of the country to be compiled in one volume, which was afterwards called the Psalter of Tara."^{*}

The first and third of these facts are based upon the existence of works known by the names mentioned in the text, and the second is based by Dr. Petrie upon the existence of the Book of Aicill. He came to the conclusion that at the date of the Four Masters no trustworthy traditions could well have been preserved which might form a ground for the statements of the annalists. Tieghernach was sepa-

^{*} Essay on the History and Antiquities of Tara Hill, p. 39. Transactions of the R.I.A. (Antiquities), vol. xviii.

rated from the era of Cormac Mac Airt by a space of eight centuries, the Four Masters by a period of thirteen. Tieghernach stood in the same relation to the era of Cormac as a writer of the reign of Henry II. did to the arrival of the Saxons, from which date we are not much more removed than were the Four Masters from the reign of Cormac. A reference to the early history of Greece, Rome, or England, at once shows the great improbability of the correct transmission of any authentic tradition for such a period, even under circumstances more favourable for its preservation than Ireland ever afforded. It must be admitted that in the interval between the date of Tieghernach and the work of the Four Masters numerous Irish authors refer to the greatness of Cormac, not only as a king, but also as a judge. Their silence as to the authorship of the Book of Aicill cannot be much relied on as a proof that the Book of Aicill did not then exist, because that work may have been considered as the production of a Pagan author, while the *Senchus Mor*, stamped with the authority of St. Patrick, may have assumed the position of the authoritative Irish code. On the other hand there is not, as far as can be ascertained, a positive assertion in such authors, that the Book of Aicill, an acknowledged work of Cormac, was received as an actual legal authority. The Four Masters and Dr. Petrie therefore rest the assertion that Cormac was the author of certain laws upon those existing works which were alleged to have been composed by Cormac Mac Art, and it is upon the internal evidence of these works that the reputation of Cormac must rest.

Undoubtedly traditions existed as to the literary reputation of Cormac, but whether they had any solid basis is a point difficult to be proved. The author of the *Ogygia*, going beyond the statements of the Four Masters, informs us that there were three schools instituted by Cormac at Tara; in the first was taught military discipline, in the second history, and in the third jurisprudence. O'Flaherty wrote in the seventeenth century, thirteen hundred years after the event, and cites as his authority a poem of the fourteenth century, eleven hundred years after the reign of Cormac. As to which poem Dr. Petrie remarks, "The general silence of all other ancient authorities is in itself a presumptive evidence

either that O'Flaherty has mistaken the sense of his author, as in the instance of *Mur Ollamhuan*, or that the old poet had indulged in the common Bardic propensity to exaggeration."*

The history of Cormac MacAirt, as contained in Keating, is in itself a proof that the mode in which history was then composed on the Continent was not altogether unknown in Ireland. Dr. Keating's work was for Irish history what those of Du Haillan and Audigier were for that of France. It would perhaps be difficult to find a more extraordinary instance of the growth of tradition and its gradual expansion than Keating's account of the death of Cormac, as contrasted with the narration of the same occurrence in Tieghernach. The comparison of the blinding of Cormac in these two authors is a further instance of the manner in which the recital of the original annalist could, in process of time, be amplified. Such exaggerations need scarcely to be referred to even for the purpose of confutation.†

Upon the internal evidence only contained in such a work as the Book of Aicill, can any conclusions be based as to its date or authorship. It must be remembered that there exists no cotemporary evidence of any of the facts of early Irish history; no inscriptions or coins enable us to fix dates or to identify personages. The only trustworthy evidence is the existing testimony of manuscripts which are themselves separated by centuries from the transactions treated of, and are entitled at least to no more credit than cotemporary Continental authorities.

Assuming the assertion of the Four Masters as to the legislation of Cormac to be based upon the Book of Aicill itself, let us inquire of that work what grounds it affords for the opinion that it was composed by Cormac, and in so doing, let us assume the proposition—a proposition by no means unquestionable—that not only was the art of writing known to the Irish in the third century, but that it was customarily used for the record of customary law.

* History and Antiquities of Tara Hill, page 49.

† In justice to the authors of such highly-coloured statements, it must however be borne in mind that works extant in their time, and on which they may have relied as authorities, have since disappeared, and are probably altogether lost.

The Book of Aicill contains not only the *sententiae* ascribed to Cormac, but also those attributed to Cendfaeladh the son of Ailel. As the latter is stated in the text to have learned law whilst laid up in consequence of wounds received by him in the battle of Moira A.D. 642, it is evident that his part of the work cannot have been composed until at least four centuries after the death of Cormac, that therefore the earliest evidence of Cormac's having been the author of certain legal opinions cannot be placed prior to the end of the seventh century, and that the only part of the work ascribed to him is a certain portion of the text which is entirely independent of the introduction and commentary.

The sole authority for the statement that these *sententiae* are derived from Cormac, rests upon the evidence of the editor who composed the preface and arranged the work. The name, date, and residence of this editor are unknown, nor does he give us any hint as to the grounds upon which he attributed any portion of the work to Cormac; all that he can be admitted to prove is, that *at the date of the composition of the work*, as it has come down to us, certain legal maxims embodied in it were popularly attributed to Cormac. The value of such popular tradition necessarily depends upon the interval of time by which the fact testified to is separated from the tradition which asserts it, and the existence of surrounding circumstances which tend to preserve a tradition unaltered. To estimate the value of the popular opinion testified to by the editor, the date of the redaction of the work itself must be fixed.*

* It is but right here to state the published opinions of the late Professor O'Curry as to the Book of Aicill:—

"It is not probable that any laws or enactments forged at a later period, could be imposed on a people who possessed in such abundance the means of testing the genuineness of their origin, by recourse to other sources of information; and the same arguments which apply in the case of the Saltair of Tara, may be used in regard to another work assigned to Cormac, of which mention will be presently made. Nor is this all; but there is no reason whatever to deny that a book, such as the Saltair of Tara is represented to have been, was in existence at Tara a long time before Cormac's reign; and that Cormac only altered and enlarged it to meet the circumstances of his own times.

These bards and druids, of which our ancient records make such frequent mention, must have had some mode of perpetuating their arts, else it would have been impossible for those arts to have been transmitted so faithfully and fully as we know they were. It is true that the student in the learning of the *Fíle* is said to

The date of the redaction of the work may be tested by the contents of the introduction, the condition of the language, and the nature of the customary law embodied in it. Upon none of these points however is it possible to draw any definite conclusion. In the introduction the author attempts to derive the word *eitged* from Hebrew, Greek, and Latin roots respectively. What are the derivations which he has failed to explain is immaterial; this however is certain, that he wrote at a time when there existed, or rather there was professed, some knowledge not only of Latin but also of Greek and Hebrew. He was further acquainted, very imperfectly indeed, with the scholastic logic. To what earliest date in the case of a work composed in France or England during the middle ages would such evidence point? Would such evidence in the case of a work such as the introduction to the Book of Aicill composed in Ireland point to a higher or lower date than in the case of a similar work composed in France or England? In considering the latter question, it must be borne in mind that the work is a purely native production, and that its date should be tested with reference to the level of knowledge existing in Ireland, not with reference to that of Irish scholars settled or met with on the Continent.* The silence of Tieghernach upon the subject is also negative evidence of the utmost weight.

have spent some twelve years in study, before he was pronounced an adept; and this may be supposed to imply that the instruction was verbal; but we have it from various writers, even as late as the sixteenth and seventeenth centuries, that it was customary with the medical, law, and civil students of these times, to read the classics and study their professions for twenty years. * *

"There still exists, I should state to you, a Law Tract, attributed to Cormac. It is called the Book of Acaill, and is always found annexed to a Law Treatise by *Cennfoelad* the learned, who died in A.D. 677. * * (Vide preface to the Book of Aicill in the present Volume.)

"Such is the account of this curious tract, as found prefixed to all the copies of it that we now know; and, though the composition of this preface must be of a much later date than Cormac's time, still it bears internal evidence of great antiquity."†

* The study of Greek does not seem to have been very successfully pursued in the Irish schools of the tenth century. The scholarship of the author of the Glossary of Cormac was very limited. Mr. Stokes speaks of "the extraordinary ignorance of Greek evidenced by the composer (of the Glossary), which, even at the beginning of the tenth century, would startle one in an episcopal countryman of Johannes Scotus Erigena." (Old Irish Glossaries, page xvi., and note.)

† MS. Materials of Ancient Irish History, p. 48.

The application of what may be called a philological test to an ancient document, with the object of ascertaining the date of its composition, is a process of very great difficulty and requiring extreme caution. In the first place we must be certain that the document so treated preserves the *ipsissima verba* of the original author. This essential requisite is possessed alone by lapidary inscriptions and coins. The decrees of Asoka, the rock inscriptions in Korsabad or the Moabite inscription, present respectively the speech of their authors in the minutest details; but a manuscript has been probably subjected upon each fresh transcription to a constant course of emendation.* In the case of works of practical utility, such as the present tract, as long as the original text was tolerably comprehensible, each successive scribe would assimilate its grammatical forms to the current speech of the period; and again, after the original work had ceased to be understood by ordinary readers, the ancient text would be subject to unintelligent corruption. The philological condition of any manuscript, such as those of the Brehon law, represents therefore a state of the language subsequent to the date of the original work. Assuming that the document retains its original form, its philological condition is useless in fixing its date, unless we possess unaltered documents, the date of which can be actually and independently ascertained. In the case of most European countries, this requisite is met by the existence of lapidary inscriptions and coins, by the aid of which the form of the language at distinct dates can be satisfactorily established. It cannot be too often remarked that such documents are wholly unknown to Irish antiquaries; we possess no lapidary inscriptions, the dates of which can be fixed,† and no coins whatsoever. Then, the more or less archaic form of the language of any Irish document does not afford any indication of its date, as we have no means

* In the MS. H. 3-17, p. 157, the statement is made that it was changed from hard original Gaelic and put into fair Gaelic by Gilla-na-Naemh, son of Dunsleavy Mac Aedhagain. See *Senchus Mor*, vol. i., p. xxxvi.

† The Ogham inscriptions, in the deciphering of which some progress has been made, are too short and undated to form the basis of any philological induction.

of constructing any chronological table of the changes in the language. The greater or less antiquity indicated by archaic forms of a language depends upon the greater or less rapidity with which the language itself was developed. It is well known that the changes in different languages proceed at very different rates. Before the introduction of a national literature the fluctuations of language are altogether uncertain. Among some barbarous tribes, members of the same community, separated during a very few generations, are unable to hold intercourse with each other; on the other hand, some nations possessing no literature have retained archaic forms with peculiar tenacity, as in the well known case of the Lithuanians. The languages even of nations possessing a national literature change at very varying rates; the Italian of Dante is perfectly intelligible to an educated Italian, but an Englishman has to study the *Vision of Piers Ploughman* almost as a foreign language.

The archaic form of the original text of the *Brehon law*, as found in existing MSS., does not therefore necessarily imply any very great antiquity unless we are able to identify its grammatical and philological forms with those of works the date of which can be proved by extrinsic evidence. The first step to this important result has undoubtedly been taken in the treatise of the *Cavaliere Nigra* upon the verses and glosses comprised in the Irish MS. of St. Gall, the date of which is proved from internal evidence to be between A.D. 850 and A.D. 869. No subject can be more worthy of the attention of Celtic philologists, such as Stokes and Pictet, than an inquiry as to whether the original text of the *Book of Aicill* (supposed to be one of the most ancient of the *Brehon tracts*) exhibits a form of the language anterior or subsequent to the Irish passages contained in the St. Gall MS. The editors are decidedly of opinion that the language of the original text of the *Book of Aicill*, as represented by the existing MSS. accessible to them, is not older than the Irish of the St. Gall MS.* At

*It is impossible to conclude the consideration of the mode in which the question of the date of the *Book of Aicill* should be discussed without some reference to the work known as *Cormac's Glossary*, which has been carefully edited by

the same time it must be remembered that the grammatical and philological condition of the text can only fix the date of the last revision, and that the original text may have exhibited a far more archaic form of the language.

Dr. Stokes from materials prepared by the late Dr. O'Donovan; the text being taken from a MS. preserved in the library of the Royal Irish Academy. The arguments in favour of the great antiquity of the Brehon laws, as founded upon Cormac's Glossary, would appear to be:—(1), that the existence of the Glossary, which contains numerous references to the Brehon law books, proves that the works referred to were to some extent unintelligible in the time of Cormac; and (2), that in the text of the Glossary we possess a specimen of the Irish language as it existed at the time of the author, by a comparison with which, the very archaic form of the Irish contained in the Brehon law books is at once demonstrated.

Let us then consider how far the latter argument has any foundation in fact. Cormac, the son of Cuilennán, born A.D. 881, was a prince of Cashel, who, subsequently having become the bishop of that see, was slain in the battle of Bealach Mughna, A.D. 903. It is first to be inquired whether this Cormac wrote any Glossary? and, if so, whether that now published under his name is authentic? Without entering further into this question, let it be admitted, in the words of Mr. Stokes:—"On the whole we may safely say that the proofs adduced in the former part of this preface sufficiently show that the greater part of what is commonly called Cormac's Glossary was written in the time of Cormac, or at least within a century or so after his death." If it be satisfactorily shown that the work in question was composed in the tenth century, it is immaterial for the present question who was its author. But does the published edition exhibit the text of the work as originally composed? So far from this being the fact, both internal and external evidence demonstrate that the text as it exists differs very widely from that of the original work. We may with confidence refer to the opinion of Mr. Stokes:—"At first sight all merely acquainted with the old Irish Glosses, published by Zeuss, and with the old Irish passages preserved in the Book of Armagh, would be apt to conclude, from the comparatively modern orthography of our text, from the declensional mutilations of the article and nouns, and from the absence of pronominal infixations in the compound verbs, that it could not possibly lay claim to a greater antiquity than the fourteenth or fifteenth century. But the spelling of the fragment in the Book of Leinster is tolerably pure, and there the declensional forms are quite Zeussian." Again, Mr. Stokes remarks:—"It may, however, be said that all through the Glossary the spelling and the declensional and syntactical forms are quite Middle-Irish. . . . All these modernisms, however, weigh little with any one familiar with the liberty which mediæval Irish scribes allowed themselves in making the grammatical forms of the manuscripts from which they transcribed agree with those of their own time. In the present instance, too, many of these late forms are represented by Old-Irish forms in the corresponding passages in one or more of the other codices."

The present text of the Glossary represents then the Irish of the fourteenth or fifteenth century, to which the text of the date of the fragment in the Book of Leinster (of the twelfth century) has been gradually conformed. But does the

The more or less archaic form of the laws contained in any ancient law tract affords no means of fixing the date of the original text. The rate of change in the social condition and legal forms of a community is even more uncertain than the rate of change in its language. Without external evidence, of which on the present occasion we are wholly destitute, it is equally possible to conclude that the date of the text is very remote or that an archaic system continued for a long period without modification.

We have no means of ascertaining how far the introduction to the Book of Aicill represents a genuine popular tradition of the acts of Cormac MacAirt; upon this subject we can form no opinion until the date of the original text and introduction can be fixed by independent evidence. It is however noteworthy that the Annals of Tieghernach are quite inconsistent with the statement that Cormac MacAirt after his wound retired to the hill of Aicill, and henceforward lived in seclusion. The interval between his blinding and

text, of which a fragment is preserved in the Book of Leinster, represent the original text of the tenth century? What reason is there for believing that the text as it existed in the twelfth century had not been previously submitted to the same influences by which we know that it was subsequently modified? Are there grounds for believing that the original text of Cormac's Glossary was much more modern than, or differed much from, the Irish of the Brehon Law Tracts?

To the supposition, that the Irish of the Brehon Law Tracts is not necessarily older than the ninth century, the objection may be made, that if the Irish of the Brehon Tracts be not older than the ninth century, what reason could there have been for the explanation of some of the terms of those laws in a glossary of the tenth century? To this it may be fairly replied, that the compilation of a glossary of the difficult terms contained in any specific works proves not that the general text of the works in question had become obsolete, but that the text, while remaining generally comprehensible, contained certain archaic phrases and words. The time within which any book would require a glossary for the use of the student depends also to a great extent upon the subject-matter of the book itself. Some works, from their very nature, are likely to contain words archaic, and requiring explanation even at the date of their composition. A collection of traditionary legal maxims and professional comments upon them necessarily includes numerous words which have fallen out of ordinary use; hence a glossary may cite archaic words from a contemporary law book. An English philologist of the seventeenth century might have drawn largely upon Coke or Littleton.

The Book of Aicill is not cited as an authority in Cormac's Glossary, but the Senchus Mór is referred to, and it seems to be generally admitted that the Book of Aicill is, if not more ancient, at least not more modern than the Senchus Mór.

death in Tieghernach is very small, both events being placed in the same year, and to this period are attributed his four victories over the Deisi. It must be admitted that the very uncertain and fluctuating chronology of early historians renders it impossible to rely with confidence upon such an argument. Early Irish chronology was involved in almost inextricable confusion by the difference of dates employed, some chroniclers using the era, A.P., or year of our Lord's Passion, while others employed the era, A.D., or year of our Lord's Incarnation. Hence arose difficulties and doubts even as to the date of St. Patrick's arrival in Ireland. Vide "Senchus Mor," vol. ii., Preface pp. xxv., xxvi. If however it should be proved that there is no more evidence that the portion of the Book of Aicill attributed to Cormac Mac Airt represents the genuine decisions of that celebrated king, than that Numa was the author of the institutions attributed to him, the fact that the traditional fame of Cormac was sufficient to cause his name to be attached to the ancient customary rules of the Irish in the very important province of what may be styled their criminal law, clearly proves how great was the impression which he made upon the minds of his cotemporaries. Nor is it surprising that the most ancient customs of the nation bore the name of the king, who, having been a wanderer in foreign lands, might have easily become acquainted with the use of letters, supposing them to be not generally known in Ireland at the time, and have been enabled, as early tradition expressly asserts, to introduce into his native land the useful inventions which were practised by the Roman legions in Britain,* a king whom the popular traditions of the Christian period strove to exempt from the doom in which their Pagan ancestors were involved.

* The introduction of the water-mill into Ireland was attributed to Cormac. It had been invented by Mithridates of Pontus, and was doubtless in use at the Roman military stations in the province of Valentia. See the poem ascribed to Cuan O'Lochain, quoted from the MS. H. 3 3, T.C.D., by Dr. Petrie, in the History and Antiquities of Tara Hill, p. 147, lines 6-19; and also, The Parish of Templemore, in the Ordnance Survey of Ireland.

APPENDIX TO THE PREFACE.

THE MSS. from which the Irish of the present volume has been mainly obtained are the collections marked H. 2. 15, H. 3. 17, and E. 3. 5, in the library of Trinity College, Dublin.

A few short passages, words, and phrases have been taken from the collection of MSS. marked H. 3. 18, in the library of Trinity College, Dublin, from the MS. marked Egerton 88, in the British Museum library, from one marked Egerton 90, in the same library, and from two MSS. in the library of the Royal Irish Academy, marked respectively in the Brehon Law transcripts, 35. 5 and 43. 6, but known in the new classification of the MSS. of that institution, the former as $\frac{23}{Q. 6}$, and the latter as $\frac{26}{P. 3}$. These passages, &c., &c., have been introduced in the way of interpolation where they contained any matter not found in the three MSS. first mentioned.

Of the MSS. made use of for this volume the two in the collections H. 2. 15, and H. 3. 17, furnished almost the entire text, glosses, and commentary of the *Corus Bescna*, the concluding part of the *Senchus Mor*. A *fac-simile* specimen page of each of these MSS. was prefixed to the second volume of the *Ancient Laws and Institutes of Ireland*, and they will be found so fully described in the preface to that, and also in the preface to the first volume of the same work, that it is unnecessary to describe them at any length here.

H. 2. 15, is a large folio volume consisting of 238 pages, written partly on vellum, partly on paper. The part treating of Brehon laws appears to have been written not later than the beginning of the fourteenth century of the Christian era.

H. 3. 17, is a collection of MSS. forming a thick volume in small quarto, written on vellum. Its contents are miscel-

laneous, chiefly law tracts. It consists of fragments of several books, written at various times in the fourteenth, fifteenth, and sixteenth centuries.

The materials for the second and much larger part of the volume now issued to the public have been derived from the collection of MSS. marked E. 3. 5, in the library of Trinity College, Dublin. This collection forms a folio volume of about 100 pages, written on vellum about the first half of the fifteenth century of our era. The part transcribed and translated for the Brehon Law Commissioners consists of twenty pages of very large folio, treating of Brehon laws, and forty pages of smaller sized folio, containing the laws ascribed partly to Cormac Mac Airt, monarch of Ireland, in the third century, and partly to Cennfaeladh, who flourished at a much later date. This latter part begins with a statement as to the place of the composition of the work, its author, occasion, &c.; the authorship is ascribed expressly to the two persons above named, marks being specified by which to distinguish the portion contributed by each. The nature and date of these laws have been discussed in an earlier part of the preface to the present volume. A *fac-simile* specimen page of the MS. is prefixed.

The copy of the Book of Aicill contained in E. 3. 5, is the only known copy of that book at all approaching completeness, except, indeed, one in the library of Lord Ashburnham, which is believed to be an earlier and, in some respects, a fuller copy, but which, unfortunately, neither the Brehon Law Commissioners nor the editors employed by them were enabled to avail themselves of, the rules of that nobleman's library not permitting his collection of MSS. to be made use of for the purposes of the Commission.

It would of course have been very desirable to collate the copy in Lord Ashburnham's collection with that in E. 3. 5, T.C.D., had the opportunity been afforded. There is, however, good reason to believe that little advantage to the student of ancient Irish law would have been gained by such collation, inasmuch as from an examination of the contents of

that MS. as set forth at considerable length by Dr. O'Connor in the Stowe catalogue, and as given also by the late Dr. Petrie in his *History and Antiquities of Tara Hill*, it will be seen that scarcely any article stated to be contained therein is wanting in the T.C.D. copy, while several items, not noticed as existing in the Stowe copy, are found in the T.C.D. MS., or in the fragments obtained from Egerton 88 and Egerton 90, in the library of British Museum, and from the MSS. in the Royal Irish Academy. Dr. O'Connor, in the catalogue above mentioned, speaks of the MS. he was describing as a unique copy of Brehon laws; but as the present publication proves, he was on this point misinformed. The copy in E. 3. 5, T.C.D., and the interpolations from the MSS. in the British Museum and in the Royal Irish Academy, supply, it is believed, as complete a collection of the laws traditionally, and doubtless in a great degree correctly, ascribed to Cormac Mac Airt and Cennfaeladh as the existing MSS. of the Brehon laws can furnish.

Egerton 88, a MS. from which some assistance has been obtained in editing the present volume, has been fully described in the preface to the second volume of the *Senchus Mor*. It is a small folio book, consisting of about 93 folios, the greater part in double columns, with a small portion at the end in triple columns. It bears internal evidence of having been copied for Domhnall O'Davoren who, according to Professor O'Curry, kept a law school in the county Clare, in the year 1567, A.D. The portions taken from it will be found enclosed within brackets, and marked in the margin of this volume, from C. 2137 to C. 2603.

Egerton 90, from which a few passages have been taken, is a MS. of a fragmentary character. It is very probably a part of Egerton 88, or of some other of O'Davoren's books. It consists of eight leaves, and treats of various law matters. The portions relating to the subjects discussed in the *Book of Aicill*, and containing matter not found in the MS. E. 3. 5, have been interpolated in their proper places. They form

part of the transcripts made by Dr. O'Donovan, and will be found referred to in the margin of Vol. III., between O'D. 1956 and O'D. 2019. The fragments of Brehon laws in this MS. are apparently portions of different books, the first part having formed a portion of a large octavo, or small quarto volume, and the second part a portion of a small folio. Both parts have ornamental capital letters; the first has fewer accents but more frequent marks of aspiration; the second is written in a smaller and neater hand.

The MS. marked in the Brehon Law transcripts as R.I.A. 35. 5, is a small parchment folio of fifty-two pages which are mere fragments of different books, written apparently in the sixteenth century, and containing laws and regulations on various subjects. It has been copied in the O'Curry transcripts. The portions interpolated from it are marked C. in the margin of the Book of Aicill, as published in the present volume, with an Arabic numeral indicating the page of the O'Curry transcripts where the part interpolated is to be found.

The MS. now marked $\frac{28}{F. 3.}$ in the R.I.A. collection, and formerly 43.6 is a folio volume, written on vellum, and treating for the most part of religious subjects, but containing at the end two small fragments of different law books, in a hand apparently of about the middle of the fifteenth century. A copy of these law fragments is contained in the O'Curry transcripts, from page 1862 to page 1940. The portions interpolated from this MS. in the present volume will be found within brackets, and marked on the margin at the beginning of each interpolation with a numeral indicating the page of the transcript where such interpolation is to be found.

The text of the volume now given to the public has been settled on the plan so fully described in the prefaces to the two volumes already published. The whole of it (with the exception of a few short and comparatively unimportant passages) has been taken from Dr. O'Donovan's transcripts.

It has been carefully collated with the original MSS. in every instance. The interpolations are all such as that distinguished scholar recommended, and are placed where according to the best of his judgment they ought to be introduced. The lengthening out of the contractions which occur in the original MSS. has been given everywhere on his authority and that of Professor O'Curry, who were perhaps of all men that have lived within the last two centuries, the best authorities on all matters connected with our Irish MSS. preserved in this country.

With respect to the translation of the present volume, it is to be understood that the preliminary translation made by Dr. O'Donovan for the Brehon Law Commissioners has been made, throughout, the basis of that now published. The translation of the first tract, the *Corus Bescna*, or customary law, he did not live to revise. It has however been carefully revised throughout; some words and phrases left untranslated have been rendered into English after mature consideration, and a diligent examination of all available glossaries, as well as of passages elsewhere occurring in the Irish laws wherein the words and phrases in question were to be found. Both in this tract and in that which follows, as also in the two volumes already published, a few terms of a technical character for which it was difficult to find a precise equivalent, have been left untranslated, and marked with inverted commas. As the work of publishing the remainder of the Ancient Irish laws proceeds, there is reason to hope that light will be thrown on passages now very obscure; and at the conclusion of the whole work it will not be difficult to supply a glossary of all such words and phrases as it may have been deemed advisable to leave untranslated before. This course was followed in the publication both of the Ancient Laws of England, and of the Ancient Laws of Wales. Indeed a comparison of these latter works with the published volumes of the Irish laws will show at a glance that the proportion of words and phrases left untranslated in the latter is much less than is the case in either of the former.

As regards the second and by far the larger portion of the volume, the Book of Aicill, the editors had the advantage of the views and suggestions not only of Dr. O'Donovan, but also of Professor O'Curry. The Book of Aicill was translated by Professor O'Curry for the Royal Irish Academy so far back as the year 1843, with a view of proving the possibility of translating the Brehon Laws. It was afterwards translated for the Brehon Law Commissioners by Dr. O'Donovan. Owing to the great difficulties in the translation of the law terms of these earlier portions of the Ancient Irish Laws, the two translations presented considerable differences, and a large number of law terms was left untranslated. The differences in the translations were collated by Dr. Hancock, the first legal Editor, and his assistant, Mr. Busteed, now Judge Busteed. These differences were brought under the notice of Dr. O'Donovan and Professor O'Curry, and on careful consultation, a revised, and what in many cases amounted to a new translation, of a large part of the work was made. With the aid of the light thus thrown on the interpretation of the law terms, Dr. O'Donovan translated a large number of the words which had been left untranslated in his first draft. The translations made by Dr. O'Donovan under these circumstances were subsequently made use of in revising the whole of Dr. O'Donovan's translation. A portion thereof, about three sheets, was set up in type, and even reached a second proof. On these sheets remarks were made by Professor O'Curry and Dr. O'Donovan; and suggestions were offered as to the manner in which the work should be edited. Dr. O'Donovan had revised more than half the Irish in MS., and had arranged as to the portions to be interpolated, and the places where they ought, according to his judgment, to be introduced. When the work had reached this stage, the Commissioners adopted the plan of separate instead of joint Irish editorship; the Senchus Mor was entrusted to Dr. O'Donovan, and the Book of Aicill, on which Dr. O'Donovan and Professor O'Curry had done so much, was postponed. After Dr. O'Donovan's death, Professor O'Curry completed the revision of the Irish MS. of the Book of Aicill, but the

plan of publishing it under his editorship was prevented by his death. Of all that had been done on the work by the eminent Irish scholars whose premature loss the lovers of Irish literature must always deplore, the present editors have had the advantage, an advantage which they thankfully acknowledge to have been of the utmost value to them. Dr. O'Donovan's translation of the Book of Aicill revised as above explained, has been substantially followed, such alterations only being made as it may reasonably be inferred from the pages corrected by him in proof he would himself have made, had he been spared to revise all the proofs.

CORRIGENDA.

- Page 3, side-note, for *Irish contracts by word of mouth* read *Ir. Contracts of mouth.*
- ” 7, line 23, for ‘*is known*’ read ‘*is discovered.*’
- ” 13, ” 26, for ‘*absconding*’ read ‘*request.*’
- ” 15, ” 6 from bottom, for ‘*According to*’ read ‘*Subject to.*’
- ” 19, for ‘*security*’ read ‘*warranty.*’
- ” 21, line 6 from bottom, for ‘*a collection*’ read ‘*the assembly.*’
- ” 33, ” 6, for ‘*in each*’ read ‘*in the.*’
- ” 35, ” 13, for ‘*state*’ read ‘*position.*’
- ” 39, ” 12, for ‘*the first lawful wife*’ read ‘*a lawful first wife.*’
- ” 43, last line, first word, for ‘*cows*’ read ‘*seeds.*’
- ” 49, line 25, for ‘*if it be*’ read ‘*if he be.*’
- ” 62, ” 6, *del* comma after ‘*œnum.*’
- ” 63, ” 14, after ‘*every*’ read ‘*one.*’
- ” 66, note 1, for ‘*note 2*,’ page 32, read ‘*note 1*,’ page 28.’
- ” 91, line 4, for ‘*in Irish*’ read with the ‘*Irishian.*’
- ” 107, note 2, for ‘*pingims*’ read ‘*pinginns.*’
- ” 128, line 1, for ‘*peoir*’ read *peoir.*
- ” 151, ” 23, for ‘*anfolam*’ read ‘*ansolam.*’
- ” 155, ” 5, for ‘*said*’ read ‘*said.*’
- ” 358, note 1, for ‘*read*’ put ‘*reads.*’
- ” 381, line 4 from bottom, for ‘*beef*’ read ‘*the beef.*’
- ” 460, note 2, for ‘*of the owner*’ read ‘*to the owner.*’
- ” 463, line 25, for ‘*chattel*’ read ‘*sed.*’
- ” 539, ” 18, for ‘*mulct is paid*’ read ‘*airer-fine is exacted.*’

senchus mor.

SENCUS MOR.

PART III.

- A. H. 2. 15. p. 59a-62b. (O'D. ¹¹³⁷ 4, 141-167) Text to III 58. 8
 B H. 3. 17, 243-254 (O'D. 313-329) " from " to final passage, but *excepts only*!
 C H. 3. 18, p. 381a-382a (C. 832-836) *Excerpts fr. whole text*
 D H. 3. 17, 437. (O'D. 554) *quotation used to supplement final passage.*

senchus mor.

CORUS BESCNA.

Inc.
 CUSTOM-
 ARY LAW.

A. Co harrnagarr a corraib bel, ar yr baileoach in bith muna aratatar cuir bel?

4 I 50. 9f.

Corur bescna .i. coru reir, reir coir in bapera gnae no aibino: Co harrnagarr, cinour arisidir he por trebairne co coru o belairb. Ar yr baileoach .i. ar no bas eloach a ba, a maith ipin bith, muna tirour co huair da artuð na cuir eucro rir co coru o belairb.

Cor da rochoon co rir ocu trebairne yr tairhmechta re cetheora huairairb fichet uile; yr artairne o cetheora uairb fichet amach.

Cor da rochoon cen rir, cen trebairne, yr tairhmechta a tuibairt uile co rair rir re techmaroe iar rir a tuibairta. Ir laisoir uad iar noemair.

Cor da rochoon cen rir co trebairne, no rair leath a tuibairta co deemair iar rir.

Cor da rochoon co rir cen trebairne, yr artairne trian a tuibairta airne iar cetheora huairairb fichet, no rair da trian a tuibairta co deemair, no da trian a cuirada mas ferir lair: ocu yr e trian cat cor mbel in rair. Trian cor mbel imoiria trian a tuibairta.

C2394

Cor da rochoon cen rir cen trebairne, ocu no cuirtois a

1 *Corus Bescna*.—In O'D. 18, this is called *Cain Corusa Bescna*, and said to be the fifth book of the *Senchus Mor*.

2 O'D. 313, adds here:—"And this was the security of extern people."

3 *The third of the fraud*.—In O'D. 793 and 794 the following commentary occurs:—"The third of the express contract, i.e. the third of the thing which one gives away by proper express conveyance. In a contract of two sane adults with

SENCUS MOR.

a. CORUS BESCNA,¹ OR THE CUSTOMARY LAW.

HOW is one bound by express contracts,² for the world would be evilly situated, if express contracts were not binding?

CUSTOM-
ARY LAW.

² Irish
contracts
by word of
mouth.

Corus Bescna, i.e. the true rule ('coir seis') of the pleasant or delightful knowledge. How is one bound, i.e. how is he properly bound by his warranty by word of mouth? For the world would be evilly situated, for its 'ba,' i.e. goodness would vanish from the world, if the contracts properly made by word of mouth had not nobly come to retain it (*the goodness*).

The contracts of two sane adults with knowledge and warranty is dissoluble in twenty-four hours; it is binding from twenty-four hours forth.

In the contract of two sane adults without knowledge, without warranty, all its fraud may be dissolved for ten days after the fraud is known. It is completely binding on him (*the defrauded party*), after ten days.

In the contract of two sane adults without knowledge, but with warranty, he may recover half the fraud (*the amount in which he is defrauded*) within ten days after knowledge of it.³

In the contract of two sane adults with knowledge but without security, the third of the fraud (*the amount in which he is defrauded*) is irrecoverable by him (*the defrauded party*) after the lapse of twenty-four hours, but he may recover two-thirds of what he is defrauded in till ten days, or two-thirds of his contract (*the consideration given by him under the contract*) if he prefers it, and this is the third of every express contract. The third of the express contract is (*to be taken to be equivalent to*) the third of the fraud.³

In the contract of two sane adults without knowledge, without warranty, in case he demanded *the amount of the fraud committed on*

knowledge, without warranty, if one finds that he is defrauded, he has his choice either to recover two-thirds of the fraud (*the amount in which he is defrauded*) and forfeit the other third, retaining what he bought, or to recover two-thirds of the fraud (*the amount in which he is defrauded*) and two-thirds of what he gave for the goods and forfeit one-third of both, and return his purchase."

CUSTOM-
ARY LAW.

ὑιυβαίρε ιαρεταιν, μυνα ταρεταρ ὀλγε ὅο, ιε ὀίρι ὅο α ρεοιτ
ρειν, cení τρωίρε. Δία τρωίρε ιρ cuiε ρεοιτ, ocup commerciuḡḡ
ρολαḡ, δια ὀαματαρ cepe ὅο. Μυνα ὀαματαρ cepe ὅο ιρ α ρολα
ρειν λαίρ ocup cuiε ρεοιτ.

5 Cair eir lir chuip dochuiriḡ? Nín. Al ὅο; rochar,
ocup docor.

Cair .i. comaircim cia leir no cia lín ὅο coraib tapairter an-
Sochar .i. cor comloige. Docor .i. iudicaria.

H O'D 797

B (O'D 313)

Cair eir lir in rocor? Nín. Al tri; ^{4752.17} cor ier ὅα
10 lan, ier ὅα ραer, ier ὅα ρoconḡ, naḡ fuairiahter
cuiḡ.

Cair .i. comaircim cia leir no cia lín ὅο epnaib paíḡ for in rochor
ier. Cor ier ὅα lan .i. ρολα comtoiriḡḡ .i. nach inleir cor eio
ier ὅα eiconḡ. Ier ὅα ρaer .i. ier ὅα ρoer, fir ρaer ρoelba
15 naḡ fuairiahter cuiḡ, .i. fir ὀianao cumā a nepeir ocup a naioe.
Ier ὅα ρoconḡ .i. cor ὅα rochonḡ co fir ocup co tpebair. Naḡ
fuairiahter .i. noco mpeair na cuiḡ ὅο naḡ noco tceir futha.
= Noo amāe. ?

O'D. 313,
314.

[Cach cunnru α mbia anm α ninleir, dia ferur in ti o
mberur, ir α athcur eio bec eio moir tearbur de, ocup cetrumur
20 na haimme sic la taeḡ aḡḡina. Munā ferur, ir tuilleḡ fir
co ro ferir, ocup ir α athcor mā moa mā ferir, ocup nī
cunnabairt cuna amuich tugao in anm. Mā cunnabairt
imurro, ir let gaḡ haimme sic, ocup feruig α athcor mā moa
mā ferir let na haimme. No ὅono co na beḡ athcor mā
25 cunnabairt in anm, dia mbe tpebair, ir let na haimme ὅο ic;
mā cunnabairt ir cetrume na haimme sic, uair nocha ḡferunn
tpebair nī ic mā anm inleir ὅο ḡfer, munā ferur ḡ
cetoir; dia ferur imurro ḡ cetoir ic ḡlana cia beḡ tpebair

nashan O'D 797

¹ Or questioned.—The commentary following is found in O'D. 314 and 798, and it also occurs in nearly, but not exactly, the same words in C. 659.

² It shall be added to.—The damages payable in respect of the defect in the subject matter of the contract shall be increased until they are equivalent to one-sixth of the consideration given by the defrauded party under the contract.

³ If it be more than one-sixth.—That is, if the damages payable in respect of the defect be more than one-sixth.

him; if law be not ceded to him, his own 'seds' are forfeited to him, without fasting. If he fasts, it is five 'seds' and an adjustment of goods *that are due*, if right be ceded to him. If right be not ceded to him he shall have his own 'seds' and a fine of five 'seds' *besides*. CUSTOM-ARY LAW.
property

Question. How many kinds of contracts are there? Answer. Two; a valid contract, and an invalid contract.

Question, i.e. I ask how many or what number of contracts are recognised? *found (?)*
A valid contract, i.e. a contract where the consideration on each side is equal. **Ir. A contract of equal value.*
Invalid contract, i.e. frauds.

Question. How many are the valid contracts?
Answer. Three; between two 'lan-persons,' between two 'saer-persons,' between two sane adults, whose contracts are not impugned.

Question, i.e. I ask how many or what number of kinds of valid contracts are there? A contract between two 'lan'-persons, i.e. equal value on both sides, i.e. such a contract is not unlawful even between two idiots. Between two 'saer'-persons, i.e. between two good men, noble good-faced men, whose contracts are not impugned, i.e. men whose word and deed are alike, i.e. who perform what they promise. Between two sane adults, i.e. the contract of two sane adults with knowledge and warranty. Not impugned, i.e. the contracts which they make must not be dissolved or questioned.¹

Every contract in which there is, *in the subject matter of the contract*, a concealed defect, if the person from whom it (*the defective article*) was received is known, *Know* it (*the defective article*) shall be returned, be the defect small or great, and the amount of the defect shall be paid together with restitution; but if he is not known, *does/* it shall be added to² until it amount to one-sixth, but it (*the subject matter of the contract*) shall be returned if it³ be more than one-sixth, and there is no doubt that it was outside⁴ the defect was caused; but, if there be doubt, half of every defect shall be paid for, and the thing may be returned if half the loss in value caused by the defect be more than one-sixth the consideration given by the purchaser. Or else there shall be no returning if the defect be doubtful,⁵ if there be warranty, half the defect shall be paid for, i.e. made good; if there be doubt as to where the defect arose, one-fourth of the defect shall be paid for, for warranty can never affect any thing with a concealed defect, unless it be made known at once; but if it be made known at once, they (*the purchasers*) are safe, whether there be warranty or not.

⁴ Outside.—That is, not while the subject matter of the contract was in possession of the vendor.

⁵ If the defect be doubtful.—That is, if it be doubtful in whose custody the subject matter of the contract was when it was injured.

* C (832) de roachait do .i. do nadmannait .i. ni nascat co mo (gl. on ro-?)
a leth naill is diluis .i. ma ar altarait a sochuinn son comddiles huile
hamind (?)

CUSTOM-
ARY LAW

ci ní be. Ocur ian niubaité rin. Ocur ite ainme atberur runn,
ruile ruamanna, ocur ruile can imcirin, 7ul; ocur ní ruil
iubaité por ainim inléite iartain co dechnaro ian fir na
hainme.

fothach 7 ioda 0'8798

Ma gallra bunuig imurpo inntib im .i. oobach ocur aobuch
ocur iudá fothach, ocur lec of cru, ocur welgmach do eachuib,
ocur gáa galap bunuio éanaa bír i ninnilb ocur doime; oia tirtut
rru rru pe niubaité, ir a nachcur uile muna be tpebuire, ocur
muna cunnatabairt co na galur bunuio. Dia mbe tpebuire

C 1039. imurpo, ir a let do ic; [mao cunnatabairt imurpo ir a let do
ic]; muna be tpebuir [rin]; oia mbe tpebuire ir cetrime do
ic. No dono ir a let do ic co bet tpebuire ci ní be, ar ir
cunnatabairt mao imuig tugad in galur ainn rin, no in tall
no far inntib, ocur ir rru tuillter ainnrin; ocur ní haécup
bír porru. Ocur ma bró iat ceirir cunnatabairtad ir con tí nor
beir bró co ro moao no co ro ternaio, ocur dono oia mbet
dechnaro a fir cin ruaitreo, ní olegar a aécup, na ruilleo
iartain no rerrin mbeas.]

frin 0'8798

miugit "

Cor pocair do baeth rru gaeth, ara rinotar a raitho;

20 ir cor.

Co'r pocair do baeth .i. cunnaro do ní in teccornach rur in
coroad. Ara rinotar .i. no rerrin in ní ir raeth leir; beirur uao
a iubairt. Ir cor .i. rann im a araro.

0'8799. f. II 362. 6.10
I 52.19

~~259. 314~~

Dochar ar a rinotachar gaeth do gniat, ranotair

25 an riupairt i nde; icchar a leth do rathair do roa- B

* charb, a leath naill ir oilep. x di de rathair " (?)

f. 0'8as 133

Dochar .i. in oiochor do niat na gaeth i petair a riubairt do
bruth. .i. ir oiochor do cor. Rinotachar .i. in gaeth. Ranotair
.i. uranotair a uran eirir ar do. Icthair .i. iear ima araro a
20 let ar rathair enis na tpebairt raporechar ann. Do rathair .i. uino
porechar briathar do ruigno por na rathair. A leath naill .i. in
leat aile ir oilep eirir a ualeup rerrin .i. cor do rochoon co fir ocur
co tpebairt rin .i. rrua fir ocur rrua tpebairt sein.

Cor do rochoon co fir ocur co tpebairt, no roich a riupairt

f. C 259. 314

¹ For the names of diseases incident to horses and different kinds of cattle, *Vid.*
C. 297, 1,038.

² *Outside.*—That is, before the subject matter of the contract came into the
vendor's possession.

This is after the proper period. And these are the defects mentioned here: i.e. Custom-
red eyes, and eyes without sight, etc., and there is no proper period for a concealed
defect afterwards till ten days after knowledge had of the defect. ARY LAW.

If there be fundamental diseases, namely 'odhbach,' and 'adhbhach,'¹ and 'iudha-fothuch,' and 'lec-os-cru,' and 'deilgniuch' in horses, and every other original disease that is incident to cattle and to persons; and if they be objected to ~~within the proper period~~, they shall be all returned, unless there be warranty, and unless there be doubt that it is an original disease. But if there be warranty, the half shall be paid; and if there be doubt, the half shall be paid, that is, if there be not warranty; if there be warranty the fourth shall be paid. Or else the half shall be paid, whether there be warranty or not, for it is doubtful in that case whether the disease was given outside,² or whether it had grown in them within,³ in which case addition shall be made to them, i.e. the purchaser retaining the defective article shall receive compensation, and there is not a return of them (the articles sold). If they being of doubtful defect or disease remain with the person who took them until they perish or recover, and if he has had knowledge of such disease for ten days without going to law, their return is not required by law, nor can addition to the compensation for the loss be had afterwards, be it ever so small.

are alive, as long as it is
doubtful,

A contract which a fool makes with a sane man in which fraud is discovered; it is a contract.

A contract which a fool makes, i.e. a contract which the idiot makes with a man of sound mind. In which fraud is known, i.e. the thing which is injurious to him is known; the fraud shall be taken from him, i.e. he must make good the fraud to the non-compos. It is a contract, i.e. it is binding.

In a bad contract which ^{persons of full capacity knowingly} is known to be bad made by sensible men, the fraud is divided in two; the half is paid by the ^{contract} roach-sureties ^{with the aid of the roach} (the party who has given the warranty), the other half is forfeited.

A bad contract, i.e. the bad contract which sensible people make, in which they knew that fraud existed, i.e. though a contract it is a bad contract. Which is known, i.e. by the sensible. Is divided, i.e. the fraudulent amount, or excess that is given (on the one side) is divided in two. Is paid, i.e. the half of it is paid for the sake of the honour of the surety which was estimated in it. By the 'roach'-sureties, i.e. the estimation in words made upon the sureties. The other half, i.e. the other half is forfeited on account of knowledge. And this is the contract of two sane adults with knowledge and warranty, i.e. for knowledge and for warranty itself.

In a contract of two sane adults with knowledge and warranty, all the amount obtained by fraud is recoverable, or the contract may

³ Within.—That is, while in the vendor's possession.

CUSTOM- uile, no a cunorao fpi ceitri huairne fichet; ir uileir uao uile o
ARY LAW. ren anuno ioir uiupairt ocuf cunorao.

Cop da roconno cen fir cen trebairne, no roich a uiupairt uile
co wechmaio iar fir. Maó cunnrao taitimigeir co wechmaio
500 beir da trian a cunorao, ocuf facaib a trian.

Cop da roconno co trebairne cen fir, no roich leach a uiupairt
co wechmaio iar fir; ocuf ir trebairne achtrano in fein.

Cop da roconno co fir cen trebairne, no roich da trian co
wechmaio iar fir, ocuf facaib trian a uiupairt fpi fir, ocuf
10 ir fpi curu bel fein.

Maó cunnrao taitimigeir facaib trian a cunnrao; no ono
ir trian a uiupairt facaib fpi trebairne fein, ocuf feirso
fpi fir.

Sochorach cach raep; raep cach raithiu; plan
15 ara pinnachar gaith; go cach uiupairt na airigter
baith.

Sochorach .i. cop da roconno co fir ocuf trebairne. .i. ir wechorach
no neoch cunnrao no denam fir na roparaid. Saep .i. ir raep im
a uilri o neoch inni roetar uao a uiubairt ferru. Sian .i. irian ma
20 uilri uachaid inni no roetar na gaith no hrué uao a noibairt ferru.
Go cach uiupairt .i. ir go lium a arao in urain eirir beirair o
na baethaid cen airigao uoib, .i. ir baeth caé aen naó airio a
uiubairt.

baeth cach cpecar fpi mac mbeoathar i necnairc a
25 athar cen forngairne, cen airitín. Atoaim na poeige,
naó inarban iar fir, rocumae.

be rescinded within twenty-four hours ; but all is forfeited by him (the aggrieved party) from that forth, both the amount obtained by fraud and the right to rescind the contract. CUSTOM-
ARY LAW.

In the contract of two sane adults without knowledge, without warranty, the whole of the amount obtained by fraud is recoverable for ten days after knowledge had. If it be a contract which may be dissolved till the expiration of ten days he (the aggrieved party) can recover two-thirds of his contract (the thing sold by him), leaving one-third.

In a contract of two sane adults with warranty without knowledge, half the amount obtained by fraud is recoverable till ten days after knowledge had ; and it was the warranty of an extern in this case.

In the contract of two sane adults with knowledge without warranty, two-thirds may be recovered till ten days after knowledge had, and he (the purchaser or party defrauded) leaves (fails to recover) one-third of the amount obtained by fraud for knowledge, and it is for verbal contracts themselves.

If it be a contract which may be dissolved, he (the vendor) leaves the third of the subject matter of the contract ; or else, although the contract be dissolved, he leaves in the possession of the purchaser one-third of the amount obtained by fraud for the warranty itself, and one-sixth for knowledge.

Every 'saer'-person may make a contract, every 'saithiu'-person is a 'saer'-person ; what the sensible man has known is safe ; false is every fraud which the foolish do not perceive.

May make a contract, i.e. the contract of two sane persons with knowledge and warranty, i.e. it is lawful for one to make a contract with the freemen. 'Saer'-person, i.e. free as to forfeiture to the person is the thing of which he is defrauded without his knowledge. Safe, i.e. safe as to forfeiture is the thing which the sane persons have known to be taken from them by concealing the truth. False is every fraud, i.e. I deem it false to retain the overplus which is taken from the foolish without their perceiving it, i.e. every one is foolish who does not perceive that he has been defrauded.

Every one is foolish who deals with the son of a living father in the absence of his father without his authority, without his subsequent adoption. It is a maxim of the law that one adopts what he does

CUSTOM-
ARY LAW.

Ḫaeth .i. iḫ baeth don caé ne cur ní re mac in athar bi a neccair a athar, .i. fḫi mac goḫ, no fḫi mac ingoḫ. Cen forngaire .i. cen a forcongair fo cetoir .i. fḫa na denam. Cen aithein .i. iar na denam, .i. can bré ina aithein iarthar, .i. ar iḫ inano do neoc ocuḫ ro beḫ ina aithein muna deḫna foisium in a fḫaitear. No foisge .i. oca denam. Naḫ inarban .i. iar na denam .i. mairi deḫna a hinoarban iarthar. Iar fḫi, pocumac .i. fo cumang iar mbeḫ a fḫa aice.

Foruio cach aithein ~~✕~~ aḫuioet foluio ruḫar, cach
nonaom fḫaitear iar nairilliu, ar fḫa aithein.

? *answ. (cf Mac N Shatno p. 271)*

10 Foruio .i. foraisge aithein na cenn, .i. iḫ maé iḫ araisge in cunnar o beithir ina aithein can na neichi fḫin do denam. Aḫuioet .i. iḫ araisge in cunnar o biar folā lan loisḫ ano. Ruḫar .i. iḫ amail ni teit anae roḫar he in arau o remnisgeir eḫa luḫa folā lan loisḫ ano. Ar fḫa aithein, .i. na cenn, .i. iḫ araisge in cunnar o fḫaitear ina aithein can a fḫaitear do loisgeḫ.

|| 0A1554

Fuioḫe flatha, daerḫanais eclaire, faenleḫais
fine bite for uproca, meic, mna, baith, baileḫais,
ḫraith, dochuinn, ḫarachtas faenan eumā cor; ni
araitheḫ fḫaithiu na do cur na rochur forar, cen a
2. fḫi codnachiu oc forngaire a cor.

cf 360.13f.

Fuioḫe flatha .i. aro fḫaer fuioḫe, ci daer fuioḫe .i. na roḫar
bit ac an flath, na fuioḫe fḫi ocuḫ folā ocuḫ gabla ocuḫ gill os bar.
Daerḫanais .i. na manais daera bit ec in eclair, na manais nuna
ocuḫ folā ocuḫ gabla. Meic .i. ingora. Mna .i. aolapacha. Baith

1 *The fact.*—That the contract had been entered into by an unauthorized person on his behalf.

2 *The heads.*—That is, the chiefs, guardians, &c.

3 *These things.*—The things agreed on by the contract to be done.

*protection &
expelley*

not disallow, or what he does not repudiate after knowledge, having power to do so. CUSTOM-
ARY LAW.

Foolish, i.e. it is foolish for every one who sells a thing to the son of a living father in the absence of his father, i.e. to a 'mac-gor'-son, or a 'mac-ingor'-son. Without authority, i.e. without its being ordered at first, i.e. before doing it. Without subsequent adoption, i.e. after doing it, i.e. without being in recognition of it afterwards, i.e. for it is the same thing to one as to be in acknowledgment of it unless he gives notice of opposing it. Does not disallow, i.e. at the doing of it. What he does not repudiate, i.e. after making it, i.e. unless he rejects it afterwards. After knowledge, having power, i.e. having the power to break the bargain after having obtained the knowledge (of the fact).¹

Every subsequent adoption renders the contract binding; the proper qualifications of the person who adopts the contract render permanently binding every contract entered into according to law, for adoption renders it binding.

*Grable is every
acknowledgment with
is made by creditor
by solid*

Renders binding, i.e. adoption renders it binding on the heads,² i.e. the contract is well confirmed when the parties have adopted it although they do not these things.³ Qualifications render binding, i.e. the contract is binding when there is valuable consideration. Permanently, i.e. it is, as it were, like a thing that has passed into prescription with respect to its confirmation when full value has been given and received. For adoption renders binding, i.e. on the heads (chiefs, guardians, &c.), i.e. the contract is confirmed when it is adopted by the parties entitled to repudiate it without being legally disturbed.

The 'fuidhir'-tenants of a chief, the 'daer'-stock tenants of a church, fugitives from a tribe, who are proclaimed, sons, women, idiots, dotards, fools, persons without sense, madmen, are similarly regarded with respect to their contracts; no deception, or bad contract or fair contract is made binding upon them, without their true guardians being present authorizing their contracts.

The 'fuidhir'-tenants of a chief, i.e. whether 'saer'-stock 'fuidhir'-tenants or 'daer'-stock 'fuidhir'-tenants, i.e. the minor tenants that a chief has, i.e. the 'fuidhir grui'-tenants and 'fuidhir gola'-tenants and 'gabbla'-tenants, and the hostages saved from death. 'Daer'-stock 'manach'-tenants, i.e. the 'daer'-stock tenants belonging to the church, i.e. the 'manaigh nuna'-tenants, 'manaigh gola'-tenants and 'manaigh gabbla'-tenants. Sons, i.e. the 'in-gor'-sons. Women, i.e. adulteresses. Idiots, i.e. persons of half reason or

CUSTOM-
ARY LAW.

cf. M. Roth 234.

1. fear leócuinn no leóceille. Baileoais 1. in fenoir. Druith 1. co rath. Dochuin 1. mīr cen rath, no mic beca. Darachtais 1. po tabair ola pulla. Fāenan euma 1. ip ponas, inunn lām po cumas, no po eutrumaisgo iatrasas do neir coir, ocup in luét romaino 5m taroét po corais. Nī arptaitheir 1. noco narptaitheir oirio in ní ip rath leo 1. diubarit cen trebair. Nā docup 1. diubaras do galraib banas no dainmib inleithe cu trebair. Nā rochur 1. co na riasctanar a ler 1. lan los. Cen a rir coonachu 1. cen a coonachu iar rir ac porcongur nā cor do zenat. Porngairne 1. oca 10 denam.

Cop cach porngairne; porngairne cach natmaiti; anrcuiche cach lanpola; lan cach rlan; rlan cach tochlaisge dia riartar cach a rathiuo, cia da nī iarum aithrechur iardain ip dīlir a rathiuo. Mana 15 ti nech aile po a cupu nī mēri paderin donatim cupu a bel.

nī/
~~taf~~

Cop cach porngairne 1. ip cop dīlgech he ima arpas o biar lanas pola comtoirhiti ann. Porngairne 1. ip lor da porcongur o beirir ina aittin cen a rathiuo 1. iar nā denam. Anrcuiche 1. ip dīlgech 20a rucbas in a rathmeas o biar pola lanloizi ano. Lan cach rlan 1. i rlan he ima arpas o biar lanas pola comtoirhiti ann 1. ip amail no beé lan pola ann dia mbe a rlanugas o eino. Slan cach tochlaisge 1. i rlan o neoch in nī tochlaisge amuic, mas a pinoara in caé rin in nī roetair uas a diubarit ferrā. Cia da nī iarum aith- 25 rechur 1. ce do he aithrechur imme iarum iardain noco roit hi. 1r dīlir 1. ip dīlir in nī roetair uas a diubarit ferrā. Nī mēri 1. no co cuimgach he budoen a rathmech.

cf. do grī N.B.

Atat teorā haupira 1 mbi bailedach in bith; pe cuairt duinebair; tuarā-lia cocā; rucbas co 30 mbel.

Atat 1. atat teorā pe rathaine ina elothach a ba, a mair ar-in bith. Re cuairt duinebair 1. basas dēpētir ar nā dainib a cae uirio in pe. Tuarā-lia cocā 1. ip pe tuar no tar ip lia ann mas cocas. Rucbas co 30 mbel 1. uatruarugas in neich cuirur nech 35 uas co corp o belaid.

Atat a tri nodicat; dechmasa, ocup pūmīte, ocup almpara 1 argarpet pe cuairt duinebair; trachas

1 By the head.—That is, by the chief, guardian, &c., of the contracting party.

116'8799.

cf I 50.9

badlaughu
eubhlin O'8799

cf I 50.27

sense. Dotards, i.e. old men. Fools, i.e. of use (*able to do some work*). CUSTOM-ARY LAW. Persons without sense, i.e. lunatics without use, or little boys. Madmen, i.e. upon whom the magic wisp has been thrown. Are similarly regarded, i.e. I hold that these are similarly or alike regarded or estimated according to what is just, as the persons *mentioned* before with respect to impugning their contracts. Is made binding, i.e. what is injurious to them is not fastened upon them, i.e. fraud without warranty. Or bad contract, i.e. fraud in original diseases or concealed defects *in cattle* with warranty. Or fair contract, i.e. with its requirements, i.e. full value. Without their true guardians, i.e. without their real guardians authorizing the contracts which they make. Authorizing, i.e. at the making of them.

authentic Every command is a contract; every recognition is a command; every full value is immovable; every 'slan'-person is *one who has full value*, every request is safe if every one knows his ^{*the worthlessness*} due, but should he repent afterwards, his ^{*the worthlessness*} right is forfeited. Unless *Southwind = dial* another person impugns the contracts he himself (*Car.* the contracting party) cannot dissolve express compacts.

Every command is a contract, i.e. it is a lawful contract in respect of binding, as full value is given on both sides. Every recognition is a command, i.e. being in acknowledgment of it without disturbing it, is a sufficient command, i.e. after making it. Immovable, i.e. it is difficult to move it so as to dissolve it, when full value has been given. Every 'slan'-person is *one who has full value*, i.e. it is safe as to its confirmation when full value has been given on both sides, i.e. it is as if full value had been given, if it be confirmed by the head.¹ Every absconding is safe, i.e. safely from one is *recovered* what he (*the security*) carries out, if every one knows or finds out what has been carried off from him without his knowledge. But should he repent afterwards, i.e. but though he should repent him of it afterwards he cannot get it. Is forfeited, i.e. what is carried off from him unknown to him is forfeited. He *himself* cannot *dissolve*, i.e. he himself is not capable of dissolving it.

There are three periods at which the world is worthless; the time of a plague; the time of a general war; the dissolution of express contracts.

There are *three periods*, i.e. there are three particular periods at which its worth, i.e. its good departs from the world. The time of a plague, i.e. a mortality carrying off the people in the course of that time. The time of a general war, i.e. the greatest prognostic or disgrace that prevails is much war. The dissolution of express contracts, i.e. recalling of the thing which one has put away from him properly by word of mouth.

There are three things which remedy them: tithes, and first fruits, and alms; they prevent the occurrence

CUSTOM-
ARY LAW.

cairde la ruz ocur tuath ¹ arzaar tuarad² la coeta ;
arad eacih ina rochur ocur ina dochur ; arzaar
baillidiu in betha.

= bailid?
cf 150.30

Dechma³ .i. co cinsear. Primit⁴ .i. torach gabala ead
nuatorar. Almpana .i. can cinsear. Arzaar⁵ .i. arzaar
reim co na bi baao deiriltin ar na dainib a ead upo in re. Trae-
tha⁶ cairde .i. trenasetha, no trensimuragan na tuath don ruz po
rmaet eana no cairde. Arzaar .i. arzaar⁷ reim co nacha e tuar no
tar ip la ann imas coar⁸. Arad eacih .i. cuisto ferr ocur tre-
10 baire do cumhar na memoi i fiaonair na cenn.

Co arzaar⁹ tuatha i mberena? Alrazaar ead
rua techta ; cleuz ocur caillecha rui heclair po
reir anmearat, co nacht ocur riazail, ¹⁰ co tarngaire
co b¹¹u¹²o, Zell iar m¹³bu¹⁴o, rui corur nachtge ead¹⁵ra, po
reir abba¹⁶o ocur anmearat techta.

*B (81315)

Co arzaar¹⁷ tuatha .i. cinour arzaar na tuatha do reir
ba¹⁸era gnao no aibno .i. ina nobisuo. Alrazaar .i. arzaar ead
rua nobisuo reim. Rui heclair .i. uair ip an¹⁹o ip aineo doib beth.
Anmearat .i. in ain rui ead²⁰anach a ainm. Co nacht .i. porceat²¹
reirceile do bit acin (na) anmearat .i. im nemcar²²tem peola i nanib
ocur i cetanib. Riazail .i. im aon arbir²³et bit o noim do noim. Co
tarngaire .i. tarngaire o gnarab ead²⁴ra ocur o aib²⁵et²⁶re²⁷ib ocur o
caille²⁸ab²⁹ a³⁰re³¹ge, Zell nunge o ead oleena oi p³²aglonn³³re³⁴ib ocur o
gnarab upo ead³⁵ra 7³⁶re³⁷, ocur o³⁸h³⁹all⁴⁰re⁴¹ po iar tu⁴²br⁴³uo. Co b⁴⁴u⁴⁵o
20 .i. o da⁴⁶er⁴⁷manach. Zell .i. o da⁴⁸er⁴⁹man⁵⁰chaib beor. Rui corur
nach⁵¹tge .i. rui cor⁵²ur reir, reir cor⁵³ur da⁵⁴er⁵⁵man⁵⁶o na heclair. Po reir
abba⁵⁷o .i. annoite. Anmearat .i. in aib⁵⁸ell⁵⁹teoir, no in do⁶⁰er⁶¹uo do.

omit?

vey slonnair B

on fialluch B

Laich ocur laichera, ocur aef tuathe adrazaar rui
flaith ; fe¹o²ar³ar flaith flechta⁴ o i⁵real co hu⁶ar⁷al rui
30 corur tuathe.

fedlach C (832)

¹ Soul-friends ; anmearat.—*Confessarius Synhedrus* ; Colgan, Trias Thaum., p. 298, compared with Annals of the Four Masters, A.D. 1064. Cnamcharpta ; Doctores—Zeuss, Gram. Celt. vol. i, p. 10.

*C 832 slichte .i. for slicht flathen bit cid ma¹th cid saich .i. cid arech²on
na grada tuaithe im bet noch³u de⁴oile

of plague; ~~they confirm~~ peace between the king and the people; ~~they prevent~~ the prevalence of war; ~~they confirm~~ all in their good contracts and in their bad contracts; ~~they prevent~~ the ^{Confusion} worthlessness of the world.

CUSTOM-
ARY LAW.

binding of

Tithes, i.e. in a fixed amount. First fruits, i.e. the first of the taking of each new fruit. Alms, i.e. without limitation. They prevent, i.e. these prevent mortality from coming to carry off the people in its career. They confirm peace, i.e. they keep or restrain the people under the control of 'cain'-law or 'cairde'-law to the king. They prevent the prevalence of war, i.e. these prevent that much war should be the prevailing misfortune or disgrace. They confirm all, i.e. they afford knowledge and security for the contract of members (persons not sui juris) in the presence of the heads (chiefs, guardians, &c.)

How are people bound in customary law? All are restrained by their own (*special*) rules; clerics and nuns by the church subject to the judgment of soul-friends, by law and rule, by a promise till they break, and a pledge after breaking, by the right law of the church, subject to lawful abbots and soul-friends. *see CCF p. 64*

How are people bound, i.e. how are the people restrained according to the good, pleasant, or delightful knowledge, i.e. according to their law. Are restrained, i.e. every one is bound by his own law. By the church, i.e. for it is there it is natural for them to be. Soul-friends, i.e. they who love their souls. With law, i.e. the instruction of the Gospel which the soul-friend has, i.e. respecting the non-eating of flesh on Fridays and on Wednesdays. Rule, i.e. as to one meal from evening to evening. With promise, i.e. a promise from the several members of the church in their respective orders,^a and from pilgrims and from nuns doing penance, i.e. a pledge of one ounce from all in general to their superiors, and from the several degrees of the ecclesiastical order, etc., and this, after violating their promises. Till they break, i.e. 'daer'-stock tenants of church lands. A pledge, 'daer'-stock tenants of church lands still. With the right rule, i.e. with the true rule, the proper direction of the church. According to their abbot, i.e. of the 'annoit'-church. Soul-friends,¹ i.e. the hermit, or pilgrim.

^a Ir.
Grades.

bound to Heroes and heroines, and the country people are ruled by their chief; all the chieftain classes from humble to noble are governed by the 'corus tuaithe'-law.

led ??

CUSTOM-
ARY LAW.

Laich .i. gnáto plátha. Laichcepa .i. laech uairi .i. uair leo lair
na laeðab peir le mnaib na ngnáto plátha. Ceir tuaithe .i. na
gnáto peine. Corasgar .i. airgidir ias ro oligeo na plátha. Fe-
oaitar .i. do airgidir na rlechta plátha. O iréal .i. o moí. Co
5 huairál .i. na ngnáto .i. co hor. Fm corur tuaithe .i. fm coru
peir, peir coru na tuaithe.

Caip eir lín corura do cairín i tuaithe? Nín. Cc
turi : corur plátha, corur fine, corur pene; conteth-
gatair uile.

10 Caip .i. comairim eia lér no eia lín do corureirib, do peirib coru
iurcaitir no taraitir ipin tuaithe. Contethgatair .i. coitcen-
naitir uile in corur fine, no in corur pene.

Caip caite corur pene? Comaithecepa, lanamnapa, p. 6. 7
aithe, oin, airliuacá, comaine, cnece, cunoupta, con-
15 gillne, othpura, athgabail eirce bpaá.

dira (?) brathela B (V. 315)

Caip .i. comairim caroi aithe in neich olégar do na peimib aip
coru. Comaithecepa .i. ne dá casb ocyr ne dá airénn. Lanamnapa
.i. ingon caich oib dá ceile, in neoc ar na fuil briaathar eplama.
Aithe .i. comairim. Oin .i. uain .i. o cáe oib dá ceile. Airliuacá
20 .i. o cáe oib dá ceile. Comaine .i. cunmaine o cáe oib dá ceile .i. an
an foiré in gaire. r. o. Cnece .i. for briaatharib. Cunoupta .i. -m- 2
tiagat cunro ocyr ratha. Congillne .i. cáe oib do uil i cumá
trebairre tar cenro cáe. Othpura .i. aroiréin uair bno ocyr leaá
o cáe oib dá ceile. Athgabail .i. cáe oib do uil do fuairuacá a
25 athgabaila mar aen ne ceile. Eirce .i. eneclann ocyr uirne ocyr
aithe .i. do cunro na athgabaila .i. achugao uil aipruin ina hic cáe
neich tuera éuca; no ip cín coitcenro uoib, mara buaágar eirce nin-
bleogan ata oirio a cin.

Corur fine foilais relb co na finib aicneðab, ocyr
30 acraðab, co neoch^x ararcuiret^x.

Corur fine .i. foireáir in fearann do na finib a ip coru. Co
na finib .i. a mic ocyr a nua. Acraðab .i. a mic fearma ocyr a
ngoirme. Co neoch ararcuiret .i. a noeoarao ocyr a murairethe.

1 Family.—The Irish word for family is put in on conjecture, the original in the
MS. being very faint.

subra p. 762

cf CCF p. 74

ir. 40.

CCF § 11 R

aithegail B (V. 315)

^x (832) .i. aiet saiges

a naisce

cf CCF p. 80.

Heroes, i.e. the chieftain grade. Heroines ('laichcesa'), i.e. 'laech-naisi,' the noble wife of the hero, i.e. they, the heroes, deem it noble to unite with women of chieftain grades. Country people, i.e. of the 'feini grade. Are ruled, i.e. they are restrained under the law of the chief. Are governed, the chieftain classes are restrained. From humble, i.e. as to family.¹ To noble, i.e. of the grades, i.e. to the summit. By the 'corus tuaithe'-law, i.e. by the right direction, the proper rule of the country.

Question. How many 'corus'-regulations are there in a territory? Answer. Three; 'corus fiatha,' 'corus fine,' 'corus feine'; they are all comprised in it (*the 'corus tuaithe'*).

Question, i.e. I ask how numerous or how many regulations, i.e. right rules, are distinguished or established in the territory. Are comprised, i.e. are all contained in the 'corus fine' or the 'corus feine.'

Question. What is the 'corus feine'-law? Tillage in common, marriage, giving in charge, loan, lending, equal goods, purchases, contracts, mutual pledges, attending the sick, distress for 'eric'-fine.

Question, i.e. I ask how is the thing which it is right for the Feini to do, known according to true knowledge? Tillage in common, i.e. common as to the two sides and the two ends. Marriage, i.e. the daughter of each of them to the other, such a person as is not under the word (*curse*) of a patron saint. Giving in charge, i.e. mutual charge. Loan, i.e. 'uain,' i.e. from the one to the other. Lending, i.e. from each of them to the other. Equal goods, i.e. equal goods from each of them to the other, i.e. whether it be for a long or a short time, S.D. Purchases, i.e. by words. *Contracts, i.e. into which some adults and sureties enter.* Mutual pledges, i.e. each of them goes mutually as security for the other. Attending the sick, i.e. noble relief of food and medical advice from the one to the other. Distress, i.e. each of them is to go along with the other to release his distress. 'Eric'-fine, i.e. honour-price, and 'dire'-fine and restitution, i.e. for the distress, i.e. there is a stipulation between them respecting the payment of every thing which will come to them; or it is a liability common to them, if they are responsible for the liabilities of their kinsmen.

The 'corus fine'-law ^{with the share of} divides the land among the ^{with} natural ^{members of the tribe} ~~tribemen~~ and the adopted ~~sons~~, as well as ^{with} those ^{with} whom they have received among them. ?

The 'corus fine'-law, i.e. the land is divided among the tribe-men according to true knowledge. Tribe-men, i.e. their sons and grandsons. Adopted sons, i.e. their adopted sons, and their 'gor'-sons. ~~Those whom they have received,~~ i.e. their strangers and their sea-sent persons.

But
of CCF p. 74. *with* 76. 34

of CCF p. 73

CCF p. 80. 76. XII. 230.

with *inductive* *they* *can*
off *7* *at* *scor*

CUSTOM-
ARY LAW

Copur platha firi aicillíne, firi fleoda, firi mancaine,
firi pocra, firi zella, firi raéda ocu róbepa, conoerpet
cirt coir.

Copur platha .i. coir firi firi coir na platha firi in luét leir a
5 naca éogaoe ceillíne do aicillíne .i. aenacaili. Firi fleoda .i.
oul leir uol a fleigi. Firi mancaine .i. fear caéa pamairi. Firi pocra .i. cana no cairne no fleigro. Firi zella .i. uol leir rupa-
luado a gill no a gail .i. corab e do bepa zell tap a cenó. Firi
10 raéda .i. firi uirgetao cana no cairne. Sobepa .i. no r uigtech.
Conoerpet .i. co tapairter iat do firi cirt iat cas éoir, no aianl ip
choir do firi éirt.

Cair ; cir lip fleoda do cairin ? Nin. Al tri : fleo
deoda, fleo doena, fleo demanda.

Cair .i. comairam cia leir no cia lin uirénaroter no tapirter do
15 ean in pepa, no do ean na hinoirín.

Cate in fleo deoda ? Dan do via, dan domnaiz
de reehtmaine, uprach pollomain, biathao uirerpaiz,
dan do eclair, biathao gpinde*, fuirpao naiged de,
dionao do triuagaid, corpecao tempuill, fuirpín do
20 biathao, doicht do dionaduib ; po da comirpet.

Dan do via .i. in do dionacul do via. Dan domnaiz (66) .i.
eupuma in neich cathep de domnaiz .i. a euit domnaiz on lanaman
via neclair. Sechtmaine .i. mane be lino ; via mbe lino ip via mír.
Uprach pollomain .i. caire no uolac gnl. Biathao uirerpaiz
25 .i. biathao ino ip'aoa na firi, in ealíne. Dan do eclair .i.
sechmaoa ocu pumite gnl. Biathao gpinde .i. biac epote .i.
bachar .i. los in baiprethi. Fuirpao naiged de .i. poirpethis-
nigad bió do na haigeduib ar via .i. peacht péile. Dionao do
triuaigaid .i. loipa ocu lamanna ocu euaanno do eadair ar via

1 'Samhaisc'-heifer.—The tenant supplies a working man to the chief for every
'samhaisc'-heifer which the chief has given as stock.

2 *Godly banquet*.—In C. 2, 830, the following explanation of this passage is given:—
"The godly feast, the human feast, the worldly feast, are all different. The godly
feast, i.e. a thing that is offered for the sake of God, such as the food of Sunday
and of the solemn festivals; and *the food* of the pilgrim and the food of the baptism,
and the food of the wake, and such others; and the one night's entertainment.

* C (833) biad choinni .i. baptisim . q. O'Daw 504

The 'corus-flatha'-law, i.e. of a chief in relation to tenants, for banquets, for manual labour, for proclamation, for pledges, for regulations and good morals, that they may attain to perfect justice.

CUSTOM-
ARY LAW.

The 'corus flatha'-law, i.e. 'coir-seis,' the right ('coir') rule ('reip') of the chief as against those people who have chosen to hold as tenants under him, i.e. 'daer-stock' tenancy. For banquets, i.e. to go with him (the tenant) to drink at the banquet at his house. For manual labour, i.e. for furnishing a man for every 'samhais'-heifer.¹ For proclamation, i.e. of 'cain'-law, or 'cairde'-law, or hosting. For pledges, i.e. to go with him to redeem his pledge or his hostage, i.e. that it be he that will give a pledge for him. For regulations, i.e. for the rules of 'cain'-law or 'cairde'-law. Good morals, i.e. lawful custom. That they may attain to perfect justice, i.e. that they may be restrained to justice in a proper manner, or as is proper according to justice.

Question: How many banquets are there? Answer,—Three; a godly banquet, a human banquet, a demon banquet.

Question, i.e. I ask how many or what number of banquets are distinguished or enumerated in the 'cain'-law of knowledge, or the 'cain'-law of narration?

What is the godly banquet?² A gift to God, the Sunday gift every week, the celebration of the solemn festival, feeding a pilgrim, a gift to a church, baptismal refection,³ feeding the guests of God, sheltering the miserable, consecrating a church, feeding paupers, harbouring the poor; it is well if they observe these.

consume A gift to God, i.e. to offer a thing to God. The Sunday gift, i.e. as much as he spends on Sunday, i.e. the Sunday meal to be given by the married pair to their church. Every week, i.e. if there be not ale; if there be ale, it is every month. The celebration of the solemn festival, i.e. Easter or Christmas, etc. Feeding a pilgrim, i.e. to feed the person who is as it were in his grave, the pilgrim. A gift to a church, i.e. tithes and first fruits, etc. Baptismal refection, i.e. religious food, i.e. of baptism, i.e. the price of the baptism. Feeding the guests of God, i.e. to give relief in food to guests for God's sake, i.e. a night's entertainment. Sheltering the miserable, i.e. to give them staves and gloves and shoes for God's sake, i.e. full feeding to whatever

The human banquet means the food of tenancy. The worldly banquet is, 'boil fat for me, and I will equally boil fat for thee.'

³ Baptismal refection.—Over the g of the word "gurnoe" in the MS. a later hand has written "c," intimating probably that the word may also be spelled "curnoe."

Annuit

*when they support
positive for all of the things*

with v. instead of -v. if

long/long

+ as long as -v. -v. -v.

At V. 11

Time 2 of 15

*domunda (= demunda)
q. 24.5*

CUSTOM-
ARY LAW.

toib .i. cío be truaas ruc a ley .i. a lan biathao toib. Puirir .i. qui
pena paretur .i. paretur o teig .i. a polortnugao toib inn tallad for
nech. Doichit .i. a teanñraith do na bochtan .i. oc na bi tias ior.
Fo da comitpet .i. ir maith in tacomul rin, ocup denat, no bit a
des com imulang a mbochta ar via.

Olagar do flathaid do nimairget caé oib for a
deir.

Olagar .i. olagar do na flathaid timorzan cacha oib for a
peanann oilei buoim .i. do na flathaid olagar a tobach o na tuathaid
don eclair. Do flathaid .i. caé an oib seo anuap for a peanao.

Cate in flet doena? Flet cuimrige cacha dia
flath amail ber a oligeo, dian ceper a aipulitib,
reir, fuiriuu, dicit.

Flet cuimrige .i. flet ol corua. Dia flath .i. buoim. A
oligeo .i. do deilid, .i. meit a pacha. Ceper a aipulitib .i. do
pach ocup do pectib tynclairo, .i. roper a pithola caé flath.
Reir .i. cuimru. r. o. .i. in aroci .i. do lino. Fuiriuu .i. cen
chuiriuu. r. o. .i. lo .i. cen lino in aroche. Dicit .i. cío cu lino cío
cen lino .i. ilau. r. o.

*Cobroldaid^x fuiriuu; porpnaatar feba; biathao
congala fri rochruoe tuaithe fri cuingio pira ocup
oligeo, ocup fri ppeca ninoligeo. *Cummame^x feine
perab fuiriuu.

Cobroldaid .i. cobroldaid^x porpnaatar feba; biathao
congala fri rochruoe tuaithe fri cuingio pira ocup
oligeo, ocup fri ppeca ninoligeo. *Cummame^x feine
perab fuiriuu.

Bound to levy.—Over the letters "an" of the word "imairget," in the
MS., is written by a later hand, "no anar," implying that the word may be
also written "imairar."

for suby
do n. imairat

*C(833) cobdaile f. amail ber a feib curab samlaic doberer fuiriuu.
commun .i. alligher do cach do a chairidib (?)

miserable persons stand in need of it. Paupers, i.e. qui pera pascitur, i.e. who are fed by the bag, i.e. what they take from each is sufficient for them. The poor, i.e. to give full sufficiency to the poor, i.e. who have not bags at all. It is well if they observe these, i.e. this is a good observance, and let them well support, or be supporting, their poor for the sake of God. CUSTOM-ARY LAW.

The chiefs are bound to levy¹ each of these upon their land.

Are bound, i.e. the chiefs are bound to levy each of these *donations or refectations* on their own lawful lands, i.e. it is the duty of the chieftains to levy them from the laity for the church. The chiefs, i.e. to levy each of these things mentioned above upon their land.

What is the human banquet? The banquet of each one's feasting house to his chief according to his (*the chief's*) due, to which his (*the tenant's*) deserts entitle him; viz., a supper with ale, a feast without ale, a feast by day. *

The banquet of the feasting house, i.e. the feast of drinking beer. To his chief, i.e. *his own chief*. His due, i.e. from tenants, i.e. according to the extent of his stock given. His deserts entitle him, i.e. in stock and returnable 'seds,' i.e. before each chief can get his returns. A supper with ale, i.e. a convivial meeting, S.D., i.e. in the night, i.e. with ale. A feast without ale, i.e. without a convivial meeting, S.D., i.e. in the day, i.e. without ale in the night. A feast by day, i.e. whether with ale or without ale, i.e. in the day, S.D.

The feast without ale is divided; it is distributed according to dignity; the feeding of the assembly² of the forces of a territory assembled for the purpose of demanding proof and law, and answering to illegality. Suppers with ale, feasts without ale, are the fellowship of the Feini.

Is divided, i.e. a distribution is made of this good feast without ale; it is distributed according to dignity, i.e. according to nobility. The feeding of a collection, i.e. at the making of 'cain'-law, and 'cairde'-law, i.e. a cow from every farm. The forces of a territory, i.e. when they are making goodly 'cairde'-law for the territory. To demand proof, i.e. respecting definite debts, i.e. by them outside. And law, i.e. respecting uncertain debts. To answer, i.e. to answer for every illegality with which he is charged, i.e. for him

² The assembly.—The 'congbhail,' which has been translated 'assembly,' may perhaps mean a collection of food made at the different 'congbhails,' to furnish a meeting with food.

CUSTOM-
ARY LAW.margin cut away
(within 0's 1145)

imach. Cummaine .i. cuma a maine do na seinib .i. pleó domunro
in ro ocuip ip . . . ep pleo. S. o. Pórait .i. in aoidi .i. co lino.
Fuiripreo .i. poipmēniugao bto do ero ilo ero in arochi .i. cen lino.

Coip mancuine fpu plóiged, fpu dunad, fpu zell, fpu
5 dail, fpu digail, fpu ruba, fpu ruba, fpu fognam do
dia, fpu porpacht noibpe in coimded; ocuip cach dia
plait, dia fine, dia abaid, a coimded do cumdach do
cach mainiugad, do cach lepuugad iap nua ocuip duine,
fpu rober, fpu roprecht, fpu roairle; aipur oligtech cach
10 torba techta, cach romaine, cach raercuir, cach rochlā
(ber oip do plait) ppeccuir cach domaine do ruba
fpu plait. Oropgar inco mblesar, fegar arpenar
cach nóligeo do neimtib iap nua ocuip duine.

14

Fpu plóiged .i. out leip ma plóiged. Fpu dunad .i. out leip ma
15 dunad. Fpu zell .i. out oipapluco a zill .i. co na fpu ica
puilliam a zill. Fpu dail .i. out laip do cum dail .i. aenai. Fpu
digail .i. fpu cimeoil. Fpu ruba .i. na tri ruba .i. po loingtechu
ocuip eótaip ocuip maca tpe. Fpu ruba .i. na tri ruba .i. poime' fpu
cf. I 162. 12; II 270.5 [di]naino ocuip belaoa ocuip epicha. Fpu fognam .i. caé pecthao la ip
20 techemman .i. in caea no in oethracha. Fpu porpacht noibpe .i.
fpu poipachin na hoppi oliger a comoitin a tgepna de. Dia plait
.i. corab da plait sein do in in caé fin. Dia fine .i. dia apt fine.
Dia abaid .i. corab da apaid sein do ne in each fin. A coimded do
cumdach .i. a tgepna do cumdach. Do cach mainiugad .i. do
25 beoilib ocuip mapboilib. Do cach lepuugad .i. do biuo ocuip coimi-
teacht. Iap nua .i. na heclai. Ocuip duine .i. na tuaithe. Fpu
rober .i. banā .i. aghadail no nor. Fpu roprecht .i. capno .i. can.
Fpu roairle .i. capno .i. upraoir, no nor oliged. Aipur olig-
tech cach torba techta .i. oib fin uile .i. do biuo do plait. Cach
30 romaine .i. do biathad ocuip do mancuine .i. do rétib do eclai.
Cach raercuir .i. caé poanuiro oib fin teachaib ocuip do prianab.
Cach rochlā .i. oagouine laip do cum nairechta .i. ip oegéu caé in
oib fin, no ip oegéu don caé fin rochlaithe leip do cum nua no
aireadta .i. do aóip app caé móligeis tie do poouba a plathannap
35 mme. Oropgar .i. por in cintach .i. por gail. In o mblesar .i.

¹ And it is a banquet.—Some words of the Irish have been here lost by the cutting away of part of the margin of the MS.

² Due to a chief.—The Irish words in parenthesis are written over the line in the MS. by a different hand.

outside. Fellowship, i.e. they are mutual goods with the Feini, i.e. this is the worldly banquet, and it is a banquet *for which another is given in return*, S.D. Suppers with ale, i.e. in the night, i.e. with ale. Feasts without ale, i.e. a relief in food to him whether in the day or in the night, i.e. without ale.

CUSTOM-
ARY LAW.

Proper work-service for a hosting, for building a 'dun'-fort, for a pledge, for a meeting, for avenging, for service of attack, for service of defence, for serving God, for assisting in the work of the Lord; and each *should render this* to his prince, to his tribe-chief, to his abbott, to protect his lord in his property, in each service according to God and man, for good custom, for good law, for good counsel; for every lawful profit is legal, every return, every 'saescuir'-offering, every mark of respect which is due to a chief,² to remove every inconvenience which annoys his chief. ~~What is sued is levied~~, what is demanded is paid of what is due to distinguished persons according to God and man.

For a hosting, i.e. to go with him on his hosting. For building a 'dun'-fort, i.e. to go with him in building it. For a pledge, i.e. to go to redeem his pledge, i.e. that it be by him the interest of his pledge be paid. For a meeting, i.e. to go with him to a meeting, i.e. a fair. For avenging, i.e. a family quarrel. For service of attack, i.e. the three services of attack, i.e. against pirates, robbers, and wolves. For service of defence, the three services of defence, i.e. ~~before him into~~ the mountain and the pass and the boundary. For serving God, i.e. every seventh day in the week, i.e. the fifty or the forty days. For assisting in the work, i.e. for assisting ~~in~~ the work which is due of him to support the church of his Lord God. To his prince, i.e. that it be for his own prince each one does this. For his tribe-chief, i.e. to the head of his family. To his abbot, i.e. that it be for his own abbot each one does this. To protect his lord, i.e. to defend his lord. In his property, i.e. of live chattels and dead chattels. In each service, i.e. of food and going with him a hosting. According to God, i.e. the church. And man, i.e. the laity. Good custom, i.e. of 'cain'-law, i.e. distress or custom. Good law, i.e. 'cairde'-law, i.e. rule. Good counsel, i.e. 'cairde'-law, i.e. 'urradhus'-law, or lawful custom. For every lawful profit is legal, i.e. of all these, i.e. of food to a chief. Every return, i.e. of food and labour, i.e. of 'seds' to a church. Every 'saescuir'-offering, i.e. every well-defined offering of these in horses and bridles. Mark of respect, i.e. a good man with him to the assembly, i.e. every thing of these is a good character, or it is good credit to each of these to have a force with him to the meeting or assembly, i.e. to expel from thence every unlawful person who comes to undermine his chieftaincy. Is levied, i.e. from the debtor, i.e. the hostage. What is sued, i.e. of the kins-

a "strong fence" against
his lord claims fr. him
by mutual acknowledgement ??

CUSTOM-
ARY LAW

por in inbleosain. Fegair .i. inoraigéir orro macraen .i. por cinuasch.
 Arrenair .i. eirmitir uathib macraen .i. uasraib uile. Cach n'olig-
 seo do neimtib .i. caó n'olb ir'oligseo do nemtib. Iar n'olb .i. do
 eclair. Duine .i. oia flath.

¶ O'D 679

braigéir O'D 679

5 flet domonra .i. flet do beair do macraib dair
 ocur drochdannaib .i. do druthaib, ocur caintib, ocur
 oblairib, ocur bhráirib, ocur fuirreoirib, ocur
 meplechaib, ocur geintib, ocur meirnechaib, ocur
 drochdannaib arceas, doneoch na tabair ar coman
 10 talmanra, ocur na tabair ar fochruic nemra, ir'olir
 iarum do deman in flet rin.

15 Olegair flaithe fonuairlafter a ngella; geallair
 dechmaí, ocur prumite, ocur almarra por a fine
 ocur por a naicgillne; cach marflath por a tuatha.
 20 Troithair aindethine di d'asgeirib cana ocur pechtge,
 ocur d'asgeirgnu, ocur chairruí.

Olegair .i. do na fuairlafter na ceile na gella do beair na flatha
 air a eann. Geallair .i. geall do beair air na dechmaí. Prumite
 .i. torach gabala caó naoraí. Por a fine .i. na ceathora fine.
 25 Por a naicgillne .i. fuairceile ocur d'asgeirceile. Cach marflath
 .i. caó flath mor por a tuathaib corab da neir do beair gell.
 Troithair .i. a trenaetair, no a trenaetairgan ar n'asach. Di
 d'asgeirib .i. do d'asgeir gnae no aibin na fuairla. Rechte .i.
 30 airrair .i. noir no beir no tair uila. D'asgeirgnu .i. air i eann air i
 25 eann. Chairruí .i. air buroin.

x
 C(933) .i. cash grass
 tuath

x Cach pecht^x nar oge oliged a mamu n' bo hogoiru;
 n' porruibair nach pecht gairter ar chorbu; olig-
 eir do diru.

cf. I 54.24

Cach pecht .i. caó pecht duine na comogenn in moamugra no in
 30 spreim d'egair do. Ní bo hogoiru .i. noco nospreir tair do, no n' bo

! A demon, feast.—Over the first o in the word 'domonra' of the MS. another
 hand has written 'no e,' implying that the word might also be spelled 'demonra.'

man-surety. What is demanded, i.e. *what is demanded* is sought from both, i.e. from the debtor too. Is paid, i.e. it is paid by them both, i.e. by them all. Every thing which is due to distinguished persons, i.e. every thing of them which is due to distinguished persons. According to God, i.e. to a church. Man, i.e. to his chief.

CUSTOM-
ARY LAW.

A demon feast,¹ i.e. a banquet which is given to sons of death and bad men, i.e. to lewd persons and satirists, and jesters, and buffoons, and mountebanks, and outlaws, and heathens, and harlots, and bad people in general, which is not given for earthly obligation, and is not given for heavenly reward—such a feast is forfeited to the demon.

N.B. this par. is not
strictly a *law* in itself?
cf. note on p. 21.

The chiefs are entitled to the redemption of their pledges; they give pledges for *the payment of* tithes, and first fruits, and alms by their tribe and their tenants in 'aigillne'-tenure; every great chief is *entitled to them* from his people. They remove foul weather by *their* good customs of 'cain'-law and right, of good 'bescna'-law, and 'cairde'-law.

Are entitled, i.e. that the tenants should redeem the pledges which the chiefs give in their behalf. They give pledges, i.e. the pledges which are given for the tithes. First fruits, i.e. the first of the gathering of each new fruit. By their tribe, i.e. the four tribes. Their tenants in 'aigillne'-tenure, i.e. their 'saer'-stock tenants and their 'daer'-stock tenants. Every great chief, i.e. every great chief *has a claim* upon his people, that *they act* according to the pledges which he has given. They remove *foul weather*, i.e. they put down or remove *their own charges*. By good customs, i.e. by the pleasant or delightful custom of the rules. And right, i.e. of the 'urradhus'-law, i.e. a custom, or manner, or 'dire'-fine for cattle. Good 'bescna'-law, i.e. whether in 'cain'-law or in 'cairde'-law. 'Cairde'-law, i.e. for itself.

anfeith.

Every person who does not fulfil the law of his service shall not have full 'dire'-fine; no one found at profitable work shall be defrauded; 'dire'-fine is due to him.

Every person, i.e. any description of person who does not fulfil the service or the duty required of him. Shall not have full 'dire'-fine, i.e. full 'dire'-fine shall not be ceded to him, or his 'dire'-fine shall not be perfect. No one

* C (833) no iat (span. illegible?) .i. ordailt .i. cach ní nennthiger is cuardailt nemith bith.
 trefodailt .i. innucus 7 ennea 7 arallud (!) . tofet .i. is tuisigir innucus 7 ennea indasa
 airdilind it terra herai in airtaltor terra herce .i. cení be acht nach ae ann asirither
 aine. Is trumaide im a comrac uile

26 Senchur Mór.

CUSTOM- hoḡ a vire. Ní forroibdarar .i. noco diabarar naé riét vaine
 ARY LAW. gabar ae denam gnimmaro torba. Oligtir do vire .i. in vire oliger
 oatbul eirinnro do.

 || C 2224

 Díurthe cach dia flaith, dia eclair, dia pine, do
 5 neoch arogear doib; cach memar dia chinó choir.
 C * Oproaib neimio naithep cuaproaib.

 Dia flaith .i. peim. Dia eclair .i. peim. Dia pine .i. peim. Do
 neoch arogear .i. do neac arogethep do vleitir doib. Cach
 memar .i. caé meamar curub do peir a cinto athcomarpe bep do
 10 peir éorp. Oproaib neimio .i. oproaithetir in eipropucugro paín do
 na neiméib iar cae uipró .i. uipropucithetir enecclann do nemeo fo
 uapleatáro, crobe cuapró i mbe.

 Cach thuath co rug; cach pu co na thuath do
 cum neacra co na gnaoib; cach gnao co na mamaib;
 15 each mam ina comairlib coirarb, Cengairpre fogail
 C * do. Da pet, aipilluro inopucup endge. It teopa
 eipce aipithep.

 Cach thuath .i. curab anto do ne imoenam opira. Co na gna-
 oiaib .i. ip in eclair hipin. Cach gnao co na mamaib .i. caé gnao
 20 ipin moamugro no ip in gneim érabaró vlogar ve. Cach mam ina
 comairlib .i. caé gneim érabaró do denat curab do peir éomairle a
 cinto athcomarpe do net he. Tre fogail .i. enecclann ocup vire ocup
 athgin. Da pet .i. ip nemeiteir ina hupro aipneipen aipelleo.
 Aipilluro .i. im tochup. Inopucup .i. i mbreithip. Enoge .i. i
 25 ngnimmaróib. It teopa eipce .i. eaplaiaóthetir na teopa eipce peo
 do ar a peat .i. enecclann ocup vire ocup athgin .i. enecclann ocup
 enecpauce ocup enechgip.

C (833) .i. isach is cois curab
 dligthich each flaith

* Afpachta^x cach pacht ipa puno conapachta in da
 pecht. Recht aenig ro bai la pira epino co tiach-
 30 tam cpeirme i nampir laegaire mic Neil. | Ipa

1 He be: his dignity remains even after the loss of his property.
 2 Proper counsels.—That is the specific directions of the superior.
 3 Descent.—In C. 833, the reading is, topét .i. ip curigiu innucup ocup

C 2224; dirithi cach dia flaith .i. feir. dia eclais .i. buna. dia [fine] .i.
 budisín. do neoch adreagar doib .i. aingithetir do dlistinib ordailt nemi naithe
 cuardailt .i. vrelaighetir int ur[et]racugud sin dona nemthib in cae uiró .i. don
 eclais buna.

found at profitable work shall be defrauded, i.e. no description of person found doing work of profit shall be defrauded. 'Dire'-fine is due to him, i.e. the 'dire'-fine to which he is entitled is to be amply paid to him. Cus-tom-
ARY LAW.

Let every one pay to his chief, to his church, to his tribe, that which is due to them; each member is to pay to his proper head. Distinguished persons of every grade have honor according to their dignity.

To his chief, i.e. his own. To his church, i.e. his own. To his tribe, i.e. his own. That which is due to them, i.e. which is fixed to be due to them. Each member, i.e. that every member should be according to the will of his head of counsel by right. Distinguished persons of every grade, i.e. this distinction is ordained for the distinguished persons after a proper manner, i.e. honor-price is ordained to a distinguished person according to his nobility, in which circle soever he be.¹

Every people has a duty towards its king; every king together with his people has a duty towards the church and its members in their several orders; ² Ir. Grades. every order should be submissive to its superiors, every act of obedience should be done in accordance with proper counsels.² There are three classes of trespasses to him. Worthiness and purity take precedence of desert. Only three 'eirc'-fines are ordained.

Every people has a duty, i.e. it is there (before the king) proof is proffered against them. In their several orders, i.e. in that church. Every order should be submissive, i.e. every order is to be in the submission or in the obedience of piety which is due of it. Every obedience in accordance with proper counsels, i.e. every act of piety which they do, they should do according to the advice of their head of counsel. Three trespasses, i.e. honor-price and 'dire'-fine, and restitution. Take precedence, i.e. they go before desert,³ in the order of narrative. Desert, i.e. as to wealth. Worthiness, i.e. as to word. Purity, i.e. as to deeds.⁴ Only three 'eirc'-fines, i.e. these three 'eirc'-fines are ordained for him (the king) instead of them, i.e. honor-price, 'dire'-fine, and restitution, viz., honor-price, 'enechruice'-fine, and blushing.

Every law which ^{should be bound. It is here that the two laws} ~~was binding~~ until the two laws were established. The law of nature was with the men of Erin until the coming of the faith in

enna moora amluio, i.e. worthiness and purity take precedence of desert, (desert by wealth).

⁴ Deeds. The text seems defective here.

III 536.9
fr. adrouilli

CUSTOM-
ARY LAW.

naimhirí ríde tanaic patrúic. 1r iar cneodem do peraid
erend do patrúic co nheirgeoda in da ríecht, ríacht
naicnig, ocu ríacht lúre.

Alrachta .i. 1r eiríuagáí ead' uirúatáro uib ro rir. 1ra runo .i.
5 1r in érenchur. Ríecht aicnig .i. na fear píríam. Co tíahtatín
cneitme .i. la patrúic. Ríacht naicnig .i. no baí ac fearúib erend.
Ríacht lúre .i. tuacatár patrúic lúir.

Do airíet dubtach mac uá lúgair in ríle ríacht
naicnig; 1r e dubtach ceta tarat airímitan feio do
10 patrúic; 1r e ceta neríacht ríam i temair.

Copc mac lúgdech ceta no ríecht do. Baí ríde a
ngiál la laegaire. Fuirbhuig uin laegaire fú
patrúic, uais in dhuad matha mac umoir, do rairn-
garí ríde in dhuad do laegaire gáto patrúig bu
15 ocu ríamú airíe.

note above of no. 1

addition. not glossed
id. for echanéacht

[Caipio mac fínócham ceta no ríecht do ma deoas
ríde; in ba ríle la laegaire.

Ene 1r e cet uine no epio ne patrúic ac perá
per feige, for dhu doimíde, ocu angair no ríecht.]

see Mac Ní's note in
AS group in Clute p. 108 n.

20 Do airíet dubtach .i. no airíbenatár dubtach mac uá lúgair
in ríle, uirúatáro in aicnig no bi ac adam. 1r e dubtach .i. cet uine
tuacatár airímitan naicnig ar uir do patrúig i temair. Air-
mítan feio .i. uairíatáro do dhuadúib. 1r e ceta neríacht .i. 1r
e cet uine no eiríetár ríame ríam he 1r in temair. Copc mac
25 lúgdech .i. deoganaet dárú. Ceta no ríecht .i. 1r e cet uine
no éríechtáitár do 1r in temair. Fuirbhuig .i. tuacatár ar
aíde laegaire fuirbhuí do patrúic. Uais in dhuad .i. 1r uí no
háóair, do éomairle in dhuad. Matha mac umoir .i. do éuachab de
uonano, no do fearúib bóig. Do rairngarí .i. no éairngairíetár.
30 Gáto .i. rognam na mbeo a noémaro ocu a pírímí ríú. Du ocu
marbú .i. ríam uibaro ocu ceanoatíe na marb.

¹ 'Ceandathé-goods.—That is what one leaves to a church by his last will and testament.

from this on prob. later addition - not present & of concurred

the time of Laeghaire, son of Nial. It was in his time Patrick came to Erin. It was after the men of Erin had believed Patrick that the other two laws were established, the law of nature, and the law of the letter.

CUSTOM-
ARY LAW.

Was binding, i.e. each law of these down here ^{shd. be "sown together"} was binding. Which is here, i.e. in the 'Sencus.' The law of nature, i.e. of the just men. Until the coming of the faith, i.e. with Patrick. The law of nature, i.e. which the men of Erin had. The law of the letter, i.e. which Patrick brought with him.

Dubhthach Mac Ua Lugair, the poet, exhibited the law of nature; it was Dubhthach that first gave honorable respect to Patrick; he was the first who rose up before him at Teamhair.

Corc, son of Lughaidh, was the first who knelt to him. He was a hostage with Laeghaire. But Laeghaire gave opposition to Patrick, because of the Druid Matha MacUmoir, who had prophesied to Laeghaire that Patrick would take the living and the dead from him.

Ch. 143.
see L. 1120
Matha maca Mór
acc. to MacDonnell RC 36, 355.

Cairidh MacFennchaim was the first who knelt to him afterwards; he was poet to Laeghaire

him. (What is in la?)

Erc was the first man who rose up before Patrick at Ferta-fer-feige, on the brink of the Boinn, and Angeis, who knelt.

it was in [spite of] a guess he persuaded himself. Cf. Trip. 42-4, 280-1.

Dubhthach exhibited, i.e. Dubhthach Mac Ua Lugair, the poet, showed the right rule of nature which Adam had. It was Dubhthach, i.e. he was the first man who at the first paid honorable respect to Patrick at Teamhair. Honorable respect, i.e. nobility in words. He was the first who rose up before him, i.e. he was the first man that ever rose up before him at Teamhair. Corc, son of Lughaidh, i.e. of Eoghanacht of Cashel. The first who knelt, i.e. he was the first man who knelt to him at Teamhair. Gave opposition, i.e. Laeghaire therefore made opposition to Patrick. Because of the Druid, i.e. it was to it, i.e. to the advice of the Druid, he paid respect. Matha MacUmoir, i.e. of the Tuatha De Dananns, or of the Firbolgs. Who prophesied, i.e. who predicted. Would take away, i.e. the service of the living in tithes and first fruits, etc. The living and the dead, i.e. the third of the bequest and 'ceandathe'-goods of the dead.

advised

however

CUSTOM-
ARY LAW.

Saerparaid mugo, moachpuid docenel tria gnada
 ecalpa, ocur tre rognam naitihrge do dia; apur
 upploice in plaiti; ni meia cach cenel duine iar
 cpeitem, iur paercenalaid ocur daercenel; imta
 5 ramlaid in eclair ip upploice ar einn cach duine do
 neoch do tast po pecht.

Saerparaid .i. mac na nuaer iar puaplucio a daine .i. daina dia
 leisteo roglaim. Docenel .i. gnada peine. Tria gnada ecalpa
 .i. do dail porpo. Tre rognam naitihrge .i. tre rognam do denam
 10 do dia ac aepuigi, .i. in hialtre. Apur upploice in plaiti .i.
 ar ip huataaplaici plaiti nime pe cach nime ipaer i ceneal do neod
 tic po dligto cpeitem. Saercenalaid .i. gnad plaita. Daercenel
 .i. gnad peine. Imta .i. ip man leam .i. ar amlaio fein ata in
 eclair, ip huataaplaici hi ar einn cad duine do neod tic po dligto.

II 16.

15 Ro parde dubthach mac ua lugaip in fili bpeithem *bpeithem*
 per nepend a pacht aenid ocur a pacht parde, a po
 pallnaetap parorine a pacht aenid in bpeithemnar
 indre hepend, ocur ina piletad; do toirpechnatap,
 dudu parde leo, do nicra bepla ban biaid .i. pacht
 20 litre.

Ro parde .i. po pardeapap dubad mac ua lugaip in pile a mbpeith-
 emnapa dpeapad eipeano do peir dpeapad. Racht aenid .i.
 na mbpeithemnan, morano, ocur pithal, 7pl. Racht parde .i. na pileo
 .i. dpeapad na paitine po bi ac na parid anallu, no a paitine fein.
 25 Parorine .i. a po pollamnapetap paitine na parde in dpeapad in
 aenid do bpeithemnan na hinori peo eipeano, ocur do na pileoab.
 Racht aenid .i. i nimbao peacht aenid. Do toirpechnatap .i.
 po dpeapadpetap din na parde in pib bepla biap in leigend. Racht
 litre .i. dpeapad in dpeapad iproic.

30 Ata map a pecht aenid po pachtat ap nro pocht
 pacht litre. Do aipen din dubthach do parpaic; ni
 nro dpeapad ppi bpeithin nre a pacht litre, ocur ppi
 cuibne na cpeipen conapiged a nro mbpeithemnan la

1 Judgments.—Over the last two letters of the word 'bpeithem,' translated judg-
 ments, there are written in the MS. 'no bpa' with a mark of contraction over the p.

✓ = *bpeithem* (rath)

Verbs are active

CUSTOM-
ARY LAW.

The enslaved shall be freed, and plebeians shall be exalted by receiving church grades, and by performing penitential service to God; for the Lord is accessible; he will not refuse any kind of person after belief, either among the noble or the plebeian tribes; so likewise is the church open for every person who goes under her rule.

The enslaved shall be freed, i.e. the sons of bond men after their being released from bondage, i.e. bond men who are admitted to learning. Plebeians, i.e. the Feini grades. By church grades, i.e. by having ecclesiastical grades conferred upon them. By penitential service, i.e. by doing service to God in penitence, i.e. in pilgrimage. For the Lord is accessible, i.e. for the Lord of heaven is accessible to every person who is free in race as coming under the law of faith. Noble tribes, i.e. the chieftain grades. Plebeian tribes, i.e. the Feini grades. So likewise, i.e. I deem it similar, i.e. thus also is the church, it is open to every person who comes under her rule.

Dubhthach Mac Ua Lugair, the poet, spoke the judgments¹ of the men of Erin according to the law of nature and to the law of the prophets, for prophecy had governed according to the law of nature, in the judicature of the island of Erin, and the poets, who had the gift of prophets, foretold that the bright language of benediction would come, i.e. the law of the letter.

Spoke, i.e. Dubhthach Mac Ua Lughair, the poet, spoke the judgments to the men of Erin according to the directness of nature. The law of nature, i.e. of the Brehons, Morann, and Fithal, etc. The law of the prophets, i.e. of the Irish poets, i.e. the rules of the prophecy which the prophets had of old, or of their own prophecy. Prophecy, i.e. for the prophecy of the prophets governed the rules of nature for the Brehons of this island of Erin, and for the poets. The law of nature, i.e. at the time of the law of nature. Foretold, i.e. the prophets had then predicted the true language that was to be in the lection. The law of the letter, i.e. this is the rule of the Gospel.

There are many things that come into the law of nature which do not come into the written law, which not touch (?). Dubhthach showed these to Patrick; what did not disagree with the word of God in the written law, and with the consciences of the believers, was re-

CUSTOM-
ARY LAW.

heclair ocur pílúda. Ro bo coir pacht aenid uile acht
cpestem ocur a coir, ocur comuam necalra fpu tuaithe,
ocur dligeo cechtar da lina ua raile ocur ina
raile; ar ata dligeo tuaithe i neclair ocur dligeo
necalra i tuaithe.

Clta mara .i. ata mor do reir oiriatar in aenid, ocur po ríad do
reir oiriatar in aenid. Ar nao rocht pacht lútre .i. ocur noco
ríad do reir oiriatar na lútre, uair lia cearta canoine na canoin,
ocur lia aenid ina uairar. Do airpen .i. do airben uabtae breit-
10 emnar aenid a ríadair patrúic, in ni na tainic anaisid breithe de do
oiriatar in aenid po bui a oiriatar lútre, uair nocoir eirer aet
porbann neachtar ar. Fui cuibye .i. do reir cubair na eirerar.
Na eirer .i. na clepech. Cl nopro mbréteman .i. nuoirianair.
Ro bo coir .i. po bo coir oiriatar in aenid uile. Acht cpestem .i.
15 do ríad .i. po cpeitir in nachair ocur in ríar, ocur noco cpeitir in
mac. Cl coir .i. a comallat .i. in cpeitir. Comuam .i.
comuam na ecalra rir in tuait .i. uair noco raibe rognam reime rin
don eclair. Dligeo cechtar talina .i. dligeo cechtar de in da
naoimair rin o ceile in in .i. u. a do ríararar do ríad i talman .i. = ó?
20 cach tuait co ríad cae ríad co na tuait do cum necalra ríad .i. bathar
ocur comna o eclair, oechmar ocur pumite o tuait. Ina raile .i.
ina ceile .i. ríre seo in arail .i. pprocep, ocur oirpeno, ocur imano
nanma in eclair tal, ocur ríar ríar ocur cenraiche i tuait imorpo
oi muich. Ar ata dligeo tuaithe i neclair .i. uair ita in ni
25 dligeo in eclair do tabairt don tuait, in tatonacul do denam inre,
ocur bathair ocur comna. Dligeo necalra i tuait .i. in ni dligeo
in eclair ragbail on tuait, oechmar ocur pumite ocur ríar
ríar.

Dligeo tuaithe i neclair inbi ma coir cumdligeo;
30 cumigro urtechta o eclair .i. bathar ocur comna, ocur
umaind anma, ocur oirpeno o cach eclair do cach iar
na cpeitir coir, co nairneir breithe de do cach
in da tuait, ocur nota comallathar; cach nopro iar na
cirt, (co nimoichid a nubar, a ndechmar, a pumite,
35 ocur a pumigine, ocur a nuchacht, a nimna, co rabat

Every order.—C. 833, adds, .i. oro neclara, i.e. order of the church.

* C(833) cach ord iar cirt .i. ord neclara

bound by this

tained in the Brehon code by the church and the poets. All the law of nature was just, except the faith and its obligations, and the harmony of the church and the people, and the right of either party from the other and in the other; for the people have a right in the church, and the church in the people.

CUSTOM-
ARY LAW.

There are many things, i.e. there is much according to the rule of the law of nature, and which comes in also according to the law of nature. Which do not come into the written law, i.e. other things which do not come in according to the rule of the letter, for the questions of the canon are more numerous than the canon itself, and nature is more than authority. Showed, i.e. Dubhthach exhibited the judicature of nature before Patrick; what did not come against (*was not opposed to*) the word of God in the rule of nature was in the rule of the letter, for the over-severity of law only was rejected from it. With the consciences, i.e. according to the conscience of the Christians. The believers, i.e. of the clergy. The Brehon code, i.e. of the New Testament. Was just, i.e. all the rule of nature was correct. Except the faith, i.e. the belief in God, i.e. they believed in the Father and in the Spirit, but they did not believe in the Son. Obligations, i.e. the requirements, i.e. of that faith. Harmony, i.e. the agreement of the church with the people, i.e. because there was no service previously rendered to the church. And the right of either party, i.e. either of the two parties is entitled to receive from the other the seven things which were promised

by?

(to) God on earth, i.e. every people with its king every king with his people to the church, etc., i.e. baptism and communion are due from the church, and tithes and first fruits from the people. In each other, i.e. in one another, i.e. this is what 'the each other' means, i.e. preaching, and offering, and hymn of soul in the church within, and one-third of legacy and 'cendaithé'-goods in the people is due to it outside. For the people have a right in the church, i.e. for there is a thing which the church is bound to give to the people, i.e. the burial to be made in it, and baptism and communion. And the church has a right in the people, i.e. what the church is entitled to receive from the people is, tithes and first-fruits, and one-third of every legacy.

*The 7 sacraments? cf.
d. Br. p. 200*

*cf. d. Breac 11 b 20
In in. Breac, Culdees p. 93 f.*

The right of the people as against the church in which they are in proper law; they (*the people*) demand their right from the church, i.e. baptism, and communion, and requiem of soul, and offering are due from every church to every person after his proper belief, with the recital of the word of God to all who listen to it and keep it; every order is to abide in its proper position, that their gifts, their tithes, their first fruits, their firstlings, their bequests, and their grants

*Thum 2 § 842 B
note in- before inf. pron.
rel. Normal form before
inf. pron. is at- , rel.
assid- 39. m. 1
read -i for -e*

*C (833) co fortacht cach etail .i. ma date nach bes anetel mifesach co neclit do cum nach etail neit, is cor don tuath a freccra 7 a cosc

O'Bal. 506

CUSTOM-ART LAW.

Don eclair iar necla uir, ^xco portachc cach atail ^x C
ma ponoir anetail na cocra cept. ^{co corach?}

-acht (r̄r!)

= diumann. f. II 234.22

= neart-

= b-tach

Oligeo .i. ippe seo in m olgeat in tuat don neclair. Imbi ina coir .i. o beir ina caenoligeo do neir coir. Cuingio urtecha .i. cuingioir in tuaraboligeora ar a neclair. Do cach iar na creitme coir .i. do cad ae uib iar na creitme do neir coir. Co naiirneir breithne de .i. co nuaral moirin breithne de (.i. procept) don cad bir a nuprara rua. Inoa tuairpe .i. in breithne. Noa comalla-cha .i. comallir iartan hi. Cach noio iar na ciru .i. cach ina oligeo .i. ip in aboane. Co nimoichio .i. cona empurairne ar demon in laet tuc a nuobarta doib, .i. co nimoiite a nuobart acuib tpe na nairnagoe. Al noechmaro .i. co cinreo. Al prumite .i. topach gabala cad nuobarto. Al prumioine .i. cad cet laeg ocu cad cet uan. Al nuobacht .i. pri bar. Al nimna .i. a nearylante. Co rabat don eclair .i. co rabat rin don eclair iar noiruoaro a glane. Iar necla uir .i. ri iar nupraro a glane. Co portachc cach atail .i. co poruim cad glan, cana na poirgea in tinglan he. Na cocra cept .i. nee na ciailrungaenn .i. na seibeno oligeo, .i. na caepumigento, no na coceptann cept.

f. I 52.14

CIH 2214 38
530.1

20 Cach nemed a riap; cach chinio a cuinorech por a memra; marmoigio eclair endoe, airtiu cach meic do porceat, cach manag dia coir aithrige, co poltaib coiruib cach dia creitme ciru.

25 Cach nemed .i. don eclair por a maneu, .i. ippe ip leir in nemed in riap oligeo do tabairt do. Cach chinio .i. ippe ip leir in cenn caenoirgeo a memor don clane por atait. Marmoigio .i. ip moir mogao don eclair oige do bit moir. Airtiu .i. don eclair. Co poltaib coiruib .i. co na polao coir leir innoh, no ip do eclair .i. cor na poltaib a ta do neir coir, no co tarpa cad a polao coir don eclair ber i noigao a epurairteacha.

1 Pure person.—C. 833, has "If an impure, immoral, unjust person assail a pure holy person, the country should respond to him and check him."

~~may be legal~~, and may be *given* to the church according to the purity of the order, with relief of each pure person if an impure person who does not observe justice has assailed him.

CUSTOM-
ARY LAW

The right, i.e. this is what the people are entitled to from the church. In which they are in proper law, i.e. when they are in proper law according to justice. They demand *their* right, i.e. they seek this noble right from their church. To every person after his proper belief, i.e. to every one of them (*the laity*) after his belief in a proper manner. With the recital of the word of God, i.e. with the noble recitation of the word of God, i.e. preaching to every one who is a listener to it. Who listen to it, i.e. the word. Who keep it, i.e. who keep it afterwards. Every order *is to abide* in its proper state, i.e. each in his own right i.e. in the abbacy. May be legal, i.e. that the people who gave them offerings may not oppose them out of contempt, i.e. that their gifts may be secured to them by their prayers. Their tithes, i.e. with definiteness. First fruits, i.e. the first of the gathering of each new fruit. Their firstlings, i.e. every first calf, and every first lamb. Their bequests, i.e. at the point of death. Their grants, i.e. ~~for the health of the soul~~. That they may be *given* to the church, i.e. that these may be *allowed* to the church according to the order of its purity. According to the purity of the order, i.e. which is according to the order of purity. With relief of each pure person, i.e. with relief of each pure person,¹ so that the impure may not injure him. Who does not observe justice, i.e. one who does not conclude justly, i.e. who does not submit to law, i.e. who does not meditate fairly, or who does not adjust fairly.

in full health

Every dignitary *is to have* his demand; every head to direct its members; purity benefits the church, *as regards* the receiving every son for instruction, every ~~man~~ to his proper penance, with the proper payments of all to their proper church.

Every dignitary *is to have his demand*, i.e. as to the church upon her monks, i.e. the dignitary is to have the tribute which is due to him. Every head, i.e. it behoves the head to direct the members from the error in which they are. Benefits, i.e. it secures great obedience to the church to have purity in her. Receiving, i.e. by the church. With the proper payments, i.e. having his proper wealth with him on his going in, or to a church, i.e. with the dues which are according to justice, or that all should give its proper dues to the church in whose Christian law they are placed.

which is in the (i.e. observe) the rule of its Xianity

* C (333) *ria* (?) *nanetail* .i. *i nainechus 7 foirbiata* (= *foirbthedaid*?) 7 *cattu*.
each comsa a coinnrech .i. *intí bis i ninncomus coir a coinnrech 7 cosc nech bis fo*
mam 7 fo rechtge

11 (2224)

CUSTOM-
ARY LAW.

Cach pine, cach manche, cach anóit, iar nupóligeo;
 óligeo cach deoradap, comloigche cach etal^x iar na-
 netal; cach imtoza la comtoil comairle; cach riagail
 iar comairle, co netla co cormailiur; ^xcach coimpe a
 5 cunnorech; cach coimdeo a cumtur, cach moza a mam.
 Cach manche iar peir, cach riap iar cubur, cach
 cubur cotnae oige; cach airiutu iar coir, cach miao
 ina mamu, cach memur inā māmaib coirib co ngairpe,
 cach gairpe ina airpe.

? *u. b. l. r.*

of C above = *reception*?

? = *airberth* cf. 14.24

= *an intí*?

10 Cach pine .i. spin Cach manche .i. pine manach. Cach anóit
 .i. pine eplama. Iar nupóligeo .i. iar mbeir toib ina nuapal óligeo.
 Óligeo cach deoradap .i. amail do roichet arphinoeet iar nua-
 chur .i. deorada in a luacc choir .i. ipin oetmaro luacc. Comloigche
 cach etal .i. comarléctar in tótol riap anetul ipin eclap. Cach
 15 imtoza .i. cae aen tozait corab a comairle lochta na eclapri tozchair
 he. Cach riagail .i. cae riagail riurtheno in aen airberth bit o noin
 do noin corab iar na comairle pe cenn athcomairpe be^x áccu hi. Co
 netla .i. ^ua toil de bit .i. na gnaro nealpa. Co cormailiur .i. in bit
 ocur in etais do berap a coircenn ealpi .i. poelaro do na gnarib cut-
 20 ruma. Cach coimpe .i. ip la cae naen oia tadair comur uir, no
 comturgeo in uir fin .i. ip lair in peenap cunnorech na memur da
 peir. Cach coimdeo .i. ip lair in coimreo .i. lair in cenn, lair in
 aparo a comur air ite bir a peenapoti pe laim. Cach moza a mam
 .i. ip eo ip lair in mozaro in moamuzao no in gheim oairpeolegar de do
 25 denam. Cach manche .i. do peir in apao. Cach riap .i. corab
 riap coir hi, ocur naen imaraparo. Cotnae oige .i. cona comet a
 nglane. Cach airiutu .i. cach airpinocheet iar noutchur do peir
 coir. Cach miao in a mamu .i. cae gnar, .i. in cae airpinngeir ip in
 airpinngeir corab do peir, coir do berap inoti he ipin luacc a roich
 30 do; no in ti ip coir inoti corab e dech inoti. Co ngairpe .i. don éno.
 Cach gairpe ip a airpe .i. corab do peir éno athcomairpe do neithep
 hi .i. na tapar airan rap.

l. 28 shows *airiutu*

must mean reception into
 the office of *ronagh*.

1 Every receiving. 'Airpinoeet' is written in the MS. by another hand over the word in the text, as a correction probably.
 2 Dignified person.—C. 333 has: "He who is in power is bound to direct and check the person who his under his law and jurisdiction."
 3 'Erenach'-state.—The word in the gloss of the MS. is 'airecht,' but over it at the letter p another hand has put 'cin,' thus making the word as given in the Irish.

*Let every tribe, every monastic tribe, every 'andoit' church tribe, be in their proper right; let the stranger tribe have its right, let every pure person be estimated by comparison with the impure; let every selection be by the consent of the council; every rule according to the council, with purity, with similarity; let every dignified person have direction, every lord mutual good, let every slave be in obedience. Let every monastic tribe be in rule; every demand according to conscience, every conscience a recep-
tacle of purity; let every receiving¹ be according to justice, every dignified person in his jurisdiction, every member in his proper obedience with main-
tenance, every maintenance in its right.*

which preserves

Every tribe, i.e. the original owners of the land. Every monastic tribe, i.e. tribe of monks. Every 'andoit'-church tribe, i.e. the tribe of the patron saint. In their proper right, i.e. after their being in their noble right. The stranger tribe its right, i.e. as they attain to the 'Erenach'-state by hereditary right, i.e. let the strange-settlers succeed in their proper place, i.e. in the eighth place. Let every pure person be estimated, i.e. let the pure be admonished by the ~~cell~~ ^{cell} ~~state~~ ^{state} of the impure in the church. Every selection, i.e. let every one whom they select be selected by the council of the people of the church. Every rule, i.e. every religious rule respecting one meal from evening to evening they should have after they have consulted with their head of counsel With purity, i.e. they be according to the will of God, i.e. of the grades of the church. With similarity, i.e. of the food and of the clothing which is given according to church usage, i.e. they are divided equally to the grades. Every dignified person,² i.e. this belongs to every one to whom power of order, or direction of the order is given, i.e. it is the duty of the vice-abbot to direct the members according to their rule. Every lord, i.e. it belongs to the lord, i.e. it belongs to the head, i.e. to the abbot to have power over the person who is in the vice-abbacy by his hand. Let every slave be in obedience, i.e. it behoves the slave to yield the obedience or submission to the bondage which is due of him. Every monastic-tribe, i.e. be according to the abbot. Every demand, i.e. that it be a proper demand, and not exorbitant. A receptacle of purity, i.e. that it be kept in purity. Every receiving, i.e. let every 'Erenachy' be according to hereditary right after a proper manner. Every dignified person in his jurisdiction, i.e. every grade, i.e. every one who is received into the 'Erenach'-state³ should be received into it according to justice in the place which falls to him; or let the person who is entitled to be in it be placed in it. With maintenance, i.e. to the head. Every maintenance in its right, i.e. that it be done according to the head of counsel, i.e. that ~~there be no defect~~ upon it.

admitted before?

excess be put

*Book p. 41
E.L. p. 18*

CUSTOM-
ARY LAW.

Coir eclairi o tuath, dechmáda, ocu pumite, ocu
pumgene; dligeo eclair dia memraib.

Coir eclairi .i. ipre seo in dligeo in eclair von tuath do neir
choir. Dechmáda .i. co cinna. Pumite .i. torach gabala cá
nuatorais. Pumgene .i. tuirech geine. Dligeo eclair .i. dligeo
in eclair sean dia momorthechais. = "momu forthechais" *Hymph. 62*
momuib

f. II 278. 27

Caitte techta pumgene? Cach pumgeint, .i. cach
cet tuiróia cachá lanaman daenóda, ocu cach permac
aploice bpoind a mathar iar cetmuintir coir, cona
coropenaib peir a nanmcarat, dech mo leiraiter
eclair ocu ammanóda; ocu cá permil óno olcena
aploice bpoind a mathar do ceithraib bícaib [no
mlíchtuib]. Pumite tra, torach gabala cach nu-
torais cío bec cío moir, ocu cach cet laes ocu cach
cet uan do cuirichter ip in bíaróain.

see B
below.

soig. etc. B. Air 65 f. 10
Kschp. 24

Caitte techta pumgene .i. caitte dligeo in tuirech geine. Cach
pumgeint .i. cá cet laes. Cach cet tuiróia .i. cach cet lelap
berer bean ar tur. Cach permac .i. cach mac feara uile ma
ruatarlaento in mathar a bpoind. Iar cetmuintir coir .i. ar na
tuathar clano aolatrach na ban caitte von eclair. Cona coropenaib
ma berar amarer uiriu. Reir a nanmcarat .i. do peir in an
leir in captanach a anm. Dech mo leiraiter .i. ip wes ma
leiraiter in eclair gabal neanarce, ar dech leiraiter eclair tal
in tech naesó ocu imtomarpe amach .i. baither ocu comna ocu
inna nanma 7ml. Cá permil .i. cá ml feara von uile éna ma
ruatarlaento in mathar a bpoind. Do ceathraib bícaib, do
ceithraib glanab .i. po uorpartha a pecht. Pumite tra .i. tuirech
geine tra. Torach gabala .i. in miach, ocu torais martertha, ocu
cet bleogun na mbo. Cach nuatorais .i. cach torais nu. Cío bec
cío .i. in lu. Cío moir .i. in cleithi.

B O'D. 315.

[Cach fearmac aploice bpoind a mathar.

1 Or lactiferous.—The words translated thus are enclosed in brackets in the
Irish, and are an aliter reading interlined by a later hand. *probably a correction*

The right of a church from the people is, tithes and first fruits and firstlings; these are due to a church from her members (*subjects*). CUSTOM-ARY LAW.

The right of a church, i.e. this is the thing which the church is entitled to from the people according to justice. Tithes, i.e. with definition. First-fruits, i.e. the first gathering of each new produce. Firstlings, i.e. the first born animals. Are due to a church, i.e. the church is entitled to these things from its subjects.

What are the lawful firstlings? Every first-born, i.e. every first birth of every human couple, and every male child that opens the womb of his mother, being the first lawful wife, with confession according to their soul-friend, by which a church and souls ~~are more improved~~; and also every male animal that opens the womb of its mother, of small or lactiferous¹ animals in general. First fruits are the first of the gathering of every new produce whether small or great, and every first calf and every first lamb which is brought forth in the year.

What are the lawful firstlings? i.e. what is the law of the first born? Every first-born, i.e. every first calf. Every first birth, i.e. every first child which a woman brings forth first. Every male child, i.e. each and every man child by whom the mother opens her womb. Being a lawful first wife, i.e. in order that the child of adulteresses or secret women may not be given to the church. With confession, i.e. if any suspicion be had of her. According to their soul-friend, i.e. according to him to whom the soul is dear. By which a church and souls are more improved, i.e. the church is most improved for singing requiems, which most improves the church within with respect to guest-house and protection outside, i.e. baptism and communion and hymns for souls. Every male animal, i.e. every male animal of every kind by which the mother opens her womb. Of small animals, i.e. of clean animals, i.e. which were offered in the law of Moses. First fruits, i.e. first birth. The first of the gathering, i.e. the sack of corn, and the mast-fruit, and the first milk of the cows. Of every new produce, i.e. of every new fruit. Whether small, i.e. as to small quantity. Or great, i.e. as to large quantity.

Every male child which opens the womb of his mother.

1108-2254 f. (R)

CUSTOM-
ARY LAW.

ina depar
|| asa aithli R

1. mac R
1. maca/pucad ann ar duf, geibid gnum primgine he, ocuf
nochá nruil ní uad mao ega, no co rabat deé meic ann. Maora
ingen pucad ar duf, geibid gnum cet tuirciu hi. Ocuf an cet mac
berair do, ina dega, do tabuir 1 primgine beir ecluir; nochá
5 nruil ní uad ina degar no go roib deé míc ano; ocuf o beir,
crannchur do cur ior na peét macuib 1r feru oib, ocuf in
tuia 1r tuia do lecon rech laim con crannchur; ocuf 1r aibe
leicte ar daigin na teoma dígá don ecluir. Ocuf in mac beru
pauic in dec, no 1 primgine don ecluir; 1r eutruu beir do vi-
10 buig á athar iar neguib á athur ocuf áac mac oligteé áa ag
mathar, ocuf á bet por á feruun fein amuich, ocuf fognum
raeruanuig uad don ecluir, ocuf denad in ecluir leginn
do, uar mo do díbad deoda beirur ina do díbad in deoda.

R adds: 7 is iat ain na saomanaigh ealsa ari mbe fleith 7 is ead depar a cuit
fearamid leo donn eclair

Cach feruul dono ar ceana.

15. 1. maca bo beag pugetur laeg ar duf 1r in cig, geibid gnum
cet laeg 1r in cig é; ocuf laeg feruun on boim rin, ocuf laeg
feruun na mbo mbeag eile, ocuf zach dechmuo laeg eir
feruun ocuf boiminn na mbo mor.

Maora bo mor pugetur á laeg rin cig, geibid gnum cet laeg
20 uile cro feruun cro buimmo; ocuf laeg feruun na mbo mbe
uile; ocuf cad deachmuo laeg do laeguib boiminn, ocuf záa
dechmuo laeg eir feruun ocuf buiminn na mbo mor.]

Cach dechmao tuirciu iar ruia, co^x cocpano ior C
cach da .uin. á coit echta á rinu^x dia porngaire
25 ecluir, ocuf cach dechmao clano do clanoib tal-
manoa, ocuf eethraib in cach bliadain; ocuf cach
peétmao la don bliadain do fognam do dia, feru cach
tacarta ber docho araile iar nauidgne uir.

Cac dechmao .1. iar tabair na prumit ar ar tu⁻.1. deé meic
30 dia mbe rin geibine do tinol, ocuf na tu meic ba tuir do cor ar,
ocuf cranochur ior na peét macuib ar feru, uir dia oib do por don

^x C (833) cocpann ior cach [da?] sechtan .1. o rolet in da secht impalle foudar cocpann
etwar dus cin de asa toeth an armanche 7 doberar trian in ain asin t[s]echt ailin
fris condad deich (834) co techta a firteth .1. co raib trian a feruun lais fri fognam
a roisa ce robbada (?) anuill .is techta na eclosa in ain

That is, if it be he (*the son*) that is born first, he is held for the first-born, but nothing is required from him (*the father*), ~~if he~~ (*the son*) ~~dies~~, until there shall be ten sons *born afterwards*. If it be a daughter that is born first, she is held as the first-born. And the first son who is born to him (*the father*) after her is to be given as the first-born to the church; there is nothing due from him (*the father*) afterwards until he has ten sons; and when he has, lots are to be cast between the seven best sons of them, and the three worst are to be set aside (*exempted*) from the lot-casting; and the reason they are set aside is in order that the worst may not fall to the church. And the son who is selected, has become the tenth, or as the first-born to the church; he obtains as much of the legacy of his father after the death of his father as every lawful son which the mother has, and he is to be on his own land outside, and he shall render the service of a 'saer'-stock tenant to the church, and let the church teach him learning, for he shall obtain more of a divine legacy than of a legacy not divine.

CUSTOM-
ARY LAW.

afterwards

if he is e. 'saith the Church'??

Every male animal also in general.

That is, if it be a small cow that has brought forth a calf first in the house, it shall be held as the first calf in the house; and a male calf from that cow, and male calves of the other small cows, and very tenth calf both male and female of the great cows.

If it be a great cow that has brought forth its calf in the house, it shall be held as the first calf whether male or female; and the male calves of all the small cows; and every tenth calf of the female calves, and every tenth calf whether male or female of the great cows.

Every tenth birth afterwards, with a lot between every two sevens, *with his lawful share of his family inheritance to the claim of the church*, and every tenth plant of the plants of the earth, and of cattle every year; and every seventh day of the year to the service of God, with every choice taken more than another after the desired order.

if the Church command (claim?) it

Every tenth, i.e. after taking the first fruit from it first, i.e. to collect ten sons, should they be in the 'geilfine'-relationship, and to set aside the three worst sons, and to cast lots between the seven best sons, to see which of them would be

will fall

CUSTOM-
ARY LAW.

eclair. Tuirceiu .i. do daimib ocup cethraib. Co cocraio .i. iar
 cor in tpeirde ip tairi oib app. .i. tair na reet lenmaib ip reair oib ar
 na teoma oigiu don eclair. Coit echta .i. co na cuir peranto leir
 anuno do cum na heclairi. Do clanoib .i. wechmao in arba.
 5 Cethraib .i. wechmao na cethra. Cach rechtema la don bria-
 dain .i. domnach do beir i nairum .i. o wepmanchaib in upraour,
 ocup cethraea aroci o wepmanchaib. Ma iar can, ip tpuan guma
 eacih i neipuch ocup i rogmur don eclair, ocup cae reetmao la ipin
 10 gempuio ocup ip tamruo; o wepmanchaib inoro; ocup caega la ipin
 briaodain o na wepmanchaib. Fpi cach tacaipca .i. fpi cach in beir
 togaio lair apale oia poipiein. Iar naioibne uirio .i. iar
 noipuead aoligeo aroci, .i. beir aroci apaleu lair in neclair do wenam
 oi, .i. pcepce oipio arociogioip.

Cach naonacal co na uprechtu imnai do eclair
 15 catch iar na miao.

Cach naonacal .i. cae imna uapal oigiech do each po uapioetaro
 don uaim uap uanac aro in tponacul no in tatonacul.

q. II 344. 21

Cair;—caite techta cach aonacal o thuairt do each
 gnao iar na miao do eclair? Imna ocaiprech tri
 20 reoit no a log; imna boaiprech caic reoit no a log;
 imna aiprech depa dec reoit no a log; imna aiprech
 aipio caic reoit dec no a log; imna aiprech tairi
 piche ret no a log; imna aiprech poipieil tpuicha
 25 reoit no a log; imna piz rechit cuinala no a log; achit
 nif cormailri comarba; comarba penar nao cpen,
 comarba nao pen na cpen, comarba cpenar nao
 pen.

= 226

N. B.

q. C 396f.

Cair .i. comaircain caite inni oigieo o each gnao ipin tuairt po
 uapioetaro don uaim uap uanac aro in tponacul no in tatonacul.
 30 Imna ocaiprech .i. log henech cae gnao oib po ipre a imna i neip-
 plane do tair no do petuib dena. Tri reoit .i. tri pamairce. Dec
 reoit .i. oet pamairce ocup oi ba. Caic reoit dec .i. oa pamairce
 dec ocup teopa ba. Fiche ret .i. re pamairce dec ocup ceiteopa ba.
 Tpuicha reoit .i. cetheopa pamairce pichet ocup re ba. Achit nif
 35 cormailri .i. uap noo cormail na cometaioe opba. Comarba

due to the church. Birth, i.e. of persons and cattle. With a lot, i.e. after setting aside the three inferior sons, i.e. among the seven best children, that the worst may not fall to the lot of church. With his lawful share, i.e. with his share of the land which goes with him to the church. Of the plants, i.e. the tenth of the corn. Of cattle, i.e. the tenth of cattle. And every seventh day in the year, i.e. he puts Sunday in the reckoning, i.e. from 'daer'-stock tenants of church lands, in 'urradhus'-law, and forty nights from 'saer'-stock tenants of churchlands. If according to 'cain'-law, it is one-third of the work of all in the spring and in the harvest-time that is due to the church, and every seventh day in the winter and in the summer; this is from 'daer'-stock tenants of church lands; and fifty days in the year from 'saer'-stock tenants of church lands. With every choice, i.e. with every thing else which she (the church) chooses to relieve her. After the desired order, i.e. after ordering her desired law, i.e. whatever else is pleasing to the church to be done for her, i.e. whatever of order she desires.

CUSTOM-
ARY LAW.

burial?

Every grant with its noble rights ^{of bequest} should be made of to the church by each according to his dignity.

more

perhaps "burial,"
cf 66.13

Every grant, i.e. every noble lawful bequest should be made by every one according to his dignity to the church of noble harmony to which the grant or the bequest is due.

Question:—What is the law of each gift from each grade of the laity according to their dignity, to a church? The gift of an 'ogaire'-chief, is three 'seds' or their value; the gift of a 'boaire'-chief, five 'seds' or their value; the gift of an 'aire-desa'-chief, ten 'seds' or their value; the gift of an 'aire-ard'-chief, fifteen 'seds' or their value; the gift of an 'aire-tuisi'-chief, twenty 'seds' or their value; the gift of an 'aire-forgill'-chief, thirty 'seds' or their value; the gift of a king seven 'cumhals' or their value; but the 'comharbas' are not alike; the 'comharba' who sells and buys not, the 'comharba' who neither sells nor buys, the 'comharba' who buys and sells not.

cf 66.13 transl.
burial,

his ZCP 20, 371.

Question, i.e. I ask what is due from each grade in the people, according to its nobility, to the noble harmony (the church) to whom the gift or the bequest is due? The gift of an 'ogaire'-chief, i.e. the honor-price of each grade of these is equal to his gift for the perfect health of his soul, in land or in 'seds' generally. Three 'seds,' i.e. three 'samhaise'-heifers. Ten 'seds,' i.e. eight 'samhaise'-heifers and two cows. Fifteen 'seds,' i.e. twelve 'samhaise'-heifers and three cows. Twenty 'seds,' i.e. sixteen 'samhaise'-heifers and four cows. Thirty cows, i.e. twenty-four 'samhaise'-heifers and six cows. Are not alike, i.e. for

CUSTOM-
ARY LAW.

1. րենար յաօ րեն .1. Կօմարձա րեար յի առաւի օւր յա շենայցնո յի
 1. Կօմարձա յաօ րեն յա րեն .1. Կօմարձա յա րեանօ յի
 1. առաւի օւր յա շենայցնո յի 1. Կօմարձա րենար յաօ րեն
 1. Կօմարձա շենայցնօ յի 1. Կօմարձա օւր յա րեանօ յի առաւի, ին Կօմարձա
 1. Կօմարձա:

B (0.316). 0.780

* In ti penar nað open^xni_x [no 1r], meirech pñòl imna
acht muna ríach nach mar.

1n ti penar .i. ni mach. Nao epen .i. ni murch. Ní, [no ip] meiréach ríoi .i. noco [no ip] cuimíech eiríeic ní do tinnra. Muna
 10 ríu a nach m ep .i. aét maine péca naé moir. Deo éuc amach a mbéoeir-
 beirup con iarrpéio, ocar uo beir tuilliuo fur corobu tpuan coeac
 ríne aro ní a mapoeirbeirup.

x In ti nað pen nað cpen^xir doṛuṛiu conaim mer
imna, cach po mīað. In ti cpenaṛ nað pen, ir mei-
15¹⁵rech pṛiṛi imna amail pon caṛa dia taṛcaṛa faderin,
acht poṛaḅa^{*} techta pine i noige^{*}, no cuir tṛe ṛaṛa
eire a nimuilledaib pine.

*C.
Sep. 45 m.

1n ti nao pen .i. in ti na paeano ni imach, ocyr na cennawenn ni
imuch. 1p ropruou .i. 1p don nraachren ro cennawrenno no ro
ceapawrenno ni do cimna po awarowarba. Fo miao .i. tman no
leach, awar 1prow pain do beir comarba conae rieb 1pewann a pine
imach. 1n ti erenar .i. in ti cennawer ni imuch, ocyr na peeano
ni imach, in comarba do warporwaiz. 1p meirpech rui .i. 1p
cunnech eruiro ni do cimna amial 1p capamach leirwa tapewro buoem.
Oche roparba .i. aet co parba a nobize ac in pine co hog co comylan
in tman. No eut tpe .i. a eutpman 1pewann aile. O nimui-
lewar pine .i. in dal 1p eim wo on pine roilewar awr.

B (0'A 316)
0'A 780

1n ti penap bec mteithberur fuilleo rpur in ni po peac co
 rapb trian cota fine and, ocur fuilleo oia petarb co rapb techta
 2o nimna and.

¹ *Is capable*.—The words in brackets, in the Irish text, are an aliter interlined reading in the MS.

^a *Too much out.*—The meaning seems to be, he who diminishes the tribe stock cannot make gifts, or according to others, he can make gifts if he has not diminished the tribe stock too much.

^{Ruler of intention}
the heirs to land are not alike. The 'comharba' who sells and buys not, i.e. the 'comharba' who sells a thing out and does not buy a thing outside. The 'comharba' who neither sells nor buys, i.e. the 'comharba' who does not sell a thing out, and who does not buy a thing outside. The 'comharba' who buys and does not sell, i.e. the 'comharba' who buys a thing outside, and who does not sell a thing out, i.e. the 'comharba' who increases the amount of the stock of the tribe or community.

CUSTOM-
ARY LAW.

He who sells out and does not buy in is not capable, or according to others, is capable,¹ of making grants, provided he has not sold out too much.²

*Colloquially in
middle was older rule;
changed in form of
Church?*

He who sells, i.e. a thing out. Does not buy, i.e. a thing outside. He is not, or is capable, i.e. he is not, or he is able to make a grant. Provided he has not sold too much, i.e. unless he has sold something too great. He gave little out in little necessity without asking, and he gives addition to it until it amounts to one-third of the tribe-share in great necessity.

He who has not sold or bought is allowed (competent) to make grants, each (person) according to his dignity. He who buys and has not sold, is capable of making grants as he likes out of his own acquired wealth, but only if he leaves the property of the tribe intact, or a share of other land after him for the augmentations of the tribe.

*it is of him it has been
advised: the request of
each acc. to his rank!*

He who has not sold, i.e. the person who does not sell a thing out, and who does not buy a thing outside. He is allowed, i.e. it is estimated or considered that it is lawful for this particular person to make a grant according to his nobility. According to his dignity, i.e. one-third or one-half, for this is what a 'comharba' with possession gives of the land of his tribe, out. He who buys, i.e. he who buys a thing outside, and does not sell a thing out; i.e. the 'comharba' who increases the property. He is capable, i.e. he is able to make a grant as is pleasing to him out of his own acquisition. But he leaves, i.e. but so that he leaves their right to the tribe entirely and completely,³ i.e. the one-third. Or a share of land, i.e. an equal quantity of other land. For the augmentations of the tribe, i.e. where the tribe might expect increase upon it.

The person who sells a small quantity without necessity shall add to the thing which he sold, until it amount to one-third of the tribe share, and give additional 'seds' until it amounts to a lawful grant.

* ⁴ 3 Completely.—C. 833, reads: "Techta fine noise .i. a cur tpe amail
conoruaec ap a chinn iap na facbaol oia athair do, mar oipe, no a
cunrmaatar eip .i. a cobair do tarpuo a laime." "The family property in
full, i.e. his share of land awaits him after having been left him by his father, if an
inheritance, or its equivalent besides, i.e. its value of the gains of his hand."

L 1. tie anforqmaines 7 nip fuillem 7 na fochoaic

CUSTOM-
ARY LAW.

1n ti nár nacano ocuf ná luageno do beir co trian cota
fine pua bec deirthebuiur, ocuf leth pui mardeirthebuiur.

1n comorba tairceir iŕ e in cuiruma ra do beir, cennoia in
ni do fairsce fein, ocuf do beirpium on diair taircais fein don
eclair cro co trian no a leth no da trian.

1n comarba rianar ni a nindoirtheberer, cro bec, ni comarlecter
do ni do bionnoia iairian. Comarba do dagaib a nindoirthe-
buiur ni meiré imna. Maŕ pui deirthebuiur moiriu, do beir
log a enech do triun fine do éclair. Comarba conae ocuf
comarba do formaig log a neneé do triun fine o cehtar de
dia éclair. Maŕ mo in log nenech ná trian fine, fuilleo dia
reair.

Comarba do dagaib pui bec deirthebuiur .i. laet gemuŕ, co
do fi mardeirthebuiur .i. lacht ramuŕ, ni bionnoia aet trian
triun ná fine; iŕeo on do beir comarba conae ocuf comarba
do dapormaig a mbec deirthebuiur, leth triun ná fine moiriu
pui mar deirthebuiur.

3

O'D. 317. [Alair tri comarba la feine nŕ comraer a cuir.

1. lan log emuŕ a neirpianai ro rŕ.

1ŕ ann do beirir ná ranna do beirir .i. do fearunn a athur
.i. i coruib ocuf i cunnurtheuib, ocuf imma a neirpianai do *
eclair, ocuf a celŕine do plait; ar iŕ ceiruo cum a ar trian
an fine don feruio amuŕ ba marb é do beŕ in comuinn rŕn,
iar mben cota platha ocuf eclaira ar ar cur. Ocuf iŕeo iŕ
bec deirthebuiur ann, ruc a ler ocuf comraer a reacha; iŕeo iŕ
mardeirthebuiur ann, ruc a ler ocuf noch a cumuig a reacha.

Ocuf iŕeo i tabuir dume a fearunn aet a ceirne heairnaile
nama, ina chinnuib deirthe, ocuf do rŕl a cholla, ocuf a nuimna
neirpianai da ecluŕ, ocuf aru gairne, ocuf cuŕ fine do
beirir amach ann rŕn, ocuf noch a tabuir cuŕ platha no
ecluiŕi.

* cf. in feruio nro fibre ni de sidi fri bas don ecluŕ O'D. 1021 (H. 2. 15 p. 19⁴)

? sic alar O'D. 780
but fine B. (O'D. 317)

il O'D. 784, 2283
C 389

imma

He who neither sells nor purchases may give as far as the third of tribe share, in case of ^a little necessity, and the one-half in case of ^a great necessity.

CUSTOM-
ARY LAW.

^a Ir. with.

The 'comharba' who acquires (*adds to his inheritance*) may give this amount (*the same as the last-mentioned*), besides what he has acquired himself, and he may give out of his own acquisition to the church as far as one-third or one-half or two-thirds.

The 'comharba' who sells a thing, though *ever* so small, without necessity, is not ~~recommended~~ to bestow any thing afterwards. The 'comharba' who ~~takes~~ without necessity *from the common stock for his own purposes* cannot make a grant. If it be with necessity, however, he may give the value of his honor-price of the tribe-third to a church. The 'comharba' who keeps and the 'comharba' who increases, may each of them give *the value of his honor-price of the tribe-third to his church*. If the honor-price be greater than the tribe-third, he shall add *to it* from his 'seds.'

permitted

disputed

The 'comharba' who ~~takes~~ with little necessity, i.e. winter milk, or with great necessity, i.e. summer milk, shall not bestow but the third of the third of the tribe; this is what the 'comharba' who keeps, and the 'comharba' who increases, give with little necessity, but they may give one-half the tribe-third in great necessity.

There are three 'comharbas' with the Feini whose contracts are not equally free.

note his pl. of copula
201 20, 371.

That is, what follows down here relates to honor-price ~~for the~~ ⁱⁿ perfect health ~~of the soul~~.

The following are the cases in which they give these portions, i.e. of the father's land, i.e. in contracts and covenants, in gifts ~~for the~~ ⁱⁿ perfect health ~~of the soul~~ to a church, and as tenancy to a lay chief; for it is the opinion *of some* that this division is made of the tribe-third of the land as if he (*the tribesman*) were dead, the share of the chief and of the church being first subtracted from it. And little necessity in this case is, that he required it and he could avoid it; great necessity is, that he requires it and could not avoid it.

And a man may give his land in four cases only, *viz.*, for his lawful liabilities, and to the issue of his body, and as grants for the perfect health *of his soul* to his church, and for maintaining him *in old age*, and it is the tribe-share they give out thus, and they do not give the share of a chief or of a church.

CUSTOM-
ARY LAW.

Μαρά ορβα ερσιβ νο ριαντα οι he, το βερα in ben α οα
εμαν in gach ni α ειβρε α ργυει, οσυρ κοιμγι ο fine αρ in εμαν
εϊλε, οσυρ νοχα ταβιρ κοιμγι αρ in ουινε fein ινα ργυει το
gner, αετ τεγαρ πο κορσιβ οα νοεαρνα νοχυρ οιβ.

5 Inann in comarba conae οσυρ an comarba το πορμιας im
ρεαρunn an αθυρ οσυρ α ρεαναθυρ, αετ im ρεαρunn το gabaib
amuis αα in νειτβειρ.

1n comorba το νογαιβ bez το βειρ rin amach, μα bec
νετβειρ cih α ριαρπειρε; οσυρ το βειρ ρυιλεδ ρειρ in α
10 μαρνετβειρ, co ροιβ εμαν εοτα fine ανo, ιαρ na ριαρ-
πειρε.

1n comurba το νογαιβ bec, το βειρ inα inνετβειρ, cih α
ριαρπειρε, οσυρ ταετμιγθευρ, οσυρ νοχα τοβιρ ni α mbec
νετβειρ inα μαρνετβειρ αρ α haetle.]

* B (018 391).
cf 228 16, 169 m.3

C *

15 1r techta cia imana boaire cto log rechte cumal^x το
ταρευα α κυρρ παδεριν, acht πορπαεβα οα εμαν α
ταρευα la fine collna. Μαο ορβα τορλιρ lech, μαο
ορβα αραιο, nato bied on το nairce, 1r εμαν^x μαο ρερ
oana; οα εμαν οια κορσιβ.^x

B

cf IV 172. 27

20 1r techta .i. 1r oligteé ceimnaro in boaire co log reét cumal το
ταρευα α κυρρ busein .i. αρ ποχρησε ταρεο in ρερανo amuch ανo
rin. Acht πορπαεβα .i. αετ co παεβα οα εμαν α ταρσυα ac in fine
ο ριναρταρ α colunn. Tir rin reét cumal πο ταρρεταρ amuch ανo;
οσυρ rin reét cumal οιβ inα εινταιβ νεϊεβειρε fein, οσυρ rin οα reét
25 cumal οιβ παεβα ac in fine. Μαο ορβα τορλι .i. μα ρεαρunn ουιλερ
no αρυιτενιγερ αρ ποεραε 1r ann ατα ραν. Μαο ορβα αραιο .i.
οσυρ α ουαλγυρ fuail no ευαιρ ρυιε in ρερανo anηραρε, οσυρ, το βερα
α leé in caé ni α ειβρα α ρευιθε, οσυρ κοιμγι ο fine αρ in leé αιλε. Ναο
bied on το nairce .i. muna beao on ταρρερ he α ουαλγυρ uail no

* C (834) mad ropu asaid .i. mad fhorraice no fuillem a thiri 7 ni fis as fogh-
aithe in 7 asaithe dia chorail .i. do innu a eolai

B mad o oib reth?

As to a woman, if it be her 'cruib'-land or 'sliasta'-land, she may give two-thirds of it for everything for which she would give her movable property, and the tribe has power over the other third, but it never gives power over the person itself respecting her movables, but her contract shall be impugned, if she makes a bad bargain respecting them.

CUSTOM-
ARY LAW.

protects (fr. alienation)

The 'comharba' who keeps, and the 'comharba' who increases, are similar with respect to the land of their fathers and grand-fathers, but the difference between them consists in their taking land outside.

The 'comharba' who has acquired a little may give out that little without asking permission, if it be a case of little necessity; and he may give more along with it in a case of great necessity, until it amounts to one-third of tribe-share, after asking leave.

The 'comharba' who has acquired little, and gives it without necessity, without asking permission, has it (his gift) set aside, and he shall not give anything in little necessity or in great necessity afterwards.

It is lawful for the 'boaire'-chief to make a bequest, to the value of seven 'cumhals,' out of the acquisition of his own hand,* but only if he leaves two-thirds of his acquired property to the original tribe.^a If it be land that acquires it; it is one-half, if it be land that grows it; if it be not he that acquires it, it is one-third; if it be a professional man, it is two-thirds of his contracts.

* Ir. body.

^a Ir. Flesh-Tribe.

It is lawful, i.e. the 'boaire'-chief proceeds lawfully to the amount of seven 'cumhals' of the acquisition of his own body (exertion), i.e. it was for hire the land was given out then. But that he leaves, i.e. but that he leaves two-thirds of his acquired property to the tribe from whom his body has descended. Land of three-seven 'cumhals' value he has acquired outside in this case; one land seven 'cumhals' value of them he gives for his own necessary liabilities, and a land of two-seven 'cumhals' value he leaves with the tribe. If it be land that acquires it, i.e. if it be land that deserves or merits it for reward, it is then this is so. If it be the land that grows it, i.e. and in right of urine or manure he obtains the land, in this case, and he shall give the half of it in the case of every thing for which he gives his movable goods, and the tribe has a claim as against the other half. If it be not he that acquires it, i.e. unless it be that he acquires it in right of urine or manure which he gives but one-third; this

CUSTOM-
ARY LAW.

thuair, aét trian; ríeíl aile eiríeí ocuf a rochruac ríuath in ferant
anorpan. 1r trian .i. 1r trian bunaro lá fine. Maó ferí oana
.i. maó fearuano ruair ar a óan he .i. maó oíeíl brethemnara no ríu-
oéeta no naé oana olcena 1r meire óa trian oelair óe. Óa trian
5 óia coraib .i. in each ní i tiberé a cor ocuf a cunorao.

.1. ferann rian ruair ar a óan, no ar a leiginn, no ar a
ríuoeht; óo bepa óa trian in each ní i tiberé a cor ocuf a
cunorao óa ríuoeht, ocuf comge on fine ar in trian aile; no
ono 1r ríuoeht umair greine ná boinne uil aicí ann; ocuf damao
10 he óan olígeo ná fine, noco tiberé he aét amail óo bepa fearuano
olígeoch ná fine.

In ci coimetar a tiri cen caithem tíméll a fine, 1r thuadng
trian cota fine óo caithem fíu bec oerthbírur, ocuf a lech
fíu maroerthbírur. Maó in ci oigbar ní óia tiri fíu bec
15 oerthbírur tíméll a fine, 1r tuilleo fíur in ní ro each co
raib trian cota fine ann fíu maroerthbír.

In ci oigbar bec óe i ninoerthbír, ce óo necma cin oerthbír,
ní tabair ní óia tiri inó. Maó in ci óo doforuair, 1r trian
cota fine caichef fíu bec oerthbír ocuf an óa doforuair, ocuf
20 óa trian cota fine fíu maroerthbír. No óono 1r los a bo ocuf
a óapaill o caé comarba óib a coitcenn, ocuf trian cota fine fíu
nuna, ocuf cur fine uile óo gill óib a) bar. Ocuf ar fe bec
oerthbír in ríehta ro cennach bo ocuf capaill, ocuf arpe
a maroerthbír nuna.

25 Ní faccaib nech cíf for a orba nach for a fine ná
fuiric fuiric. Maó mana imna, no feota gerta
no gaire, no raine cion rian feirce, no imcúair
lanamna; each óicéll naó bí óiler acht maó dofol-
tach in fine.

30 Ní faccaib nech cíf .i. nocon faccaib óo neoch cíf for a fearuann.
For a fine .i. gailfine. Ná fuiric fuiric .i. naí arpeo uirpe

1 To the tribe. If the tribe be a professional one, they all have a claim to the
emoluments. If only an individual is professional, he shall have all his profes-
sional earnings to himself.

scribble in this fine
no Bona B (0'8319)

B (0'8318). 0'8. 780

formaig B. 0'8.

do bar B

Ma imana 48. 14
+ 0'8. 1050

is another case, it was for hire the land was obtained. It is one-third, i.e. the original third belongs to the tribe.¹ If he be a professional man, i.e. if it be land that he has obtained for (*by the exercise of*) his profession, i.e. if it be property acquired by judicature or poetry, or for any other profession whatsoever, he is capable of giving two-thirds of it to the church. Two-thirds of his contracts, i.e. in every thing in which he will give his contract and his covenant.

CUSTOM-
ARY LAW.

That is, this is land which he obtains for his art, or for his learning, or for his poetry; he may give two-thirds for every thing for which he will give his contract and his covenant, of his movable goods, and the tribe has power over the other third; or else he has knowledge of the 'iumais'-nuts of the land of the Boyne; and if it was the lawful profession of the tribe, he shall not give of it (*the emolument of that profession*) but just as he would give of the lawful land of the tribe.

Granny (G. Lane) or

He who keeps his land, without spending it upon his tribe, can spend the third of the tribe-share in case of a little necessity, and one-half in case of a great necessity. If anyone lessens his land, in case of little necessity upon his tribe, he shall add to what he has spent until it amount to one-third of the tribe-share² in case of great necessity.

^a Ir. with.

As to one who lessens a little of it (*his land*) without necessity, (*whatever happens without necessity*), he shall not give any portion of his land for it. If it be the person who has increased, he may spend the one-third of tribe-share and the increase in case of little necessity, and two-thirds of tribe-share with great necessity. Or else it is the price of his cow and of his horse from every 'comharba' of them in general, and the third of tribe-share at a dearth, and the whole of tribe-share from them as a pledge at the point of death. The little necessity of this case is the purchase of a cow and horse, and the great necessity is a dearth.

even tho' a justified liability comes on him (subsequently) ?

No person should leave a rent upon his land or upon his tribe which he did not find upon it. If he wishes to leave a gift or 'seds' for future maintenance, or 'seds' of maintenance, or peculiar possession of peculiar affection, or marriage dowry; a concealment is not forfeited unless the tribe be unqualified.

No person should leave a rent, i.e. rent is not to be left by anyone upon his land. Upon his tribe, i.e. his 'geilfine'-tribe. Which he did not find

² Tribe-share, 'cuit-fine,' means a tribe-man's share of the land.

CUSTOM-
ART LAW.

neime. Máo mana imna .i. máo aíl leir ní do tinná i neirlaine
Seotta septa .i. log ar denam na gairne .i. don vátta. Gairne .i. ar
a gairne sein. No raine epon .i. rannugao epon don ti ir sepcach
leir pech a coile da claino. No imcutaíl lanamna .i. coibchi do
mná. Cach vichell .i. na pine. Máo bí viler .i. on pine. Aét
máo dofoltach .i. uair máo infoltach iac noco tiorat pae puy-
reom. Dofoltach .i. pui romaine.

q. Udon. 508. 1386

Ní udbair nech seilb acht máo ní do ruacle
fadefin, acht máo a comcepraig a pine, ocuf porachba
10 a cuir tpe la pine a comoilpe dar a eipe.

u/

Ní udbair .i. nacon udbairi do neoch searann. Seilb .i. a éir
sein. Acht máo ní do ruacle .i. aét an veirbennagseir buoin.
Acht máo a comcepraig .i. aét a cepraio cumao na pine. Por-
achba .i. ocuf co ra pachba a cepraio a in pine a cumao viler dar éir
15 in searann tuc amach. A cuir .i. a cepraio. A comoilpe .i. tpe
a athair no a searathair.

4 C8069, 022398

Foceir do a athair mac ingor a horba, ocuf po-
ceir do a orba pui nech do gni a gairne, co raib log^{xc}
fir de; muna dena a mac a gairne acht máo athair
20 anfoltach.

q. IV 290.3

Foceir do .i. aca cuir do in tathair in mac ingor ar in searann.
Foceir do a orba .i. aca cuir do a searann don ti do ní a gairne. Co
raib log fir de .i. log in fir, peét cumala ar cir ninceir do mac
searann a in pine, do fir echtaipine iac seimo do pine a gairne; no ir
25 log searann nama do pine. Muna dena a mac a gairne .i. mana
searann a mac buoin a gairne. Acht máo athair anfoltach .i. aca
aét lium an, aét máo anfoltach in tathair, noco ninnligeo don mac
cen co searann a gairne.

B.

Máo pui heclair foceir do nech a orba ar a gairne,
30 ar viler vi co raib log fognama vi an do ber pui a
O'D. 129. 319 trian do ruacle, [no ber pui a leth;]^x ar ir cuma

upon it, i.e. which was not ^{found on} ~~claimed~~ of it before. If he wishes to leave a gift, i.e. if he wishes to grant anything for ~~the~~ full health ^{of his soul}. 'Seds' for future maintenance, i.e. the price for performing the maintenance, i.e. to the foster son. Maintenance, i.e. for maintaining himself (*the foster father*). Or peculiar possession, i.e. ~~for giving a different~~ property to one of his children who is dearer to him than the rest. Or marriage dowry, i.e. a 'coibche'-marriage gift to a woman. A concealment, i.e. of the tribe. Is not forfeited, i.e. from the tribe. Unless *the tribe* be unqualified, i.e. for if they be disqualified they cannot impugn him. Unqualified, i.e. as to property.

CUSTOM-
ARY LAW.

specializing of

No person ~~should~~ grant land except ~~such~~ as he has purchased himself, unless by the common consent of the tribe, and *that* he leaves his share of the land to revert to the common possession of the tribe after him.

No person should grant, i.e. land should not be granted by any one. Land, i.e. his own land. Except such as he has purchased, i.e. except that *part of it* which he himself has actually purchased. Unless by the common consent, i.e. but by the common consent of the tribe. *That* he leaves, i.e. and that he leaves an equivalent to the tribe, ~~and that~~ the land which he gave out ~~may revert to the tribe~~. His share, i.e. its equivalent. To the common possession, i.e. the land of his father or of his grandfather.

*in equally of ownership
in place of*

The father may remove a son who does not maintain him from his land, and give his land to one who maintains him, until the value of a man is got out of it; unless his son maintains him not because the father is ~~unqualified~~.

May remove, i.e. the father removes the son who does not maintain him out of the land. And gives his land, i.e. he gives his land to the person who maintains him. Until the value of a man is got out of it, i.e. the price of the man, seven 'cumhals' for rack-rent to an adopted son of his 'indfne' tribe, to a man of an external tribe when his own tribe has refused to maintain him; or it is the price of labour alone to the tribe. Unless his son maintains him not, i.e. unless his own son maintains him not. Because the father is unqualified, i.e. I make a condition here, if the father be unqualified, it is not unlawful for the son, if he does not maintain him (*the father*).

another family

If it be to a church one gives his land for maintaining him, it is forfeited to it (*the church*) until it has the worth of service as far as the value of one-third or one-half of what was purchased; for it is the same as

^{= debael}
ocur bíd úigbá a fine in tan ná nupnárdeno a polta.
1r dá poltaib fine gairne cach fpu fine, fogne fine ma
poltaib coiruib. Polard cope fpu fine cen ní cúa neach
acht ní rúa; cen nimgonasacht ní cáire ná ^xúinríde; ^x C
cennib gaeht, acht ní nelliúe a báer; cenip trebar
acht ní póglaig fine ná felda. Trebar cach conae a
fínniú oigí fopuc, ná facha domain ber mo inóe
fopuc fupire.

Transl. Book p. 84

→ 1. leth ~~no~~ ^{no} brian ^{nech} dolbar do in (?) mac fexema do gelfine no do
deirfíne arin gaire is leth ata don eaduis arin gaire. add B (D 319)

see above

Mao fpu heclair .i. mao fupin neclair aua cuipre nech a fepann
10 ^{no} a gairne. Clr uilep oi .i. ip uilep oi co noib los uapal fognama
oi ano, .i. ip uilep don eclair an torba do ruacell ar gairne, co noictear
fpu leclós no trian los ber fpu in fognam do ruigne, ^{let} mafa inóeibir
don fine cen a gairne, no trian mafa deirhbir. Ber fpu a trian .i.
mafa noeirhbiriur. Do ruacile .i. wegeonáger.

15 No trian .i. in ní po biat do mac aepma dan fine ar denam
ná gairne, a trian don eclair, ocur deirhbiriur po deira don fine
cen in gairne do denam. No dono, co ná deirnaó fí in comlogu
fín acht ne fine bátem.

Cnet deirge berat fpu a leth? .i. tír dá réct cumál uil ac an
20 fenoir, ocur tír réct cumál oib don eclair.

O'D. 320.

[Cio ip deirbiriur ocur ip inóeibiriur don fine? 1r eó ip
deirbiriur oib a mbetlas a cruch. Clr eó inuipno ip inóeibiriur
oib, atat a cruch, ocur ata foitceach inlepuige acuo, ocur ní
venunt in gairne.]

25 Mata as in mac foitcead, a langairne anoir .i. a athuir ocur
a mathuir; denad a langairne anoir. Muna fúil ac in mac
foitcead a langairne anoir, ocur ata a nimfálung, denad a nim-
fálung anoir; muna fúil aige a nimfálung anoir, fagbad a
mathuir ipin cluó, ocur tabrad a athuir ler fop a mun dia
30 tís péin.]

¹ In the ditch.—The word 'cluó,' here translated 'ditch,' means also 'a grave,
a 'burying ground.'

* tho' one buys not (at least) he does not sell, tho' he does not ^{defend} quarrel (?), he does not neglect or ...; tho' he be not wise, (at least) his folly does ~~not~~ ^{not} defile him; tho' he be not prudent, (at least) he is not a plunderer of his f. w^{ith} land (he does not reach them ^{then} have for his mistakes or otherwise disown them)

SENCUS MOR.

if the tribe had become extinct when it does not attend to its duties. It is *one* of the duties of the tribe to support every tribe-man, *and* the tribe does this *when it is* in its proper condition. The proper duties of *one* towards the tribe are that when he has not bought he should not sell; that he does not wound; ~~nor desire to wound or betray~~; although he be not wise, but that his folly has ~~not been taxed~~; although he be not wealthy, but that he be not a plunderer of the tribe or land. Every one is wealthy who keeps his tribe-land perfect as he got it, who does not leave greater ~~debt~~ on it than he found on it.

CUSTOM-ARY LAW.

* fr. aided neglect & imputed (Sengali) & does not adhere to (or) defile him in Bath. p. 84 burden

If it be to a church, i.e. if it be to the church one lets his land for maintaining him. It is forfeited to her, i.e. it is forfeited to her until she has the amount of her noble service, i.e. the land which it purchased by maintenance of an old man is forfeited to the church until half the amount or one-third the amount of the maintenance she performed is paid to her, one-half if it be without necessity the tribe did not perform the maintenance, and one-third if it be with necessity. As far as the value of one-third, i.e. if it be a case of necessity. Of what was purchased, i.e. honestly purchased.

Or one-third, i.e. of what would be *due* to an adopted son of the tribe for performing the maintenance, the third is due to the church, when it was necessity that caused the tribe not to perform the maintenance. Or, according to others, she (the church) would not make this settlement except with her own tribe.

What of this is worth one-half? That is, the old man has land worth* two seven 'cumhals,' and he gives one portion of land, ^{a Ir. of.} of the value of seven 'cumhals,' to the church.

What is necessity and non-necessity for the tribe? Necessity for them is when they are not in their territory. Non-necessity for them however is, when they are in their territory, and they have sufficient wealth, but they do not perform the maintenance.

If the son has sufficient wealth, he should fully maintain both, i.e. his father and his mother; let him maintain both fully. If the son has not wealth sufficient to maintain both fully, but that he have sufficient to support them, let him support them both; if he has not sufficient to support them both, let him leave his mother in the ditch,¹ and let him bring his father with him on his back to his own house.

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ARY LAW.

No ber piu a leth .i. in ní ro biao do mac paeirna oan pine ar
 denam na gaire, corab a leath ber onto neclair; ocu innoichibiuur
 poepra don pine cen in gaire do denam. Ar ip cuma .i. ar ip
 catrúma ocu do sibtoair in pine, in tan na hupnaoet in pine na
 5 polaro olegar oib imon gaire, .i. [anail ietar] úao pu eclair ip amlaio
 ietar leir trian in rognama ar gaire. 1r oa poltaib .i. ip do na
 poltaib olegar don pine a rear pine do gaire. Fagne pine .i.
 rognat ip na poltaib olegar oib do reir doir. Polaro corpe fri
 pine .i. ip iat ro polaro ip coir do iur in pine. Cen ni cria .i. cen
 10 co connasga nech ní amuich. Ach ní pua .i. aet na pua ní amach.
 Cen nimsona .i. cen co depra imgon he, aet na raib a naipiuo
 imgon. Na oinpuio .i. na depra cennpuio innoichlech .i. in
 brath. Cennib gaeath .i. cen cob gae a naneao he, aet na eillnithor
 ní oia ma bair. Nip neilne a baer .i. nip aile ní oia baer .i. cin a
 15 gae no a porloirce. Cenip trebar .i. cen cob trebteach he in ar
 ocu in buan, aet na ra polaro he do main na do rearao. Trebar
 cach conae .i. ip trebar in cae cometar buehae a pine pon comlan-
 tiur puio ma lam. Na paeba do main .i. na paeba oi romaniur
 cinao ber mo inno in ní ro hupgeo uirre peme.

cf O'Don. 1129

cf 50.31

20 Impuich mac gor cach n'ochur in a athair, nim-
 puich cach rochur. Foeige cen ní potaithim. 1r amlaio
 in tathair friur in mac ngor; impuich cach n'ochur,
 nimpuich cach rochur.

Cach n'ochur .i. ce iurta a ler cin co iurta. Nimpuich .i.
 25 ní imtaithim. Cach rochur .i. noca pu a ler. Foeige .i. veine
 ppeigum imme ma puarpuo cen co cumgech thu a thaithech. 1r
 amlaio in tathair .i. ip amlaio rein ata in tathair iur in mac do
 ní a gaire. 1mpuich cach n'ochur .i. ce iurta a ler cin co iurta.
 Nimpuich .i. noca pu a ler.

C 2457

3 Nimita in mac ingor; nimpuichpuo nach rochur no
 nach dochur oia athair. Nimita in tathair friur in

¹ As it is rendered.—The words in brackets in the Irish 'anail ietar' are very obscure in the MS. and are only read conjecturally.

Or as far as the value of one-half, i.e. whatever would be *due* to an adopted son of the tribe for performing the maintenance, it is one-half *the same* that will be *due* to the church; in case it was not necessity that caused the tribe not to perform the maintenance. For it is the same, i.e. it amounts to the same thing as if the tribe had become extinct, when the tribe does not attend to the duties required of it respecting the maintenance, i.e. as it is rendered¹ by him to the church so the one-half or one-third of the service shall be paid for the maintenance. It is *one* of the duties, i.e. it is one of the duties required of the tribe to maintain their tribe-man. The tribe does this, i.e. they do it by the duties which are required of them according to propriety. The proper duties towards the tribe, i.e. these are the duties which are proper for him towards the tribe. When he has not bought, i.e. when one has not purchased a thing outside. He should not sell, i.e. he should not sell a thing out. That he does not wound, i.e. *it is not enough* that he does not wound, but he must not have a desire of wounding. Or betray, i.e. that he does not furnish any unlawful information, i.e. with respect to betraying. Although he be not wise, i.e. although he be not wise in his nature *he is all right*, but so that nothing is *claimed* to be paid for his folly. His folly has not been taxed, i.e. nothing *is claimed for his folly*, i.e. the liabilities of his thieving or his burning. Although he be not wealthy, i.e. although he is not efficient as to ploughing or reaping *he is all right*, but so as he is not a plunderer of property or land. Every one is wealthy, i.e. every one is wealthy who keeps the hereditary property of the tribe in the same perfection in which it came into his hand. Who does not leave *greater* debt, i.e. that he does not leave upon it a debt of liabilities greater than what was *claimed* of it before.

*of his folly has been
(defiled)*

found on (cf. 50 z)

A son who supports his father impugns every bad contract of his father's, he does not impugn any good contract. He *notifies* although he does not dissolve. So is the father in relation to the son who supports him; he impugns every bad contract, he does not impugn any good contract.

*protects it ('vires vult')
C. d. r. p. 48*

Every bad contract, i.e. whether it is required or not required. He does not impugn, i.e. he does not dissolve. Good contract, i.e. *which he requires*. He notices, i.e. *he gives notice that he* will disturb it although *he* is not able to dissolve it. So is the father, i.e. in the same way is the father with respect to the son who performs his maintenance. He impugns every bad contract, i.e. whether it is required or not required. He does not impugn, i.e. *which is not required*.

*Ir. thou. make thou a
'line short' about it
concerning its disturbance*

Not so the son who does not support his father; he does not dissolve any good contract or any bad contract of his father's. Not so the father in regard to

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ARY LAW.

mac ningor; do intaride each n'ochur ocur each
 rochur dia mac, mað porpocra cupu a meic co
 riartar each. It d'ir do reit a meic eir airm na tar;
 nach f'richpola f'riu eia nac a macrum ar each it
 5 d'ir; i' de ar berar "ni r'ia ni e'ia f'ri doðamna. *O'Don 731*
 Ni e'ia do baeth f'ilit la f'eime, do mnaí, do eimio,
 do muð, do cumail, do manach, do mac beoathar, do
 deorad, do taro" * * |

Unit A. of Tac. Cormac § 19

inc. 8

cf II 98-7, etc.

| N'it a .i. ni himono leam .i. nocon amlaio f'eim ata in mac ingor.
 10 Nach rochur .i. cor comlois. Nach rochur .i. riubarta. N'it a
 in tathair .i. ni himann liam .i. nocon amlaio f'eim ata in tathair
 riur mac ingor. Each n'ochur .i. cen co riarte a lear. Each
 rochur .i. cona riachtan a lear. Mað porpocra .i. maðia pur-
 pocra in tathair ar can cunnrað do venam riur in mace. Co riartar
 15 each .i. co raib a riur ac in each do riur cunnrað riur. It d'ir
 do .i. i' riur do reit a meic eir do mað a taruio iat. Nach
 f'richpola .i. nocon f'ri pola a lech riur eir do berer a macrum o cað
 uine no co taruathar h'e f'eim. Ni r'ia ni e'ia .i. ni ro r'ea ni
 imach ocu ni ro cennagea ni imach don eir do deoðamna bir i' in
 20 domon .i. in mac ingor. Ni e'ia do baeth .i. ni ro cennagea ni o
 na baethaib f'ileat do riur in f'eimeachar. Do mnaí .i. in doathach.
 Do eimio .i. i' riur do lech bair. Do muð .i. doer. Do cumail .i.
 doer. Do manach .i. do r'ar manach do r'ar manach. Mac
 beoathar .i. in mac ingor. Deorad .i. deora do nemtaruathar
 25 do taro .i. in gataro.

frete MS

B. O'D 320,
 &c.

Al eiric ocu a diuio.

*Followed fr.
 this or!
 Text V. fragmentary**

.i. corpoine. Diuio .i. reit ocu mame .i. tar r'arua do bui
 amai é, ocu i' ceiruo r'amað eorouach é, ocu a b'rech conuie buo
 eirinn do ra marbthar é, co mbe corpoine ocu eimclunn dia fine
 30 inn.

1 Exchange.—F'richpola—A thing given in exchange, the price of a thing sold.

2 From a thief.—The full copy of the 'Corus Besena' in O'D. 1137-1168 ends imperfect here. The remainder of the section, the text of which is also imperfect is taken from O'D. 320, &c.

* The following fragment fr. C (834) belongs to last portion:
 an it aini .i. rochur .i. auid n'arke co naimde.

the son who does not support him; he sets aside every bad contract and every good contract of his son's, if he has by notice repudiated the contracts of his son, that all might know it. The 'seds' of his son are forfeited to him wherever he seizes them; whatever his son has obtained from others in exchange¹ is forfeited; whence is said: "thou shalt not sell to, or buy from an unqualified person; thou shalt not buy from a fool of those among the 'Feini,' from a woman, from a captive, from a bondman, from a bondmaid, from a monk, from the son of a living father, from a stranger, from a thief."²

CUSTOM-
ARY LAW.

cf. B. Ar. 22 (Bach. p. 9)

Not so, i.e. I do not deem it similar, i.e. it is not so as to the son who does not support his father. Any good contract, i.e. a contract of equal value on both sides. Any bad contract, i.e. ~~frauds~~. Not so the father, i.e. I do not deem it alike, i.e. the father is not so with respect to the son who does not support him. Every bad contract, i.e. which is not required. Every good contract, i.e. when it is required. If he has by notice repudiated, i.e. if the father has warned the public in the case not to make a contract with the son. That all might know it, i.e. that every one who made a contract with him might know it. Are forfeited to him, i.e. the 'seds' of his son are forfeited to him wherever he seizes them. In exchange, i.e. whatever his son has obtained from any man cannot be true value with respect to him nor ought else until the thing itself is seized. Thou shalt not sell or buy, i.e. thou shalt not sell a thing out, and thou shalt not buy a thing outside from the most unqualified person that is in the world, i.e. the son who does not support his father. Thou shalt not buy from a fool, i.e. thou shalt not buy from persons who are not sensible according to the 'Feinechas.' From a woman, i.e. the adulteress. From a captive, i.e. who is condemned to death. From a bondman, i.e. a 'daer'-bond-man. From a bond-maid, i.e. a 'daer'-bond-woman. From a monk, i.e. either to a 'daer'-monk or a 'saer'-monk. From the son of a living father, i.e. the son who does not support his father. A stranger, i.e. from a stranger who is not to be found. From a thief, i.e. the stealer.³

of over-reaching

His 'eric'-fine and his bequest.

His 'eric'-fine, i.e. his body fine. Bequest, i.e. 'seds' and property, i.e. by violence he was outside, and it is the opinion of lawyers that if he be a non-sensible adult, and that, while being brought out by an insecure road, he was killed, his tribe shall have body-fine and honor-price for him.

* Stealer.—This is the last word in the copy of this tract in H. 2, 15, p. 66, b. (O'D. 1163.) The remainder is taken from the fragmentary copy preserved in H. 3, 17 (O'D. 320, &c.), except a few sentences from H. 3, 18, p. 381, a. (C. 833, &c.)

CUSTOM-
ARY LAW.

Caic feoit for neach biathur eloduch ar, a rinna-
thur.

.1. riachtatar .ui. haróicha ina bairi banapad a put peine-
achuir naé reacha; .ui. buair fegair in apad a cain fuithebe;
ocur na caic feoit a fenchur .1. teorá ba do taet do gac eric
uib, ocur ir in apad riallair ingnima aca annro. Do imorru
munbato ingnima .1. pon corruilur fuil a cain, adon, re uinge
ma ingnima, ocur da uinge munbato ingnima.

Cac cin do dena tar banapad oc in fir fine ir a trian fair.
Ma tar farugad ber oga ir a lan cin fair. Ma ois fir
annrine beaf tar banapad, ir let a cinuro fair; lan imorru
tar farugad. Cach cin do dena ria techt cuice ir a lan fair
ar a leruga, ocur comarlegad, ocur uicug; ina leruga ocur
comarlegad nama, ir a let cin fair. Ir e a trocuire, in cin
nama fair; ir e a trocuire, in cin ocur in rmacé for in ti
aga tá.

Cach innurbut anfoluid.

.1. nochan iat a trochfolaid fein innurbut hí. Mar co
hinndigteé no legeó in cet munnter nochá olgcur da mac' a
gaire do denum co ti annfir fir, no galuir, no enudá.

note acc.!

Fil se macu i nuro coir,
La cach fíuiche, la gac reanoir,
Do reir in tSencura moir,
Do na olg athair anóir:

¹ *Unaware.*—'Banapadh' occurs, when a man is proclaimed, and the friend who entertains him does not know it.

² *Proclamation.*—'Ban-apadh' literally 'white-notice,' is explained in O'D. 969, to be, 'feeding and sheltering the proclaimed person, before he has committed the crime;' feeding and sheltering him after he had committed the crime was called 'derg-apadh,' literally 'red-notice.'

Five 'seds' ^{knownly} is the fine upon a person who ^{knownly} entertains a fugitive who is known. CUSTOM-ARY LAW.

That is, six 'seds' is the extent of the fine for entertaining a proclaimed person unawares; according to the Fenechus, i.e. six cows are claimed *as fine* for entertaining a proclaimed person* in the 'Cain Fuithribhe'-law; and the five 'seds' in the Sencus Mor, i.e. three cows go to each 'eric'-fine of them, and this is for entertaining a party fit for action; but one cow if they are not fit for action, i.e. similar to what is in the 'cain'-law, viz., six ounces if they (*the persons entertained*) be fit for action, and two ounces if they be not fit for action. !!!
*Ir. Pro-
clamation.

As to every crime which he (*the person entertained*) shall commit notwithstanding 'bán-apadh'-proclamation,² while with the tribesman, the third of the fine shall be upon him (*the tribesman*). If he is with him in violation of law his full crime shall be upon him (*the tribesman*). If he (*the proclaimed person*) be entertained by* a man of another tribe while under 'bán-apadh'-proclamation, half of the fine for his crime shall be upon him who entertains; but full crime is committed if he be entertained in violation of law. Of every crime which he commits before coming to him the full fine shall be upon him who entertains, for supporting, ^{admitting} counselling, and sheltering him; and for supporting and counselling him only, half his crime shall be upon him (*the entertainer*). The leniency of the law in this case is, that he (*the entertainer*) bears his crime only; its severity is, that the crime and the 'smacht'-fine fall on the person with whom he is. *Ir. with.
of Car 45² a bánfiach ar
dúin 7 chomraige. f.p. 360.
of Car. p. 31, 2. II 178.

Every putting away of a woman for disqualification.

That is, they are not her own bad qualities that cause her to be put away. If the first wife was unlawfully put away, her son is not bound to maintain her until the arrival of the time of her decrepitude, or disease, or 'enudha'-pledge.³

There are six sons in proper order,

In the opinion of* every learned, every senior,

According to the 'Sencus Mór,'

Who are not bound to honor their fathers;

fr. whom a father is not enabled to honor

* Or 'enudha'-pledge.—The text is defective here; hence the passage is very obscure. In C. 834, the term 'enota' occurs, and is glossed "in gell oenma arúige, ácc n tairpe n'cime, i.e. the pledge for repentance, but the family will not give it."

cf. 62.5 *infra*
an *extra* may

x C(834) given in footnote in p.61. But even this or the next gl. cited p.64² there is another fragment
 cona cormailib vataf coib.-f. anna roib lethbe na dicheill nich sainruith indi

CUSTOM-
ARY LAW

Mac céit munntipe, mac bunig,
 Mac craburó cin uair nmanipe,
 Mac dia tabuir mircar glé,
 Mac cin tip, mac i ndairpe.

5 Acht ⁿⁱma raóuille cleirceét no éurda. ^xC

.1. acht an uróuille a cleirceét .i. gac do denum, do no
 tomairt feola a corpur. No enurda .i. enfeó .i. reo óin ar
 anéanne; no una rouró .i. rouró o un can cinuró; no aenfeó i
 noé, no oéa neóm, no aet uad i noe na omgne arur; no nochá
 10 mbi aige ní beóuigur in taen, no in ten do biaó; oligchur an
 tathair don mac iunnou.

Mac dia tabuir athir rannmircar.

.1. ní ra reuib do beir in tathair do gac mac do annirín, no
 pasuib cin reuib, nochá oligchur deirde gaire in athur do
 15 denum, co ti annirín rirg no enfeó.

Mac ponasuib athir cin orba.

.1. ina cinuró inoetbire fein, in athur, do chuair an pea-
 runn annairín; ocuf ní hinnoigchech don mac cin co deirde in
 gaire anniríne, co hamirín rirg no galuir, no eonurda, uair
 20 damá ina cinraib deirbire dechrao do denra a gaire; no ge-
 maó cin inoetbire, damáó a cin inbleoguin do dechraó, do denra
 a gaire.

Mac ponasuib a athir i ndairpe do plait.

.1. i ndairpe celrine, no a ndairmanchi.

25 Ma no pasuib in tathair éir doeragillecta ar in mac do
 plait, no deacluir ar in fearunn do neoch na roibe ar
 corparra ar cin in athur, no ma no pasuib fein fech
 inoetbire eile, nochá oligchur don mac in tathair do gaire co
 ti annirín rirg no galuir no eonurda.

¹ The bird.—The Irish word for bird and that for the number one, are sounded alike.

i.e. a family
CUSTOM-
ARY LAW.

The son of a first wife, a 'macbuilg'-son,
The son of a religious without an hour for his order,
A son for whom he (*his father*) harbours pure hatred,
A son without land, a son ^{given} in bondage. *cf. Car. 364 p. 340.*

But what clerkship forbids, or 'enudha'-pledge.

That is, except what clerkship prohibits, i.e. to commit theft or to eat meat in Lent. Or 'enudha'-pledge, i.e. 'enshed,' one 'sed,' i.e. 'sed-oin,' a 'sed' of one, (*a cow that may be detained one day*) in his debility; or 'una-soudh,' i.e. returning from washing without crime, or one 'sed' per day, or from noon forward, or an oath from him ~~by God~~ that he will not do it again; or he has not as much of food as feeds the one person, or the bird;¹ it behoves the son to maintain the father in this case.

A son to whom the father bears peculiar hatred.

That is, the father gives a portion of his 'seds' to every of his sons in this case, *except one whom* he has left without 'seds'; he (*the son*) is not bound to maintain the father, until the arrival of the time of his decrepitude, or 'enshod'-pledge.

A son whom his father has left without land.

That is, the land has ^{gone} passed away for his, the father's own *unjustified* liability in this case; and it is not unlawful for the son, that he does not perform the maintenance in this case, until the time of decrepitude or disease, or 'eonudh'-pledge, for if it were for his (*the father's*) necessary liabilities they (*the lands*) had passed away, his maintenance should be performed; or if it were an unnecessary liability, if they had passed away for the liability of a kinsman, his maintenance should be performed.

A son whom his father has left in bondage to a chief.

That is, as a 'daer'-stock tenant, or a 'daer'-stock tenant of church lands.

If the father has left a rent of 'daer'-stock tenancy to a chief upon the son, or to a church for the land, a rent which was not as yet upon it *when it came to the father, and which was*, owing to the father's liabilities, or if he has left other unnecessary debts, the son is not bound to maintain the father until the arrival of the time of his decrepitude or disease or 'eonudha'-pledge.

CUSTOM-
ARY LAW.

Ácht munar tairis in tathuir romaine curge amuis; ocuf
ma ro tairis, cro bec ro tairis, ir aruam imrínn ioir in
romaine ro tairis, ocuf in romaine éira no riach ro pasuib
ar in mac.

δ Cemaró é luóa inn do bepa in tathuir amuich ina an tuis
amach, o do bepa ni amuich denatir a gairne. Ocuf feruann ro
tairisuirtur in tathuir éirge amuis ainnirin, uair a deir, ar
a rruithe robarat in athuir.

In uaine ro breisuirtur in mac o gairne a athuir, no ro
10 breisuirtur in fer fine o oligeo coruira fine, aithgin gnimuiró
vic do re athuir no re fine, ocuf icuio re lairpach in cinuio
ima ro uithuirtur é, ocuf caci cinuio do dena no go ti re
oligeo; ocuf gemaio é buo ail lair a tironucal fein ir in cinuio
rim, noch a tironuice, uair ir uiciuio iair noenum cinuio ime;
15 ocuf in cin do ronne aige iair na uicin, ina roga ro ma tar ine
tironuigfer inn, no in fetu do bepa tar a ceann.

Már ar uagín a gairne ruig ier e, einiclunn vic fer buoem
ocuf einiclunn vic re fine, ocuf a toraetuin féin; ocuf muna
toru, coruioirre ocuf éiniclunn vic re fine.

^xC (au note ²) = Fil?

20 linnepege^x inepasat^x o ecluir bunuio

1. innege deibire inro o easluir vi aruile do treuib
neasuirib.

Pil rect ninnerge in gac ré,
O ecluir inearuige;

25 Meath, cin, núna, uicir de
Mac buig, rogluim, eluere.

In tan trasar i ninderege deibire on easluir bunuio, ocuf at-
baill in rim oc annoit, ocuf pasuib comarba, ic da trian a

= O'Bar. 1454

¹ 'Sobartan'-compensation.—'Sobartan' is thus glossed in C. 2, 888, "ro a paroe,
1. a paroe maet, ut ept a robaratn uile lair in rlog co tigan," good his
(or their) 'raide,' his (or their) good 'raide,' as it is, their entire 'sobartan' with
the host, until we come.' It seems to mean some kind of compensation or pay-
ment. 'Raide' is perhaps from the verb 'radaim,' I give.

² Desertions.—In C. 884, the following gloss on this passage occurs,

But *this is the case* unless the father has acquired property outside *the territory*; and if he has, be it ever so small, there is an calculation of ~~the division to be made~~ between the property which he acquired, and the debts of rent or *other* debts which he left upon the son. CUSTOM-ARY LAW. *part (?) lib. paraded or both said*

Though what the father has acquired outside ~~the territory~~ be smaller than what he gave out, ~~as~~ he has acquired anything outside let him be maintained. And it was land that the father acquired outside in this case, for it (*the law*) says, from his dignity came the 'sobartan'-compensation of the father. *once*

The person who has seduced the son from maintaining his father, or who has seduced the tribe-man from the law of the 'corus-fine,' shall make restitution in act to the father or to the tribe; and he (*the seducer*) shall pay the full fine for the crime in which he sheltered him, and every crime which he (*the sheltered person*) commits until he returns to law; and if he (*the shelterer*) prefer to deliver *the criminal* himself for that crime, he shall not do so, for he is guilty of sheltering after the commission of crime; and *as to* the crime which he (*the sheltered person*) committed *while* with him after sheltering him, he (*the shelterer*) has his choice whether he will deliver him up for it, or give 'seds' to pay for him.

If it was for the sake of stealing (*kidnapping*) him he took him with him, he shall pay honor-price to himself, and honor-price to the tribe, and return him (*the stolen person*); and unless he return him he shall pay body-fine and honor-price to his tribe.

Many desertions² are made from an original church.

That is, these are necessary desertions of one church for another by ecclesiastical tribes.

There are seven desertions in each time,
From a church, which are excusable;
By failure, crime, famine, landless man,
A 'Macbuilg'-son, learning, pilgrimage.

When necessary desertion takes place from the original church, and he (*the person who deserts*), dies at an 'annoit'-church,² and

"*in oeragor .i. ciafar a manach uaroi ar ni fu leo manoir.* Desertion takes place, i.e. her monks go away from her, for they do not value their condition as monks."

² "Annoit-church."—That is, the church in which the patron saint was educated, or in which his reliques were kept. In C. 122, the word is glossed, "*Oclair ro et in aile ar cenn ocuif ir tuirroe*: a church which precedes another is a head and is earlier." Elsewhere it is otherwise glossed, in accordance with the first explanation.

CUSTOM-
ARY LAW.

ceannaíge do eagluir bunuio, ocuṛ tṛian do annoit. Ocuṛ tēt a comarba in fīr fīn o annoit co compáirde in innerge deṛbiri, ocuṛ atbaill aruioṛa, ocuṛ faṛuib comorba, it ṛa tṛian do eagluir bunuio ocuṛ tṛian do compáirde beor; ocuṛ ce tēṛ a comorba co heagluir eile, iṛ hī rann in ṛo bīar faṛi oia eagluir bunuio beor, co ṛoib tṛian in aen eagluir oib. Ocuṛ oia ṛoib oiaṛ in aen eagluir oib, ocuṛ tēt in tṛeṛ fēṛ co heagluir aile, oio beṛiuṛ eagluir bunuio ar in fēṛ deṛinuch ṛo ṛa tṛian ceannaíge ṛuṛ iṛ in cet fēṛ, ocuṛ lēt iṛ in fīr tánuiri, in lēt no in tṛian iṛ in fīr ṛo; oicunt aili comao lēt, quoto ueriuṛ eṛt; oicunt aili comao tṛian.

Ṭia ṛoib a fēanathuiri 1 nannoit ocuṛ a athuiri in atharāe annoite, oia timna a adnucal la athuiri in aen eagluir, adnuisgar. Munā timna, iṛ cṛannchuiri etuṛuio.

15 Ma ṛorae neach cinuio naincear no etṛe.

1. in gaeth do bṛeṛ ná laṛra uata.

14o etṛe .i. inoairēl do tuitim uata.

Tṛeṛe oibṛigur in manuch ṛo; cin deṛbire ocuṛ inoetbire neaglaṛa, ocuṛ bith cin fīne, ar oia mbe fīne iṛ ṛoṛno timarṛar.

20 Ma manach gill do bar, iṛ oibiuṛ ar dechmuio on airēinnach ṛo lēs cin faerluṛao. Maṛa ṛona ṛorolach, iṛ oibiuṛ ar .l. no ṛṛi ṛé naircinnach eile munab iat ṛo lēs. Oia comuṛleṛe in eagluir tṛi lair, iṛ ṛa tṛian in tṛe fīn do eagluir bunuio on manuē fēin, ocuṛ a lēt on mac, ocuṛ cin in on tṛeṛ fīr; no iṛ lair in eagluir bunuio in tṛi fēo eile, atṛ iṛ tṛi cṛeanuṛ-ṛom iat ná tabuiriṛ i nṛeall.

1ṛ faṛi aṛa in cobṛoail fēo .i. a tṛian do bunao ocuṛ a

1 'Ceannaighe'-goods, vid. note 2, p. 32.

2 'Compáirche'-church.—A church in the same parish, i.e. any church under the name and tutelage of the original saint.

3 Inadvertence.—The MS. is defective here.

*Ṭia tṛian do
laṛra.*

here = l.g.

Not connected w. lḡt?

has left an heir, two-thirds of his 'ceannaighe'-goods¹ are due to the original church, and one-third to the 'annoit'-church. And the heir of this man goes away from the 'annoit'-church to a 'compairche'-church² by necessary desertion, and he dies there, leaving an heir, two-thirds of his *ceannaighe* goods are due to the original church and one-third to the 'compairche'-church still; and though his heir may go to another church, this is the division that will be due from him to his original church still, until three generations of them (*his descendants*) shall have been at one church. And if two generations of them have been at one church, and the third man in descent goes to another church, still the original church will get from this last man the two-thirds which it got of 'caennaighe'-goods from the first man, and one-half from the second man; and one-half or one-third from this third man; *some lawyers say that it is one-half, which is more correct; others say that it is one-third.*

If his grandfather was buried in an 'annoit'-church and his father in a different 'annoit'-church, if he has willed (*ordered by his last will and testament*) to be buried in the same church with his father, let him be there buried. If he has not willed it, lots shall be cast between them (*the churches*).

If one has committed a crime unintentionally or by inadvertence.³

That is, a case wherein the wind carried the flame from him.

Or by inadvertence, i.e. the spark fell from him.

Three things render this tenant of church lands forfeit; necessary and unnecessary ecclesiastical liabilities, and to be without a tribe, for if he had a tribe it is on them it (*the fine*) would be levied.

If he be a tenant of church lands who is a pledge unto death, he is forfeited in ten days from the 'Herenach who left him unransomed. If he be prosperous and wealthy, he shall be forfeited in fifty days, or in the time of other Herenachs, unless it was they that left him unransomed. If the church advise that land be given with him, the two-thirds of that land are due from the tenant of church lands himself to an original church, and one-half from the son, but nothing from the third man (*generation*); or (*in the opinion of others*), all this land belongs to the original church, but it was land that he purchased after he had been given in pledge.

It is of it (*the land so purchased*) that the following partition is

V 256. 19-

grant

CUSTOM-
ARY LAW.

τρίαν το πριχnum, ουρ ιρ λαιρ in τι οα ταrom an γεall
rin α τριαν παλλ. Όα τριαν αρ ριθε von eagluir bunuro on
cet ριρ, ουρ let on ριρ τανιρι. Ιρ αmluio ριρ ρανηταρ α ιmna
ουρ α υoact ουρ α ceannarthe oileheana.

5. Se ina cin deabire pocerpo α maince ριρ eagluir, do
ber α τιρ do.

1. cae cin deabire do dena duine, cinmotha marbad, oia
ταρρυταρ ραιρ, ιρ α ειρiα uada ρein co ρο docaitep α ιnnile
ουρ α τιρ ιnn; aní bir ραιρ cin ειρiα ιρ α ιc oia ρine amuil
10 compainnit epó. Maná ταρρυταρ ραιρ, ιρ α ιc oia ρine ιαρ
caithum α τιρ ιnn, amuil compainnit epó.

cf. IV 244.15

Cio ιρ deabiuir ann ουρ cio ιρ ιnndeabiuir?

1. eo deabiuir ann cinca apoit ουρ ιnnoeabire torbuio.
I. eo ιρ ιnnoeabiuir ann cinca compait ουρ zin tuilim.

cf. I 14.10

15. Ma marbad deabire, cinmotha .iii. sona duine in coruira
ρine, cia ταρρυταρ ραιρ cin co ταρρυταρ, ιρ α ιc oia ρine,
amuil compainnit epó; ουρ ιcuiorom cumal aetina, ουρ
euteruma ρρια mac no ρρια aethir, do na ρe camaluio uire.

cf. IV 244.20

Cach cin innoeabire do ni duine ιtir marbad ουρ apail, ιρ é
20 paderin ιnn ουρ α ιnnile ουρ α τιρ.

cf. IV 246.4ff

Maná bé α ιc ann, no muna θαρρυταρ ραιρ, ιρ α ιc oia
mac co ρο caitep α ιnnile ουρ α τιρ ιnn. Muna bé α ιc ann,
ιρ α ιc oia aethir ρon coip ceana.

Muna bé α ιc ann beop, ιρ α ιc do gaé teallach ιρ neapa do
25 co poipc α mbe oca, no co ρο lamic in cinuio.

Ιρ αιρε ιcuρ cae teallaé ιρ neapom do, uair ιρ ιnnoeabir in
cin, ουρ cio innoeabire in cin, paóuio α τιρ ιnn ρeriu tīrat
ρem, uair nachat é do ρonpat in cinuio.

1 In him.—If he and his cattle and his land be not sufficient to pay for his crime.

made, i.e. one-third to the owner of the stock, and one-third to those who perform service, and the other third to the person with whom he is in pledge. Two-thirds out of this is due to the original church from the first man (*generation*), and one-half from the second man (*generation*). It is in this manner his gifts and bequests and 'ceannaighe'-goods in general are divided.

Though it be for his necessary liability that he gives his property to a church, his land shall be given him.

*makes his contract of
m. with
of ZCP 15, 313*

That is, every crime of necessity which a man commits, except killing, if he be apprehended, he shall pay 'eric'-fine for it himself until his cattle and his land be spent in payment of it; what remains of his crime unpaid for shall be paid by his tribe in such proportions as they divide his property. If he is not apprehended, it shall be paid by his tribe, as they divide his property, after his land has been spent on it (*all given away*).

What is necessity and what is non-necessity?

Necessity is a crime of inadvertence and unnecessary profit. Non-necessity is intentional crime and such as was not deserved by the injured party.

If it be a case of necessary killing, always excepting the four man-slaughters mentioned in the 'corus fine'-law, whether he (*the homicide*) is apprehended or not apprehended, it (*the 'eric'-fine*) is to be paid by his tribe, as they divide his property; and he (*when apprehended*) shall pay a 'cumhal' in restitution, and as much as a son or a father, of the six 'cumbals' of 'dire'-fine.

As to every crime of non-necessity which a man commits, as well homicide as other crimes, he himself is to be given up for it with his cattle and his land.

If the payment be not in him (*in his power*), or if he has not been apprehended, it is to be paid by his son until his cattle and his land be spent on it. Unless the payment be in him (*in his power*), it is to be paid by his father in the same manner.

If the payment be not in him (*in his power*) either, it is to be paid by each nearest family to him until all they have is spent, or full payment of the crime is made up among them.

The reason that each nearest family to him pays is, because the crime is one of non-necessity, and although the crime is one of non-necessity, their land shall go (*be liable*) for it before they themselves shall go (*be liable*) for it, because it was not they (*the nearest families*) that committed the crime.

*
? Here C (834): *conu dligid .i. log enech na eclasa do to cuirethar, conu dligid .i. log*
naidhroma iain colainn 7 leth VII. cumala iain diui

CUSTOM-
ARY LAW.

Ní tiaguit plaíthe pop eagluir.

.1. in mac eguilrí má e marbtar ann, a corppoire uirraoui
imorru dia fine .i. ní beiruit plaíthe ní do neoch toirniuis
cáin.

Cor mic do cill ir viluir don eagluir.

.1. loḡ neimuch ocuḡ feēt cumula corppoire ocuḡ feēt
cumula rmaēta do eagluir uarail; loḡ neimuch ocuḡ feēt
cumula corppoire ocuḡ leḡ feēt cumula rmaēta do eagluir
leḡtoire, ocuḡ ir o cuicci amach inn rin. Cor do cill, lane-
10 inecclunn don eagluir dia curthuir, ocuḡ lan corppoire fuirre
co ceann feētmuine; feēt cumula do eagluir uarail, ocuḡ leḡ
feēt cumul do eagluir iril a rmaēt dia mbe cáin, no dia troirce
eagluir in cáin; ocuḡ cumul dia eagluir fein ma uarail, ocuḡ
cumul eile dia ní ar a éur feochu, ocuḡ trian loḡ einiuch dia
15 eagluir fein ut aili uicant; loḡ náclurima dono ocuḡ eini-
clunn ocuḡ a tiri lair don don eagluir dia curthuir muna
fuarluicetor di.

Ma a neagluir anunn po ceirtur cuna marb iní cin fir, ir
lan inecclunn ocuḡ lan rmaēt don eagluir; ma i faíte, leḡ
20 rmaēt ocuḡ leḡ inecclunn. Mar iri nacha mbiacharo, iar fir,
comao corppoire no inecclunn no uiluiatire.

*

Uinnges porceatuil deoda.

.1. dia toirctep dia eagluir fein dia porceatuil, ocuḡ biche
iar noia innce, ocuḡ ní gaib, ir viluir uaithe di eagluir notnail
25 co po ica eagluir bunuir loḡ a leiḡinn; ocuḡ beirid a cur tpe
o fine; ocuḡ gaibto apdaine oc in eagluir cur a tiz, ir in cuiceo
luḡ.

f. 74.2

¹ The removing.—Removing a young man so as to prevent his being ordained
after the church had obtained him fairly, and educated him wholly or in part.

Chieftains ^{do not go (campaign?) on} shall not come ~~against~~^a the church.

CUSTOM-
ARY LAW.

That is, if it be a student for the ministry that is killed, his body-fine according to 'urradhus'-law is to be paid to his tribe i.e. lay chiefs shall not obtain anything of what the 'cain'-law adds to the body-fine.

^a Ir. on.

The removing¹ of a son from a 'cill'-church incurs forfeiture to the church.

That is, honor-price and seven 'cumbals' of body-fine and seven 'cumbals' of 'smacht'-fine are due to a noble church; honor-price and seven 'cumbals' of body-fine and half seven 'cumbals' of 'smacht'-fine to a church entitled to half 'dire'-fine, and it is from five days out these are to be paid. As to taking away a son from a 'cill'-church, full honor-price is due to the church from which he is taken, and full body-fine is due to her to the end of a week; seven 'cumbals' to a noble church, and half seven 'cumbals' to an humble church for 'smacht'-fine if there be 'cain'-law, or if a church fast in order to get^a 'cain'-law; and a 'cumhal' to his own church if it be noble, and another 'cumhal' to his king for the removal of him without him (*his knowledge*), and one-third of honor-price to his own church as others say; the price of his fosterage also and honor-price and his land moreover along with himself are due to the church from which he is taken unless he is ransomed from her.

^a Ir. for.

If he is sent into a church at a distance and dies there without knowledge of his death, full honor-price and full 'smacht'-fine are due to the church; if he is sent into a green, half 'smacht'-fine and half honor-price are due. If it was it (*the church*) that did not feed him, after knowledge of his hunger, it will be body-fine or honor-price or full fines and costs^a that will be due.

^a Ir. entirely.

The ounce for divine instruction.

That is, if he (*the son to be educated for the ministry*) has been offered to his own church for instruction, and for being in the service of God^a therein, and she did not receive him, and he then is educated in another church, he is forfeited by her (*his own church*) to the church that has educated him until his original church pay the price of his education; and if she does not, he shall obtain his share of the land from the tribe; and he takes the abbacy at the church to which he comes, in the fifth place.

^a Ir. after God.

CUSTOM-
ARY LAW

Muna toirge a athair dia easluir fein, ir in tathair icur
 los a legin. Muna beeter iar noia ir in easluir, ir da trian
 na riach icur in tathair, ocu'r trian icur easluir, ar arreo
 oigbar aige do manach inneirge de'thine.

5 Ma'o ailethru(h) beiruir a anmeara fair.

1. ma'o hi beiruir a anmeara air du' in ailetre iar rirga'íl
 no duinetaige. Ma iar comairlegao dia easluir fein ter in
 ailetre, cia fagbuir ceannairde cin co fagba, ir uiluir don
 easluir cu'r a t'et, cio moir fagbuir oicte. Munub a comairle-
 10 gao muirho don ti, ir a ceannairde dia easluir bunuir, dia mbe
 oga.

110A 2259f. (R)

Eacluir fine epluma.

110A 554

1. fine eploma geur in easluir cein ber damna apair do
 fine epluma; cin co roibe aot rairmceatlair doib, ir iat beiruir
 15 in apoaine.

Cach uair na bio, ir a tabuirt ofine grian, no co roib damna
 apair ofine epluma; ocu'r o biar, ir a tabuirt do mara ferir e
 ina in tab ro gab hi ofine grian. Muna ferir, ir iairna re.

x is and condegar do
 manachair 018 554

Muna tamic damna apair ofine eploma, na grian, in
 20 apoaine do tabuirt ofine manach^x no co roib damna apair
 ofine eploma, no grian; ocu'r o biar, inge ma ferir.

¹ *Abbacy*.—When the 'fine epluma,' i.e. the tribe of the patron saint is not
 qualified, the 'fine grian,' i.e. the tribe of the original grantor of the land, may
 supply an abbot.

If his father does not offer *him* to his own church, it is the father that shall pay the expense of his education. If they be not in the service of God^a in the church, the father shall pay two-thirds of the debts, and the church shall pay one-third, for this *condition* is what lessens in her case the fine for the 'manach'-person *whose case is one* of necessary desertion.

CUSTOM-
ARY LAW.

^aIr. after
God.

??

If it be pilgrimage that his soul's friend has enjoined upon him.

If his soul's friend has enjoined upon him to go on a pilgrimage after *his having committed* the murder of a tribesman or murder with concealment of the body. If it be after consulting his own church that he has gone on a pilgrimage, whether he has left 'ceannaithe'-goods or not, whatever he leaves to the church to which he goes, be it ever so much, is due to it. If, however, he has not consulted with it (*his own church*), his 'ceannaithe'-goods, if he has any, are *due* to his original church.

permission from

The church of the tribe of the patron saint.

That is, the tribe of the patron saint shall succeed to^a the church as long as there shall be a person fit to be an abbot of the *said* tribe of the patron saint; even though there should be but a psalm-singer of them, it is he^a that will obtain the abbacy.¹

^aIr. get

^aIr. they.

Whenever there is not *one of that tribe fit to be an abbot*, it (*the abbacy*) is to be given to the tribe to whom the land belongs, until a person fit to be an abbot, of the tribe of the patron saint, shall be *qualified*; and when he is, it (*the abbacy*) is to be given to him, if he be better than the abbot of the tribe to whom the land belongs, *and* who has taken it. If he (*the former*) is not better, it is only in his turn *he shall succeed*.

If a person fit to be an abbot has not come of the tribe of the patron saint, or of the tribe to whom the land belongs, the abbacy is to be given to *one of* the 'fine-manach'-class until a person fit to be an abbot, of the tribe of the patron saint, or of the tribe to whom the land belongs, should be *qualified*; and when there is *such a person*, the abbacy is to be given to him *in case he is better*.

except where he [the holder] is better?

CUSTOM-
ARY LAW.

Muna tainic damna apairé ofine epluma, no grian, no manuch, annoit do gabail ír in cethruimhac luc; valta da gabail ír in cuicéó lus; compairche da gabail ír in reiréó luc; ceall compogair da gabail ír in reétmao lus.

5 Muna tainis damna apairé in inu do na reét nnuuib rin, deorairé de dá gabail ír in reétmao lus. Muna tainic damna apairé ofine epluma, na grian, na manuch an aneche, ocur inthe as annoit, no as valta, no as compairche, no a cill compogair, no as deorairé dé, ír a tabuiré ofine epluma,
10 uair ír ap neimh-beé damna apairé oibruige, in apairé *tainic?* uaduib.

Ecluir fine grin ocur eagluir fine epluma ocur grin imale.

1. fine grian gabuir in eagluir .i. aem fine fine epluma
15 ocur grian in rin, ocur ar a fearunn fein ata in teplum ann:

Eplum, grin, manuch min,
Eagluir valta co nglan bpuig,
Compairche ocur deorairé dé,
Uaduib gabuir apdame.

20 Cuch aen oib rin gabuir apdame, cinmotha fine epluma, ocur

1 'Annoit'-church shall assume it, i.e. the mother of this church, i.e. the church in which its patron saint had been educated, shall then appoint an abbot of its own clergy. 'Benchor' was the mother of a great number of churches; and so was 'Clonard.' Dr. O'Donovan suggests 'con parochia,' as a derivation for 'compairche,' and says it meant any church under the name and tutelage of the original saint, i.e. the founder of the original church.

2 Tribe.—In this case the patron saint had built his church on his own land, and endowed it with his own land, and therefore the tribe of the patron saint, and the tribe of the original grantor of the land were one and the same.

3 Every one of these.—In O'D. 554, 555, &c., the following account of the succession to the abbacy is given:—When there is not a person fit to be an abbot of the tribe of the patron saint (*original founder*) one is then sought from the tribe of the original grantor of the land, *who is to succeed* until such time as there should be one of the tribe of the patron saint; but the man in power (*ruling abbot*), who happens to be there, *being* of the tribe to whom the land belongs, cannot be removed unless he has been expelled *for his wickedness*, or has been disqualified by his evil

CUSTOM-
ARY LAW.

If a person fit to be an abbot has not come of the tribe of the patron saint, or of the tribe of the *grantor* of the land, or of the 'manach'-class, the 'annoit'-church shall receive it, in the fourth place; a 'dalta'-church shall receive it in the fifth place; a 'com-pairche'-church shall obtain it in the sixth place; a neighbouring 'cill'-church shall obtain it in the seventh place.

If a person fit to be an abbot has not come in any of these seven places, a pilgrim may assume it in the eighth place. If a person fit to be an abbot has not arisen of the tribe of the patron saint, or of the tribe to whom the land belongs, or of the 'manach'-class together, while the wealth of the abbacy is with an 'annoit'-church, or a 'dalta'-church, or a 'compairche'-church, or a neighbouring 'cill'-church, or a pilgrim, it (*the wealth*) must be given to the tribe of the patron saint, for one of them fit to be an abbot goes *then* for nothing. The abbacy shall be taken from them.

?
wrong.

When it is a church of the tribe to whom the land belongs, and a church of the tribe of the patron saint and of the tribe to whom the land belongs at the same time.

That is, the tribe to whom the land belongs succeeds to the church, i.e. the tribe of the patron saint and *the tribe* to whom the land belongs are one and the same tribe² in this case, and the patron saint is on his own land.

The patron saint, the land, mild monk,

The 'annoit'-church, the 'dalta'-church of fine vigour,

The 'compairche'-church and the pilgrim,

By them is the abbacy assumed (*in their relative order*).

cf B.M. Cat. II p. 486

Every one of these³ who assume the abbacy, except the tribe of

deeds, or the person (*the new aspirant*) ^{to} upon whom it is ^{he surrenders it} cast is worthier, for a junior often takes it from a senior. "Qualification is older than age." It is open to the tribe of the patron saint until they forfeit their privilege by neglect during the time of prescription.* When a person fit to be an abbot is not to be found of the tribe of the patron saint or of the tribe to whom the land belongs, before their privilege is lost by prescription, then one is to be sought in the 'manach'-class; if there be of them one who is fit, he shall be installed until such time as there shall be one of the tribe of the patron saint, or of the tribe to whom the land belongs; but the abbot who happens to be there shall not be removed unless the person ^{to} upon whom it is cast (*i.e. the next aspirant*) is worthier; if he is not worthier he shall succeed *only in his turn*. Ignorant and deformed persons are unqualified, and every one is estimated according to his dignity, the dignity is according to his grade, the grade of each according to his service, the service of each according to

(i.e. the seniority may be of qualification, not of age).

he surrenders it after his term

* C. 834, adds—"The 'fine erlama' forfeit their prerogative if they remain too long without seeking their right, i.e. if it extends to prescription."

CUSTOM-
ARY LAW. griain, ocur manuch, i¹ a noibad uile o'pasbaíl tál; no, coma
compuinn cét manug ar gac fir uib.

Ceall comcarolais commairth.

.1. comcaro los in ceann cille .i. ceall ber cuma a cill sein
5 oibrim a ngeall fir gac ninnoliseo ter fuirpre co noech for
a petde. In deoraid de imorru a oibad ríde uile don eagluir,
ocur noch a leatup i ceann cille é no co noeachaid i¹ in oetmad
lus, ocur co pasbad cill bur commairth ne ceann cille tál, ocur
ne manuib amug, ar raemur in cutpuma nollise do gentur
10 perin cill tál ina cutpuma ninnoliseo do denum ría buoin
amuch; ocur oia roib in deoraid de i poorpume tál ar in
eagluir, atait tri cumala dec ar fichit uada, uair noch a nruil
fiach poorpume o uaine in urruur aet o deoraid de. No cumad
a teetugao na heagluir oib¹ rin uada; ocur tri sam cunn sam
15 coibne don eagluir, ocur los tri cumul dec ar fichit uairin
rus ber da techtugao; ocur a uilri rin uada.

Co pecht cumala cacha m¹ co tri m¹raib.

.1. tri cumula dec ar fichit tis uib rin, ocur neomunn o
deoraid de; ocur rmaet poorpume rin, ocur noch a nruil rmaet
20 poorpume in urruur aet ma rin, ocur i¹ é rin rmaet poorpume
i¹ mo¹ i¹ in berla^x. Secht cumula nama i¹ o a trocar, a trocar
imurro cur cumula ocur ceitri pect cumula.

Ceall iap mbunad griain.

.1. cell iapum gabuit fine grin; ocur briatup epluma ata ne

^{purty}
deeds of arms. And no blind man shall be a chief, i.e. no chieftainship (leadership)
of the way shall be given to the blind man, or the ignorant man, and no lame man
shall be exalted, i.e. no title shall be bestowed upon the lame man, i.e. In election
for arms. No exhausted person shall be advanced, i.e. the person who has no sub-
stance or juice of strength in him, i.e. or who is without wealth.

¹ Fine for trespass, 'Fiach poorpume.'—In C. 552, 'Fodraim,' or trespass, is
defined to be 'breaking of stakes or fences, and injuring of the 'roidh'-plant and
onions, and dirtying the streets and causeways'; and it is observed moreover:

is fine for pursuit, i.e.
man is not intended to be
cripple

i.e. who
doesn't carry
the way

q. O'Ben.S.V.
fodraim

the patron saint, and *the tribe* to which the land belongs, and the 'manach'-class, shall leave all his legacy within *to the church*; or, according to others, it is the share of the first 'manach'-person that is *due* of each man of them.

CUSTOM-
ARY LAW.

A 'cill'-church equally ~~pure~~ and good.

That is, ~~they pay value~~ for the headship of a 'cill'-church, i.e. a *a place of equal dignity* 'cill'-church equal to their own *is given to them in pledge for that* every illegality which ^{is on it} was committed against it until it ~~(the 'cill'-church)~~ goes to the true heir. Now the pilgrim's bequest is all *due* to the church, and he is not permitted to become the head of a 'cill'-church unless that he comes in the eighth place, and that he leaves a 'cill'-church as good as the head of a 'cill'-church within, and as the 'manach'-class outside, for he consents to *balance* the amount of illegality which is committed against the 'cill'-church within, against the amount of illegality which is committed by herself outside; and if the pilgrim were guilty of trespass in the church within, *a fine of thirty-three 'cumhals' is due of him*, for there is no fine for trespass¹ imposed upon anyone except the pilgrim in 'urrudhas'-law. Or, according to others, these are *due* of him for taking lawful possession of the church; and the church ~~had~~ land *was* without amity or covenant of alliance, and he brought with him the value of thirty-three 'cumhals' *to take* lawful possession of it; and these are forfeited by him.² *for him*

With seven 'cumhals' every month for three months.

That is, thirty-three 'cumhals' come of them, and *those* before mentioned from the pilgrim; and this is a fine for trespass, and there is no fine for trespass in 'urradhus'-law except this, and this is the greatest fine for trespass in the 'Berla'-laws. The leniency of it (*the law*) is seven 'cumhals,' but the severity is five 'cumhals' and four times seven 'cumhals.'

A 'cill'-church for the original tribe to whom the land belongs.

That is, a 'cill'-church which the tribe to whom the land belongs *exclusively* take possession of; and they (*the tribe to whom the land*

¹ "Thirty-three 'cumhals' is the largest fine for trespass mentioned in the law, i.e. seven is the largest fine for trespass in 'cain'-law, and one 'cumhal' is the smallest. Or if there should be 'smacht'-fine for trespass in 'urradhus'-law, it should be according to the nature of the 'cumhal.'"

² By him.—He must leave them to the next abbot.

CUSTOM-
ARY LAW.

gabail doib òfine grun; no ir a ruoiriú do chuarú doib hÍ cein ber damna apairú oib; ir a gabail don fine ar neiom doib meoch d'ara damna apairú .i. comarú fine epluma; ocuŕ tŕebuirne tar cenn fine epluma, cach uair biaŕ damna apairú do fine grun, in a hauris doib.

Acht nár rui for culú cu fa deoisŕ ría ndeorú de.

H O' 2259

.1. áctaisim no ta áct lium ann co na himpacur hÍ for culú òfine epluma cen tŕebuirne no co n'ech fa deoisŕ re ndeorú de; uair ir tairce rásur in ap'aine òfine epluma cen tŕebuirne ina do deorisŕ de for tŕebuirne; ocuŕ ir tairce rásur do na rinib eile hÍ for tŕebuirne na òfine epluma cen tŕebuirne; ocuŕ tairce rásur òfine eploma for tŕebuirne inar do na rinib eile for tŕebuirne.

15 Cell manach.

.1. cell manach gabuit fine manoch, ocuŕ ir la manchu ap'aine do gŕer cein ber damna apairú oib; ocuŕ gac uair na bia, ir amuil fonaircit fine gráin romuino a fine eploma a fonaircit òfine gráin for annor.

cf. IV 372. 15

O'D. 554.

20 Ní cuirichur cuairú for gablu [fine man tab-
rairú dia do neó oib in tŕainraoach, áct ir iar feaba
do goathair ocuŕ do gairter.]

.1. noco cuirter cae uirú in crannair for in fine gablurichur o biaŕ adbur ir ferir ina ceile ann, .i. deise ar na cuirter in
25 cuairt, ma la haon gabur, no muna be damna napairú cro
coitenn doib, deise d'ana aru cuirter, coitennur ocuŕ
comadbur.

¹ A 'cill-church of monks.—The 'manach,' or monk, so often mentioned in these laws, seems to have been a tenant of church land.

² Unless God has given it.—C. 885, reads "mana tairbe dia .i. tŕe éocŕan, unless God has given it, that is, by lot."

Further fragments in C 894f. H O' 554

belongs) have the word of the patron saint for taking it (*the 'cill'-church*); or it came to them by prescription as long as there shall be of them a person fit to be an abbot, *and when there is not*, it (*the abbacy*) is to be assumed by the tribe that is next to them, which has a person fit to be an abbot, i.e. the tribe of a patron saint; and on the part of the tribe of the patron saint security is *given* that whenever there shall be a person fit to be an abbot of the tribe to which the land belongs, they will restore it (*the abbacy*) to them.

CUSTOM-
ARY LAW.

But *in case of the tribe of the patron saint not giving security* it does not return back until it comes finally to the pilgrim.

That is, I stipulate or I make a condition here that it shall not return back to the tribe of the patron saint without security until it goes finally to the pilgrim; for the abbacy shall sooner pass to the tribe of the patron saint without security than to the pilgrim with security; and it shall sooner pass to the other tribes upon *their giving security* than to the tribe of the patron saint without security; but it shall sooner pass to the tribe of the patron saint on *their giving security*, than to the other tribes on *their giving security*.

A 'cill'-church of monks.¹

That is, a 'cill'-church of monks which a tribe of monks hold, and the abbacy shall always belong to the monks as long as there shall be a person of them fit to be an abbot; and whenever there will not be *such*, the case is similar to that before mentioned, i.e. of the tribe to whom the land belongs, binding the tribe of the patron saint by a guaranty to the tribe to whom the land belongs, upon the 'annoit'-church.

The succession shall not devolve upon the branches of the tribe unless God has ⁷given² it to one of them *Current is not made upon* in particular, but he (*the candidate*) ~~shall be rejected~~ *is chosen* and ~~named~~ according to his dignity. *Parclaimed (or summoned?)*

That is, the order of the succession by lot shall not devolve upon the branching tribes when there is a person better than the others, i.e. there are two reasons why the succession does not devolve upon the branches, if it be assumed by one, or unless there be a person fit to be an abbot in common among them, there are two reasons why it (*the lot*) is cast—commonness of claim and equality of persons fit for the office.^a

^aTr. equal material.

Scam

[The last book of the 'Senchus Mór' as preserved in H. 3, 17, ends here, at col. 254, after which three cols. of the MS. are left blank, on which it was apparently intended to transcribe the remainder of the work. This part of the 'Senchus Mór' is perhaps irrecoverably lost. From a brief Gloss most probably belonging to this lost portion of it, and preserved in H. 3, 18, p. 382 (C. 835), it would appear that it treated of fines for stealing or taking by force any kind of property from a church or its termon lands.]

owing to the incomplete & faulty editing of the laws & the foolish statements in the preface to this volume (cf. p. lxxviii etc.), several foreign jurists have been deceived into regarding this as the most ancient record of its kind.
 cf. Kohler: Shakespeare² p. 261 speaks of it as a work "welches ganz besonders das Gepräge der Bruderschule trübt".

leban circle.

THE BOOK OF AICILL.

MSS.

- A. E. 3.5 (1433) p. 21a-60 b (O.B. 6, 130-326) 'frundloze' to III 542.14
 B. H. 3.18, p. 399-412 (C. 893-954) down to III 250.23 & append. 554 f.
 C. N. 35.5 p. 7a-16 b (C. 1619-1710) partly = III 392-540. p. 27a-30 b (C. 1724-1742) = III 12.
 D. Eg. 90 fol 8 r a-15 v b (O.B. 1964-2019) 2 fragments = (approx.) III 352-404, 462-476.
 E (N. 43.6 [23 P3]) fol 24+25 (C. 1910-1925, 1926-1940) = III 198-214, 140-160.
 F. Eg. 88 (O.C. 2137-2663) fragments of p. clxvii
 G. Ashburnham MS cf. p. clxvi f.

* Neahy's account (II. 312) gives a different reason for A. g.'s enmity to Cellach, viz. that he had blinded a man for whom A. g. had stood guarantor to Cormac.

Lebar aicile.

A, B.
THE BOOK
OF
AICILL.

C. 893.

C. 893.

*

C. 893.

Loc don luidup ro Aicill ar aice Temair, ocur
amreper do amreper Coirpre Lífchair, mic Cormaic,
ocur pepra do Cormac [burdein], ocur tucart a démma
caechad [rula] Cormaic do Aengus Gabuaidech, iar
5 fuatach ingine Soraip, mic Airt Cuirp, do Cellach,
mac Cormaic. Ais echarta in tAengus ^{(gaelman of the chr.) Th.} Gabuaidech,
ac dísail gneiri centuil a tuathaid lúigne, ocur do
éuaid a teó mná and ocur aiaib loim ar eicin and;
ocur ro ba chopra dait, ar in ben, ingen do bhrathair
do dísail ar Cellach mac Cormaic na mo bíodra ar
eicin do cartheam; ocur ní ruimenn lebur ole do
denam pur in mná; acht do éuaid peime do ino-
raigto na Temraic ocur iar fúineó ngréime ro riacht
eo Temraig. Ocur geir do Temraig airm laich do
15 bpeith inóte iar fúineó ngréime, aic na hairm do
ecmaicir inóte [burdein]. Ocur ro gab Aengus in
cruimall Cormaic anuas da healdamg, ocur tuc
buille di a Cellac mac Cormaic, cor marburtar
he; cor ben a heochair dar ruil Cormaic co ro

¹ Aicill. The old name of the hill of Skreen near Tara in the county of Meath.

² Temhair. Now the hill of Tara in Meath, for the history of which see Petrie's *Antiquities of Tara Hill*, *Transactions of the Royal Irish Academy*, vol. 18.

³ Coirpre Lífchair. He was the son of King Cormac and his successor on the throne of Ireland.

⁴ Aengus Gabhuaidech. He is sometimes called Aengus Gai-Buaifech, as in C. 893, i.e. of the poisoned spear.

10. THE BOOK OF AICILL.

INTRODUCTION.

or 'which overlooks'? cf. 84.5f.

THE place of this book is Aicill,¹ close to Tem-
 hair,² and its time is the time of Coirpri³
 Lifechair son of Cormac, and its author is Cormac,
 and the cause of its having been composed was the
 blinding of the eye of Cormac by Aengus Gabhuaidech,⁴
 after the abduction of the daughter of Sorar,
 son of Art Corb, by Cellach son of Cormac. This
 Aengus Gabhuaidech^{des Schen; wolfhead} was a champion⁵ who was
 avenging a family quarrel^{Chridisgion} in the territories of
 Luighne,⁶ and he went into a woman's house there
 and drank milk in it by force; and the woman said
 "it were better for thee to avenge the daughter
 of thy kinsman upon Cellach son of Cormac than
 to consume my food by force;" and no book men-
 tions that he did any further injury to the woman;
 but he went forward towards Temhair and reached
 Temhair after sunset. And it was a prohibited
 thing at Temhair to bring a hero's arms into it after
 sunset; so no arms could be there except the arms
 which happened to be within itself. And Aengus
 took the ornamented spear of Cormac down from
 its rack, and gave Cellach son of Cormac a blow of
 it, and killed him; and its edge grazed one of Cor-

Car. p. 319.

¹ *Champion*. This class of champions formed one of the seven grades of a terri-
 tory, among whose duties it was to avenge family quarrels and insults.

² *Luighne*. This means the territory of Luighne, now Leyny in the county
 of Sligo.

eine Art Holziot, ein
 Kriegermann, den sein Geschle-
 ch. sein Stamm unter
 Th. Car. p. 319

THE BOOK
OF
AICILL.

let éach hé; ocur po ben a huplunn a n'oraim
rechtair na Tempach aca tapraing a Cellaé, co po
marbair he. Ocur ba geir ruz co naimm do bié a
Tempaig. Ocur po cuiréo Cormac amac dá leiger co
5 Aicill ar aicí Temair; ocur po eitea Temair a
h-Aicill ocur ní raicéa Aicill a Temair. Ocur tucad
ruzi n'oirenn do Cairppu l'ipechair mac Cormac;
[ocur gac aincer breithemnair ticeo curio do teigeo
da iarpairde da athair; conad éo a deiréo a athair
10 f'ur, a mic aca f'eirer, ocur na bla].

C. 895.

Ocur ir ann rin do ruzned in leabair po; ocur ir
e ir cuir do Cormac and, each bail aca bla, ocur
a meic aca f'eirer; ocur ipeo ir cuir do Cinraealad
cac ní ó tha rin amac.

15 Aicill rin, uch oll do ruzne Aicell, ingen Cairppu,
ann a caneó Eirc mic Cairppu, a derbbrathar; ocur
deirmirect air rin:

Ingen Cairppu do roáir
ir do Ferdleim noóroaig;

20 Do cumairg Eirc, aebda in paino,
Gaet i noígal Conculainn.

No, Aicell, ben Eirc mic Cairppu ba marb do
cumad a fir and ar na marbad do Conall Cernach;
ocur deirmirect air:

25 Conall Cernach tuc ceann Eirc
Re taeb Tempac im trac teirt;

¹ *Cuchulainn*. He was one of the heroes of the Craebhruadh or Red Branch, in Ulster, in the first century of the Christian era. This verse is quoted from the Dinn Senchus of Aichill.

not an old copy.
Th² 535

cf. App. p. 550

quotations fr. the
Dinn Senchus of Aichill
M. R. I 46. 5-12

mac's eyes and destroyed it;^a and in drawing it back out of Cellach its handle struck the chief of the king's household of Temhair in the back and killed him. And it was a prohibited thing that one with a blemish should be king at Temhair. And Cormac was *therefore* sent out to be cured to Aicill close to Temhair; and Temhair could be seen from Aicill, but Aicill could not be seen from Temhair. And the sovereignty of Erin was given to Coirpri Lifechair, son of Cormac; and in every difficult case of judgment that came to him he used to go to ask his father about it; and his father used to say to him "My son that thou mayest know," and *explain to him* "the exemptions."

And it was there (*at Aicill*) this book was composed; and Cormac's part of it is wherever occur the words "exemption," and "my son that thou mayest know;" and Cennfaeladh's part is everything from that out.

This Aicill is *derived from* "uch oll," i.e. great lamentation, which Aicell, daughter of Coirpre made there in lamenting her brother Erc, son of Coirpre; as these lines show^a :—

The daughter of Coirpre died,
And of the fair-formed Feidleim, *N. beautiful*
Through grief for Erc, *celebrated* in verse,
Who had been slain in revenge for Cuchulainn.¹

Or it was Aicell, the wife of Erc, son of Coirpre, who died of grief for her husband there after he had been killed by Conall Cernach,² as these lines show^a :—

Conall Cernach brought Erc's head
By the side of Temhair at the third hour;

² *Conall Cernach*, i.e. Conall the Victorious; he was the chief of the warriors of the Red Branch early in the first century.

THE BOOK
OF
AICILL.

^a Ir. *He be-
came blind
of an eye.*

^a Ir. *A proof
thereof.*

^a Ir. *A proof
thereof.*

THE BOOK
OF
AICILL

Ír tpuas in gním do deáir do,
Ómpeò epòdi uap Aicle!

- C. 894. 5 Ma ro baí apðapc òlgeò ann, ír 1 eipic tucad
ann rin; acht ma ro bí ræpðath ap Maiz ðpæz
[reime] amuil do ðeipðea ræpðath don leit ocup
ðæpðath don leit aile, im a leit a ræp aicillnecht
ocup in leit aile 1 nðæp aicillne.

Mana raibe ræpðath opðia íap, ír 1 eipic tucad
ann rin ahuil do biað a ræpðath do leit ocup
10 ðæpðath don leit aile, im a leth a ræp aicillne ocup
in leit aile 1 nðæp aicillnecht.

- C. 895. Mana na poibe apðapc òlgeò ann [íap], ír cepc
cáich ahuil a nepc. Ocup do pacatup rum in pepann
ocup do éuatap bu ðep. Ba íap Óéipí Puipt lægaipc,
15 no Puipt laipzi íap ó rin a le.

- C. 896. A loc ocup a ampep íap Cormac co nici rin.
Mað íap Cintoðaelað imuppo, loc do ðaipc lapáin,
ocup ampep do ampep Domnall, mic Aedá, mic
Ainmipeð; ocup pepðað do Cintoðaelað [mac Oilella],
20 Ocup tucat a ðenna a inéinð tepmat do ðuann a
cint Cintoðaelað íap na pcolat a cat Maize paith.

¹ *Magh Breagh.* A large plain situate in the east of ancient Meath.

² *The South.* They (i.e. some of the inhabitants of Magh Breagh) went to Leinster, but ultimately settled in Munster, and the king thereof being then at war with king Cormac afforded them protection and gave them lands situated between Lismore and Credan head, to which they transferred the name of Deisi. The barony of Deece, near Tara in Meath, marks their original situation. *Vide* Keating's History of Ireland; and Ogygia, Part III., cap. 69.

^{Sad is} Pity the deed that ^{came from} happened by it,
The breaking of Aicell's ^{could} proud heart.

THE BOOK
OF
AICILL.

If good law had existed the 'eric'-fine that was paid for this would have been^a *as follows*; if there had been, 'saer'-stock tenancy in Magh Breagh¹ before this time, in such a manner that one half was in 'saer'-stock tenancy and the other half in 'daer'-stock tenancy, the half in 'saer'-stock tenancy should have become as the half in 'daer'-stock tenancy.

If 'saer'-stock tenancy did not exist there at all the 'eric'-fine that was paid in that case *should have operated as if one half had been originally in 'saer'-stock tenancy and the other half in 'daer'-stock tenancy, for one half would have remained in 'saer'-stock tenancy and the other half should have been reduced to 'daer'-stock tenancy.*

*This must refer to the
Deisi of Tara, (2)
Frachta Suigile s. Conn
Cathach, whose 3rd son
was A. g. acc. to
Keating*

If good law did not exist at all, *then it was* "the right of each is according to his strength." And they left the land and went to the South.² They have been the Deisi of Port Laeghaire or Port Laire ever since.

These are the place and time of it (the book) ^{then} as far as regards Cormac. But as regards Cunnfaeladh, its place is Daire-lurain,³ and its time was the time of Domhnall⁴ son of Aedh son of Ainmire; and its author^a was Cennfaeladh son of Oilell, and the cause of its being composed was, that part of his brain^b was taken out of Cennfaeladh's head after it had been split in the battle of Magh-rath.

acc. to
acc. to

^a Ir. Person.

^b Ir. Brain
of forget-
fulness.

³ Daire-lurain. Now Derryloran in Tyrone.

⁴ Domhnall. He was monarch of Ireland in 642 A.D., and fought the battle of Magh Rath (Moira) in that year against Congal Claen, king of Uladh, his foster son. Vide the Battle of Magh Rath, edited for the Irish Archaeological Society by Dr. O'Donovan in 1842.

|| MR p. 84.5

THE BOOK
OF
AICÉILL.

67

Teora buada in catha rin: marom ar Congal
Clasen ina anáir ne 'Domnall ina púinde, ocuf
Suibne Seilt do dul ar geltaat, ocuf a incinn deir-
maic do buain a cind Cinnphaelaid.

C. 896.

cf. MR pp. 282-4.
Hy. Fachrach p. 78

5 Ocuf noca neða rin ir buad ann Suibni do dul
ar geltaat, aat ar facaib do feclaib ocuf do lairib
dia eir 1 neirpind. Ocuf noca neð ir buad a incinn
deirmaic do buain a cinn Cinnphaelaid, aat aneoc no
facaib da degraip lebarda dapa heir 1 neirpind. Co
10 puacð hé da leiger co tech Druicini Tuama Drecain
[a compiac na tri rraided, idir eirib na tri puad].
Ocuf tri fecla do bi ir in baile: feol léigind, feol
feimeair, ocuf feol púideata. Ocuf caé ni do clumet-
rum da inirpini na tri feol caa lae, do bi do glan
15 mebru caa naide; ocuf do cuirpium glonpnaet
púideata fúitib, ocuf do reirpium iat a lecaib ocuf
1 tuiblib, ocuf no cuir feic a cairclibair.*

no comadh e in. n. mosh buaigh. 1. fer d'feailb Eirend 7 fer d'feailb
Alban da dul tairis sóis gan lúing gan eitar 1. Buldia mac Saman 7 7
fer do fúideatib adel B (C. 896)

C. 897.

Dunuo ocuf inde ocuf airdeir condaagar don
focul ir eirged. Dunuo do aeti in Eðra, et a Dpéic,
20 ecciamlicet a bunuo lairne; deimni dilmann a gaedelt
[do gabar.]

slainni B

A bun iar plainitgi rin ir na ceirpí prím d'érlaib,
a Dpéic, in Eðra, 1 lairne ocuf a Gaedelt; ocuf

1 Falsehood. For 'anáir,' C. 896, reads 'gae.'

2 Suibne Gelt. That is, Sweeny the Lunatic.

3 Tuam Drecain. Now Toomregan in the county Cavan.

4 Paper-book. For 'cairclibair,' C. 896, reads 'cairclibair,' a chalk book. (B)

5 'Eitged.' The Book of Aicéill, the joint work of King Cormac and Cennfaeladh, was called "Bretha Eitged," i.e. judgments of 'Eitged' or "Leabhar na nEitged," i.e. the Book of the 'Eitgeds.' The derivations of the word 'Eitged' given in the text do not appear susceptible of any probable explana-

Three were the reasons of that battle being celebrated :—the defeat of Congal Claen in his falsehood¹ by Domhnall in his truth, and Suibhne Gelt² having become mad, and part of his brain^a having been taken from Cennfaeladh's head.

THE BOOK
OF
AICILL.

^a Ir. Brain
of forget-
fulness.

And Suibhne Gelt's having become mad is not a reason why it (*the battle*) is celebrated, but *it is* because of the *number of* stories and poems he left after him in Erin. And *the fact that* part of his brain^a was taken from Cennfaeladh's head is not a reason why the battle is celebrated, but *the reason is* the number of well-composed books which he left after him in Erin. And he (*Cennfaeladh*) was brought to be cured to the house of Bricin of Tuam Drecaín³ at the meeting of the three streets, between the houses of the three professors. And there were three schools in the town :—a school of literature, a school of law, and a school of poetry. And whatever he used to hear rehearsed in the three schools every day, he had by heart every night; and he put a fine thread of poetry about them, and wrote them on ~~slates~~ and tablets, and transcribed them into a paper book.⁴

stones (fr. lia)
12 Erin 217

The root, meaning, and import of the word 'Eitged'⁵ are sought for. Its root is 'aeti' in Hebrew, 'et' in Greek, 'etiamlicet' is its Latin root; it means 'deimin dilmain,' *i.e.* certain freedom, in Irish.

Its root when taken in its good sense of exemption is found in the four principal languages, in Greek, in Hebrew, in Latin, and in Irish; but when taken

tion. It appears to mean anything contrary to what is usual, *contra normam solitam*, which includes the idea of exemption, excess, criminality; ἀνομία. A distinguished Sanscrit scholar has suggested the Sanscrit, "ati gati," "going over," "transgression," as having possibly some connection with the term.

THE BOOK
OF
AICILL.

nocon agabap iap eintaisi aét in dá mbérlaib namá,
1 lairín ocup 1 n'gaeóilg; uairín cinnó, éillnim, lairín
laireneoir, ocup eitgeó cin lairín n'gaeóilgíó.

C. 897.

[Al m'otaithe meó a hin'oe in focail ír eitgeó .1. eitgeó
5 é po teigeó in tan ír tpe compaite; no eitgeó é na
teigeó in tan ír tpe an'pót; no eitgeó .1. é su na éacuó
aice in tan na hicaó ní ocup po hicaó ní pur; no
eitgeó .1. é san a tacuó aice in tan po icaó ní ocup
ní hicaó ní pur; no eitgeó, et toiríó, toiríó et, ailbín
10 uiaó írin cinaó. No eitgeó .1. et foiríó, foiríó fpu
foiríó, buille a naóais buille. No eitgeó .1. et etail
ocup geó gaeó, conair iap a fagbaó gaeó etail
a haipbept feicheannair ocup bpeicheannair in libuirí
rír.

C. 898.

15 Al bunao rin ocup a m'otaithe meó.]

C. 898.

Al aipbept .1. a eipept ríu aní naé [pollur .1.] rcoó
ír in focail [badein], co fagabap anó tpe na tur,
amuil aca eitgeó cin, ocup eitgeó plan.

C. 900.

[Óa focail deó eitgeó] aithegeap anó .1. eitgeó
20 pua neitgeó, ocup eitgeó iap neitgeó, ocup eitgeó
na neitgeó, ocup eitgeó molbtaíó, ocup eitgeó
mbriaíur, ocup eitgeó gneíteach, ocup eitgeó bpec
ocup eitgeó fínó, ocup eitgeó dub.

Eitgeó pua neitgeó, cin pua cin, amuil do fagne
25 in taingel polur tairgeóach Lucíper: "beiró aingil
neimí ípum; ní ba fag nech uapum." *dozentat azad*
again i naiver tuaisert nime B C900

¹ Twelve. Only nine divisions are given in the text here.

in its sense of criminality, its root is found but in two languages only, Latin and Irish; for 'cinno' is, I corrupt with the Latinist and 'eitged' is crime in Irish.

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OF
AICILL.

The analysis of the word 'eitged' from its meaning, i.e. it is an 'eitged' which goes, when it is through design; or it is an 'eitged' which does not go, when it is through inadvertence; or it is an 'eitged' with a return when he pays nothing and something is paid to him; or it is an 'eitged' without a return to him when he pays something and nothing is paid to him; or 'eitged' i.e. 'et-toichid,' suing the flock, i.e. the 'et,' the flock, is got from him for the crime. Or 'etged' i.e. 'et-foichid,' offence for offence, i.e. blow against blow. Or 'etged' from 'et,' profit, and 'ged,' wise, a way by which wise men obtain profit by pleading and giving judgment according to this book following.

Such is its origin and its analysis.

Its import, i.e. its true meaning, i.e. that which is not obvious in the word itself, can be found in it through investigation, as 'eitged' which means criminal, and 'eitged' which means exempt.

There are twelve kinds of 'eitged' considered, as 'eitged' before 'eitged,' and 'eitged' after 'eitged,' and 'eitged' of 'eitgeds,' and praiseworthy 'eitged,' and 'eitged' of words, and 'eitged' of face, and speckled 'eitged,' and white 'eitged,' and black 'eitged.'

white 12

'Eitged' before 'eitged,' i.e., crime before crime, such as the light-bearing angel Lucifer committed when he said "the angels of heaven shall be under me; no one shall be king over me."

THE BOOK OF AICILL. Eitged iar neitged, cin iar cin, amuil do pime Rua toraò in éraimò upgarèa do caiteam.

c. 900. Eitged na neitged, [cin na cinat], amuil do pigne in cet duine Adam comcepaòuḡaò do lécuò 5 ppiu.

Eitged molbtaòde, cin do denam do neoch ar a polairò badein pua polairò neich aile.

Eitged mbriachar, briat ocur air ocur lepaam.

Eitged gnetech, gnímach coemtecht ocur feilcecht.

f. Acl. III 293f.

c. 900. 10 Eitged brec, tpeḡfocal rócpa, [gnompa gnompa, glampa glampa, aepa aepa .i. gnompa immon nglar gabail; glampa iman nglaim nḡigenò; aepa 1m an lan air].

Eitged pind, pind in molta.

15 Eitged dub, dub na haire.

c. 899. Cum ir aenòa [.i. in compairi]? .i. pīr a aenur.

Cum ir deòā? .i. [pīr .i. in compairi] ocur anpīr.
Cum ir tpeòā? [.i. coirde .i. ó crīde, ope .i. o gnī, opepe .i. o gnīm].

c. 899. 20 [Cum ir cethaòā? Cethaòā polomḡ imarbar; arlac, ocur tolonuḡaò, placraa, ocur upcoimded. Aclach on nachair for Rua, ocur tolonuḡ do Rua pua, ocur comcepaòuò do Adam ppiu. Slaacraa, upcoimded .i. upcoimded placraa do denam doib; a

1 Them. That is, the angel Lucifer and Eve.

'Eitged' after 'eitged,' i.e. crime after crime, such as Eve committed by eating the fruit of the forbidden tree. THE BOOK
OF
AICILL.

'Eitged' of 'eitgeds,' i.e. crime of crimes, such as the first man Adam committed by giving consent to them.¹

Praiseworthy 'eitged,' i.e. the injury which one commits on his own property rather than on the property of another.

'Eitged' of words, i.e., spying and satirizing and nicknaming.

active 'Eitged' of face, i.e. ^{practical, accompanying} ~~in aiding in the deed~~ and looking on.

Speckled 'eitged,' i.e., in three words of warning, I will 'grom'-satirize, I will 'grom'-satirize, I will 'glam'-satirize, I will 'glam'-satirize, I will 'aer'-satirize, I will 'aer'-satirize; I will 'grom'-satirize in the satire called 'glasgabhail,' I will 'glam'-satirize in the extempore lampoon, and I will 'aer'-satirize in the full satire.

White 'eitged,' i.e., the white of flattery. *praise*

Black 'eitged,' i.e., the blackness of satire.

When is it simple, that is, intention? i.e. when there is knowledge only.

When is it double? When there is knowledge, i.e. intention, and ignorance.

When is it threefold? That is, when there are thought, and word, and deed.*

When is it fourfold? Four things sustain crime; temptation, consent, urging, and boldness of denial. Temptation such as that of Eve by the serpent and Eve's consent to it, and Adam's consent to them. Urging, ~~boldness of denial~~, i.e. a bold denial is made by them, i.e. they say that what they had done

* Ir. By heart, mouth, act.

rabbis (false) excuse

THE BOOK
OF
ATCILL.

rao naé ein a deirgatair, ocur fir in cinaig acu do denam.

Ar ar rin ir pollur o bair fir in cinaig ac duine, gin go roib fir na herce, conao anfir lan riachach.]

c. 900. 5 Cum ir cuicé? .1. na cuic cinao duine ni damna mella. [Cin coiri, cin laime, cin rula, cin beoil, cin tanga.]

Cuin ir réda? .1. adrimitep [in rered] ein ano [riu], cin cuibre.

10 Cuin ira do dec don cintach? .1. na da fodail dec eitged.

c. 899. Ocht narnnaile coircenna porpecat in teitged rode-glata; [.1. foglaidecu, ocur deirmipect, imcomairc, ocur epcailuo .1. lanriac ocur leé riac, aithgin, ocur 15 rlan].

.1. na da fodail dec eitged. Deirmipect air .1. geogain Cuculainn a mac i narpot [gen a rloindeo do].

?
Imcomairc; caite blaol epcaille caé rlan caé 20 ruiroleap? .1. lan riach ir in comairc, ocur leirriach ir in anpot aithgin a torba .1. ir in indeibire torba; rlan a rirideibirep, indeibire torba.

Coircenn ocur dilep ocur ruirolep condegap don focul ir eitged. Coircenn do a bié a cinaige ocur a 35 rlanrige, dilep do a bié a naitigin, ruirolep do a beth a rlanri.

c. 898. .1. in diuit no in compairigce in focul ir eitged? Ir compairigci [ocur ni diut] amuil caé compairiugao.

¹ *Cuchulainn*. The story of Cuchulainn's comba with his son Conlaech is given in O'D. 983. The fine imposed on him for killing his son was paid to Conor

was not a crime, while they knew that they had committed the crime.

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OF
AICILL.

From this it is evident that when a person has a knowledge of the crime, though he had not a knowledge of the 'eric'-fine, that his ignorance is fully finable.

When is it fivefold? That is, "The five crimes of man no cause of happiness." Crime of foot, crime of hand, crime of eye, crime of mouth, crime of tongue.

When is it sixfold? A sixth crime is added to the above, i.e. the crime of conscience.

When is the criminal law twelvefold? The twelve divisions of 'eitged.'

There are eight general kinds embraced in the distributed 'eitged': i.e.—division, and example, question, and explanation, i.e. full fine and half fine, restitution, and exemption.

Division, i.e. the twelve divisions of 'eitged.' An example thereof:—Cuchulainn¹ slew his son inadvertently, i.e. without knowing him. *his making himself known them*

Question; what is the law of safety in every case of safety and in every case of full guilt? That is, full fine for intention, half fine for inadvertence, restitution for profitable work, i.e. for unnecessary profitable work; *what is exemption?*
~~safety in true necessity, i.e. in necessary profitable work.~~ *The definition. Everything else, everything else.*

The of The word 'eitged' has a common, a proper, and a peculiar application. It is common in criminality and innocence, proper in restitution, and peculiar in safety. *is right*

Is the word 'eitged' simple or compound? It is compound and not simple like every composition.

¹King of Ulster, his maternal uncle, because Cuchulainn had no paternal family to take the fine for a slain kinsman.

THE BOOK
OF
AICILL.

Fegtar in compairiugad o doib nogairb, no in compairiugad o doib nanogairb, no in compairiugad o hoig ocuf o anoirg?

C. 898. 1r compairiugad o doib nogairb, uair oğ do a biè a cinairb, ocuf oğ do a biè a plairirig; [uair in et uil and iarf an ní 1r eirpamlacet, a bunad lairone, ocuf in ged uil and iarf a ni 1r gina, eillini piachairgí .i. iarf a ni comeillnither corp ocuf ainim ac denam cinad].

*inru nach gne y nach
cf 22 infra.*
10 Gne gneach ocuf cenal cenalach aithpeghair ann, cenal ac plomded cenal, cenal aca plomded buidm; gne ac plomded cenail gne. Gne do gneirib in eitged in compairi no in tairpot, no in torba no in terba, co ngneirib fuirib reic, na da potail dec eitged. Cenail
15 cenalac, cenail in terged co cenailib pai. Compairi ocuf airpot, torba ocuf eppa co ngneirib fuirib, na da potail dec eitged, ac 1r gne a let fur in eitged he in compairte, 1r cenail a let fur na da potail dec.

change ?

20 Congabair eapairi ocuf gne ocuf cenail doib amlair rin; uair rubailtepinum genaf cenail rubailtepin ac airneir do ni peime ocuf do ni na degaird.

In ní naè gne ocuf nach cenail ac plomded cenail noco uil iair he; no da mbet, comad toirpirdi ac plomded do torba, cenail aca plomded buidm, gne ac plomded
25 cenail, elguin ac plomded compairi. In toirpirdi ac noca cenail do na ceirpa cenailib he, noca gne don da potail dec eitged, ac ainim fuirpirdi cindeac ap a hagaird buidm.

Let it be considered whether is it compounded of THE BOOK
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AICILL. two perfect *words*, or compounded of two imperfect *words*, or compounded of a perfect and an imperfect *word*.

It is compounded of two perfect words, for it is perfect for it (*the word*) to be in criminality, and it is perfect for it to be in innocency; for the 'et' which is in it is from 'etiam licet' its Latin root, and the 'ged' which is in it is from 'gina,' a defilement that should be punished, i.e. because body and soul are defiled by committing crimes.

A specific species and a generic genus are considered in it, i.e. genus naming genera, genus naming itself; a species naming a genus of *species* is the *specific* species. One of the species of the 'eitgedh' is the intention or inadvertence, or the profit or the idleness, with species under them, or the twelve divisions of 'eitged.' A generic genus, i.e. the 'eitged' is a genus with genera under it. Intention and inadvertence, profit and idleness with species under them,—the twelve divisions of 'eitged;' i.e. intention is a species with respect to the 'eitged,' it is a genus with respect to the twelve divisions.

There is found in this manner difference and species and genus for them; for subalternate genus is that which treats of a thing above it and of a thing below it.*

*Tr. Before
and after it.

The thing which is not species and which is not genus naming genera does not exist at all; or if it does, it is necessity naming profit, genus naming itself, species naming genus, malice naming intention. The necessity is not a genus of the four genera, it is not a species of the twelve divisions of 'eitged,' but a name imposed determinate for itself.

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Diablað piach perǵ.

1. 1r 1r aithne na tanaatarde a dénum iuir comairib,
 ocur corp ɔpolač; no a denum a pleib no 1 noiraino,
 ocur cen corp ɔpolač; ocur ni hinɔir in ɔi ɔo ni co
 5 narɔar air ɔo ɔeip ɔlizið ɔaɔarɔarail, no imɔenma, no
 ɔiaɔnaire; no co naɔmann ɔe luiǵi. Ocur ce ɔa ɔiɔað
 in colann 1 elað, no 1 nuiɔei, manar ar ɔaizɔin a ɔolaiǵ,
 noco nuil air ačt eipac in maɔbða nama.

Diablað a lain buɔein o each ɔuine uile 1r in ɔuine-
 10 ɔaroi iuir uppað, ocur ɔeoparð, ocur muɔčairɔhi, ocur
 ɔaep, ocur ɔellach.

Maɔa manann ɔuine ɔo ɔine in maɔbað ocur in ɔolač,
 ɔečt cumala ocur lan enecclann ɔair 1r in ɔolač; ɔečt
 cumala ocur lan enecclann ɔair 1r in maɔbað; corub ɔa
 15 ɔečt cumala ocur ɔa enecclann ɔin o uppað 1r in tana-
 atarde.

Maɔa ɔain in ɔuppað ɔo ɔine in maɔbað ocur in
 ɔuppað ɔo ɔine in ɔolač, ɔečt cumala ocur lan enecclann
 ɔop ɔep 1r in maɔbað; cumal ocur lan enecclann ɔop ɔep
 20 ɔolaiǵ 1r in ɔolač, cen ɔapračɔain colla; ocur ma ɔair
 colann, 1r enecclann nama 1r in ɔolach. 1r ɔain in ɔuine
 ɔo ɔine in maɔbað ocur in ɔolach ann ɔin; no ciɔ manɔ
 ɔuine, 1 ɔaine uapɔeɔo ɔineɔ iat. Ocur ɔamɔo an nenɔečt,
 no maɔ ɔon maɔbað ɔainne in ɔolač, noca biaɔ uat ačt
 25 lan in maɔbða.

Maɔa manann ɔellac uppað ɔo bai ac ɔeilleð in maɔbða
 ocur ɔellac uppað ɔo bai ac ɔeilleð in ɔolaiǵ, ciɔ ɔain,

¹ 'Cumhals.' 'Cumhal' is literally a bond-maid. The payment of a 'cumhal' originally implied the actual transfer of a bond-maid in liquidation of a claim; it

Fines are doubled by malice aforethought.^a

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^a Ir. *Anger*.

Secret murder is known by its being committed among neighbours, and by the body being concealed; or by its being committed in a mountain or wild place, without the body being concealed; and the person who has committed it does not tell *it* until it has been fastened upon him according to the law of eyewitness, or proof, or evidence; or, he may acknowledge before swearing. And though he may put the body into a trench, or into water, if it was not for the purpose of concealing it (*the body*) *he did so*, he is liable to the 'eric'-fine for the killing only.

The double of his own full *honor-price* is due of each and every person whether native freeman, stranger, foreigner, 'daer'-man, or looker-on, for the crime of secret murder.

If it was the same person that committed the killing and concealed the body,^b *a fine of seven 'cumhals'* and full honor-price is imposed upon him for the concealing; and *a fine of seven 'cumhals'* and full honor-price is imposed upon him for the killing; which is twice seven 'cumhals' and double honor-price upon a native freeman for secret murder.

^b Ir. *The concealment.*

If it was a different native freeman that committed the killing and concealed the body,^b *a fine of seven 'cumhals'* and full honor-price is imposed upon the man who killed, for the killing; and *a fine of a 'cumhal'* and full honor-price upon the person who concealed, for the concealing, when the body has not been found; but if the body be found, honor-price only is *the fine* for the concealing. It was a different person that committed the killing and concealed the body in this case; or though the person was the same, they (*the acts*) were committed at different times. And if it were at the same time *they were committed*, or if the concealing came of the killing, there is imposed upon him but full *fine* only for the killing.

If the native freeman who was looking on at the killing, and the native freeman who was looking on at the conceal-

subsequently came to denote the value of a bond-maid, which was estimated at three cows.

THE BOOK OF AICILL.
 — c10 inano fep marbēa ocyr fep polaiḡ, cethruime coirp-
 uiri, ocyr cethruime eneclainni ari 1 reilleo ceḡtar de.
 Cen tapraḡtain colla na aithgin a rin; ocyr ma tapḡur
 colann no aithgin, na panna atait ar fcaḡ colla no
 5 aithgena do uil re lar; ocyr da tapairḡea neḡtar de,
 no buo ceirri cumala ocyr leḡ eneclainn; ocyr da tap-
 airḡea iat maraen, no baḡ tri cumala ocyr leḡ eineclainn.

Marā rain fellach uppaḡ po bai ac reilleḡ in marbēa
 ocyr fellac uppaḡ po bai ac reilleḡ in polaiḡ, c10 rain
 c10 inuno fep marbēa ocyr fep polaiḡ, cethruime coirp-
 uiri ocyr cethruimi eneclainni for in fellac uppaḡ po
 bai ac reilleḡ in marbēa. Cen tapraḡtain aithgena;
 ocyr ma tapḡur aithgin, in eutpuma ata ar fcaḡ aith-
 gena do uil re lar.

15 Cumal ocyr cethruimi eneclainni for in fellac uppaḡ
 po bai ac reilleḡ in polaiḡ, cen tapraḡtain colla; ocyr
 ma ḡapḡur colann, 1r cethruime eneclainne nama.

1r eutpuma uil ar uppaḡ 1 mbitḡ ac reilleḡ uppaḡ,
 ocyr ḡeopaḡ, ocyr murḡuirḡi, ocyr ḡair; ocyr ar ḡeo-
 20 paḡ 1 mbitḡ ac reilleḡ uppaḡ, ocyr ḡeopaḡ, ocyr mur-
 ḡuirḡi, ocyr ḡair; ocyr ar murḡuirḡi 1 mbitḡ ac reilleḡ
 uppaḡ, ocyr ḡeopaḡ, ocyr murḡuirḡi, ocyr ḡair; ocyr
 ar ḡaer 1 mbitḡ ac reilleḡ uppaḡ, ocyr ḡeopaḡ, ocyr
 murḡuirḡi, ocyr ḡair. Uair noco po lan fir laime icur

ing were the same, whether the person who killed and the person who concealed were different or the same, one-fourth of body-fine and one-fourth of honor-price *is the penalty* upon him for looking-on in either case. This is *the rule* when the body has not been found or compensation obtained; but if the body has been found or compensation obtained, then the portions which are *due* for the concealing of the body or for compensation are to fall to the ground; and if neither of them (*the body or the compensation*) was recovered, it (*the penalty*) would then be four 'cumhals' and half honor-price; and if both (*the body and the compensation*) were recovered, it (*the penalty*) would be three 'cumhals' and half honor-price.

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If the native freeman who was looking on at the killing, and the native freeman who was looking on at the concealing were different, whether the person who killed and the person who concealed were different or the same, one-fourth of body-fine and one-fourth of honor-price *is the penalty* upon the native freeman who was looking on at the killing. This is *the case* when compensation has not been recovered; but if compensation has been obtained, the proportion which was *due* for compensation falls to the ground.

A *fine* of a 'cumhal' and one-fourth of honor-price *is imposed* upon the native freeman who was looking on at the concealing, when the body has not been recovered; and if the body has been recovered, it (*the fine*) is a fourth of honor-price only.

There is the same *fine imposed* upon a native freeman for being a looker-on *at the killing* of a native freeman, or of a stranger, or of a foreigner, or of a 'daer'-man; and upon a stranger for being a looker-on *at the killing* of a native freeman, a stranger, a foreigner, or a 'daer'-man; and upon a foreigner for being a looker-on *at the killing* of a native freeman, a stranger, a foreigner, or a 'daer'-man; and upon a 'daer'-man for being a looker-on *at the killing* of a native freeman, a stranger, a foreigner, or a 'daer'-man. For it is not according to the full *fine due* of the actual killer^a that the

^aIr. Hand-
man.

THE BOOK OF AICILL. ⁵ pellac̃ a lan, ac̃t po lan a reilleõ bodein po aicneõ
upraiō, no theoraiō, no mupcuipẽi, no vaipe.

O upraiō ata rin, ocur a leō o theoraiō, ocur a ceth-
ruimi o mupcuipẽi; ocur noeo nuil ní o vaipe caē uaipe
⁵ tapēur colann; ocur mana tapēar colann iur, a polac̃
upraiō ata in cumal; ocur a ceitru peētmaō a polac̃
theoraiō; oā peētmaō ocur in cethruime rann .dec a
polac̃ mupcuipẽi; a peētmaō nama a polac̃ vaipe.

Maia inann vaipe marbēa ocur vaipe polaiō, cumal
¹⁰ air ip in marbaō, ocur cumal air ipin polac̃. Maia
rain vaipe marbēa ocur vaipe polaiō, cumal ar vaipe
marbēa ipin marbaō, peētmaō na cumale air vaipe
polaiō, cen tapētain colla; ocur ma tapēur colann,
C. 2,351. peētmaō in peētmaō ino, [no] co na beit nach ní.

15 Maia inano pellac̃ vaipe po bai ac reilleō in marbēa
ocur po bai ac reilleō in polaiō, ciō rain, ciō inano vaipe
marbēa ocur vaipe polaiō, oā peētmaō ocur in ceth-
ruime rann .dec na cumale pop in pellach, uaipe cen
tapētain colla na aithgena; ocur ma tapēur colann,
²⁰ no aithgin, peētmaō ocur in cethruime rann .dec na
cumale uao 1 reilleō ceētar de; ocur oā tapaipta
neētar de, po bato ceitru peētmaō na cumale; ocur oā
tapaipta iat mar aen, po bato tri peētmaō na cumale.

looker-on pays his full *fine*, but according to the full *fine* for THE BOOK OF AICILL. his own looking on according to rank, *whether it be that of* a native freeman, or of a stranger, or of a foreigner, or of a 'daer'-man.

From a native freeman this *amount* is *due*, and the half of it from a stranger, and the fourth of it from a foreigner; but there is nothing *due* from a 'daer'-man whenever the body has been recovered; but if the body be not recovered at all, it is for the concealing of *the body of* a native freeman *the fine of* a 'cumhal' is *due*; and four-sevenths of it (*the 'cumhal'-fine*) for the concealing of *the body of* a stranger; *it is* two-sevenths and one-fourteenth (*of the same*) for the concealing of *the body of* a foreigner; a seventh only for the concealing of *the body of* a 'daer'-man.

If the 'daer'-man who killed and the 'daer'-man who concealed be the same, *the fine of* a 'cumhal' for the killing, and a 'cumhal' for the concealing is *imposed* upon him. If the 'daer'-man who killed and the 'daer'-man who concealed be different, a 'cumhal' *is the fine* upon the 'daer'-man who kills, for the killing, and the seventh of a 'cumhal' upon the 'daer'-man who conceals, *for the concealing*, if the body has not been recovered; but if the body has been recovered, a seventh of the seventh of a 'cumhal' *is the fine* for it (*the concealing*); or, *according to others*, there is nothing (*no penalty for it*).

If the 'daer'-man who was looking on at the killing, and he who was looking on at the concealing of *the body*, were one and the same, whether the 'daer'-man who killed and the 'daer'-man who concealed be the same or not, two-sevenths and one-fourteenth of the 'cumhal' *is the fine* upon the looker-on, when the body has not been recovered or compensation has not been obtained; but if the body has been recovered or compensation has been obtained, a seventh and a fourteenth of the 'cumhal' *is the fine* upon him (*the 'daer'-man*) for looking on in either case; and if neither of them (*the body or compensation*) be recovered, it (*the fine*) *then is* four-sevenths of the 'cumhal'; and if both be recovered, it (*the fine*) is three-sevenths of the 'cumhal'.

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Μαπα ραιν ρελλαῖ ὡαιρ πο βαί ἀε ρεilleῖ in μαρβῆα
ocur ρελλαῖ ὡαιρ πο βαί ἀε ρεilleῖ in ρολαιῖ, εἰο ραιν,
εἰο inano ὡαερ μαρβῆα ocur ὡαερ ρολαιῖ, ὡα ρεῖτματο
ocur in cethpuime ρann dec na cumailḗ ρop in ρελλαῖ
ἡ ὡαιρ πο βαί ἀε ρεilleῖ in μαρβαο. Cen ταπαῖταιν αἰθ-
gēna [rīn]; ocur mā ταπαῖο αἰθgīn, ρεῖτματο ocur in
cethpuime ρann dec na cumailḗ. Ὅα ρεῖτματο, ocur
cethpuime ρann dec ρεῖτματο na cumailḗ ρop in ρελλαῖ
ἡ ὡαιρ πο βαί ἀε ρεilleῖ in ρολαιῖ, cen ταπαῖταιν colla,
ocur má ταρτυρ, cethpuime ρεῖτματοῖ, ocur in cethpuime
ρann dec ρεῖτματο in ρεῖτματοῖ; no comato rlan.

- C. 2,351. O ὡαερ υπραιῖ ἀτα ρῖn [rīn bpolaiḗ]; α cēiḗr ρεῖτ-
ματοῖ ó ὡαερ ὡεοραιῖ; ὡα ρεῖτματοῖ ocur in cēḗrpuime
ρann dec o ὡαερ murcupḗa; ocur ρεῖτματοῖ in ρεῖτματοῖ
15 o ὡαερ ὡαιρ.

- Canaρ α ngabap ρεῖτματο in ρεῖτματοῖ ἀτα o ὡαερ ὡαιρ
C. 2,351. rīn ρολaiḗ, uair naḗ inoipenn leabap? Ir ap [aiḥ]
C. 2,351. gabap; [uair]. ρεῖτ cumaila ἀτα o υπραιῖ [ano], ocur ir e
C. 2,351. α ρεῖτματο [rīo, in cumail] ἀτα o ὡαερ υπραιῖ, cōir aiḥ
C. 2,351. 20 ὡειρῖoic in cumail ἀτα [rōr] ὡαερ υπραιῖ rīn ρολaiḗ
cēmuro he ρεῖτματο na cumailḗ ὡo beḗ o ὡαερ ὡαιρ rīn
ρολaiḗ; ocur ir e ρῖn ρεῖτματοῖ in ρεῖτματοῖ.

Copy in C2351
In ὡuine ρuair in colann ina ρolaiḗ, aḗt má ὡo innip,
ir rīach ρairneirīn ὡo, no cūiḗiḗ rḗrḗ. Manap innip,
25 ir rīach ρeillīo uaiḗ; no comaiḗ rīaiḗ cabup bḗrḗtḗ.

- C. 2,352. Má ὡo ρepato cneḗ ap in colainn [rīn ρolaiḗ], iar
nēcaiḗ, in τainnpḗrḗnoe ὡo coirpḗoḗr ocur ὡeneclainn

If the 'daer'-man who was looking on at the killing and the 'daer'-man who was looking on at the concealing were different, whether the 'daer'-man who killed, and the 'daer'-man who concealed were different or the same, two-sevenths and one-fourteenth of the 'cumhal' *is the fine* upon the 'daer'-man who was looking on at the killing. This is when compensation has not been obtained; but if compensation has been obtained, *the fine* is one-seventh and one-fourteenth of the 'cumhal.' Two-sevenths and a fourteenth of a seventh of the 'cumhal' *is the fine* upon the 'daer'-man who was looking on at the concealing, when the body has not been recovered; and if it has been recovered, a fourth of a seventh and a fourteenth of a seventh of a seventh of a 'cumhal' *is the fine*; or, *some say*, that *in this case* he will be exempt from punishment.^a

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^a Ir. Free.

This is *the fine due* from the 'daer'-man of a native freeman for the concealing; four-sevenths of it *are due* from the 'daer'-man of a stranger; two-sevenths and one-fourteenth from the 'daer'-man of a foreigner; and a seventh of the seventh from the 'daer'-man of a 'daer'-man.

How is it found out that it is a seventh of the seventh of a 'cumhal' which is *the fine* upon the 'daer'-man of a 'daer'-man for the concealing of the body, as no book mentions it? It is thus inferred: because seven 'cumhals' are *the fine* upon a native freeman for it (*the concealing of the body*), and a seventh of this, *i.e.*, one 'cumhal' is *the fine* for the concealing upon the 'daer'-man of a native freeman, it is fair that it is the seventh of the 'cumhal' which is *the fine* upon the 'daer'-man of a native freeman for concealing, that should be *the fine* upon the 'daer'-man of a 'daer'-man for the concealing; and this is a seventh of the seventh.

As to the person who found the body in its place of concealment, if he has told it *at once*, the reward for information, or the share of a finder is *due* to him. If he has not told it (*the finding*), the fine of a looker-on is *due* of him; or, *according to others*, it is the fine for complicity in crime that is *due* of him.

If a wound has been inflicted on the body, in the act of concealing, after death, the proportion of body-fine and of

THE BOOK OF ALICLL.
 10 po biao do buoain a pēstān eneiōi a comācenta aīp
 ina beḥairo, corab ē in tainmraīnoe pīn bēp don
 aīthgin ḡa eclaiṛ bunarō .i. uaiṛ īṛ lē in colano.

are in C2352

|| O's 553 C. 1,390. Al meic aīpā pēpēp cenn nūg fop aīthēē, [cenn aīthig
 5 fop nūg]. *different comm. in C1390*

cf. V 20.25

.1. īṛ ano īṛ ceno nūg fop aīthēē, in inbairō po roglaīm
 mac in gīaro pēine cupuḃ gīaro pēēta hē, cupuḃ ērpoc,
 no cupā pēp lēigīno, co fūilīc pēēt cumala pēinoe ḡo,
 ocup pēēt cumala ēipci.

|| Cr. Gab. 530 ff

10 īṛ ano īṛ ceno aīthig fop nūg, in inbairō tucaro a rogā
 enecclannōi ḡo mac in nūg a ḡualgūṛ a ēochur, no enecclann
 a ḡualgūṛ a aīthar ocup a pēnathar, ocup īṛ ē rogā nūc,
 enecclann ḡo a ḡualgūṛ a ēochurā; ocup ḡo ēuairō pēip-
 ēpīth ina ḡochur, co nā fūil aīci aēt nūgī nā tṛī larp;
 15 larp a fūirī, ocup larp a belā, ocup larp a fīrba. Noco
 nūil aēt fēpēpall a hīnoṛacaiṛ ḡo māra īnoṛaic; ocup
 mānab īnoṛaic, noca nūil nāē nī mānī tancatar tīar-
 moṛaigīē cloinōi ano iarpān ḡo neoch nā poibī ann
 pēime a lō bṛēī in rogā; ocup mā ḡo ancatar, bīarō
 20 enecclann ḡo ar a ḡualgūṛ.

Māṛ ē rogā nūc enecclann a ḡualgūṛ a coibḡelachaiṛ,
 gē ētapṛcāpāig in coibḡelach nūṛ, lēīē enecclann ar in
 fēp tārēur aīci ḡo, uaiṛ noco nētapṛcāpāno in coib-
 ḡelach nūṛ ḡo gṛēṛ.

25 Māṛ ē rogā nūc enecclann a ḡualgūṛ a ēīno, mā po
 fēapṛtār in cenn nūṛ ḡo gṛēṛ, noco nūil nī ḡo ar a
 ḡualgūṛ.

* Upon a king. The paragraph refers to cases in which the status of one a
 plebeian by birth is that of a prince, and the status of one a prince by birth is that
 of a mere plebeian. The word head here is used exactly as is the Latin 'caput.'

honor-price which would be due to himself (*the person killed*), THE BOOK OF AICILL. for the inflicting upon him of a wound of the same nature in his lifetime, is the proportion of compensation that is due to his original church, i.e. because the body belongs to it.

My son, that thou mayest know *when* the head of a king is upon a plebeian, *and* the head of a plebeian upon a king.¹

That is, the case in which the head of a king is upon a plebeian, is when a son of *a man* of the plebeian grade has learned until he becomes *one* of a septenary grade,² i.e., till he becomes a bishop, or a chief professor,³ so that he is entitled to a fine of seven 'cumhals' of penance, and seven 'cumhals' of 'eric'-fine. *Ir. Man of learning.

The case in which the head of a plebeian is upon a king, is when he (*on his father's murder*) having been given his choice of taking honor-price in right of property, or honor-price in right of his father and his grandfather, made choice of honor-price in right of his property; and decay came upon his property, so that he has but the kingship of the three handles—the handle of his flail, the handle of his hatchet, and the handle of his wood-axe. He is *in such case* entitled to but one 'screpall'³ for his worthiness if he be worthy; and if he be not worthy, he is entitled to nothing unless children have been born to him afterwards which he had not before on the day of making his choice; and if they have *been born*, he has honor-price in right of them. (Is this a reminiscence of Cr. Gubl. 531 f.?)

If the choice he made was to have honor-price in right of his relatives, though the relative should separate from him, he has half honor-price for the *man* found with him, for the relative does not separate from him for ever.

If the choice he made was to have honor-price in right of his chief, *then* if the chief has parted with him permanently, he has nothing in right of him (*the chief*).

² *A septenary grade.* Any grade or degree entitling a person to seven 'cumhals' of 'eric'-fine and to seven 'cumhals' of penance.

³ *'Screpall.'* A 'screpall' was equal to three 'pingims,' and a 'pingim' of silver weighed eight grains of wheat.

THE BOOK OF AICILL. Marā etarpararā pe re, [do uil hī] cuiceo aile, a
pegaro ca točur uil aici. Marā točur etarpararāch uil
aici, in cūpuma po biao do cona mbeč i naen cuiceo
pīr; iṛ a leč do co na beth a pečtar cuiceo.

5 Marā točur nemetarpararāch uil aici, in cūpuma po
biao do co na beč i naen cuiceo pīr, iṛ a beith do a
pečtar cuiceo.

c. 2,423. [Sena iar naititiu] leithriach la dindoir a rođain,
c. 2,424. [gi ní dēpnatar iṛi.

10 .1. in pīāc uil don dāra leič pe dīpe ocuṛ pe enecclann
a ngaro lui, an cumāl a cain, no an aičgin a nuparour,
sur ab eč ber pe taoč luičō iṛ in niačō pīn, gin go
ndēpnatar in cin, ačt an maīčōam amain; uair aiti-
užāč mbreithi uil ann.

15 1ṛ e tiačōain iṛi in dā oligio po, .1. maīčōm iar
ndēnam cina bīr pē, ocuṛ mār eirinnarac do gne, iṛ pīr
de uairčō, ocuṛ aičgin ocuṛ cumāl pmačōa por neč
penačar iar naititiužāč; ocuṛ pmačō beith gin teirč,
bō no cumāl; ocuṛ an cumāl iṛ ar cēpāime pečō cumāl
20 aṛa.

110/2330
Ní bī pena iar naititi, ačt manab innarai pā dī no
pā tṛi a pena olōar a aitiitiu .1. é pēin co lučō a leič
arā no leič pīrā; no é pēin co lučō a dā leič pīr; no e
pēin ocuṛ lučō anpīrā ocuṛ aičgin].

25 Mārā gnim aithgena po mair in duine, i nuparour,
aithgin uar ann; ocuṛ pīr co na dēpnā do dīpōr dīpe
ocuṛ enecclann de.

1 'Teisl'-evidence. That is trustworthy witnesses.

If it be a separation (*from the chief*) for a time, in order to go into another province, let it be seen what sort of property he has. If it be separable property he has, whatever proportion of honor-price he would have by being in the same province with him (*the chief*), it is the one-half of it he would have by being in an extern province.

If it be inseparable property he has, the proportion of honor-price which he would have by being in the same province with him (*the chief*), he shall have in an extern province.

Denial after acknowledgment; half fine with oath is incurred* for this, although it (*the crime so denied*) was not committed at all.

That is, the penalty which is in the one case with 'dire'-fine and honor-price for stealing a ~~beast~~, and which is a 'cumhal' in 'cain'-law, and restitution in 'urradhus'-law is that which shall be imposed together with oath in that particular case, although the crime was only threatened, not actually committed; for it is *only* acknowledgment of word.

Coming between these two laws means this, i.e., he is boasting after committing the crime, and if it be an unworthy man who does so, ~~the witness of God is required~~ from him; and restitution and a 'cumhal' for 'smacht'-fine upon a man who denies after acknowledging; and the 'smacht'-fine for being without 'teist'-evidence¹ is a cow or a 'cumhal,' and the 'cumhal' here means the fourth part of seven 'cumhals.'

Let there be no denying after having acknowledged, unless it be twice or thrice more honest to deny than to acknowledge, i.e., himself with a party of half evidence or half proof; or himself with a party of his two half proofs; or himself and a party of full proof, with restitution.

That is, if it is a deed entailing restitution the person has boasted of, in the 'urradhus'-law, he must make restitution for it; and denial upon oath that he did not carry it into effect frees him from 'dire'-fine and honor-price.

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* Ir. Goes
with.

beast

oath

is instead of
is used for

arra is alogutma

THE BOOK OF AICILL. C. 2, 424. *ch. upradus*
 Mapa gnum diaithgeua po maio in duine, i nupraoib, le¹ e eneclainni uao [ocur p^rir do p^reur na lei² eneclainne aile de]. Cumal do pormacht can p^ririn, ocu^r can boiliuchta do pormacht in cumal rin^x; ocu^r i^r ap gabap 5 rin: Cumal p^ror nech penachair iap naitean, ocu^r noco nuil dei²b^rir lui na clei²i im in cumal rin.

Sain in duine do punne in maioem ocu^r in gnum ano rin; no cio inano duine, i^r p^rain uair do p^rigneo; ocu^r 10 da mao in aenpe²t, cio beo de bo^r mo, eipic in maio²ne no eipic in gnuma, corab eo be^r uao.

Cio air buoein, cio air nech aile po t^reinuirtar in cin, ata in eipic rin uao; a²t i^rri a dei²b^rir; cach uair i^r air buoein po t^reinuirtar in cin, geib^ro g^reim rin ap 15 pon a cu^rpuma do na p^rachab, ocu^r puilliuo p^r co poib oil in cinao ano. Ocu^r i^r ano geib^rur g^reim rin ap pon a cu^rpuma do na p^rachab in tan nap dei^rge² a lam im eipic in maio[²h]e no cor t^renneirtar in cin air.

Mapa tuire²a po dei^rge² a lam im eipic in maioe inna po t^renneirtar in cin air, noco gabann g^reim na² 20 ni; no dono, cach uair i^r air buoein po t^reinuirtar in cin air, cio p^e no^rach a laime cio iap no^rac² a laime, cu ngabao g^reim rin ap pon a cu^rpuma do na p^rac²ab, ocu^r puilliuo p^r co poib oil in cinao ano.

O duine nach gataoe ocu^r do na² be^r do g^rep maioem ata rin, uair dochaite in gnum do venum do, 25 uair a dei^r. Ap^ren aithgin po daig a maioe. Ocu^r da mao gataoe, no da ma duine damao be^r do g^rep in

¹ 'Cain Boiliuchta,' i.e., the law that treats of cow-killing, cow-stealing, &c.

² A 'cumhal', &c. This is a quotation from some ancient law book.

If it be a deed not *entailing* restitution the person has ^{THE BOOK OF AICILL.} boasted of, in the 'urradhus'-law, he is exempted from half honor-price, and *denial upon oath* removes the other half honor-price from him. ^{x ZC^l, 18, 388} The 'cain'-law ^{had} adds ^{ed} a fine of a 'cumhal' to this, and it is the "Cain Boiliuchta"¹ that adds this 'cumhal;' and ^{denied fr.} where this is found is "a 'cumhal'² upon a person who is ^{denied} acquitted of the deed after acknowledgment of having committed the crime," and there is no difference of minor or major (~~higher or lower rank~~) respecting this 'cumhal.'

In this case the man who made the boast and the man who did the deed were different; or though the person was the same it (*the deed*) was done at a different time; and if it were at the same time, whichever of the two is greater—the 'eric'-fine for the boasting, or the 'eric'-fine for the deed—it shall be *the fine* upon him.

Whether it be of himself or of another he disproved the crime, that 'eric'-fine is *imposed* upon him; but with this difference; whenever it is of himself he disproved the crime, that takes effect for its own proportion of the fines, and it (*that proportion*) shall be added to until it amounts to the payment for the crime. And the time *during which* this takes effect for its proportion of the fines is when his hand has not been emptied by paying the 'eric'-fine of the boasting until he (*the accused*) was acquitted of the crime.

If his hand had been emptied by paying the 'eric'-fine of the boasting before he was acquitted of the crime, it (*the acquittal*) avails him nothing; or, again, *according to others*, whenever it was of himself the crime was disproved, whether before the emptying of his hand or after the emptying of his hand, it takes effect for its proportion of the fines, and it (*that proportion*) shall be added to until it amounts to the payment for the crime.

This is *the payment* from a person who is not a thief and who is not always in the habit of boasting, for it is more likely that such a person committed the deed, for he says so. He then makes restitution because of his boasting. But if he were a thief, or if he were a person who was

^{a Ir. Denied off.}

THE BOOK OF AICILL. maíðem, etoðáide in gnim do denam do, ocyr coir cen co
 beít ní ar, uair arimprater mor tre peirg forpam
 rceo baíri buaíopeo.

11C2422
 In airt irlan in zat tre herpa, irlan in maíðem tre
 5 erpa; no dono, gè maro rlan in zat tre herpa cuna báro
 rlan in maíðem tre erpa; uair taréater aithgin orir
 na gaiti, ocyr noco taréater orir in maíðem.

27 Cár, deítbir eturru rin ocyr a baíl aóa, gè maíðem
 neach ní na deine, ní ba riachach de. Duine daína
 10 gnaeth maíðem eiríoe, ocyr duine do naé gnaé maíðem
 runn, ar ir po gnim miné míoícher.

Cach bruga namatath.

[ant] 1. arail toib po rir ar a nuairle raseréar iat, arail
 aile ir/α necoñaigetu, arail aile ir ar a naire,
 15 arail aile ir ar a mire, arail aile ir ar a renor-
 oáet.

Ná ríga, ocyr ná gnaíð réctá, ocyr aréinoriz ná cell,
 cia gabait cin co gabait raseram orpo, iraser iat ar
 cinaro a mbíro, ocyr ar cinaro inbleogan.

20 Ná gnaíro plaéa, acht munar gabrat raseram orpa,
 iraser iat ar cinaro a mbíro, ocyr ar cinaro inbleogan.

Maíro gabrat raseram orpo, noco raser iat ar cinaro
 a mbíro, ocyr íreo ar cinaro ninbleogan. Ocyr ppecpa
 do ná gnaíroib réctá rin, uair noco raser ná gnaíro plaéa
 25 aile.

¹ Much is said, &c. This is also a quotation from some ancient law book.

² Is not safe. The meaning of this passage seems to be, "in all cases in which the actual crime of theft entails no penal consequences by reason of the folly of the thief, in all such cases the boasting of having committed the theft, also by reason of the folly of the boaster entails no penal consequences; or, according to others, although the actual theft, by reason of the folly of the thief, entails no penal consequences, yet the boasting of having committed the theft is not by reason of the folly of the boaster free from penal consequences."

always in the habit of boasting, it is less likely that the deed was committed by him, and it is right that there should be no fine upon him for "much is said through aggravated anger and the folly of mental disturbance."¹

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As long as theft is safe in consequence of folly, so long is boasting through folly safe also; or, indeed, *according to others*, though theft is safe in consequence of folly, the boasting through folly is not safe;² for restitution is exacted from the thief, but it is not exacted from the boaster.

What is the difference between this (*the rule of half-fine*) and the case when it is said "though one should boast of a thing which he did not do he shall not be fined for it?" *The maxim applies to a person who was in the habit of boasting and the rule to a person not in the habit of boasting*, for it is the frequency of the act that is estimated.

Every person under obligation of hospitality* must *Ir. Brey. have roads to his house.

That is, some of these following are exempt from *compulsory hospitality* for their nobility, some for their non-age, some for the shame of it, some for their madness, and some for their old age.

Kings and the septenary grades, and the 'airchinnechs' of the 'cill'-churches, whether they have or have not taken protection,³ are exempt from the liability of *supplying* food, and from liability on account of kinsmen.

The chieftain grades, if they have not taken upon themselves protection, are exempt from the liability of *supplying* food, and from liability on account of kinsmen.

If they have taken upon themselves protection, they are not exempt from the liability of *supplying* food, but they are from liability on account of kinsmen. And that is a privilege of the septenary grades, because the other chieftain grades are not exempt.

³ *Taken protection.* This in English would mean, "to have become vassals or placed themselves *in manu* of some one." It indicates some act by which the status was lowered. Here and elsewhere the phrase may perhaps mean that such persons have obtained protection from, or exemption from the burdens incident to their rank.

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Na gnaio péine, munar gábrat páeram orro, ipáep
iat ap cinaio a mbio, ocup noco páep ap cinaio n-inbleo-
gan. Ma po gábrat páeram orro, noco páep iat ap
cinaio a mbio, ocup noco páep ap cinaio inbleogan, ocup
5 noco nuil ní doib aét pēpēpall a dualgur a ninoracair,
marā inorac, ocup manā hinorac, noco nuil naē ní.

cf. 144.9. V 16.24

Na bpiugao, ma gábat do láim in bpiugamlaēta do
congbaíl, aét munar gábrat páeram orra, ipáep iat ap
cinaio a mbio ocup ap cinaio inbleogan. Ma po gábrat
10 páeram orro, ocup noco páep iat ap cinaio a mbio na ap
cinaio inbleogan; ocup noco nuil enecclann doib aét maō
enecclann in bo-airēē mēonacāē, no in bo-airēē ip pēp;
eo nōenam machura bpiugao da tochur pēētar páeram;
ocup muna dēpnat, noco nuil naē ní aét pēpēpall a
15 dualgur a ninoracair, marā inorac, ocup munab in-
orac noco nuil naē ní.

C. 1,390. [C meic apā pēpēp] cin aēpēp pōp pūaē, [cin pūoigh
C. 2,353. pōp aēpēp]. *quite diff^t comm. in C 2353*

.1. marā tapgao eicne no anpēra tucapēp orro do
20 dēnam in marbēā, cia tapēpēp cēn eo tapēpēp aēp
tapēē, ipān cuibōēra tic tōpēp tapēp amach ann .i. pēēē
cumala.

C. 1,588. Ma tapgao airi, ocup mar aēn tapēp iat, mar aēn
[icait] pēēē cumala a cuibōiur, ocup icat pēp tapēē
25 tēpian na pēēē. cumala a dualgur a tapēp; ocup^xcut-
pūma pē aēn pēp^x dōn dā tēpian aile a dualgur a
lāime.

corres fer C 1588

Mar eipem po acpao (no tapap) ann, ocup ní tapur
iatpum, aét mar a naēpēēē po hacpao he im pīach a

The inferior grades, if they have not taken protection upon them, are exempt from the liability of *supplying* food, but are not exempt from liability on account of kinsmen. If they have taken protection upon them, they are not exempt from the liability of *supplying* food, and they are not exempt from liability on account of kinsmen, and they are entitled to nothing but a 'screpall' in right of their worthiness, if they be worthy, and if they be not worthy, they are not entitled to anything.

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The farmers, if they have undertaken to support obligatory hospitality,^a but have not taken protection upon them, are exempt from the liability of *supplying* food and liability on account of kinsmen. If they have taken protection upon them they are not exempt from the liability of *supplying* food, nor from liability on account of kinsmen; and they have no honor-price save only the honor-price of the middle 'bo-aire'-chief, or of the best 'bo-aire'-chief; and *this* when they make good use, in hospitality,^a of their wealth beyond the protection; and if they do not, they are entitled only to a 'screpall' in right of their worthiness if they be worthy, but if they be not worthy they are not entitled to anything.

^aIr. *Brevy-*
ship.

My son, that thou mayest know *when* the crime of one man is upon a host, *and* the crime of a host upon one man.

O'S. 1699
C. 1588.

That is, if one man led them (*the host*) out by force or *through* their ignorance, to commit the killing, whether those led out have been arrested or not, the man who led them out pays out his full share, i.e., *a fine* of seven 'cumhals.'

If they were led out with their consent, and if they and the man who led them out were arrested together, they pay conjointly *a fine* of seven 'cumhals,' and the man who led them out pays the third of the seven 'cumhals' on account of his instigation; and ~~the proportion of one man of the~~ other two-thirds in right of his hand.

an equal share to each

If it is he (*the leader*) that is ~~sued, or~~ arrested on the occasion, and they (*the host*) are not arrested, and if he is sued

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THE BOOK OF ARITHMETIC. 1
 1. *Laime, ocur im piach a tairci, no cio raine peēt, mā*
no aēttaigeō naē icpaō aēt nectar de, icao peēt cumāla
a vualgur a laime ocur a vualgur a tairce.

Maṛa raine peēt, ocur nīr aēttaig, in tan ticiṛum
 5 *pe ṽligeō icao peēt cumāla a vualgur a lāime, ocur*
ṛiaa peēt cumāla a vualgur a tairci; ocur in tan
ṛeacatṛium pe ṽligeō, icao ṛa ṛiaa peēt cumāla pūṛium
1 cuiṽoer; no peēt cumāla o caē pīr co ṛiaṛmīṛi in-
ecuiṽoer, cenmoṛa in tainmṛainṛe ṛabur aen ṛiaa peēt
 10 *cumal inṛoib uile ocur eutṛuma pe aen pēr don ṛa*
ṛṛeiniṽ aile.

Maṛa iatṛom tairur aen, ocur nī tairur eiṛium, aēt
 mā no ṛabṛat ṛlan ṛoṛum, no mā no icpaō [a ēuīṛ], in
 15 *tan ticiṛum pe ṽligeō icao peēt cumāla a vualgur a*
lāime, ocur ṛiaa peēt cumal a vualgur a tairce.

Munap ṛabṛat ṛlan ṛoṛum, no munap icpaō a euiṽ, in
 tan ticiṛum pe ṽligeō icao peēt cumāla pe pēichemaiṽ
 20 *toicheṛa, ocur ṛiaa peēt cumal pūṛium.*

Uṛailiṽ ṽligeō ap in pēichemaiṽ toicheṛa ṛlan ṛoib-
 25 *ṛium ṛa cuiṛium, ocur noco nupailiniṽ ṽlige ap ṛlan*
ṛoṛum ṛa ēuiṛium. 1ṛ e ṛaē ṛoṛeṛa ṛin, ein inbleogaiṽ
ṛpīr tairci ein pīr tairci ṛaṛa oṛṛo, ocur noco ein
inbleogaiṽ ṛaṛ tairci ein pīr tairci ṛaṛa oṛṛo, aēt
ein pīr comṛnima ēena.

25 *Nā pīnṛatṛ cia ṛiṽ ṛo ṛni.*

1. *inano einṛo aen pīr ocur einṛo ṛochaiṽo 1 nupṛa-*

1 *Non-participation.* That is, in the fine, i.e. non-contribution.

2 *Certainty.* That is, the law in the case of certain proof (or the absence of certain proof) in the case of one man, and in the case of certain proof (or the absence of certain proof, in the case of many is the same.

at the same time for the fine of *the crime of his hand*, and for the crime of his instigation, or though it should be at different times, if it was agreed that he should only pay in either of those cases, he pays a fine of seven 'cumhals' for *the crime of his hand* and for his instigation.

If it be at different times (*that they are respectively sued*), and there was no stipulation, when he (*the instigator*) submits to law he pays a fine of seven 'cumhals' on account of *the crime of his hand*; and a third of seven 'cumhals' on account of his instigation; and when they (*the persons led out*) submit to law, they shall pay two-thirds of seven 'cumhals' to him (*the instigator*) conjointly; or, seven 'cumhals' are payable from them severally ~~for non-participation~~,¹ except the proportion which one-third of seven 'cumhals' bears to them all and the proportion of one man of the other two-thirds which *the instigator pays*.

up to any number

If it is they that have been arrested, and he (*the instigator*) has not been arrested, if they have obtained an indemnity for him, or if they have paid his share, then when he submits to law, he pays *his proportion* of the fine of seven 'cumhals' on account of *the crime of his hand*, and the third of seven 'cumhals' for his instigation.

If they have not obtained an indemnity for him, or if they have not paid his share, when he submits to law he pays a fine of seven 'cumhals' to the plaintiff, and the one-third of seven 'cumhals' to him, *in addition*?

The law enforces on the plaintiff exemption to them from his share, but the law does not enforce on him (*the plaintiff*) exemption to him (*the instigator*) from their share. The reason of this is, it is the liability of a kinsman of an instigator to be sued for the crime of the instigator, and it is not the liability of the kinsman of those who have been instigated to be sued for the crime of the instigator, but the crime to be charged against him is that of a participator.

When it is not known which of them did it.

That is, the certainty² respecting one man and the certainty respecting many in the 'urradhus'-law is the same as the

THE BOOK OF AICILL. Our ocyr cinto aen fir a cain. In deiðbir uil iur cinto rocharde in upraour ocyr cinto aenfir a cain, ir a cain ata.

Mar a nupraour do ponao in marbað, ocyr cinto
5 conao uaðaið, cio aen fer cio rocharde, icat uile peðt cumala amach, ocyr icat in taenmao rann pichit da eneclainn pe fer in ferainn. Seðtar maigin rin; ocyr leð mar a maigin, ocyr lan fir comaoar eturru fru railleð cintoağ.

10 Mar a cunnatabairt conao uaðaið do ponao in marbað, icat aithgin amach, ocyr icat fer in ferainn in taenmao rann pichit don aithgin rin; ocyr lan fir comaoar eturru ðall fru railleð cintoağ, ocyr fir ar cennaið uaðib amach.

15 Mar a cain ocyr rocharde, ocyr cinto conao uaðaið do ponao in marbað, icat peðt cumala amað, ocyr icat in aenmao rann pichit da eneclainn po peðt pe fer in ferainn; lan fir comaoar eturru fru railleð cintoağ.

Mar a cunnatabairt conao uaðaið do ponao in marbað,
20 icat peðt naiðgen a mach, ocyr icat fer in ferainn in taenmao rann pichit do cað aithgin do na peðt naiðgen; no cona hican ach in taenmao rann pichit daen aithgin, no leð aen aithgin; ocyr lan fir comaoar

¹ *The precinct.* The Irish word translated 'precinct' meant a portion of land of varying extent, lying round the house of a chief or high church dignitary; e.g. the land extending one thousand paces round the house of a bishop constituted his 'maighin' or precinct. Other 'maighins' are defined as extending as far round the house of a chief or ecclesiastical personage as the sound of the bell or the crowing of the cock could be heard. Some were enclosed, others were not.—*Vide* O'D. 609, C. 1793, 2138, 2631.

certainty respecting one man in the 'cain'-law. *As to the* THE BOOK OF AICILL. difference which subsists between the certainty respecting many in the 'urradhus'-law, and the certainty respecting the one man in the 'cain'-law, it is in the 'cain'-law it *(the difference)* is.

If *it was in a district where 'urradhus'-law prevailed*, the killing has been committed, and that it is certain that it was by them *(the inhabitants of the district)*, whether one man or many, they all *conjointly* pay a fine of seven 'cumhals' out, and they pay the one-twentieth part of his honor-price to the owner of the land. This is *when the killing has been committed outside the precinct*;¹ but one-half honor-price shall be paid if within the precinct, and there is required full appropriate denial upon oath among them for neglecting to arrest the criminal.

If it be doubtful that the killing was committed by them they pay compensation² out, and the owner of the land pays the one and twentieth part of that compensation; and *there is required full appropriate denial upon oath among them within for neglecting to arrest the criminal, and denial upon oath on the part of the chiefs from them out.*

If *it be in a district where 'cain'-law prevails*, and there be many concerned, and it is certain the killing was committed by them *(the inhabitants of the district)*, they pay a fine of seven 'cumhals' out, and they pay seven times the one-twentieth part of his honor-price to the owner of the land; *there is required full appropriate denial upon oath among them for neglecting to arrest the criminal.*

If it is doubtful that it was by them the killing was committed, they pay seven compensations out, and the owner of the land pays the one and twentieth part of each of the seven compensations; or, *according to others*, he pays but the one and twentieth part of one compensation, or half compensation; and *there is required full appropriate denial upon*

² *Compensation.* The word 'aithgin,' here translated compensation, means in general restitution of a thing itself or its exact equivalent in kind. Here it evidently means the "fine of atonement," the payment of which replaces (restitutes) all parties in their former position.

oath among them within for neglecting to *arrest* the criminal, and *denial upon oath on the part of chiefs* from them out. THE BOOK
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Whence is it derived that the one and twentieth of each of the seven compensations is paid by the owner of the land in a case of doubt? It is as he gets the one and twentieth part of every honor-price in a case of certainty. And this is taken from the rule; "he (the owner of the land) is entitled to sue for damages, according to or on account of the crime."¹

If in a district where 'cain'-law prevails, if it is one man that has been killed, and it is certain that it was by them the killing was committed, they (the inhabitants) pay a fine of seven 'cunhals' out, and they pay the one and twentieth part of his honor-price to the owner of the land; and there is required full appropriate *denial upon oath* among themselves within for neglecting to *arrest* the criminal, and *denial upon oath on the part of chiefs* from them out. ??

If it is doubtful that the killing was committed by them (the inhabitants), they pay compensation out, and the owner of the land pays the one and twentieth part of that compensation; and there is required full appropriate *denial upon oath* among them within for neglecting to *arrest* the criminal, and *denial upon oath on the part of chiefs* from them out.

If it be by a mixed body of native freemen and strangers and foreigners and 'daer'-men that the killing was committed, they who have the largest full honor-price pay a proportional excess;* and they come into participation with those who have least full honor-price, and they thus pay equally between them.

* Ir. The
excess.

If it be found out of a looker on that he was looking on at the payment of the full 'eric'-fine for himself out, and if the full amount which was paid for him out was greater than the full amount which was due of him, he pays the full amount that was due of himself and the fine for looking on at the payment; and he pays the excess of fine for looking on to the man outside.

If the full amount which was paid for him is smaller than the full amount which was due of him, he pays the full amount which had been paid for him out with the fine for looking on, and he pays the excess out.

THE BOOK
OF
AICILL,
—

Maſa eutpuma in lan po iaro ſar a cenn amach ocyr
in lan po ſleſt ſeirum, iaroſum ſigbaſl a l  ame ſar in
ſer amach, cona ſiach ſeill  .

In ſuine po bi a ſiaonair   in lan ſin ac a ic amach,
no cen co ſoibe, ma po ſi  r a ic amach, i  o ſ  r   a  h-
gin a co   co c       ſ  r a   o  , ocyr co c      
eneclainne; i  o ſ  r   a  hgin a co   con o  ma  
  r a co   ocyr co o  ma   eneclainne; i  o m  r      
a  hgin a co   ocyr in ſ  r   rann dec   r a   o  , ocyr
in ſ  r   rann dec a eneclainni.

  o i  r     ? A  hgin a lana bu   n ſic ſo      co
na ſiach ſeill  ech  .   a ſ   ma   ocyr in ſ   ma  
rann dec im ſuine, mane   r  r ni am  ch; ocyr ma
  r  r, ſ   ma   ocyr in ſ   ma   rann dec.   a cuic  
im an c   boin, cuic   ocyr ſ   ma   im an mboin   nair  ,
cuic   ocyr in cuic   rann dec im in   r   boin, cuic  
im ea   boin o   a ſin amach.   o neoch na   r  r am  ch
  r; ocyr ma   r  r, i   cuic   im an c   boin ocyr
ſ   ma   im in mboin   nair   ocyr in cuic   rann dec
im in   r   boin.

L  h ocyr o  ma   im in c   ech, l   ocyr ſ  r   rann
dec im an ech   nair  , l   ocyr in   r   rann
      im in   r   ech; l  h im    h nech o   a ſin
amach.

  o neoch na   r  r am  ch   r; ocyr ma   r  r, o  ma  
im in c   ech, ocyr in ſ  r   rann dec im in ech   nair  ,
in   r   rann       im an   r   ech, ocyr noco nuil n  
a nech o   a ſin amach.

C. 2,354-5. [M  r ſ  r   po bu      ſeill  c   [in l  n ſic amach],
ocyr i      ſ  r ſo ſo  ne in m  r    , ocyr po ſ  r [in
m  r    ]   r i  r  n, i  a ſ   ſ    cumal   im  , ocyr

1 *The emptying of his hand.* That is, the amount which he had emptied his hand of, or had paid.

2 *The equivalent.* That is, a 'daer'-man repays to those who had paid it for him the full 'eric'-fine payable by himself.

If the full *amount* which was paid for him out is equal THE BOOK
OF
AICILL. to the full *amount* which was due of him, he pays to each man the emptying of his hand¹ out, with the fine for looking on.

The person who was present at the payment of that full *amount* out, or who, though he were not *present*, knew that it had been paid out, pays *if he be* a native freeman, restitution of his share with one-fourth of the 'dire'-fine of his share, and with one-fourth of honor-price; a stranger pays restitution of his share with the eighth of the 'dire'-fine of his share and with the eighth of honor-price; a foreigner pays restitution of his share and the sixteenth part of the 'dire'-fine of his share and the sixteenth part of his honor-price.

What does a 'daer'-man pay? The equivalent² of his own full '*eric*'-fine is paid by a 'daer'-man with the fine for looking on. Two-sevenths and one-fourteenth for a person, if nothing has been got outside; but if *something* has been got, one-seventh and one-fourteenth *are to be paid*. Two-fifths *are due* for the first cow, one-fifth and one-tenth for the second cow, one-fifth and one-fifteenth for the third cow, one-fifth for every cow from that out. This is when nothing has been got outside, but if *something* has been got, it is one-fifth *that is due* for the first cow and one-tenth for the second cow and one-fifteenth for the third cow.

One-half and one-eighth *are due* for the first horse, one-half and one-sixteenth for the second horse, one-half and one-thirty-second for the third horse, one-half for every horse from that out.

When nothing has been got outside, this holds good; but if *something* has been got, one-eighth *is due* for the first horse, and one-sixteenth for the second horse, and one-thirty-second for the third horse, and there is nothing *due* for a horse from that out.

If it was a native freeman³ that was looking on at the full payment out, and it was himself that committed the killing, and the killing was found out of him afterwards, he pays out a *fine* of seven 'cumhals,' and they shall levy the

³ A native freeman. The words within the second brackets in this interpolated portion are corrections made by Professor O'Curry in his own Transcript of Egerton, 88, 27, b. a. in the British Museum.

emptying of his hand outside; and if they do not find the THE BOOK
emptying of his hand outside, he shall pay that unto them, OF
together with the fines for looking on. And these are the AICILL.
fines for looking on: one-fourth of 'dire'-fine, and one-
eighth of 'dire'-fine, and one-twelfth of one-fourth of
'dire'-fine for 'seds' of double¹ and for persons.

If it was a stranger that was looking on, he pays the fines
out: *i.e.*, if it was himself that committed the killing, and
it was found out of him afterwards, he pays a *fine* of one-
half of seven 'cumhals' out, and they shall levy the empty-
ing of his hand outside; but if they do not find the empty-
ing of his hand *outside*, he shall pay it unto them, together
with the fines for looking on. And these are the fines for
looking on: one-eighth of 'dire'-fine, and one-sixteenth of
'dire'-fine, and the one-twenty-fourth of 'dire'-fine; one-
eighth for 'seds' of double,¹ and for persons.

If it was a foreigner that was looking on, he pays the
fines in full out, *i.e.*, if it was himself that committed the
killing, and it was found out of him afterwards, he pays a
fine of half seven 'cumhals' out, and they shall levy the
emptying of his hand outside; and if they do not find the
emptying of his hand *outside*, he shall pay it (*the fine*) unto
them, together with the fines for looking on. And the fines
for looking on are: the one-sixteenth, and one-thirty-second,
and the one-forty-eighth of 'dire'-fine; one-eighth for cattle
of double, and for persons.

If it was a 'daer'-man that was looking on, he pays the
fines, *i.e.*, if it was himself committed the killing, and it
was found out of him afterwards, he pays a *fine* of a
'cumhal' as compensation out, and they shall levy the
emptying of his hand *outside*; but if they do not find the
emptying of his hand outside, he pays it unto them, together
with fines for looking on. And these are the fines for look-
ing on: two-fifths for the first 'sed,' one-fifth and one-tenth
for the second 'sed,' one-fifth and one-fifteenth for the third
'sed,' two-sevenths and one-fourteenth for a person; one-
half and one-eighth for a horse, or for 'seds' of double; or

THE BOOK OF AIOULL. διαβαλτα; no euma dā euciro in ḡač rēt cētharōa uile .i. cin mi ētir; atceſ uatēab in ōuine imač ōn aipeačt ann ōon marbaō, ocy atceſ eucu iapy an marbač.

Ocy muna paſcy uatēab no eucu itir ē, iſ cēthar-
5 airo ocy culāiro ōo maſail i leič peir, ocy teirō ocy
annteirō ōo maſail innitibreicē].

C. 1,391.

Α meic apā peirer uppaō for tir n̄deoraō, [ocy
deoraō for tir nuppaō].

.1. dā trian ōiri ōula uppaō uppaō ina ōuil; aen
10 trian ōiri ōula deoraō ōo deoraō ina ōuil; ocy enec-
lann ōo cēchtaſ ōe po aicneō lui no cleiči. ¶ II 104. 17

C. 1,724.

Set ſain paūl itir in uppaō ocy in deoraō, dā trian
ac in uppaō ano, ocy aen trian ac in deoraō; ocy ōa
maō ac neoch ōib in ecmaiſ a čēile po beith he, po baō
15 lan ōiri aicinta a ſeoiſ ōo bſeith ōo [iſ leiſ ſein a ōipe
ocy a ačēgin ocy a enecclann ḡan nī ōon čī aile ap].

Māſ ap pochrāic tucāō in ſerann, a ſēḡaō cā pochr-
pāic ap a tucāō he:—in pochrāic ačtaḡēi no in počpāic
ōo ſeip ōliḡiō. Ačt maſa pochrāic ačtaḡēi, iſ a bičh
20 ap in ačtuḡaō ſain. Maſa pochrāic ōo ſeip ōliḡiō,
ačt maſ ōa tſeabāō ocy ōo cačthium a ſeoiſ ocy a
uipēi tucāō in ſerann, iſ trian cačh neich loſap ocy
apap ocy inſoipbſeſ ap o čēiſ ōſiſ in ſerainō; ocy iſ
cētpāio cemōaiſ ſeoiſ ac na beith inōluſ no inoſbairt
25 ōo beſēa ap, combeč ſain aptu.

¹ Quadruple 'sed.' That is, one for which fourfold restitution had to be made.

² Cētharaird. That is, literally, 'the four points,' meaning the four surrounding townlands nearest to the place to which he had been tracked from some other place.

³ Culaird. Literally, 'the back points,' that is, the four townlands nearest again to 'the four points.'

it might be two-fifths for every quadruple 'sed,'¹ *i.e.* without any interest at all; *but in the last case* they had seen the person at a distance from the meeting at the killing, and they saw him *coming* to them after the killing.

But if they hadn't seen him *at a distance* from them, or *coming* towards them at all, it (*the case*) is ruled by 'cethar-aird'² and 'culaird'³ with respect to him, and it is ruled by trustworthy witness or untrustworthy witness with respect to them.

My son, that thou mayest know *the law when a native freeman is on the land of a stranger, and a stranger on the land of a native freeman.*

That is, two-thirds of the 'dire'-fine for the native freeman's beast is paid to the native freeman for his beast; one-third of the 'dire'-fine for the stranger's beast to the stranger for his beast; and honor-price is due to each of them according to the nature of minor and major (~~lower or~~ *higher social rank*).

If a 'sed,' owned in common between a native freeman and a stranger, *has been stolen*, two-thirds of the fines for it are due to the native freeman and one-third to the stranger; but if it belonged to one of them independently of the other, only the full 'dire'-fine for the 'sed' according to its kind is to be given to him (*the owner*), or, according to others, the 'dire'-fine and restitution and honor-price belong to himself, the other person getting nothing out of it.

If the land has been let for hire, let it be seen what hire it was let for:—whether it was a stipulated hire or hire according to law. If it is a stipulated hire, it (*the payment*) is to be according to that stipulation. If it is hire according to law, and if it be to plough it and use its grass and its water that the land was let, the one-third of everything that multiplies grows and increases from the land *is due* to the owner of the land; and it is the opinion of lawyers that even though it was cattle which did not produce or increase that were brought upon it (*the land*), that it (*the rent*) should be got on account of them.

cf IV 132. 22f.
THE BOOK
OF
AIGILL.

Մար զօ ցաժիմ քօյր նամա՛յ Իր [անդիօ ատ], քօր
 օտաջ քէժ մԲս 1 տր Ե ճիւլ, բաճա՛ծ Ին քէժմա՛ծ Բօ՛ն
 յօ՛ւ ԲԼԻճՅԱ՛ԻՆ [Իր Ին քօհրա՛ւ]։ Օսր Ին յօժժմա՛ծ Լօ՛ճ Բօ յօ
 Եայր՛ծ ՆԱ յԱԵ Եր Երօ. Comloճ Ին Բօ օսր ՆԱ Եայր՛ճ օսր
 5 Ին քօհրա՛ւ Երրր. Օսր Իրօ Իր քօհրա՛ւ Եօր Եր Ես-
 րմսր քէժմա՛ծ Եր օսր օժժմա՛ծ Եօ ՆԱ յԱԵԵր՛ճ քր,
 C. 1,725. [օսր օժժմա՛ծ Եօ ՆԱ յԱԵԵր՛ճ քր ՆԱ Եայր՛ճ].

C. 1,725.

Մար զօ ժաժիմս Ե քօյր օսր Ե Երի յԱԵ՛ճ Ին
 քօրԵրր, օսր քօ Եժժաճօ Ե ՆԵՄԵՐԵԲՅ՛ճ, ԵԵ քօժ
 Երր; օսր յԵԼԻ Ին ՆԵԻՅ ԵրժԵր Երր Եօ ՆԱ քԻԼ օ ԵրԲՅ՛ճ;
 ԼԵժ ԵԵ քԵժ, օսր յԵԼԻ Ին ՆԵԻժ ԵրժԵր Երր Եօ ՆԱ քԻԼ օ
 յԵՐԲՅ՛ճ; ԵժԺԵՐԵԵ՛ճ ԵԵ քԵժ օսր յԵԼԻ Ին ՆԵԻՅ ԵրժԵր
 Երր Եօ ՆԱ քԻԼ օ ՄԵՐԵԵրժԻ; յԵԼԻ Ին ՆԵԻՅ ԵրժԵր Երր Եօ
 ՆԱ քԻԼ օ յԱԵր.

15 ՄԱՆԵՐ Եժժաճօ Ե ՆԵՄԵՐԵԲՅ՛ճ ԵԵր քԻԼ՛Ն յՕՐՄ Ե
 ԵՐԵԲՅ՛ճ, Եժժ ՆԱ յԱԵր քԵր ԵՐԵՐ՛Ն ԻՆԱ ԵՐԵԵԻՅ ՆՕ ԻՆԱ
 յԵՐԲՅ՛ճ ԵԵ; օսր յԱ յԱԵր, ԵԵ ՆԻ յԵՐ ԵՐԵԵԵր քՕՐԵ
 ԵՕԵՐԲԵՐ ԵՐԵԲԵՐ Եր Ե Երր Ին Ե Եր Իր յԵԼԵր յօ.

ՔՅՐԵԵ ԵժժաճԻ ԵԼ ԵԵր Ին Եժ ԵրԲՅ՛ճ օսր Ին յԵՐԵՐ՛Ն
 20 ԵՐԵՐԵԵԻ; օսր քՅՐԵԵ յօ քԵր յԵԼԻՅ՛ճ ԵԼ ԵԵր Ին ԵրԲՅ՛ճ
 ՆԵԵԵԵԵԵԵԵ օսր Ին յԵՐԵՐ՛Ն յԵԵԵԵԵԵԵԵ; օսր յԱ ՄԱՅ
 քՅՐԵԵ յօ քԵր յԵԼԻՅ ի ԲԵԵԻՅ ԵԵր Ին Եժ ԵրԲՅ՛ճ օսր
 Ին յԵՐԵՐ՛Ն, Իր քԵ Ին Եժ ԵրԲՅ՛ճ ի ԲԵՐԵճ Ին ԵՐԵԵ.

ԵՐ ԵՐԵՐ՛Ն յԱՅ Ին ԼԵժ Եօ ԵՐԵ? ԵրԲՅ՛ճ ի քԵԵԵԵ Ե
 25 յՅԵր Ին Ե ԵրԵԵ ԵՐԵԵԵ օսր յօ ԵԵԵՐ 1 ԵրԵԵ ԵԼԵ ԵՐԵԵԵ
 ԵԵ: ԵՐԵԵԵԵԵԵԵ Ե ԵՐԵՐԵԵԵ. Օսր ի քՅԼԵՐ ԵրԲՅ՛ճ
 քր ԵՐԵԵԵ, ԼԵժ ԵՐԵՐԵԵԵ օսր ԼԵժ ԵՆԵԼԵՐ՛Ն յօ Ին ԵԵ
 քՅԵԼ յօ ճԵՆԵՐ քր.

Նօ յօՆօ Իր ԵրԲՅ՛ճ ԵԵ ԻՆԱ ԵրԵ՛ճ ԵՐԵԵԵ, օսր ԼԵԵԵ-

If it was to consume grass alone *the land was let*, this is as if a man placed seven cows on the land of another; he leaves one cow of the seven^a at the end of a year as rent. And it is the one-eighth of the value of a cow for an indefinite number of sheep^b. The cow and the sheep are of the same value as regards the rent in this case. And the proper rent is the equivalent of one-seventh, and the one-eighth to be added to it, and one-eighth to be added on account of the sheep.

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AICILL.

^a Ir. The seventh cow.

^b Ir. Sheep not brought forward.

^c Ir. To.

If the land was let for the consumption of its grass and water, and it was stipulated that it should not be ploughed, five 'seds' is the fine for it (*ploughing the land*); and the produce of the tilling, with the seed, shall be forfeited by a native freeman; the half of five 'seds,' and the produce of the tilling, with the seed, shall be forfeited by a stranger; the fourth of five 'seds' and the produce of the tilling, with the seed, shall be forfeited by a foreigner; the product of the tilling, with the seed, by a 'daer'-man.

If the non-ploughing of it was not stipulated at all he (*the tenant*) is safe in ploughing it, provided the owner does not seize it (*the crop*) in the rick or standing; and should he seize it, every part of his property which the rightful owner finds before him on his land is forfeited to him.

resident?
deer com. to t. man
occupant ??
4V 314.12

A stipulated hire is agreed on between the first mentioned native freeman and the stranger in this case; and hire according to law is between the latter mentioned native freeman and the latter stranger; and if it was hire according to law that had been between the first mentioned native freeman and the stranger, it is the first mentioned native freeman that would have obtained the one-third.

What stranger is he who has one-half by right? A native freeman who left his property in his own territory and went out into another territory; his 'body'-fine is reduced to one-half. If a native freeman of those living outside the territory has injured him, he has half 'body'-fine and half honor-price for every such injury which is done to him.

Or he (*who is entitled to one-half*) is a native freeman

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OF
ARILL

deoraid po rogal nyr ann; leth coirpoiri ocyr lečeno-
clann do ino.

In mbaid ata in turrad ar ferann počraa, in deoraid
bunao nre leir anunn, ir trian puchnama do beir leir
amach, ocyr trian tpe pacbar tall. Počraic actaigti
uil itir in deoraid ocyr in turrad anoirin, uar da ma
počraic do peir oligti ir e urrad bunaid in feranno po
berao in trian.

Ma re in deoraid uil ar ferann nuidir in uraid
bunao puar tall, trian bunao ocyr trian tpe pacbar
tall; ocyr trian puchnama do beir leir amach.

Breithemnar ocyr imdenam von urrad por in deoraid,
ocyr trian coirpoiri do bpič do, ocyr rečtmao a marb-
coirpoiri; ocyr a dibao uile do breith do, muna uil
berena do re pinecharpe.

DEF E 17, H 13.

O pacbar in duine dar in clao no dar in coraid ir
nera do, ač co tuetar rath fuiri do ocyr ferano
fuiri, ir fuiri ir rati nyr, ocyr poznam fuiri uao.
Ocyr ir e aichne na fuiri: cio mor neich cuingitir ar,
ir eicen do in rath dairer uao, no in ferann oracbaul.
Ocyr cio rata ber acon poznam ir eicean do in ferann
oracbaul po deoir. Ocyr ciuic reoir a rat. Ocyr cio mor
neich mečur ar, noca neicen do ač aithgin cach neich
mečur sic no cohy leice elor, no tiablar iar leicrin
elaid.

¹ *A stipulated hire.*—That is, a definite rent.

² *Hire according to law.*—The meaning would appear to be, that the compensa-
tion for occupation was left to be fixed by law between the parties, in the case.

³ *Judgment and proof.*—The native freeman was allowed to prove his own charge
against the stranger, and pronounce judgment upon it. A chief had the same
power over his 'daer'-stock tenant and a church over tenants of church-lands.
Vid. Senchus Mor, Vol. II., p. 345.

in his own territory, and a passing stranger has injured him there; he shall have half body-fine and half honor-price for it (*the injury*).

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OF
AICILL.

In the case in which a native freeman is upon hired land, and it is the owner who is a stranger that has brought him in with him, he (*the native freeman*) brings out with him one-third for his service, and he leaves within (*behind him on the land*) one-third for the land. In this case it is a stipulated hire¹ that is between the stranger and the native owner, for if it were hire according to law² it is the native owner of the land that would get the one-third.

If it is the stranger that is upon the rightful land of the original native owner that he found within (*on the land*), he (*the stranger*) leaves one-third for the original owner and one-third for the land within (*on the land*); and it is one-third for his service that he brings with him out.

The native freeman has judgment and proof³ as against the stranger, and he takes one-third of his *life* body-fine, and the seventh of his death body-fine; and he takes all his (*the stranger's*) effects at his death, unless there is a 'bescna'-compact between him (*the native freeman*) and the family of *the stranger*.

When a person has gone beyond the ditch or beyond the fence that is next to him, if the stock of a 'fuidhir'-tenant and the land of a 'fuidhir'-tenant have been given to him by the landlord, he is to be called a 'fuidhir'-tenant, and the service of a 'fuidhir'-tenant is required from him. And a 'fuidhir'-tenant is of this kind:—however great the thing may be which is required of him, he must render it, or return the stock, or quit the land. And however long he may have been in the service he must quit the land at length. And his stock is five 'seds.' And though much he may fail in the repayment, he is not compelled to do more than make restitution for what he fails in until he absconds, or double restitution after absconding.

CCFP. 76-77.

CCFP. 78. A fuidhir not liable for muth!

¹ 'Fuidhir'-tenant.—The social position of a 'fuidhir'-tenant appears to have been intermediate between that of a 'daer'-stock tenant and a 'daer'-person.

THE BOOK
OF
ACHILL.

Ɔreithemnar ocyr in denam ocyr pironaire don tuine
for a fuioir, amuil do neich for a Ɔaer Ɔeile; ocyr
tuan a beocoirpore do breith do ocyr reƆtmaƆ a
marbcoirpore.

|| C 1727

C. 1391.

5 A meic, ara peirep cin ruz for tuath, [ocyr cin
tuathu for ruz].

4Y 12.32

|| C 1006

cf. is uaidith ro dail for
eo rig C 1391

1. ruz Ɔreapre cin ocyr capre do Ɔre, ocyr tuath
ir menƆe uachtnaƆur. 1r i aithne in capre lan riach
into pe nƆechmaio ina fir, ocyr leƆ riad ina nanfir; lan
10 riach into iar nƆechmaio, cio fir cio anfir. In ti o
n[Ɔ]alenn in fir ir pe iar in lan riach no in leƆ
riach; ocyr noca nuil arpa amach iar nƆechmaio, ocyr
noco nuil arpa do ruz no co rigbaitep a lam.

Ɔechmaio pe hercaine in capre, ocyr mi pe imgleo.
15 Ocyr capre bliatna rin; ocyr Ɔamaio capre buo luga
na rin, in tainmpainoi Ɔabur in Ɔechmaio no in mi irin
bliadain corab e in tainmpainoi rin Ɔabur ir in caproi
bic. In ni biar pe hercaine, ocyr aile dec pe imgleo;
no comao Ɔechmaio pe hercaine caƆa capre [uile], ocyr
20 aile dec pe imgleo.

ME C 1727

Mar a [o] ruz po Ɔail in fir amach, ocyr ni Ɔae in fir
amaio, ocyr tuath po [f] uachtnaƆ pe nƆechmaio, leth o
ruz amach, ocyr leƆ arpa o tuath amach, ocyr leƆ on
tuath don ruz.

A person has judgment and proof and evidence¹ as against his 'fuidhir'-tenant, the same as one would have against his 'daer'-stock tenant; and he gets the third of his life body-fine and the seventh of his death body-fine.

My son, that thou mayest know when the crime of the king is *visited* upon the people, and the crime of the people is *visited* upon the king.

Viz, *it is the king that proclaims* 'cain'-law and 'cairde'-regulations always, and the people *that* oftenest disturb them. The 'cairde'-regulations command full fine before ten days in case of knowledge, and half fine in case of ignorance; full fine after ten days, whether *with* knowledge or ignorance. The person who is bound to furnish the information is he who pays the full fine or the half fine; and there is no ~~hostage~~^a out (to the other party) after ten days, and there is no ~~hostage~~^a to the king until his (the king's) hand has been emptied *by the paying of the fine*.

There are ten days for proclaiming the 'cairde'-regulations, and a month for ratifying them. And this is the rule in the case of 'cairde'-regulations for a year; and if it be a case of 'cairde'-regulations for a shorter time than that, the proportion which the ten days or the month bears to the year is the proportion which it (the shorter time for proclamation) will bear to the shorter duration of the 'cairde'-regulations. (This is what) shall be for proclamation, and twelve days for ratifying them; or, there are ten days for proclaiming all 'cairde'-regulations of whatever duration, and twelve days for their ratification.

If it was the king that was bound to send the information out, and he did not send out the information, and if the people violated it (the 'cairde'-regulation) before ten days, there is half fine from the king out (to the other party) and a ~~hostage~~^b due from the people out (to the other party), and a ~~hostage~~^c from the people to the king.

¹ And evidence.—That is, he can get his own people to give evidence against him, the 'fuidhir'-tenant having no power of producing counter-evidence.

THE BOOK
OF
AICHL.

C. 1727.

Μαρ ο τσαιτ πο ταιλ πυρ αμαχ πε νδεχματθ, [οευρ
τσατ πο πυαττναιγ], λειτηριαχ οευρ λετ αρρα ο τσαιτ
αμαχ, οευρ νοκο νυιλ αρρα το πυγ υαιρ ναρ ογδαο α
lam.

compis C. 1728

5 [M]α τσα κοβαρ μαρ αεν, κοναο οεθρυιμε ριαχ ο
εετταρ δε αμαχ, ιρ λετ αρρα ο τσαιτ αμαχ οευρ λετ
αρρα ο τσαιτ τον πυγ.

C. 1728.

15 Cιρ ποδερα ιν βαιλ ιρ οεθρυιμε ριαχ nach' οεθ-
ρυιμε αρρα να βιαο ανο? ιρε πατ ποδερα, [οεθρυι
10 το χυρ κρανν, τιαρ οιβ τια λυγα]. ιρ ε lan αρρα να
καιροι τιαρ, ιρ ε α λετ αρρα αεν περ; οευρ νοκο πεταρ
ινορσι ιν αεν πυρ το ποιντο, οευρ τσα πετα, αμυιλ ιρ οεθ-
ρυιμε ρειχ, πο βαο οεθρυιμε αρρα.

15 C. 1728. Μαρ ο πυγ πο ταιλ πυρ αμαχ ιαρ νδεχματθ, οευρ τσατ
πο υαχναγ ιαρ νδεχματθ, lan ριαχ ο πυγ αμαχ οευρ
lan αρρα ο τσαιτ τον πυγ; νο ιρ βιτ cen αρρα αμαχ,
C. 1728. [υαιρ ραινιc ιν lan cenα].

C. 1728.

Μαρ ο τσαιτ πο ταιλ πυρ αμαχ, ιαρ νδεχματθ, [οευρ

C. 1728.

τσατ πο πυαττναιγ], lan ριαχ ο τσαιτ αμαχ [οευρ νοκο
20 νεεν αρρα το πυγ ορ να ογδαο α lam].

C. 1728.

α τσα κομαρ μαρ αεν [co. hinaro] αριτ ιαρ νδεχματθ

C. 1728.

[οευρ τσατ πο πυαττναιγ], λετ ριαχ ο εετταρ δε αμαχ,

C. 1728.

οευρ ιρ λετ αρρα ο τσαιτ το πυγ, οευρ ιρ βιτ cen αρρα
αμαχ, [υαιρ πο ριατ ιν lan cenα ιμαθ].

¹ *If they were both equally in fault.*—For “Μα τσα κοβαρ” C. 1727 reads
“μαρα τσα κομυρ, if of their joint knowledge.”

² *If they were both.*—For “α τσα κομαρ” the reading in C. 1728 is “μαρα τσα
κομυρ, if of their joint knowledge.”

³ *To a certain place.*—For “co inaro αριτ,” C. 1728, has “co inaro υποατα,
to an appointed place.”

If it was the people that were bound to send the information out before ten days, and the people violated the 'cairde'-regulations, there is half fine and a hostage^a due from the people out (to the other party), and there is no hostage^b due to the king because his hand was not emptied.

THE BOOK
OF
AICILL.

^a Ir. Half-hostage
pledge.
^b Ir. Hostage-pledge.

If they were both equally in fault,¹ one-fourth fine is due from each of them out (to the other party), a hostage^a from the people out (to the other party), and a hostage^a from the people to the king.

What is the reason that where it is one-fourth fine it should not be one-fourth hostage-pledge also? The reason is, four hostages cast lots—two of them to be selected. Two men are the king's full hostage-pledge in 'cairde'-regulations, and one man is his half hostage-pledge; but the person of the one man cannot be divided, and if it could, as it is one-fourth fine, it would be one-fourth hostage-pledge also.

answer to it

evidence

of O'Meara 1812

Maci-f. Hugh

If it is the king that was bound to send the information out (to the other party) after ten days, and he did not send the information out, and the people violated the 'cairde'-regulations after ten days, there is full fine from the king to the other party^c and full hostage-pledge from the people to the king; or, according to others, there is to be no hostage to the other party,^c because the full hostage-pledge has been received by the other party already.

^c Ir. Out.

If it was the people that were bound to send the information out, and did not send the information until after ten days, and if it was the people that violated the 'cairde'-regulations, full fine is due from the people to the other party,^c and it is not necessary to give a hostage^b to the king as his hand was not emptied by paying the fine.

If they were both² (king and people) equally in fault in having delayed to send the information out to a certain place³ after ten days, and if the people violated the 'cairde'-regulations, there is half fine due from both to the other party,^c and a hostage from the people to the king, but there is no hostage to be sent to the other party^c because the full amount due had been sent to the other party^c already.

.1. leithiach f'oi in ceo fer re taob' luigi in riobe aithne na sloinde aigi 7
calnachtain ro bu aigi ann, uair muna beith robo slán

C. 1728. 1391

THE BOOK
OF
AICILL

C. 1891.

Al meic, aua peirep fer pechta 1 necorc oilp [ocur
oilpech 1 necorc fir pechtce.

- gh C 1728

Leť p'iac do tairpeť, lanad ceťpame don veidenad tairť
in ecorea 1 mbi].

5 .1. noco nruil piach maiťne na impaid o tuine do oilpeť
1 piťt oilpiz, no do oilpech ina piťt buđein. Alta p'iac
maiťne ocur impaid uao uinuilpech 1 piťt inuilpiz, no
uinuilpech ina piťt buđein. Eđon: noco nuil p'iac
maiťne na impaid o tuine 1 nruil do uenam fogla pe
16 oilpeť, ocur noco nuil eipe do no co p'ia co fogail;
ocur o po p'ia, i'rlainti co t'pian m'ara oilpeť p'riťaigť,
no i'rlainti uile m'ara oilpech baiť.

cf 470. 134. V 82. 14

Mar do marbad inuilpiz do euaid ocur oilpech do
pala do marbad, piach maiťne na impaid uao don
16 inuilpech fir 1 nvechaid; ocur plán in oilpech do pala
ann do marbad co t'pian m'ara oilpech p'riťaigť, no
uile m'ara oilpeť baiť.

Mar do marbad oilpiz do euaid ocur inuilpech po
marburta, noco nuil piach maiťne na impaid don
20 oilpeť fir 1 nvechaid marbad; ocur leť coirp'iope uao
C. 1729. fir in inuilpech po marbad [.1. leť coirp'iope ocur leť
eneclann, ocur fir po leť coirp'iope ocur po leť eneclann,
co nach ina piťt buđein po marbad é, aťt a piťt oilpiz,
cin caemactain p'artura, ocur i'p é rin leťpiach don tairpeť
25 lanad].

¹ In the person of.—That is, occupies legally the position of, &c.

² In respect of place, i.e. in which the act was committed.

³ Intention, i.e. intentional wrong, or malicious act or attempt.

My son, that thou mayest know when a lawful man is in the person¹ of an outlaw, and an outlaw in the person of a lawful man.

THE BOOK
OF
AICILL.

Half fine to the first, a full fourth to the last for the position in which he is.

That is, there is no fine *in respect* of place² or of intention³, from any one to an outlaw *injured in the person* *made for* of another outlaw, or to an outlaw *injured in his own proper* person. There is a fine *in respect* of place and of intention from one to a lawful man *injured in the person* of another lawful man, or to a lawful man *injured in his own proper* person. That is: there is no fine *in respect* of place or of intention from one in going to do injury to an outlaw, and there is no 'eric'-fine *due to him (the outlaw)* until the actual wrong has been done; and when it has been done, he *(the man doing the wrong act)* is exempt as far as one-third, if he *(the man on whom the deed is done)* be one on whom it is right to inflict the retaliation of an injury,^a or altogether exempt, if he be a condemned outlaw.^b

^a Ir. One
guilty of
retaliation.
^b Ir. One
guilty of
death.

If he had gone to kill a lawful man and happened to kill an outlaw, a fine *in respect* of place and of intention *is due* from him to the lawful man against whom he went; and for killing the outlaw who happened to be there, there is exemption as far as one-third (*of the penalty*), if he *(the man killed)* be one on whom it is lawful to inflict the retaliation of an injury,^a or entire exemption if he be a condemned outlaw.^b

an outlaw with

If he had gone to kill an outlaw and killed a lawful man, there is no fine *in respect* of place or of intention *due to the* outlaw whom he had gone to kill; but half body-fine *is due* of him for the lawful man who was killed, *i.e.*, half body-fine, and half honor-price, and proof *must be given* as regards the other half body-fine and half honor-price, that it was not in his own person he was killed, but in the person of an outlaw without the power of restraining him; and this *(the proof of the fact)* is equivalent to the half fine due of the first man of full privilege.⁴

⁴ Man of full privilege, *i.e.* a person entitled to full honor-price, restitution, and body-fine.

THE BOOK
OF
AICELL.

[Cum ata eipic eirce do duine?]

- C. 1730. 1r ano atá eipic [eirce] ó duine in tan do éuaíð do
 denam poġla pe hinuilech ina piðt boðein, ocup in poġail
 pob áil leir ðpeitáin in tannic a ngnim; ocup da tpara
 C. 1730. 5 á ngnim, noða biao deðbir pobdaiġ na heirce ime [illeith
 rap in eipic].

- C. 1730. Mar do marbað inuileiġ po éuaíð [duine tpa eirce],
 ocup eneo poa corp inuileiġ po perupar, mára puiliuġað,
 C. 1730. no eneo ó puiliuġað ruar, [no puiliuġað] pein, ir lan corp-
 C. 1730. 10 oiri [in marbða ano. 1r ann rin ata lan corpuire ir in
 puiliuġað tpa eirce i nupratur].

- C. 1730. Mára eneo o puiliuġað rír, ir leð corpuire [in marb-
 tha ano].

Marbað pob aít leir in eað inat oib rin. Mára
 15 éneo ar corp, ocup má pue inoithem eneíðe áipiti leir,
 mar in eneo rin po perupar, no eneo ir mó anár, cob-
 poail eirce uirpe co tí a ngnim: peitmaro ina imrað,
 leð ar dul co maigin, ocup ir corpuiri pobdaiġ na eneoi,
 ó do paġa in gním; ocup ní har in eneíð ir luġa anar po
 20 per, eibé de bur mó—riach maighe, no imraio na eneo
 pob aít leir ðpeitáin, no eirce pobdaiġ na eneioe po
 perupar—corab eo ber uar. *

- C. 1731. [Mar ðpeitáin epoligi bair do éuaíð duine, ocup puil-
 iuġað po perupar, no eneð [bec], mara eneð o tha puil-
 25 iuġað ruar, ir lan eipic in epoligi bair; mara eneð o éa
 puiliuġað rír, ir leð eipic in epoligi bair.

¹ Blood-shedding up.—That is, any wound from the smallest blood-drawing to the highest wound upwards.

² Blood-shedding down.—That is, a bruise which does not cause any blood to appear, which only discolours the skin or produces a lump for a time.

³ Until it (the great wound) takes effect.—The fine is graduated up to the amount which would be payable in case the greater wound had been inflicted.

* Here 16 lines fr. A (b's 1371) omitted.

When is a man entitled to 'eric'-fine for intention? THE BOOK
OF
AICILL.

The case in which the 'eric'-fine for intention is *due* by a man is when he went to do injury to a lawful man in his own *proper* person, and the injury which he designed to inflict upon him did not take effect; and if it took effect, the inflicting or the intention would make no difference with respect to the 'eric'-fine.

If one went with the intention to kill a lawful man, and inflicted a wound on the body of a lawful man, if it was a *case of blood-shedding*, or a wound/blood-shedding up,¹ or blood-shedding only, the full body-fine for killing shall be *paid by him* for it. (It is in this case that full body-fine is *due* for intentional blood-shedding in 'urradhus'-law.) *from*

If it was a wound from blood-shedding down,² half the body-fine for killing is *due* for it.

Killing was intended in each of these instances. If a wound *has been inflicted* on the body, and if he took with him the intention of *inflicting* a particular wound, and if it be that wound or a greater wound that he inflicted, it (*the fine*) is graduated according to the intention until it (*the great wound*) takes effect;³ a seventh for intention, one-half for going to the place, and the body-fine for inflicting the wound, when the deed has been committed; and it is ~~not for the smaller wound which he inflicted~~ *he pays*; which-
if it be
ever of them is greatest, the fine for *going to the place*, or the fine for the intention of the wound which he wished to inflict, or the 'eric'-fine for inflicting the wound which he *actually* inflicted, that is the 'eric'-fine which shall be upon him.

If one went to inflict a death-maim⁴ and inflicted only blood-shedding, or a small wound, if it be a wound from blood-shedding up, there is the full 'eric'-fine for a death maim *for it*; if it be a wound from blood-shedding down, there is half the 'eric'-fine for a death-maim *due for it*.

⁴ *Death-maim*.—The "cpolig; bayp, death-maim," does not mean a wound which causes death, but a wound the evil effects of which remain as long as the wounded person lives.

THE BOOK OF AICILL. — Mār ʔperṭain cneiðe bice ʔo cūaīð ocup cneð moṛ po perarṭar, a poḡa ʔon pīr ar ar perāð in cneð moṛ in comṛoðail eīrci ar eīruc poṛʔaīḡ na cneiði bīar uāð, no in lan pīach na cneiðe moīre cīn cobṛoðail eīrci uppi.

5 Mār ʔperṭain cneiði ʔo cūaīð, muna pucarṭar inniṭhiṃ cneiðe aīrthe leīr, cīʔ beʔ cneʔ perar īr lan pīach na cneiðe pīn uāð.] *

- C. 1926. [Māne po perurṭar cneð eṭīr, īr cobṛoðail eīrci ar eīruc poṛaīḡ na cneiðe īr luḡa poḡabār a liubar uāð, no
10 ar eīruc na cneiðe īr mō aīl a liubar uāð [i.] ar eīruc ina cṛolīḡi bāīr .i. uīḡe ina banbeīm, ocup reḗṭmaṭo
O'D. 2348. [coīrpṛoīre na cneiðe reīn] ina īmṛaṭaṭh, ocup leṭ ar ʔoūl ḡu māīḡīn. Ocup īṛ ī pīn in cneð poḃaīḡ, ocup cobṛoðail eīrci uīrṣi. No comāṭ cṛannchur eṭupṛu; no comāṭ
C. 1731. 16 poīnn ar ʔó, [ḡīnmota luīḡī.]

Muna puc [īnṛeīṭeīḡ] cneiṛi īṭīr leīr, aḗṭ poḡaī ʔo ʔénaṃ, mā po perurṭar cneʔ, eīruc poḃʔaīḡ na cneiṛi pīn uāṭ.

- C. 1926. [ʔuīne ʔo ḡuāīð poṛ īnṛīreḗ co māīḡīn annṛīn, ocup ʔo
20 pāla ṛīreḗ ʔo ocup po mārburṭar é, pīaḗ māīṛne uāṭ ʔo īnṛīreḗ poṛ a ʔṛeḗaīṭo, ocup ceṭṛaīṃṭi coīrpṛoīre cana, īnann ocup leṭ coīrpṛoīru upṛaṭaīr. No īr poṛ ʔeṛaīḗ ʔo ḡuāīð, ocup ceṭṛaīṃe coīrpṛoīru īn upṛaīṭo leṭ coīrpṛoīru īn ʔeṛaīṭo. Ocup pīr poṛ leṭ coīrpṛoīru, ḡup a pīḗṭ ṛīlṛīḡ
16 po mārb é.]

C. 1731. 139²

- C. 1927. [A meīc, aṛa pēīpēr aenṛeār ī māṃ ʔṛeīre, ocup ʔīar ī māṃ aen pīr; pēār congāīð ʔeīre, no ʔṛeīre,

¹ The white blow.—That is, a blow which does not draw blood.

² Or lots are to be cast between them.—That is, as to which of the two fines is to

If one went to inflict a small wound and inflicted a great wound, the man on whom the great wound was inflicted has his choice whether he (*the assailant*) shall pay an 'eric'-fine graduated according to the wound intended to be inflicted, or full fine for the great wound without any graduation according to intention as regards it.

If one went to inflict a wound, but had not the intention of inflicting a particular wound, whatever wound he inflicts he pays the full fine for that wound.

If one has not inflicted any wound at all, *though he intended it*, he pays an 'eric'-fine graduated according to the intention of inflicting the smallest wound which is found in the book, (or, *as some say*, the 'eric'-fine for the greatest wound that is *mentioned* in the book), i.e. the 'eric'-fine for a death-maim; i.e. an ounce for the white blow,¹ and one-seventh of body-fine for intention of *inflicting* that wound, and one-half for going to the place. And this is the *case of the wound actually* inflicted, and the graduation of intention is applicable* to it. Or lots are to be cast between them;² ^a Ir. *Upon*. or it is to be division in two, i.e. besides oath.

If one did not intend to *inflict* any wound, but only to commit trespass, *and* if he has inflicted a wound, the 'eric'-fine for inflicting that wound shall be *paid* by him.

In this case a person went to a place for *the purpose of killing* an innocent man, and he met a guilty man and killed him, fine in respect of place is *due* by him to the innocent person against whom he went, (and that is the one-fourth of body-fine in 'cain'-law, equal to half body-fine in 'urradhus'-law). Or it was against a stranger he went, and the fourth of the body-fine of a native is half the body-fine of a stranger. And he must give proof respecting the half body-fine, that it was in the person of a culprit he killed him (*the stranger*). *in proportion to*

My son, that thou mayest know when one man is legally considered as two,^b and two are legally con-
be levied, whether the full 'eric'-fine, or the lesser with a graduated rate of increase; or the average of the two modes of computation is struck.

THE BOOK
OF
AICILL.

^b Ir. *In the condition of two.*

THE BOOK OF AICILL. 1. 'Da gnao tap eire in aen gnao ber aipriu], no diao 1 naentaillaino for tih naenfir.

C. 1927. [Ac meic .i. a meic co naib a fir bneé acat in mbao bir in taenpear po moam no po gnam na veire, in tairevepa tap eiri in 'da boaireé meonac a piraib loise eneé. Ir aipe do nichep in cennaé po do na gnaoab ap oas loéca pira oasbaul. Ocu' diao i maam aenfir .i. diao po maam no po gneim in aenfir, pice et occ. Pear conzai b' veiroe .i. pear conzbur veiroe, na 'da boaire meonaca, .i. in tairevepa. No treiroe .i. na tpi ocaire iperip. .i. 'da gnao .i. na 'da boaire meonaca tap eire in aengnao ap aipre na caé per oib, in tairevepa .i. ingneim aipevepa in 'da boaire ocu' ber comaro pira noip. No diao in aen taillaino .i. no diao for peranto in aenfir, ocu' tailla ann' lae, in poltaé puipe, ocu' an capbat ap imram .i. in bobruaga.

N.B.

|| C 1848

1n poltaé puipe .i. ip i polaro bir aice in tih bir pae 15.1. perann aice ocu' noéa nruil cpo; in capbat ap imram .i. cpoé aiceiroe ocu' noéa nruil perann.]

C. 1928-9. 1. 1n poltach puipeime ocu' in capbat ap imram ip é a naichmeiroe: típ ceitpí peét cuíal ac in 'dapa ve, ocu' ceitpí ba pichit ac apailé, ocu' comaepta do maat ó bell- 20. taine co belltaine. [Ocu' cío pata beir i neemair a éailí noéa nruil eneclann do neoc oib an eemair a éaile no co noepnat in coimvelg ata do reip oígió, [ocu' o do gnat], beipre caé oib cin ocu' oibao apailí; ocu' gabap aetha- 25. bail caich i cinaro apailí. Ocu' muna oepnat in coimvelg atá do reip oígió, ní beip neé oíó cin na oibao apailí. Ocu' ó do gnat in coimvelg ata eneclann in gnao ipa oiabla toéupa uil acu oib .i. in boaireé meonac. Ocu' ip amlaio itapíoe oioí co na 'da éoibeip maéira pír do

¹ The 'aire-desa'-chief.—That is, the 'aire-desa'-chief who has property equal to that which would qualify two men to be 'bo-aire'-chiefs, is for purposes of compurgation, &c., equivalent to two 'bo-aire'-chiefs.

² 'Carbat-ar-imramh'-stock-owner.—The term 'carbat-ar-imramh' means literally 'moving chariot.'

sidered as one man; *this occurs in the case of a man* THE BOOK OF AICILL.
 who possesses two or three *ranks*, i.e. two *lower* ranks
 in place of one higher rank, or two persons possess-
 ing* one holding upon the land of one man *are re-* *Ir. In.
garded as one person.

My son: i.e. O son, that thou mayest know the judgment when one man is legally considered, or held responsible as, two persons, i.e. the 'aire-desa'-chief equal to two middle 'bo-aire'-chiefs in the proofs of honor-price. The reason that this interchange is made of the grades is for the purpose of obtaining compurgators. And two are legally considered as one man, i.e. two are legally considered or held as one man, sic et occ. A man who possesses two, i.e. a man who holds two ranks, those of the two middle 'bo-aire'-chiefs, i.e. the 'aire-desa'-chief. Or three, i.e. the three best 'ogaire'-chiefs. That is, two ranks, i.e. the two middle 'bo-aire'-chiefs are equal to one rank higher than either man of them, i.e. the 'aire-desa'-chief, he has the status of the two 'bo-aire'-chiefs in *compurgation*, and he is as high as both of them. Or two *persons* possessing one holding, i.e. or two upon the land of one man, and they fit on it, i.e. the 'foltach fuithrime'-holder and the 'carbat-ar-imramh'-stock-owner, i.e. the cow-'brighadh.'

The 'foltach-fuithrime'-holder, i.e. the *only* property he has is the land which is under him, i.e. he has land but has not cattle; the 'carbat ar imramh'-stock-owner, i.e. he has cattle, but not land.

That is, the 'foltach fuithrime'-holder and the 'carpat ar imramh'-stock-owner are of this kind; the one has land of the value of four times seven 'cumbhals,' and the other has twenty-four cows, and they make an agreement *to remain together* from May to May. And how long soever they may be apart from one another there is no honor-price due to one of them in the absence of the other unless they make a legal contract,^b and when they do make a *legal contract*, they each bear the liabilities and *gain a title* to the effects of the other; and each of them is distrainable for the liabilities of the other. But if they have not made *such a legal contract*,^b neither of them bears the liabilities of the other or *gains a title* to the effects of the other. And when they have made such *legal contract* they are entitled to the honor-price of the grade double whose property they possess, i.e. the middle 'bo-aire'-chief. And it is for this reason they have this because they do twice as much good with it (*their property*)

^bIr. A contract that is according to law.

THE BOOK OF AICILL. venum; no coibeir nír in mbocaire ír fearr namá; ocúr muna dornat, ní fuil doib⁹ áet rcpereall. Ocúr da mbeir⁹ perann pođraea con caprat ar imram, ír lan eneclann do cinmotha ođtmaro a eneclanno.]

5 Cio pođera nach hí eneclann in graw ara tođur com-
lan uil aca doib .i. eneclann in bocairech ír fearr? Ír e
pađ pođera: ppeircirí imfearr no bí eapru, uair muna
beith íreo no biađ doib. Ocúr o rcepar, ocúr o ná biat
imale, noco nfuil ní doib áet rcpereall a ninoraeair,
10 mára inorae; ocúr munab inorae, noco nfuil ní.

C. 1753. C. 1929. [Nođa nfuil eneclann do neoc víb a ppeđain cneide for
corp a ééile, áet mana poib⁹ a bualgur éairura claeđ-
moiđe.]

4 II 380.21

Má po gatait reoit uaitib nír in pé rin, eneclann do
15 ceđtar de ann po aicneo lai no cleithi, ocúr in cutpuma
atá ar fearth lađta ocúr gnimparđ do oiri ocúr daitigin
ná rét do comraino doib eapru, ocúr a fuil ann o ta
rin [amach] do brait don caprat ar imram.

C. 1929. C. 1733. [Nođa nfuil eneclann do neoch víb a ngait reoit a ceili,
20 áet maine raib a bualgur lađta, no gnimparđ, no maighe,
no aithe, no peraino.]

C. 1930. [Már a bualgur comaitne, leđ a maigin, ocúr an aenmaro
pann pichit a peđtar maigin.] Már a bualgur maighe,
lan a pironaire, ocúr leđ a maigin, ocúr in aénmaro pann
25 pichit a peđtar maigin; ocúr ír leir fein in perann
[a peđtar maigin] annrin, uair munab leir noco nfuil ní
ino.

C. 1930. [Mara pet aca ta lađt no gnimparđ tallarđ ano, ene-
clann po lu no po cleithe don poltach fuiríre ar ron

⁹ Half-fine for precinct.—That is if the cattle be stolen from an enclosed field, or place of lawful security; 'extern of precinct' means any place outside such enclosure.

as he, or as much only as the best 'bo-aire'-chief; but unless they do so they are entitled but to a 'screpall.' If however the 'carpat ar imramh'-stock-owner has hired land, he has full honor-price except one-eighth of his honor-price.

What is the reason that they have not the honor-price of the grade whose full property they possess, i.e. honor-price of the best 'bo-aire'-chief? The reason of it is: there was an expectation of separation between them, for if there were not, it is that (*the rank of the 'bo-aire'-chief*) they would have. And when they do separate, and are not *any longer* together, they are entitled to nothing but a 'screpall' for their worthiness, if they be worthy; and if they be not worthy, they are not entitled to anything.

There is no honor-price *due* to one of them for the infliction of a wound on the body of the other, unless it be in right of mutual friendship.

If 'seds' have been stolen from them during that time, each of them shall have honor-price for it according to the nature of minor or major *value*; and the proportion of the 'dire'-fine or restitution of the 'seds,' which is in lieu of the milk and work, is to be divided equally between them, and all that remains from that out is to be taken by the 'carbat ar imramh'-stock-owner.

There is no honor-price due to one of them for the stealing of the 'seds' of the other, unless it be in right of milk, or work, or *breach of precinct*, or *cattle entrusted to his charge*, or land.

If *the honor-price is claimed in right of joint charge*, half-fine is due for precinct¹ (*enclosed field*), and the one twenty-first for extern of precinct. If *the honor-price is claimed in right of precinct*, full fine is due for presence,² half for precinct, and the one and twentieth for extern of precinct; and the land is his own (*the 'foltach-fuithrime's*) as regards extern of precinct in this case, for if it be not his, there is nothing due.

If it be a beast that gives^a milk or is capable of work that has been stolen, the 'foltach fuithribhe'-holder is entitled to

² Full fine for presence. —That is, if the cattle be carried off forcibly in the presence of the owner.

THE BOOK OF AICHEL. α cota don laēt no don gnimrao; ocuṛ in eutrima do
 pormaēt laēt ocuṛ gnimraō do tṛpe for na reotaiḃ, do
 compoinn doib etorpu, ocuṛ na fuil anō o ēa rin amaē do
 breiē don carpat ar imram; no comao in tṛpe uile do
 5 roino doib etorpu, uair iṛ a comaeṛtaig do pormaēt
 tṛpu anō.]

Maṛa reoit ac na fuil laēt na gnimrao pucao uaēib,
 nocon iṛfuil nī don poltaē fuieṛpime deiṛeic, aēt muna
 fuil a dualeṛ comaitḥne; lán a maigin, ocuṛ leē a rectaṛ
 10 maigin.

Maṛa poimpuṛ iēt do puneo ann, iṛ fiaḥ poimpuṛe do
 ceētaṛ de; no comao aen fiaḥ poimpuṛe doib aṛaen; a
 do tṛpian don tí iṛ a cin imar gaḃao, ocuṛ aen tṛpian don
 C. 1734. tí [iṛa cin] im na gaḃao.

15 Maṛa aḥgaḃaíl po gaḃao doib, iṛ fiaḥ inoḃigriō aḥ-
 gaḃaíla do ceētaṛ de, no com aen fiaē inoḃigriō aḥgaḃaíla
 doib aṛaen, ocuṛ a do tṛpian don tí iṛa cin imar gaḃao,
 C. 1734. ocuṛ aen tṛpian [don tí iṛa cin] imnar gaḃao.

Maṛa ṛepann tallao ann, ṛepann aḥgena anō, ocuṛ
 20 ṛepann diaḃulta; [ocuṛ eneclann po lu no po cleithi don
 C. 1734. carpat ar imram ar pon a cota don reop; ocuṛ in ṛep
 aḥgina, ocuṛ in ṛep diaḃulta do coimpoinn no caithem
 doib etorpu]; in ṛepann do bepaṛ ar pon aḥgena ṛepanno,
 ocuṛ diaḃlao ṛepanno do breiē don poltach fuieṛpime a
 25 aenup.

C. 1735. 1932

Maṛa techtaṛgaḃao pucao iṛin ṛepann, iṛ fiaḥ techtaṛgaḃi

3 The offence was not committed.—The meaning seems to be, that two-thirds of

honor-price according to its nature of minor or major *quantity*, THE BOOK
for his share of the milk or of the work; and whatever has OF
been added to the 'dire'-fine by the beast's giving milk or AICILL.
being capable of work is divided between them, and the
remainder of the 'dire'-fine is obtained by the 'carbat ar-
imramh,'-stock-owner; or, *according to others*, the whole of
the 'dire'-fine is to be divided between them, for it is from
their joint assent the 'dire'-fine increased.

If it be beasts that do not give milk or work that have
been stolen from them, the 'foltach fuithrime'-holder is not
entitled to anything for it (*the theft*), unless it be in right
of joint charge; full fine for theft from precinct is due,
and half fine for theft from a place external of precinct.

If the offence committed is that of making use of beasts,
a fine for *such* use is due to each of them; or, *according to*
others, one fine for use is due to them both, two-thirds of
which belongs to him to whose detriment it (*the offence*) was
committed for which the fine is received, and one-third
to the other, i.e. to him to whose detriment it (*the offence*)
was not committed.¹

If *unlawful* distraint has been made upon them, fine for
such unlawful distraint is due to each of them; or, *accord-*
ing to others, one fine for unlawful distraint is due to them
both, and two-thirds belongs to him to whose detriment it
(*the offence*) was committed for which the fine is received, and
one-third to him to whose detriment it was not committed.

If it be their land that has been *unlawfully* seized, land
of equal value, and double land shall be recovered for it;
and honor-price according to minor or major value is due to
the carbat ar imramh'-stock-owner for his share of the grass;
and the grass given as restitution, and the grass given as
double shall be divided equally or consumed between them;
and the land that is given as restitution for the land, and
as double of the land shall be obtained by the 'foltach
fuithrime'-holder alone.

If it be cattle to take possession* that have been *unlaw-* * Ir. Tak-
the fine shall belong to him whose portion of the property has been injured, and *ing posses-*
one-third to the other whose property has not been injured. *sion.*

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AICILL.

— tairpe co cunn co coibne, no cen cunn cen coibne ino; ocur
cuthruinnur lan feich tuine éaiche no leé fiach tuine
caiche do feic do compoino doib eutruu, ocur a fuil ann
o éa rin amach do bpié don foltach fuithruime a aenur.
C. 1932. [Fiach teétaué fe ba do na huairlib, ocur tri ba do na
hirlib, ocur vilri nairme .i. caé ní bepar do teétaué a
vilri vpir bunad.]

f. 1168.9

10 In fiach potbaiz, ocur in fiach porpcaich na luachra,
ocur in fiach porloiréte, ocur in fiach poimprime, ocur in
fiach porpcaio poimelta por oin; cuic feoit in caé ní doib,
ocur a compoino doib eutruu.

Fiára connato no claiato no caelach, cuic feoit ino,
ocur a compoino doib eutruu.

15 Maia per po caíteo ann, fiach tuine éaéi do poino
doib eutruu.

Maia cláda no uiréi, ir cuic feoit, ocur a compoino
doib eutruu.

20 Maia iare taillaó ann, maia a tiz ir diablaio anno ocur
eneclann, ocur a compoino doib eutruu. Maia ar in troo
ir cuic feoit, no comat céthri, ocur a compoino doib
C. 903. eutruu; [no cumat cuic feoit irin iare imuié, ocur
diablaio maio a tiz; no dono éena comat éuic feoit irin
iare do zréir, cio bé inao ar a ngrataíóéa hé.]

25 Maia peóia po tepcat anno, maia peóia ar a fuil mer
iat, in eutruua ata ar feath bair do tairpe ocur tairthzin

1 Man-trespass.— That is the trespass which a human being commits, as distinguished from that which a beast commits.

fully put into the land, the fine for taking possession of THE BOOK OF AICILL. land *unlawfully*, whether with ~~reason~~ and family claim, or without ~~reason~~ and family claim, shall be *recovered* for it; and a proportion of it equal to full fine for man-trespass,¹ or half-fine for man-trespass, shall be divided equally between them, and the remainder shall be obtained by the 'foltach fuithrime'-owner alone. The fine for *unlawfully* taking possession of land is six cows from nobles, and three cows from the inferior grades,² and forfeiture of the stock, i.e. whatever stock is brought for the purpose of taking possession is forfeited to the owner of the land. *Ir. The low.

As to the fine for sod-cutting, and the fine for cutting rushes, and the fine for burning land, and the fine for using a beast, and the fine for over-using a loan: five 'seds' is the fine for each of these, and they (the joint owners) divide them equally between them.

If it be firewood or boards or wattles that have been stolen, there is a fine of five 'seds' for it, and they as above divide it equally between them.

If it be grass that has been consumed, there is a fine for man-trespass for it, to be divided equally between them.

If it be stones that have been taken away or water, there is a fine of five 'seds' for it, and it is to be divided equally between them.

If it be fish that has been taken, if from a house there is double fine for it, and honor-price, which are to be divided equally between them. If it was taken from a weir² there is a fine of five 'seds,' or, according to others, four, for it, and they divide it (the fine) equally between them; or, according to others, it (the fine) is five 'seds' for the fish outside, and double that for taking it, if in a house; or else indeed the fine is five 'seds' always for stealing fish, from whatever place it has been stolen.

If it be trees that have been cut, and if they be trees on which there is fruit, the proportion of 'eric'-fine for the top

² For the reading in the text, "μαρ αρ in ερον," C. 1735 has "μαρ α κοραρο ηο ζαταό ε, if it was from a weir it was stolen."

THE BOOK OF AICILL. na peo do comroinnt doib eturru; ocuṛ a fuil ann o ēa rin amach do bṛeṁ do poltach fuirṛuime a aenur.

Maṛa meṛ taillao anto: maṛa baṛu iṛ éiruc baṛu do comroinnt doib eturru. Maṛ do laṛ, maṛ ar daṛsin a caithme do daṛuib, iṛ daiblaṁ ocuṛ enecian; mār ar daṛsin a caithme doṛuillib, iṛ lan riacṁ doṛine caith, ocuṛ a comroinnt doib eturru.

C. 903. [Maṛa tuigi, a pégaṁ cá ráth rir i raibe ac rir bunaid hi; aṁt mār dā loṛeo, iṛ cuic reoit; maṛ dā caithum doṛuillib, iṛ riacṁ doṛine caith; mār dā buan ro daṛuib, iṛ daiblaṁ;] ocuṛ ailia familia. *Note in C 903, 1392*

C. 173⁴ of C 955. 403 A 25 p 23 f 25⁴ ff
H 217 4954 (p 24)
H 318 1401 (C 105)

C. 1988-4.

[A meic, aṛa feiseṛ riacṁ maṛra. [Aen aṛra i lech cumail, deirde i cumail, treirde i cumala, .i. trian do, trian each, trian aṛṛit; trian do daṛuib i triun do, trian do doṛuinn i triun each, triun do anfolam i triun aṛṛit, .i. umā inṁu. *anfolam*

A meic .i. a meic, do raib a bṛeṁ acat na riacṁ amail eṛneā. Aen aṛra .i. ba, no eic, no aṛṛet. Deirde .i. ba ocuṛ eic, no eic ocuṛ aṛṛit. Treirde .i. ba ocuṛ eic ocuṛ aṛṛit. Trian do daṛuib .i. trian do na daṛuib iṛreṁ doṛeoṛ do beir a triun na mbo .i. anarṛa leir na daṛuib in uair iṛ amṛir laṁta ocuṛ naṁ amṛir gṛiā.

Ruioleṛ doṛuioṛu in treirde ro; ocuṛ ruioleṛ enecian; do riacṁ in taen aṛra aṛṛit, amail aṛbeṛaṛ a caṛn fuirṛuime; no amail aṛbeṛaṛ a caṛn paṛraic: gella ba do ^[d]

* *One kind of goods.*—‘Arra’ means the thing itself, or a thing similar to what was injured, stolen, or destroyed; ‘anarra’ means a different thing as, e.g., a horse or a cup, in place of a cow.

* *Cain Fuithrime.*—According to C. 278, this was a code of laws composed by Amairgin Mac Amalgaid, and promulgated at Fuithrime Cormaic, at Lough Lein

(the fruit) and the compensation for the trees are divided THE BOOK OF AICILL. equally between them; and that which remains (the stock) is obtained by the 'foltach fuithrime'-owner alone.

If it be fruit that has been stolen: if it be *from* the top, it is 'eric'-fine for the top which they divide equally between them. If *stolen* from the ground, *and* if it be for the purpose of being eaten by people, there is double *fine* and honor-price for it; if *stolen* for the purpose of being eaten by cattle, there is full fine for man-trespass *for it*, and they divide it (the *fine*) equally between them.

If it be straw *that has been stolen*, it is to be considered for what purpose the owner had it: if it was to burn it, there is a *fine* of five 'sedš' *for it*; if to be consumed by cattle, there is a fine for man-trespass *for it*; if to be put *as* *beds* under people, there is a double *fine* for it; and ailia samilia.

My son that thou mayest know ~~how~~ *how* fines and debts should be paid. One kind of goods¹ *is to be given in a fine of half a 'cumhal,' two in a fine of a 'cumhal,' three in a fine amounting to 'cumhals,' viz. one-third in cows, one-third in horses, one-third in silver: one-third of oxen is to be in the third of cows, one-third of mares in the third of horses, one-third of 'anfolam'-mixture in the third of silver, i.e. copper in them.* *to day (see 152.7)*

My son: i.e. my son, that thou mayest have a judgment ~~of how fines shall be~~ *of how fines shall be* paid. One kind of goods: i.e. cows ~~or~~ horses or silver. Two: i.e. cows and horses, or cows and silver. Three: i.e. cows and horses and silver. One-third of oxen: i.e. it is required by law that there should be one-third of oxen in the third of cows, i.e. goods of a different kind with the oxen when it is the time of milk and not the time of work.

he regards the oxen as anarra

These three things are lawful in the payment of body-fine; and the one 'arra'-article of silver is lawful in the payment of the honor-price of kings, as it is said in the 'Cain Fuithrime';² or, as it is said in the 'Cain Patraic':³ —

(Lakes of Killarney), by Fingaine, son of Cae Cinmathair, King of Munster, whose death is mentioned by the Annals of the Four Masters at 694 A.D.

¹ The *Cuin Patraic*.—That is, The 'Senchus Mor.'

gellait tra da arzel gellait arzel inno C 1738

THE BOOK *arzel gellait arzel inno*; amail arber a nupratur, porpreñ
OF
AICIL. *arpra anarpra.*

Trian do boininn .i. trian do na larpadaib ipreñ vlegan do beñ
a trian na neñ .i. anarpra leir na larpada in tan ip amfir epma
ocur nañ amfir tpeobda. Trian do anfolam .i. do ni nañ folam do
gabail ipreñ vlegan do beñ i trian arzel .i. mulloca ocur pñda tpeuil-
lenoada ocur pñoin. .i. uma innoiu .i. uma ina pñu oibpnoe, no uma
innoiu eipreñ, cio anfolam in la rin.

Cret ar a pñil in tpeinuzañ po? in ar eipreñ poñla, no
in ar pñadaib cuir no cunnprada? Ip ar eipreñ poñla añ;
ocur ip aipre do nithar in tpeinuzañ po opna, comaro
luadaide do pñipñip a pñich tpeñemam toñroa, ocur comaro
iparoi do biobaro a pñail. Ocur cio do aen pñadaib do
ñabta iat, ní buo upcuillte, uair na pñe cuir ocur cun-
prada ip aen arpra inoibpnoe. No ip amlaro po hañtaizeo
a nic pñoin. Da pñib añtuzañ opna, ip a nic amlaro, ocur
muna pñib, ip porpreñ arpra anarpra. Epñe poñla rin; ocur
mar a eipre cuir no cunnprada, ip aen arpra innoib. Cñt ma
ta añtuzañ i coraib beil ann, ip á beñ ar in añtuzañ
C. 904.
O'D. 664 20 rin; muna uil [añtuzañ ano] iup, ip a beñ ar in añtuzañ
ata do pñip vñigñ. [Ocur ar e añtuzañ a vñip vñigñ], .i. a
da pñip arpaen no a da nanfir arpaen do pñail pñip ime;
no pñip añ in tí vñar gellat ocur anfir añ in tí po gellur-
tár. Ip ann rin ata porpreñ arpra anarpra, añt imto cañ
divisione C 1738 25 a vñinñiñe. Ip ann rin ata a poña anarpra don pñeemam
toñroa. Mára pñip añ in tí po gellurtar, ocur anfir añ
in tí vñar gellat, ip annpñe ata, epñar oñar aipñicther,
ñpt.

Seoit rin aipñi po gellurtar in vñine *inno* aipñi

The knowledge or ignorance of both.—That is, of the parties to the contract.
This seems to be a quotation from some law maxim.

"an obligation for silver, pledges of silver [must be given] for it" Thurn. ZCP, 18, 389-90.
 "for the pledges in silver silver must be forthcoming;" OR THE BOOK OF AICILL.
 as is said in 'urradhus' law "an 'anarra'-article goes for an 'arra'-article."

One-third in mares: i.e. it is required that there should be one-third of mares in the third of horses, i.e. 'anarra'-animals with the mares when it is time of riding and not time of ploughing. One-third of 'ansolam'-mixture: i.e. it is required that there should be in the third of silver, one-third of that which is not ready to be taken, i.e. bowls and three-cornered cups and bridles. Copper in them: i.e. the worth of them in copper, or it is copper to-day ('inoniu'), though they were not ready to be taken that day.

he regards mares as

Of what is there this triple division made? Is it of 'eric'-fines for trespass, or of bargain and contract debts? Of fines for trespass verily; and the reason why this triple division is made of them is, that the plaintiff might the more readily recover his debts, and that the defendant might the more easily procure them. But though it were in one kind of commodity^a they (*bargain and contract debts*) were procured, there would be no objection, for debts of bargain and contract are *paid for* in one kind of goods. Or, there was an agreement that they should be so paid; if there was an agreement about them, they are to be paid accordingly, and if there was not, let 'anarra'-articles be given for 'arra'-articles. That is, *in cases of* 'eric'-fine for trespass; but if it be 'eric'-fine for bargains or contract, one kind of goods is *to be given* for it. If however there be a verbal agreement about it (*the contract*), it is to be according to that agreement; if there be not an agreement, it is to be treated as a stipulation according to law. And the agreement the law speaks of is, "the knowledge of both or the ignorance of both¹ is to be the rule in the case;" or *it may be* that the person to whom the promise was made had knowledge and the person who made the promise had not knowledge. It is here "an 'anarra'-article goes for an 'arra'-article," but let everyone get his due. In this case the plaintiff has his choice of 'anarra'-articles. If *it be a case wherein* the person who made the promise had knowledge, and the person to whom the promise was made had not knowledge, then *the rule* is "let him buy, hire, borrow," &c.²

^a Ir. Debts.

In this case the person had promised particular 'seds' at a particular time, and he was certain that he could not

¹ Let him buy, hire, borrow, &c.—A quotation from some law maxim.

THE BOOK OF AICILL. ann rin, ocuy cinneti leir na puiḡbeṡ iat uair a ngeallta, ocuy daṡe inoḡiḡo air cin co rabat aḡe iat, upailio ḡliḡeo air a ceannaḡ cin ḡu beṡ aice iat.

- C. 905. [In bail ita Caḡ puaḡach doḡo, noḡu na ḡellurtaṡ duine
 5 pṡo airiḡe anoiriḡe, aḡt loḡ a cruio don pṡichemain
 toichioḡa oi na pṡeaiḡ ḡa puiḡbeṡ; ocuy ma ta anairia aṡ
 inḡairiu iná ḡeile i pṡeib biḡbair, ḡurab eo do bṡeṡo don
 C. 1739. pṡichemain toichioḡa. [ḡaṡhi anoligṡo air in ḡan pṡe
 5 aṡiṡhe ḡponaiḡm], ocuy ip anḡ rin ata a poḡa a pṡeib
 10 biḡbairiḡ.

Na pṡeich cuir ocuy cunḡarṡa uile ip a mbeṡ amail po
 haḡṡaiḡeo iat.

Maḡ po haḡṡaiḡeo pṡeich airiḡe ann ip a níc.

Maḡ po haḡṡaiḡeo a nic a ninat airiḡe ip a níc ip a
 15 ninat rin.

Manar haḡṡaiḡeo a níc a ninat airiḡe, pṡeḡib inat ip
 in epích epichairiḡ cṡo a noḡerṡa iat, ḡleḡur ḡorom šul
 aṡ a cenḡ, ocuy mer ocuy pocul na epíche rin ḡo ḡobarṡaṡ
 pe pṡeaiḡ, aḡt mana poiḡ biḡbanar ḡo anḡ.

da ṡoil C 1937

- 20 C. 1937. Ocuy ní heaḡ ḡárab a aṡpṡṡaḡo cia biḡbanar he, an
 biḡbanar pṡarṡana anma [pe corp] hé, no in biḡbanar
 eparpṡarṡana a pṡe pe nech. Mára biḡbanar pṡarṡana
 C. 1937. anma [pe corp] hé, nocho ḡleḡar ḡorum šul amach, aḡt
 a pṡeoiṡ ḡonacul ḡo ḡia ḡiḡ, ocuy mer ocuy pocul a epíche
 25 pṡeín ḡó leo.

- Mára biḡbanar eparpṡarṡa a pṡe pe nech, ḡleḡar
 ḡorum šul amach; ocuy in pṡe amach ḡinolucaro a pṡe
 C. 1937. leir [amach, ocuy a comairce cṡin ber aḡ a ḡobaḡ; ocuy]
 C. 1937. mer ocuy pocul na epíche imuch ḡo pe pṡeaiḡ. [Epuc
 30 ḡuir no cunnaṡa rin; ocuy mara epuc poḡla, a niḡnacul

* *What is in his possession.*—That is, to give the plaintiff the ‘anarra’-articles most convenient to himself.

* *And to take.*—For “ḡobarṡaṡ, giving or taking,” C. 1937, reads “ḡo ḡabairiḡ ḡo, to be given to him.”

procure them at the time of promising them, and it is to THE BOOK OF AICILL. punish him for his illegal conduct because he had them not that the law compels him to purchase them when he has them not.

When it is said "every debtor *has* his choice," the person did not in that case promise a particular 'sed', but *that he would pay* the value of his property to the plaintiff in any 'seds' he could find; and if the defendant has in his possession any 'anarra'-article more convenient than another, he gives it to the plaintiff. This is *allowed*, to punish him for his illegal conduct in not having bound *him to give* a particular article, and it is in this case the defendant has a choice of *giving* what is in his possession.¹

All debts of bargain and contract are to be according as they were agreed to.

If particular debts have been agreed upon they must be paid.

If it has been agreed upon to pay them at a particular place they must be paid at that place.

If it has not been agreed upon to pay them at a particular place, the creditor is bound to go for them to whatever place in the 'tricha ched'-division they are due at, and to take² the estimation and award of that territory respecting the 'seds' *offered in payment*, unless any enmity exist towards him there, *and if so he need not go thither*.

And it is a thing to be considered what *kind* the enmity is, whether it is deadly enmity,^a or enmity which might lead to his being robbed.^b If it be deadly enmity,^a he is not bound to go out, but the 'seds' are to be sent to him to his house, and he is to have the arbitration and award of his own territory respecting^c them.

If it be enmity which might lead to his being robbed,^b he is bound to go out; but the man outside (*the debtor*) is to escort him out with the 'seds,' and protect him while levying them; and he shall have the arbitration and award of the outer territory respecting the 'seds.' This is a case of 'eric'-fine for bargain and contract; but if it be a case of 'eric'-fine for trespass, they (*the goods*) are to be conveyed

^aIr. Enmity of separating soul and body.

^bIr. Enmity of separating 'seds' from a person.

^cIr. With.

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C. 1937-8.

co ruice a tech, ocur a cunnamain gā tīg; no gura cunna-?

C. 1740.

C. 1740.

Al meic arā fēirer fear arren nī nā torḡaib, ocur
fēr do raḡaib nī nāo eren? .1. fēr turḡaibe tḡuith
īr é arren a cināo; noch īrlan in fear forich, in
tḡuith, ar īr é aḡ inrin arrenar [comraite] nā com-
raite lā fear arḡrean.

Al meic arā fēirer .1. a meic, co raib a fīr bḡe acat in fear
erney nā riācā amāc, ocur noā nē do rine tarḡabail cināo, cōḡnāc
tarḡuācāo. Ocur fear .1. in fear do rine tarḡabail cināo, ocur
noā nē erney nā riācā .1. fēr .1. fēr tarḡuācācāo in tḡuith, aithgin
fāir in tan īr cōḡnāc gā tarḡuācā; ocur īr ar rin īr pollar in cin
tuiltear tḡe nēch co nōlīgenn rē a īc. Arren .1. iār. Noch īrlan
nā nōc fērim nō nōc inḡraigim cōnāo rīan in fēr ruācōnāigir in tḡuith,
in tan īr cōḡnāc ac tarḡuācācāo tḡa. Ar īr é .1. ar īr é cin ann rin i
nuaral comḡnūcēf, fēi ocur noā raibe comḡnūcēo denma nā rōḡlā
cōr in tī erney nā riācā.

.1. Cui nōlīgter é mā aīr in tḡuith é nō in gācē? Seēt
mbliarān am.

Ocur cui nōlīgter atḡrā am aīr in tḡuith é, nō in
fear lēc cūno? .1. a cinn cēḡr mbliarān rōḡ am. Ocur
mā nō hīcāo a cināo fḡr in rē rin rēru nō fēr in gācē
é nō in tḡuith, mā nō hīcāo imarḡarāo ann fōr aithgin, īr
a hāiric amuīc fōr cūlā. Ocur cin co rōirio don aēt cūrāo
fōr in ecōḡnācḡ rā fḡr fēirer ciall cōḡnācḡ, aēt aithgin
uārūm .1. on tḡuith.

Cia hāirer coimetar fērann in tḡuith cin a comḡinn dīa
rīne? .1. co cūicear; ocur comḡinn cḡi dīlri fāir ó rin
amāc; ocur a cinn cēḡa blīarān fear mac cōḡnācḡ ac an
tḡuith, īr aīre a fērann do fōr cūlā. Ocur cinnḡcē ar
ecinnḡcē rin.

² As far as five persons.--That is the full period of five successive occupants.

to his house and kept at his house; or, *as some say*, they need not be kept at his house. THE BOOK
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O son, that thou mayest know when a man pays what he has not incurred, and a man commits a crime which he does not pay for; viz. the man who incites a fool is he who pays for his crime; in which case the man who commits the crime, *i.e.* the fool, is exempt, for this is the instance in which fines of design are paid, and the man who pays had not design. ?

O son, that thou mayest know: *i.e.* O son that thou mayest have knowledge of judgment *when* a man pays out the fines, and he was not the person who committed the crime, *this is the case of* the inciting sane adult. And a man commits, *i.e. the case of* the man who committed the crime, and it is not he that pays the fines. Viz. the man, *i.e.* the man who incites the fool, he shall make restitution when it is a sane adult that incites; and from this it is evident that a person must pay for the crime which is committed through him (*his instigation*). Pays, *i.e.* discharges. Is exempt, *i.e.* I maintain or insist that the man who commits the crime, *i.e.* the fool, is exempt, when he who incites is a sane adult. For it is *the instance*, *i.e.* for this is the crime for which fines are nobly paid when the person who pays the fines had no intention of committing the crime.

That is, when is it discriminated by his age whether he is a fool or a sensible person? *At the end of* seven years exactly.

And when is it discriminated by age whether he is a fool or a person of half sense? That is, at the end of fourteen years exactly. And if his crimes were paid for during this period, before it was known whether he was a sensible person or a fool, *then* in case too much was paid as compensation, it is to be paid back outside (*by those who got it*). And if only chastisement was inflicted on the infant who is expected to come to the use of reason, *there is* only compensation *to be made* by him, *i.e.* the fool.

How long is the land of the fool kept without being divided by his family? That is, as far as five persons;¹ and the division of a forfeited land is made of it from that out; and *if* at the end of a hundred years a sensible son should be born to (*descended from*) the fool, the land shall be returned to him again. And this is "certain for uncertain."

C1740
O/A 1376
C2170

[Compareti náto compareti in compareti aithepéggar anto .i. compareti in bualaro, náto compareti átt erba in tairriachta. 1 compareti in oruith ícarothep na péich.]

Per co cinaio can cinaio, ocup per can cinaio co cinaio
 5 αιτηρέσθαι αὐν. Per can cinaio imon mbualao in coonach
 ταρρααῖστα, co cinaio im ic na piach; per co cinaio in
 ορηθ bualao imon mbualao, cen cinaio im ic na piach.]

- C. 1939. [O bur] օրջան արևելս in օրստի ար α αջո քոն α
սեղար, ւոn Ժծար, ւոn Բոծանար, ր ann ր Ժծս Եաժ օրստ
C. 1939. 10 [Տօ Շինականաժ] in α ւոնար; no արրոն α բոն Եժն ար α
ւր, no in տ օ Եա Տա. Եոն Ժծար բոն; օւր Ե Եոժ Ժծար
C. 906. [օւր Բոծանար], ր Ե in Եոնա, [ւար ոոո րւարոնն Ժծար
C. 1740. ու օր ր ւար ւո ջրո]; օւր րրաւ ջան տոջար ւո ար
[ան] օրստ ան բոն.

15 Մարա օտոռաժ աւ տօրքաժաժ, օսք օրսէ աւ Բաւաժ,
աժիցոյ ար ու օտոռաժ տօրքաժաժ, օսք ըւոյ օրսէ Բաւաժի.
Ըն ածար ըն Բոժանք րոյ. Մա յա Բոժանք, Լէժաժիցոյ
ար շէժար ղե. Մա յաժ մար ըն ածար օսք Բոժանք,
շէժարսմե քօր օտոռաժ տօրքաժաժ, օսք տօրա շէժարսմե
20 քօր օրսէ մԲաւաժ.

- c. 1940. Μαρά κοτονάχ αε τσιρεα, οεφ τριε^ε αε βιαλαο cen
αοβαρ, cen βισβαναρ, τριαν πορ κοτονάχ νουιρει, [οεφ]

Considered here.—That is, a crime within the meaning of this doctrine or paragraph, i.e. the actual blow (by the fool) is intentional; the inciting of the fool by the third party is not done with the serious intent or expectation of the blow being struck.

² *A criminal man without crime*, &c.—That is, the case of a man subject to the consequences of a criminal act, but not morally guilty, and of a man actually and morally guilty of it, but not subject to the consequences of the crime, is here considered.

A wilful crime which is not *in point of fact* a wilful crime is the wilful crime considered here,¹ i.e. the striking is intentional, the inciting is not intentional but *is done through* folly. It is for a premeditated crime of a fool the fines are paid.

A criminal man without crime,² and a man of crime without criminality, are considered in this case. The sensible adult who incited is the man without crime as regards the striking, *but is criminal*³ as to the payment of the fine; the fool who struck is the man of crime as regards the striking, but is without criminality as to the payment of the fines.

When a fool has committed a furious assault alone, of his own accord, without cause, without enmity, it is then lawful to give every fool up for his crime; or, *according to others*, compensation must be paid on his account by his family, or the person with whom he is. That *was* without cause or enmity; but though there should be cause and enmity, it would be the same *as regards the inciting person*, for cause does not take aught from³ the liability of the inciting man at all, and this though he only requested and did not compel the fool to the assault.

If a sensible adult incites a fool to commit an assault, and a fool commits the assault, the inciting sensible adult pays compensation, and the fool who committed the assault is free. This is *when there is no*⁴ cause and no⁴ enmity. If there be enmity, each of them⁴ pays compensation. If there be both cause and enmity, the inciting sensible adult pays a fourth part of the compensation, and the fool who committed the assault three-fourths.

If a sensible adult incites, and a fool assaults without cause, without enmity, the sensible adult pays a third of the compensation for the inciting, and the fool two-thirds for

³ For cause does not diminish.—That is, the existence of any cause which would predispose the fool the more readily to commit the assault at the instigation of the third party.

⁴ Each of them.—The fool and the sane adult, i.e. the fool is to be considered as a *particeps criminis* if he is predisposed himself to commit the assault.

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C. 2171. 20a 7pian 7op 7puth mbuailti, cen aobap cen biobanup
Ma ta biobanup, 7eipeo 7op coonað nouirce, ocup cuic
7eipio aile ap 7puð mbuailti. Ce beið aobap ipreo an
cetna, [uap] noca 7coipenn aobap ní 7prip 7uirci 7o 7prip.

5 Ma pa coonað ac 7upcað, ocup coonað ac 7oipiachað, ocup
7puð ac bualað, 7pian 7op coonach nouirce, ocup 7a 7pian
7op coonach 7oipiaðta, ocup 7lan 7puth buailti. Cen
aobap cen biobanup 7in; ocup ma ta biobanup, 7eipeo 7op
coonað nouirce, 7pian 7op coonað 7oipiaðta, leð aithgin
10 ap 7puð mbuailti. Ma ta aobap ocup biobanup, 7eipeo
7op coonað nouirce, 7eipeo aile ap coonað 7oipiaðta,
7a 7pian ap 7puth mbuailti.

C. 1742. [Imach 7o 7oðlaoitap anopin, ocup 7amað etoppa
buðein tall, in cutpuma 7o hiepaipim 7e 7aeb 7in amach
15 co na 7eapthain 7opum 7op nech eile, 7upab é in cut-
puma 7in icthap 7upium anopa; ocup in cutpuma 7o
icpaipom 7e 7aeb 7in cona 7eapthain 7oibrim 7op nech
eile, 7upab é in 7ainmpainoe 7in bu 7pbaðach uaðpom
inopa.]

C. 2173

20 Cio 7oðepa co 7cuipenn aobap ocup biobanap ní 7prip
7oipiaðta, ocup co nað 7coipenn aðt biobanup nama ní
7prip 7uirci? 1p e 7að 7oðepa, 7o batup map aen aici,
C. 908. [ic 7puth], aobup ocup biobanup, 7epiu 7o 7une 7ep 7oip-
iaðta a 7oipiaðcað, ocup coip ce 7o 7coipoir map aen ní
C. 1742. 25 7oe; noðo 7oibi aðt biobanup [nama] aici ap einp 7prip
7uirci, ocup coip cen co 7coipreo ni 7e aðt in lan 7o bai
aip ap a einp .i. biobanup.

Cio 7oðepa co 7cuipenn 7ep 7uirci ní 7prip 7oipiaðta,
ocup co na 7coipenn 7ep 7oipiaðta ní 7prip 7uirci? 1p e

1 The proportion which he pays now.—That is, if the assault has been committed among the members of the tribe.

2 That which was on him.—That is, the portion of the fine which the fact of the fool's having enmity towards the man assaulted, would render the fool liable for.

assaulting, without cause without enmity. Should there be enmity, the inciting sensible adult pays one-sixth of the compensation, and the fool who committed the assault the other five-sixths. Though there should be cause it is the same, for cause does not at all diminish the inciting person's liability.

If a sensible adult rouses him, and a sensible adult incites him, and the fool commits an assault, the sensible adult who roused him pays one-third of the compensation, the sensible adult who incited him two-thirds, and the fool who committed the assault is free. In this case there was neither cause nor enmity; and should there be enmity, the rousing sensible adult pays one-sixth, the inciting sensible adult one-third, and the fool who committed the assault, one-half of the compensation. Should there be cause and enmity, the rousing sensible adult pays one-sixth of the compensation, the inciting sensible adult another sixth, and the fool who committed the assault, two-thirds.

Outside (in another territory) the assault was committed in the above case, but had it been between themselves within, the proportion he would pay in respect of it out (to the strangers) and for his committing it on another person, is the proportion which is paid by him now¹; and the proportion which he would pay in respect of it for their inflicting it on another person is the proportion which is subtracted from him now.

What is the reason that cause and enmity subtract part from the liability of the inciting man, and that nothing but enmity subtracts part from the liability of the rousing man? The reason of it is, he, the fool, had them both, cause and enmity, before the inciting man incited him; and it is right that both should take something off him (the inciting man); he had but enmity only before he was roused, and it is right that nothing should take anything off him (the rousing man) but that which was on him² (the fool) before he roused him, viz. enmity.

What is the reason that the rousing man takes something off the liability of the inciting man, and that the inciting man does not take anything off the liability of the rousing man? The reason is, the full fine had already been in-

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in pač poterja, no peičirter a lán cena por per nouirci,
mařia do pine per toirpuačta a toirpuačtač, ocur in lan
no peičirtar air coir cen co pcoirco ní de.

IV 84-20. C 2331

Mařa 7puth ac toirpuačtač ocur 7puth ac bualač,
5 conpannat bač baegál: 7p lech aethgin ar cechtar de.
Cen aobap cen biobanur řin. Ma ta biobanur, cethruime
ar 7puč toirpuačta, teopa cethruime ar 7puč mbuałti.
Ma ta aobap ocur biobanur, očtmač ar 7puč toirpuačta,
na pečt panna aile ar 7puth mbuałti.

Sic.

10 Mařa 7puč ac 7upcač ocur 7puth ac bualač, peirco
ar 7puth nouirci, ocur a cuic peirco ar 7puth mbuałti.
Cen aobap, cen biobanur; ma ta biobanur, aılı dec ar
7puth nouirci, aenni panni dec ar 7puč mbuałti. Ce beč
aobap, 7přeo a cetna, uair noco pcoirpenn aobap ní 7př
15 7pirci.

Mařa 7puth ac 7upcač, ocur 7puč ac toirpuačtač, ocur
7puč ac bualač, peirco ar 7puč nouirci, řian ocur aile
dec ar 7puč toirpuačta, řian ocur aile dec ar 7puth
mbuałti. Cen aobap cen biobanur řin; ma ta biobanur,
20 aile dec ar 7puč nouirci, peirco ocur in cethruime panni
řichit ar 7puth toirpuačta, lan o ča řein amach ar
7puth mbuałti. Ma ta aobap ocur biobanur, aılı dec
ar 7puth nouirci, aılı dec ocur in očtmač panni ceth-
pachac por 7puth toirpuačta, lan o ta řin amach ar
25 7puth mbuałti. No, comaco cuic panna do venum don
aethgin řunn, ocur 7p e pač ara řdentar řin comuro a
řriun do beč 7puth 7pirci do řřer ře 7puth toirpuačta,
amuił ata cořnach 7pirci řřuar a řriun ře cořnach
toirpuačta.

¹ *The fine*.—This is a quotation from some ancient law-book.

² *And one-twelfth*.—The MS. here has "one-eleventh," but the context shews that the true reading should be "one-twelfth."

curred by the rousing man, before the inciting man caused the incitement, and it is right that the full *fine* incurred by him should not in any way be lessened.

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If a fool incites and a fool assaults "let fools divide the fine";¹ there is half compensation from each of them. *In* ^{*Ir. Risk.} this case *there was* neither cause nor enmity. Should there be enmity, *the fine is* one-fourth of compensation upon the inciting fool, and three-fourths upon the assaulting fool. Should there be cause and enmity *the fine is* one-eighth of compensation upon the inciting fool, and the other seven parts upon the assaulting fool.

If a fool arouse and a fool commit an assault, *the fine is* one-sixth of compensation upon the rousing fool, and five-sixths upon the assaulting fool. *Here there was* neither cause nor enmity; and should there be enmity, *the fine is* one-twelfth of compensation upon the rousing fool, and one-twelfth² upon the assaulting fool. Though there should be cause, it is the same, for cause on the part of the fool does not take any thing off the rousing man.

Should it be a case of a fool arousing, and a fool inciting, and a fool committing an assault, *the fine is* one-sixth of compensation upon the rousing fool, one-third and one-twelfth upon the inciting fool, and one-third and one-twelfth upon the assaulting fool. *There was* neither cause nor enmity in this case; and should there be enmity *the fine is* one-twelfth of compensation upon the rousing fool, one-sixth and one-twenty-fourth upon the inciting fool, and the full remainder upon the assaulting fool. Should there be cause and enmity *the fine is* one-twelfth of compensation upon the rousing fool, one-twelfth and one-forty-eighth upon the inciting fool, and the full remainder upon the assaulting fool. Or, according to others, the compensation in this case is to be divided into five parts, and the reason why that is done is that the rousing fool might have to pay a third always as between himself and^b the inciting fool, just as the rousing sensible adult in the case above mentioned pays a third as between himself and^a the inciting sensible adult.

^b Ir. To.

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Cach uair ır cuic panna Ծօ ուժեր ծօն աւիցին, cuiceԾ
ար օրստի ռօւրբի, Ծա cuiceԾ ար օրստի տօրքսաճճա, Ծա
cuiceԾ ար օրստի մբսաւտի. Cen Ծօբար cen ԾօԾանսր րին;
ocur մա Ծա ԾօԾանսր, ԾեճմաԾ ար օրստի ռօւրբի, cuiceԾ
5 ար օրստի տօրքսաճճա, Լան օ ճա րին Ծմաճ ար օրստի
մբսաւտի. Մա Ծա Ծօբար ocur ԾօԾանսր, ԾեճմաԾ ար օրստի
ռօւրբի, ԾեճմաԾ ար օրստի տօրքսաճճա, շեճրի cuicԾ ար
օրստի մբսաւտի.

CԻ be Ծօռնաճ սւլի Ծօ ne in տօրքսաճճա, ır Ծսրքսա
10 րճօրքբ աւիցին Ծօ օրստի, Ծօ Ծօռնաճ սրքսաճ, Ծօ Ծօռնաճ
Ծօրսաճ, Ծօ Ծօռնաճ մսրճարճե, Ծօ Ծօռնաճ Ծաւր. Աւիցին
C. 910. քօր Ծօռնաճ սրքսաճ [i ռօւրբի, շեճրի րճճմաԾ ար Ծօռնաճ
Ծօրսաճ, Ծա րճճմաԾ ocur in շեճրսաԾ րանօ Ծեճ] նա
աւիցնա քօր Ծօռնաճ մսրճարճի, րճճմաԾ նա աւիցնա
15 քօր Ծօռնաճ ռօւրբի.

CԻ be ԾճԾօռնաճ սւլե Ծօ ne in տօրքսաճճա, ır Ծսրքսա
քօրքբ Լեճ աւիցին Ծօ օրստի, Ծօ ԾճԾօռնաճ մսրճարճի,
Ծօ ԾճԾօռնաճ Ծաւր.

C. 911. [Լեճ աւիցին քօր մաճ i նաւր րա Լեճ տրք սրքսաճ, շեճրի
20 րճճմաԾ նա հաւիցնա քօր մաճ i նաւր րա Լեճ տրք
Ծօրսաճ, Ծա րճճմաԾ ocur in շեճրսաԾ րանօ Ծեճ նա Լեճ
աւիցնա քօր մաճ i նաւր րա Լեճ տրք մսրճարճա, րճճմաԾ
նա Լեճ աւիցնա քօր մաճ i նաւր րա Լեճ տրք Ծաւր, Ծա
Ծեճմաճ.]

25 ՏեճճմաԾ նա Լեճ աւիցնա քօր մաճ i նաւր րա աւի-
C. 911. ճնա [սրքսաճ]; շեճրի րճճմաԾ րճճմաԾ նա Լեճ աւիցնա
քօր մաճ i նաւր րա աւիցնա Ծօրսաճ; Ծա րճճմաԾ ocur
in շեճրսաԾ րանօ Ծեճ րճճմաԾ նա Լեճ աւիցնա քօր մաճ

Whenever the compensation is divided into five parts, THE BOOK OF AICILL. one-fifth *is the fine* upon the rousing fool, two-fifths upon the inciting fool, *and* two-fifths upon the assaulting fool. This *is when there is* neither cause nor enmity; but should there be enmity, one-tenth *of the compensation falls* upon the rousing fool, one-fifth upon the inciting fool, and the full remainder upon the assaulting fool. Should there be cause and enmity, *the fine is* one-tenth *of compensation* upon the rousing fool, one-tenth upon the inciting fool, *and* four-fifths upon the assaulting fool.

Whatever sensible adult has incited *a fool*, whether he (*the inciter*) be a sensible native freeman, a sensible stranger, a sensible foreigner, or a sensible 'daer'-man, the compensation *due* of the fool is alike diminished. Compensation *in full is the fine* upon the sensible native freeman for *injury* to the person, four-sevenths *of it* upon the sensible stranger, two-sevenths and one-fourteenth of the compensation upon the sensible foreigner, one-seventh of the compensation upon the sensible 'daer'-man.

Whatever non-sensible person has incited *a fool*, whether he (*the inciter*) be a non-sensible native freeman, a non-sensible stranger, a non-sensible foreigner, or a non-sensible 'daer'-man, the compensation *due* of the fool is diminished equally.

Half compensation *is the fine* upon a youth at the age of paying the half-'dire'-fine of a native freeman, four-sevenths of the compensation upon a youth at the age of paying the half-'dire'-fine of a stranger, two-sevenths and one-fourteenth of half the compensation upon a youth at the age of paying the half-fine of a foreigner, one-seventh of the half compensation upon a youth at the age of paying the half-'dire'-fine of a 'daer'-man, should it (*such a case*) occur.

A seventh of the half compensation *is the fine* upon a youth at the age of paying the compensation for a native freeman; four-sevenths of a seventh of the half compensation *is the fine* upon a youth at the age of paying the compensation for a stranger; two-sevenths and one-fourteenth of a seventh of the half compensation *is the fine* upon a youth

THE BOOK 1 naep ica aithgena mupcainēi; rečtmao rečtmaio na
OF
AICILL. leč aithgena por mac 1 naep ica aithgena oair.

Leč in rečtmao por mac 1 naep ica leč oiri oair, ocup
in tainmpainne do lan a athar buoēin uil ar mac 1 n-
5 aep ica aithgena upraiō, corab e in tainmpainne rin
do lan a athar ber ar mac 1 naep ica aithgena oepraiō,
no mupcainēi, no oair.

- C. 912. Cio potera nach rečtmao lan a athar uil ar mac
1 naep ica aithgena upraiō runn, amuil ata in caē nao
10 o ēa rin amach? Ir e pač potera, comgnim oā ecoonač
C. 912. uil ann, ocup in [eupuma] reoirer a oepraiōečt no [a]
C. 912. mupcainēečt, no [a] ecoonačečt, no [a] mupcainēečt,
[on] ar oipuč teit, ačt a uil re lar. In eupuma reoirer
arobar ocup brobanur caē uair atait aicirum, nocon or-
15 porum teit, ačt ar oipuč, ocup caē uair na fuil aicirum,
ir oipupom teit.

C 2176 addn: Cid potera fogail edgēd a leith re druth ann so 7 conad
rofe 7 na fuil foghail edgēd d'athfeghail do robairph? Is [e] in factu in comuatu
fil ann .i. comatūte uair nocha nfuil a v. cētfada coparda aga inuadhuigh.

A meic ara peirei blaí oíli.

1. na huile denca ro rin uile o tairgeba in gnimraō
C. 912. ocup in ruiriuāō, ocup ó na [bia rin] poreraiō no aibeile
" " 20 no etallair, ir denca oiraiō, ocup ir rlan iat a leč rin na
huilb, ocup rlan na huile a leč ruu.

- C. 912. Ma do pala rogail [cén bečar ac] a congnimugao ocup
a congnimugao, rlaniti erpaiz ocup etarbaiz ann, trian

effollais

at the age of paying the compensation for a foreigner; a seventh of a seventh of the half compensation *is the fine* upon a youth at the age of paying the compensation for a 'daer'-man.

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—

Half the seventh of compensation *is the fine* upon a youth at the age of paying the half-'dire'-fine of a 'daer'-man, and the proportion of the full-fine of his own father which is upon a youth at the age of paying the compensation for a native freeman, is the proportion of the full-fine of his father which shall be *the fine* on a youth at the age of paying compensation for a stranger, or a foreigner, or a 'daer'-man.

What is the reason that it is not one-seventh of his father's full-fine that is *imposed* on a youth at the age of paying the compensation for a native freeman here, as it is in every case from this out? The reason is, it is the joint act of two non-sensible adults that is *considered* here, and the proportion which their condition of stranger or foreigner, or their want of sense, or their madness takes off them, goes not upon the fool, but falls to the ground. As to the proportion which cause and enmity take off as often as he (*the fool*) has them (*i.e. cause and enmity*), it is not upon those (*above-mentioned*) it goes, but upon the fool, and as often as he has them not, it is upon those it goes.

My son that thou mayest know the exemptions with respect to rights *of building, &c.*

That is, all the buildings here mentioned from the time that the work has been finished and the arrangement *completed*, and when there is no knowledge of excess or danger or defect, are lawful buildings, and are safe with respect to all things, and all things are safe with respect to them.

If an accident should occur during the erection or the *construction* preparation for it, *there is no fine for injuries done to idlers and unprofitable workers,*¹ *there is one-third of compensation* ^{* Ir. Ex-emption.}

¹ *Unprofitable workers*, i.e. persons whose presence there was unnecessary for their profit.

THE BOOK OF AICILL. *naithgina in naep comgnimpario ocur in caē torbach ocur in caē pop. Cen pīr cen aiepin pīn. [Et alia similia.]*

C. 913.

cf III 284.4 765.3

Ma ta pīr porpario^[no¹] aicbeile no etallap, īr aḡuīl in-
vovēibīr torba im leē aithgin ī neppaē ocur ī netarbach,
5 aithgin α torbach, leē vīpe la aithgin α pupu.

C. 913.

1 ī ano atá plaini erpa ocur etarbaē [to piasail ī leē
pū.] in inbato atconnac caē vīb α ēēile; no nī acaro caē
vīb α cēile; no atconnacatarpom pēp in gnīma ocur nī
acaro pēp in gnīma iatpōm; plaini erpaiō ocur etarbaio
10 ann. Trian aithgena ī naep comgnimpario, in caē torbaē,
ocur in cach pob, cen pīr cen aiepin. Mara aiepi co rail-
eētain α piachtaia, co caemaēcu imgabala, leē aithgin ī
neppaiō ocur ī netarbaiō, aithgin α torba, leē vīpe la aith-
gin α pupu co naiepin nā pob, ocur muna acaro, īr trian
15 naithgena.

cf I 178.16

Mat conoaietpōm iatpōm ocur nī acatarpōm eipūm,
ocur pob e α tuiepiūm co pacatap, ocur apaios nī acat-
ap, īr aḡuīl in vovēibīpe torba im leē aithgin ī neppa ocur
ī netarbaē, aithgin α torba, leē vīpe la aithgin α pupu.
20 Mat connaietpūm iatpūm ocur nī acatarpōm eipūm, ocur
cinnai leipūm con nā pacatap, cethpiūme vīpe la aithgin
ī neppaē ocur ī netarbaē, leē vīpe la aithgin α torba-
ēu ocur α pupu.

¹ *Profitable workers*, i.e. persons whose presence there was necessary for their profit.

² The text is defective here.

³ *Knowledge of excess danger or defect*, i.e. if the owners of the building in course of erection were aware that the building was in any way dangerous, and an accident occurs, the idlers and unprofitable workers are treated as if they were profitable workers.

due for injuries done to all fellow-labourers and profitable workers¹ and beasts. This is in case they (the builders) did not see the injured persons or know of their presence; et alia similia.

Should they (the owners of the building) have knowledge of excess danger or defect, it is as if it were profitable to the injured person to be present there though not necessary to his profit,^a as regards half compensation for injuries to idlers and unprofitable workers, compensation for profitable workers, half 'dire'-fine and compensation for beasts.

The case in which exemption from fines for injury to idlers and unprofitable workers is the rule with respect to them is, when each of them³ saw the other; or, when neither of them saw the other; or, when they saw the working man and the working man did not see them: there is exemption from fines for injury to idlers and unprofitable workers in this case. One-third of compensation is the fine for injury to fellow-labourers, profitable workers, and beasts, provided the act was not intentional or the injured person seen.^b If he (the injured person) was seen, and his being struck was supposable, but may have been avoided, the fine is half compensation for injury to idlers and unprofitable workers, compensation for injury to profitable workers, half 'dire'-fine and compensation for injury to beasts, if the beasts were seen, and if they were not seen, it (the fine) is one-third of compensation.

If he (the workman) saw them and they did not see him, and it was his impression that they did see him, and it is certain they did not see him, it is like a case of unnecessary profit, as regards half compensation for injuries to idlers and unprofitable workers, compensation for injury to profitable workers, half 'dire'-fine and compensation for injury to beasts. If he saw them and they did not see him, and if he was certain they did not see him, there is one-fourth of 'dire'-fine and compensation for injury to idlers and unprofitable workers, half 'dire'-fine with compensation for injury to profitable workers and for injury to beasts.

³ When each of them—that is, the idlers and working man.

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—

like unbecomable injury
in respect of

*Ir. Unnecessary
profit.

^b Ir. Without knowing,
without seeing.

more the loss

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Cio fodepa conat eutpuma ip in rob ocur ip in torbač ann po? Ip e pač fodepa, inoieithbeip in gnuma munuawep iat, uair amuil rob a leč pyp in torbač ip cinoti leip dā nemacipin. Na cotonaiz deaitha uilit ap aipō i nuair ⁵ denma in gnimpač amuil epbaiz iat buoin, ocur amuil epbaiz a puih ocur a necotonaiz.

Sic.

Ruib ocur ecotonaiz in ločta na puilit ap aipō, ip ino-
tib ata in lan ip mo; puih ocur ecotonaiz in ločta na puilit
ap aipō ip inčib ata in lan ip lužā; puih ocur ecotonaiz
¹⁰ in ločta ata ap aipō ac denam gnimpaio, mā cumangap
a noičop, ip a mbeič amuil epbaiz; muna cumangap, ip
a mbeič amuil torbač.

C. 914

In torbač bošap dail [ocur na bacaiž, eo pyp a noaille
ocur a mbuiope ocur a mbacaiž], ip a mbeič amuil in
¹⁵ rob; in eutpuma biap ip in torbach mbošap noall, cor-
ab a leč bep ip in nepbach mbošap noall, ocur noco nag-
abap a planti do žnep. [Co pyp a bošopčaille rin; ocur

C. 914.

nochon pēp a bošopčaille, ip a beič amail in torbač bu doiž
leip dā paicpin, ocur načap pačapō.] Ma tait a puile aici
²⁰ ocur nī uilit a cluapa, no mā tait a cluapa ocur nī uilit a
puile, ocur ci be tob ata aici, ip a mbeič amuil epbaiz a
leč pyp. Ci be tob nač puil aici, ip a mbeič amuil torbač
a leč pyp.

C. 914-
915.

[Ruib ocur ecuinō na cotnač noeaiti uil ap aipō ocur
²⁵ na pēgap a ler, ocur na puilet a denom gnimpaio, ocur
po pētpaizgea a noichup cen topmepc gnumpaiz, amail
epba iat, ocur epic epba inotu. Ruib ocur ecuinō na cot-
nač na puilet ap aipō, no ge tait ap aipō māo pēgap a
ler pe puiupiuo ngnim, no gen go pēgap a ler pe denam

¹ Had not seen him.—The text is defective here.

² Such as are present.—The Irish here again is such as are *not* present, but the repetition of the negative must be a clerical mistake.

What is the reason that there is the same *fine* for the beast and the profitable worker in this case? The reason is, the non-necessity of the deed equalizes them, for *it is thus that* the profitable worker, who he was certain had not seen him,¹ becomes as the beast *with respect to the restitution and 'dire'-fine*. The idle sensible adults who are present at the time of doing the deed are themselves *considered* as idlers, and the beasts and non-sensible persons belonging^a to them ^{THE BOOK OF AICILL.} [—] ^{Ir. Their.} are *considered* as idlers.

For the beasts and non-sensible persons of such as are not present the greatest full-*fine* is *paid*; for the beasts and non-sensible persons of such as are present² the smallest full-*fine* is *paid*; the beasts and non-sensible persons belonging to those who are present doing the work, if they can be sent away, are to be *regarded* as idlers; if they cannot, they are to be *regarded* as profitable workers.

The deaf blind and lame profitable workers, when their blindness and deafness and lameness are known, are to be *regarded* as beasts *with regard to the fine*; whatever is the proportion of *fine* for *injury* to the deaf and blind profitable worker, the half of it is for *injury* to the deaf and blind idler, and for *injury* to such *deaf and blind idler* there is never full exemption. This is when his deafness and blindness are known; but should his deafness and blindness not be known, he is to be *regarded* as a profitable worker, whom he (*the workman*) supposed to have seen him, but who did not see him. If he (*the person injured*) can see and cannot hear,^b or if he can hear and cannot see, he is to be *regarded* as an idler, with respect to whichever *faculty* of them he has. With respect to whichever *faculty* he has not, he is to be *regarded* as a profitable worker. ^{Ir. Has his eyes, and has not his ears.}

The beasts and non-sensible persons belonging to idle sensible adults which are present but which are not required, and are not doing any work, and which could be driven away without interrupting the work, are *regarded* as idlers, and the 'eric'-*fine* for *injury* to idlers shall be *paid* for *injuring* them. The beasts and non-sensible persons belonging to sensible adults who are not present, or who though they be present are required for the purpose of work, or who though not

THE BOOK ճոմբար, ոճո նբար ա ուիւր սաւիւ ճո տօմբար
OF նճոմբար, առաւ տօմբարս աս եւթեւ, օսր առաւ տօմբ
AICILL. — քսիւ օսր ա նեոճնալետ, օսր քսե տօմբա ւոտս.]

Ա իւլ նա տօմբար ալրս բեճ նեմալրս ու ւո ծուե,
5 ոոո տեւ բոճ քար աւիւրս առ, մաւ քար, ու ծա քարս նա
աւիւրս մառա քար; աւիւ մառա տօմբարս եւթեւ, ու
աւեւեւ ճոմբար, ու ծեւեւ ունաւ.

Ա իւլ ա տօմբար ալրս բեճ նեմալրս ու ւո ծուե, ոոո
տեւ բոճ քար Լեւիւր Լա աւիւրս առ մաւ քար, ու ծա քարս
10 աւիւրս մառա քար; աւիւ մառա տօմբարս եւթեւ, ու
աւեւեւ ճոմբար, ու ծեւեւ ունաւ.

Կաւ իւլ ա նեմալրս քարս մեւալրս օսր սրբար-
աւ, ւր ա եւթ ար; Կաւ իւլ ա նեմալր, ւր ա նեմալր.

Կաւ ու բոք արս արս սրբարս արս, օ ու ճո
c. 915. 10 արս րոն Լե, ւր ծեւա քարս, [օսր ւր րլան 1 Լեւ քար
նա Լեւիւ]; մառա քարս ար, ւր եւթեւ օ ու ճո քար.

|| IV 222.2

Կաւ ու բոք արս արս սրբարս արս, օ ու ճո
Լե արս ւր Լեւիւրս արս, ւր ծեւա քարս;
մառա քարս ար, ւր եւթեւ օ ու ճո քար.

20 Նա Լեւ քարս արս արս արս, օ ու ճո արս
արս, ու արս արս, ոոո նեւ սրբարս օ ու ճո քարս
Լե քար; աւիւ մառա քարս 1 ունաւ արս

¹ If it be not so constructed. That is, if a building be constructed according to the form, &c., prescribed by law, the owner is exempted from liability in consequence of accidents connected with it; if a building be otherwise constructed, any

required for the purpose of work, could not be driven away without interrupting the work, *are to be regarded* as profitable workers themselves, their beasts and non-sensible adults as profitable workers, and the 'eric'-fine for profitable workers *shall be paid for injury to them.*

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Where seeing does not add anything to the liability of a man more than not seeing, no more than compensation is paid* for a beast injured by him (*the workman*) if it (*the beast*) was seen, or two-thirds of compensation if it was not seen; unless the case is aggravated by wickedness, or dangerous nature of the work, or peculiarity of place.

* Ir. Goes.

Where seeing adds to the liability of a person more than not seeing, compensation for a beast injured by him does not exceed half-'dire'-fine with compensation if it was seen, or two-thirds of compensation if it was not seen; unless the case is aggravated by wickedness, or dangerous nature of the work, or peculiarity of place.

Wherever the man entitled to the exemptions* has given orders to warn and scare off, he is to have the benefit of them (*the exemptions*); wherever he has not given orders, he is not to have the benefit of them.

* Ir. The man of the exemptions.

Every thing (*building*) of which an author of law has specified the construction, if it be so constructed, is a lawful building, it is fully exempt; if it be not so constructed,¹ wickedness shall be the rule with respect to it.

Every thing (*building*) of which an author has not specified the construction, if they (*the builders*) have constructed it as lawfully as they were able, is a lawful building; if they did not so construct it, wickedness shall be the rule with respect to it.

It is not necessary to apply the rule of notice in the case of rough works which cannot be done without being heard or seen; unless an injury ~~has~~ happened, immediately at the commencement of the work, and if it ~~has~~ happened, let it

accidents connected with or arising from it, will be considered as having been caused by the owner of "malice prepense."

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po četoir, ocur mađa decma, a pir i noerna vliged no na
verna.

Na huile gnimprata poile elatnača uile conecap a den-
ma cin cloirtin no cin aicrin, iped vlegur uproera ocur
5 uprcarata vo puzail rú; uproera vo cođnačab, uprcar-
ata rob ocur ecotnač, ocur vupca aepa cotalta, buioir
ocur vail vuprcarata.

bla moga muzrame.

1. plán vo mozaič i noape pcpvra vo ní, .i. in ní
10 pcoirer ve in per bir ina [mančvine], maíne comaine,
ina lačpino comoligtiž .i. in cuál.

C. 918.

[Mač ri in čuál po puačtnaiz avo iar na gnimugro
ocur iar na ruizigro, ocur ní poibe pir porpcarave na haic-
beile na hecpollair aice, ip venta viraich i, ocur irłaniti
15 leč pir na huilib.

Mač ri in tuāč vo čuāč va cino, irłaniti epbač ocur
etopbač vo cet pceinm cén pir etpollair, 7pt.

¹ C. 915 gives this and the subsequent paragraph more fully, as follows:—

19 Na huile gnimprata bořba anpoile anelādnacha uile donech ac na
20 necap a ler ealaty, na pcpvra vo vėnam can cloirtečt, no gan aicrin,
noco nupaileno vliged uproera no uprcarata vo cođnač, uap ip lop
va nuproera an paicrin no a cloirtin pėin; ačt mana vėcmav pořail vo
vėnam in inoatāt in cet bėime po cetoir; ocur va vėcmav, ip amail
invečbir tořba im leč ačtgin i nepvav; ocur nođo nřuil ní ip mō na řin
25 avo, ačt mane tořmavgea bėbimče .i. in vėnta, no aicbeile ngnimpraič,
no vėčbir ninaro; ocur mač eō on, ip piāc pon pāčh.

Na huile gnimprata poile elatnacha uile go necap vo vėnam cen
cloirtečt cen paicrin, ip v legar uproera avo .i. uproera vo cođnačab;
auprcarata rob ocur ecotnač, ocur vupca aepa cotalta ap a cotlato,
30 ocur buioir ocur vail vuprcarata, co pir a noaille ocur a mbuioire. O
po gona amlav řin, ip řlanite epbač ocur etopbač avo; řpian načt-
gina i naep comgnimprato ocur in cač rob ocur in cač tořbač. Cen pir
cen paicrin řin; no ce beč, mana roib caemāt imgačala.

² The exemption of a servant.—That is, a servant is not liable to fines for acci-
dents arising from the performance of his legitimate work, in his proper place.

³ The jagot, &c.—The MS. B. 3, 5, part II. p. 27, is here defective; it has only
a few fragmentary phrases. The other MSS. available are also defective at this point.

O'Raw. 1405 C. 917

cf. 36.24

C. 917*

R. on Scott's *mančvine*
cf. B.D. 6, 159. (A)

be known whether *the precaution required by law* have been THE BOOK OF AICILL. observed or not.¹

In the case of all fine scientific works, which can be done without being seen or heard, it is required by law to apply the rule of notice and removal: warning is to be given to sensible adults, beasts and non-sensible persons are to be turned away, and sleepers are to be awakened, deaf and blind persons to be removed.

The exemption of a servant² in performing his service.

That is, the servant is exempt in the manly service which he performs, i.e. the man who is performing^a his service, i.e. * Ir. In. the service he is bound to perform,^b in his proper place is Ir. His not responsible for accidents resulting from his work, i.e. service of obligation. in respect of the fagot, &c.³

If it was the fagot that did the injury, after it had been made and placed, and if he (*the servant*) had no knowledge of excess danger or defect, it is a lawful deed, and he is exempt in all respects.

If it was the head of a hatchet that flew off,^c there is exemption in respect of injuries done to idlers and unprofitable workers for the first slipping off without knowledge of defect, &c., on the part of the servant. Ir. If the hatchet went off its head.

"In all rough, coarse, unscientific works, such as require no science, which cannot be done without being heard, or without being seen, the law does not oblige the sane adult to warn or remove *children, idiots, &c.*, because the very seeing or hearing of them (*the works*) is sufficient warning; unless injury has happened from the first blow at once; and if it has happened, it is as the case of unnecessary profit with respect to half-compensation for injury to an idler; and there is nothing (*no fine*) beyond this, for it (*the injury*) unless malice increases it, i.e. on the part of the owner of the work, or the dangerous nature of the work, or peculiarity of place; and if so, the fine is according to the cause.

"In all fine scientific works which can be done without *their* being heard or seen, it is required to give warning; i.e. warning to sane adults; beasts and non-sensible adults are to be removed, and sleepers are to be awakened from their sleep, and deaf and blind persons whose deafness and blindness are known, are to be removed. When it is so done, there is exemption for injury to idlers and unprofitable persons; one-third of compensation for fellow-labourers and for every beast and every profitable worker that is hurt. This is when there was neither knowledge nor seeing^d (of Ir. Without knowledge, without seeing. the works in progress) or though there was, the case is the same, unless there was power of avoiding the danger."

THE BOOK OF AICILL. Cen bečar acá ruioigeaŋ ocuŋ acá ġnimuġaŋ, p̄lan̄ti
 1 erbaig ocuŋ etorbaig ŋo ruagail i leč re ; t̄ruan aithġina
 i naeŋ comġnim̄raič, in cač torba, ocuŋ in cač rob.]

Maŋ e inat i ġnaččaiġeč a čual ŋo čur ŋe, p̄lan̄ti erbač
 6 ocuŋ etarbač ann ; ocuŋ t̄ruan naičġina i naeŋ comġnim-
 7 raič, in cač torbač ocuŋ in cač rob cen p̄r ; ocuŋ t̄iačtan
 o leičriŋe co t̄ruan naičġina.

Muna be in t̄inat i ġnaččaiġeč a čual ŋo čur ŋe ŋo-
 ġreŋ, iŋ amuil inŋoiččriŋe torbaig in leč aithġin i nerbač
 10 ocuŋ i netarbaččū ; aithġin a torbač, leč riŋe la ačġin
 a ručū co naičrin na rob, ocuŋ muna acaro, iŋ aithġin.

Maŋa ca buain, no ca t̄inol, no ca cenġal, no ca copučaro
 ar a muin, p̄lan̄ti erbač ocuŋ etarbač, ocuŋ t̄iačt o leč
 C. 917. riŋe [co t̄ruan naičġina] ann. Ocuŋ má re a ġat ŋo maič,
 16 iŋ a beič amuil cetreenm. Maŋa erant ŋo t̄uit eiŋti, i
 reennanna ŋa ruagail ruŋo. Ocuŋ ni r̄ain ruioiġaŋ, ocuŋ
 ŋám̄at r̄ain ruioiġaŋ, iŋ amuil cet reenn cač reennm.
 Č laičrin̄o rin ; ocuŋ maŋečtar laičrin̄o, iŋ ačūil inŋoič-
 riŋe torbaig.

C918 (which is followed)

20 Maŋ ar clat no ar coparo no i n̄inat copuach ŋo
 ruioiġaŋ a čual, iŋ a beič amuil inŋoiččriŋe torbaig in
 aithġin ann ; no amuil in čual̄i n̄im̄rin̄ti ; bičbinčī ŋo
 ruagail ruŋ.

Maŋ e a ġat ŋo muŋo, ocuŋ ni ŋoičī ruŋ ŋoreŋaro aic-
 30 gati ŋa čual̄e C918

¹ Unnecessary profit.—That is, the presence there of the injured persons was pro-
 fitable to them, though they were not under any necessity to be there.

As long as it (*the fagot*) is being placed and made, exemption *in respect of injury* to idlers and unprofitable workers is the rule with regard to it; one-third of compensation is *the fine for injury done to fellow-labourers*, all profitable workers, and all beasts.

If it be the place in which he was wont to cast off his bundle, he is exempt from *the consequences of any injury done to idlers and unprofitable workers*; but *he is liable to one-third of compensation for fellow-labourers, for profitable workers and for beasts if injured unwittingly*; and it (*the penalty*) is reduced* from half-'dire'-fine to one-third of compensation.

*Ir. Comes.

If it was not *in the place* wherein he was wont to cast off his bundle always, it is as *a case of unnecessary profit*¹ in respect to half compensation for *injury done to idlers and unprofitable workers*: compensation *is due* for profitable workers, half-'dire'-fine with compensation for beasts when the beasts were seen, and compensation *alone* if they were not seen.

If it was at the cutting of it, or at the gathering of it, or at the tying of it, or at the adjusting of it on his back, *the injury was inflicted*, he is exempt from *finest in respect of idlers and unprofitable workers*, and it (*the penalty*) is reduced* from half-'dire'-fine to one-third of compensation. And if it be its tie that has given way, it is like a *case of first slipping off*. If it be a stick that has fallen from it (*the bundle*), it (*the case*) is to be regulated by *the law of "slippings off"*. And *this is so if the arrangement of it (the bundle) is not different from the usual one*, but if the arrangement be different, each slipping is as a first slipping. These *are slippings in his (the servant's) proper place*, but if outside his proper place, it is as *a case of unnecessary profit*.

If it be on a dyke or on a wall or on an uneven place the fagot was placed, it is to be regarded as *a case of unnecessary profit as regards compensation for the injury done by it*; or, like the case of "the pointed stake," it (*the case*) is to be ruled by wicked intention.^b

*Ir. Wickedness.

If it be its tie that gave way, and if he (*the servant*) had no knowledge of excess, danger, or defect, it (*the case*) is the

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beile na etallay, Իր Ինանօ օսըր թօ Եւրօ յօ 1 Լաւթրնօ
Մա տա բիր քօքրարօ, աւեբեւե, օսըր etallay, Իր Ինանօ յօ
օսըր թօ Եւրօ յօ Բէճտար Լաւթրնօ Իմ Լեճ աղիցն Ին
երծաճ օսըր Ին Ետրծաճ.

5 օսըր Իրօ Իր Լաւթրնօ յօն Եւաւլ Եւճ Ինաճ Եւ Եւրօնն յօ
C. 920. Լի յօ չրք, օսըր Եւ Եւաւլ Եւ Բաւլ բիր քօքրարօ, աւեբեւե,
[Եւ Ետրօլլայ]. օսըր Իրօ Իր Բէճտար Լաւթրնօ Եւն, Եւճ
Եւաւլ Եւ Եւրօնն յօ Լի յօ չրք, օսըր Եւ Եւաւլ Եւ Եւաւլ բիր քօք-
րարօ, աւեբեւե, օսըր etallay; օսըր չրքնօ Եւ Լաւթրնօ
16 թօ Բէճ բիր քօքրարօ, աւեբեւե, օսըր etallay, Իր Ինանօ օսըր
թօ Եւրօ յօ Լի Եւ Բէճտար Լաւթրնօ.

Մա Եւանօ յօ քալա յօ Եւ Եւճիճ, մաճ Եւնաւքրնօ Եւ-
թրօ, օսըր Եւ Եւաւլթրօն Եւրօն օսըր Եւ Եւաւլ Եւ Եւաւլ Եւ
Եւրօնն յօ Լի Եւաւլ Եւաւլ, Եւրօ Եւրօն Եւաւլ յօ Եւ-
15 թրօ, օսըր Եւրօ Եւ Եւաւլթրօն Եւաւլ յօ Եւրօ.

Մա Եւնաւթրօն Եւրօն օսըր Եւ Եւաւլթրօն Եւթրօն,
օսըր թօ Բէճտար Եւ Եւաւլ Եւ Եւրօնն յօ Լի Եւաւլ Եւաւլ,
Եւրօ Եւրօն Եւաւլթրօն յօ Եւրօ, օսըր Եւրօ Եւ Եւաւլթրօն
Եւթրօն յօ Եւրօ.

20 Իրօ Իր Լաւթրնօ յօ մօջարօ Եւթրօն Եւաւլ Եւ Լաւթրնօ օսըր
C. 919. [քաւթաւթ] Եւ Եւաւլ Եւաւլ Եւ Եւաւլ Եւաւլ; Եւ Եւաւլ, Եւ Եւաւլ
(much fuller) Եւ Եւաւլ Եւաւլ Եւ Եւաւլ Եւաւլ, Իրօ Իր Լաւթրնօ Եւաւլ
Եւ Եւթրօն Եւ Եւաւլ Եւ Եւաւլթրօն յօ Եւաւլ Եւաւլ Եւաւլ Եւաւլ.

25 Օ մաճ Եւրօն Եւաւլ Եւ Եւաւլ; օսըր Եւ Եւթրօն Բէճ-
մաճ Օ մաճ Եւթրօն, Եւ Բէճմաճ օսըր Եւթրօն Եւաւլ
Եւ Օ մաճ մաւթարթի, Բէճմաճ Օ մաճ Եւաւլ.

¹ And he did not see them.—The plural form “Եւաւլթրօն, they saw,” appears to be a mistake. The sense requires “Եւաւլթրօն, he saw.”

same as if he had cast it off in the proper place. Should he have knowledge of excess, danger, or defect, it is the same as if he had cast it off outside the proper place as regards half compensation *for injury* to idlers and to unprofitable workers.

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"The proper place" of the fagot means whatever place he is in the habit of putting it off him always, and implies^a that he has no knowledge of excess, danger, or defect. And "outside the proper place" means wherever he is not in the habit of putting it (*the fagot*) off him always, and implies^a that he has knowledge of excess, danger, or defect; and should he have knowledge of excess, danger, or defect, though it was in the proper place *he put it off*, it is the same as if he had put it off him outside the proper place.

^aIr. *A*
place.

When the persons who happened to meet him *have been injured by his fagot*, if he saw them, and they did not see him and did not know the place where he was in the habit of putting it off him every time, the 'eric'-fine for seeing *is due* from him to them, and the 'eric'-fine for non-seeing *is due* from them to him.

If they saw him and he did not see them,[†] and if they knew the place in which he was in the habit of putting it (*the fagot*) off him always, the 'eric'-fine for seeing *is due* to him from them, and the 'eric'-fine for non-seeing *is due* to them from him.

"The proper place of the servant" in this case is the length of his hand and the handle of his hatchet from him on every side; this *is* whether outside or in a house; or indeed, *according to others*, this is in a house, and "the proper place outside" is as far as a chip from the wood might be supposed to reach on every side.

From the servant of a native freeman this (*the compensation before stated*) is *due* for *injuring* a person; and four-sevenths of it are *due* from the servant of a stranger, two-sevenths and one-fourteenth of it from the servant of a foreigner, and one-seventh of it from the servant of a 'daer'-person.

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O mug uirraib aca rin i mboin; ocur tui cuiceb o mug
deoraib, da cuiceb o mug murcraibte, cuiceb o mug daip.

O mug uirraib aca rin im ech; a teora cethruime o
mug deoraib, leť ocur oetmaib o mug murcraibti, leť
nama o mug daip.

C 921. 1421.

bla ech aenach.

C. 924.
Sic.

1. irlan don ti beper in teť leir irin naenach, mar
ar óin fuair hí, [ocur ní per a bithbiniťe]. irlan don fir
dorruic ar ein, ať na ruca aia pėin, peťt trairi tēc do
eul no do tairb; ocur má ruca ca imurro, munar inoir,
ir ic a einair ir in tetair fair.

1. Slan don ti beper in tech ir in naenach; rlan do ce
bripter in tech, ať narab tre borblaťar, narab riťi
tar tpocht, co fir a tparacht; ocur mar eo on, ir riach fon
pať air.

C. 921.

Slan tpir in neich ce fuachnaib in teť purum, ať nar
a beog, no peog, no lua, no raibleim, no cop fo laim,
[no pper], no cenn a ngabal; [ocur mať eo on, ir leť
riach fo bithbiniťe uirpe], ocur mepať a hepma do pcor
in leťe aile ti.

fora huirithir C 922

Slán tpir in eich na huile neiče *da rra tarpebar, ať

¹ The exemption as regards a horse in a fair.—That is, the law regulating the cases in which the owner of a horse at a fair is not liable to damages for injuries caused by the horse.

² Is also exempt.—That is, he is not liable for damages for injuries done by the horse, when done at a distance of less than 17 feet from the place where the horse stands, i.e. unless the viciousness of the horse be extraordinary; if the owner bred

From the servant of a native freeman this is *due* for *injuring* a cow; and three-fifths of it *are due* from the servant of a stranger, two-fifths from the servant of a foreigner, and one-fifth from the servant of a 'daer'-person.

From the servant of a native freeman this *fine* is *due* for *injuring* a horse; three-fourths of it *are due* from the servant of a stranger, half and one-eighth from the servant of a foreigner, and half only from the servant of a 'daer'-person.

The exemption as regards* a horse in a fair.¹ *Ir. Of.

That is, the person who brings the horse with him to the fair is exempt *from fines for injuries done by it*, if it was on loan he got it, and if he did not know its viciousness. The man who had given it on loan is also exempt,² as far as seven-teen feet behind it or on *each* side of it, so as it was not foaled for himself; if however it was foaled for him, he pays for such injuries as it may commit in its violence, unless he had told of its viciousness.

That is, the person who brings the horse to the fair is exempt³; he is exempt even though the horse should break down, but so as it did not happen^b through cruel violence, or through driving it beyond its strength, being aware of its weakness; but should it be so, he shall be fined according to the nature of the case.

The owner of the horse is exempt⁴ though the horse has injured him (*the borrower*), but so as it did not happen^b through a start, or a fit, or a kick, or a false spring, or a twist underhand, or a bounce, or head in fork; but if it be *through any of these*, there shall be half-fine upon it⁵ for its viciousness, and the excitement of being driven takes the other half-fine off it.

The owner of the horse is exempt⁶ as to all things over

the horse he has notice of his vice, although ordinary, and is liable unless he gave notice of this to the person to whom he lent it.

¹ *Is exempt.*—That is, from damages for injuries done to the horse.

² *Is exempt*, i.e. from damages for injuries done by the horse to the borrower.

³ The words in brackets in the Irish here are by a later hand.

⁴ *The owner of the horse is exempt*, i.e. from damages for injuries done by the horse to third parties, when being ridden.

^bIr. Was not.

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α παγαίλ πε πιακλινί in εονηαγ αιλ υιρηε. Οθηρυρ com-
lan co bar i nerbač; lečoirpe na cneioi ocyr očryr comlan
co bar α τορβαč; lečoirp la cečtar de pe taeb aithgena
iar mbar, cio α τορbach cio α nerbach.

5 Μα πο αčταγeο α βρειč co hinαo αιριč, plan α βρειč
co pui ei in inαo πο αčταγeο, acht na puctar imaperaič d,
ταιρυρ; ocyr dα puctar, ip piach porperaiο pomelta por
oin, .i. cuic peoiτ, ocyr aithgin in ειč, mara marb.

Cio ποθερα conαo eutpuma ip in piach porperaiο po-
10 melta por oin dα cač tuine, ocyr nač eαo ip in piach
poimume? Ip e pač ποθερα, ap pui[ip]eč tionaieče bir
in piač porperaiο pomelta por oin, ocyr nι eo bir in piač
poimume. Munar αčταγeο α βρειč co hinαo αιριč, plan
dα α βρειč co pui ei in inαo ip αιλ leiρ, ač na tuca puge
15 ταρ τραčτ, co pip α heτραčτα uirpe; ocyr dα tuca, ip piach
po aieneč α pačta air αno.

Munar αčταγeο lachair αιριč ann iτip, plan cio patα
berčair he; no coma plan α poimup co dečmaro, ocyr
piach poimume o dečmaro amach; no coma piach gairi.

C. 924.

20 Μα πο αčταγeο ειρι αιριč [dα čobairτ] ap an eč, plan
dα in eutpuma πο αčταγeο dα tabairτ uirp; ač na
tučtar imaperaiο air tairyp; ocyr dα tučtar, ip piach
porperaiο pomelta por oin αno.

¹ Or it is a fine for theft.—That is, there is an implied contract to use the hired horse *reasonably*; destroying it by unreasonable use becomes a wrong, and as there

which it is brought, and *as to damages*, it (*the case*) shall be ruled by *the law of fair play* as to the sensible adult who rides^a it. *There shall be full sick maintenance till death for injuring an idler*; half 'dire'-fine for the wound and full sick maintenance till death for *injuring a profitable worker*; half 'dire'-fine *for the wound and compensation for either of them, whether profitable worker or idler, after death.*

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—
* Ir. Is
upon.

If it was agreed upon (*between borrower and lender*) to bring it (*the horse*) to a particular place, he (*the borrower*) is safe in bringing it till it reach the place that was agreed upon, provided it be not brought too far beyond it; and if it be so brought (*unreasonably far beyond the place*), it (*the penalty*) is the fine for excessive use of a loan, i.e. five 'seds,' and the equivalent of the horse, if killed.

What is the reason that as regards the fine for over-using a loan it is the same on every person, while as regards the fine for over-riding a horse it is not the same? The reason of it is, the fine for over-using a loan is imposed with the expectation that it (*the loan*) would be returned, and it is not so in the fine for over-riding a horse. Unless it had been stipulated to bring it to a particular place, he (*the hirer*) is safe in bringing it until he reaches whatever place he likes, but so as he does not ride it beyond its strength, knowing its want of strength; but if he does so ride it, there is a fine upon him for it according to the nature of the case.

If no particular place was at all agreed upon, *the hirer* is safe, whatever distance it (*the horse*) is brought; or, according to others, it is safe to ride it for ten days, but there is a fine for over-riding it after ten days; or it is a fine for theft.¹

If it was agreed upon that a particular load should be carried by the horse, he (*the hirer*) is safe in bringing the stipulated amount upon it; but so that too much be not brought upon it beyond that amount; and should it (*an unreasonable amount beyond the stipulated burden*) be brought, the fine for over-using a loan is due in the case.

is no distinction (it would appear) in the Irish laws between "crimes" and "wrongs," it may be defined to be a theft.

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AICELL.

Muna ačtaigeo eipe áiriči air iair, irlan do in ní bur
áil leir do čabairt air, ačt napab ruzi var trāčt, co pír
α epracht; ocup maō eo on, ir pīach po aicneō α pāčā air.

Ma po uprocair pēr bunairō bičbinči in eich, ocup po
gab in pēr amuič do laim bič po cirtaib uilataroi, cač
neič po olečt oi do cirtaib for in pēr amuič.

Munap uprocair pēr bunairō bičbinči in neič, ocup nīp
gab in pēr amuič do laim beič po cirtaib uilearoi, α
cinaro for pēr mbunairō, cenmočā α cirta comaiččera for
in pēr amuič.

? Ma po uprocair pēr bunairō bičbinči in eich, ocup nīp
gab in pēr amuič do laim bič po cirtaib, α cirta com-
aiččera ocup bičbinče, co fail, for in pēr amuič; α cirta
aičhina ocup bičbinče cen fail, for pēr mbunairō.

15 Munap uprocair pēr bunairō bičbinče in eič, ocup
po gab in pēr amuič do laim beč po cirtaib, α cirta com-
aiččera ocup aičhina for in pēr amuič; α cirta bičbinče,
co fail ocup cen fail, for pēr mbunairō.

C. 923. 20 1pēo ir cirta bičbinče co fail ann, α bpeič α cumang
ppāiti, [no chlochain], no airectair, [no α nōorur tiği no
lip], no iair robair ocup ecoonačair, co pír α buailtiğe
C. 923. [no α bičbinče] uirre.

C. 923. 1pēo ir cirta bičbinči cen fail ann, iní do dena for α
rcor, no for α ingailt, [no ar α mbaččarō.]

¹ If no particular load was agreed upon.—That is, if no amount is fixed, a reason-
able burden must be put upon the horse, as to the amount of which the knowledge
of the horse's strength on the part of the person putting on the burden is an
element.

If no particular load was agreed upon¹ for it, he (*the hirer*) is safe in bringing any load he pleases on it (*the horse*), provided he does not exceed its strength, knowing its want of strength; and if it be so, he shall be fined according to the nature of the case.

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If the owner has given *the borrower* notice of the horse's viciousness, and the borrower^a has undertaken to be accountable for all its trespasses, whatever is due of it for its trespasses *falls* on the borrower.^a

^a Ir. *The man outside.*

If the owner has not given notice of the horse's viciousness, and the borrower^a has not undertaken to be accountable for all its trespasses, its trespasses *shall be* upon the owner, except its trespasses of neighbourhood,² *which shall be* upon the borrower.^a

If the owner gave notice of the horse's viciousness, and the borrower^a did not undertake to be accountable for its trespasses, its trespasses of neighbourhood and of viciousness, if there be neglect, *shall be* upon the borrower;^a its trespasses involving^b restitution and those *arising* from viciousness, there being no neglect, *shall be* upon the owner.

^a Ir. *Of*

If the owner has not given notice of the horse's viciousness, and the borrower^a has undertaken to be accountable for its trespasses, its trespasses involving^b restitution and those of neighbourhood, *shall be* upon the borrower,^a and its trespasses of viciousness,³ with neglect or without neglect, *shall be* upon the owner.

Trespasses of viciousness with neglect, are the bringing of it into the narrow part of a street, or into a paved road, or into a crowd, or to the door of a house or of a 'lis'-fort, or among cattle and non-sensible people, its kicking *habits* or its viciousness being known.

Trespasses of viciousness without neglect, are what it commits in its paddock, or while grazing, or in its enclosure.

² *Trespasses of neighbourhood.*—That is, damage to adjoining property, and which might be reasonably anticipated and prevented.

³ *Its trespasses of viciousness.*—A hirer of a horse with notice, as between himself and third parties, is answerable for trespasses which he could lawfully prevent.

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1peo ip cinto comatčera ann, iní to vena ne hoiletoab
oer ne harpatoab, ne per oer ne arbar oer ne poeli-
e[no].

1peo ip cinto aethgna ann, cađ baıl a ma ođpur no
aethgin in cinto to vena.

280.6 *infra*. C1421

blao opo inoeom.

C. 924.

[1. 1plán don tí impur in tóro por in inoeom.]

? = *tochra* 294.22.

1. plan to, ce veđ in inoeom tper in opo, no ce vech in
topo tper in inoeom, no ce tocpaig in tepbach eturpu
een fir cen acrin. Slainti erbaig oer etarbaig to et-
pcem, cen fir etallai; oer trian naethgna + naer
comgmmparo, in cađ topbađ, cia noconnaic cen co pacaiğ;
oer in pob ná pacai; oer máe connac na puba, ip
aethgin.

15 Mar e in pceim tanairte cena, oer ní rain purtuğao,
ip amuil inoeitipe topba im aethgin in erbaig oer in
etarbaig. Aethgin a topbach ce naconnaic cen co pacaiğ.
Leitipe la aethgin a puba cen ađrin na pob; oer mana
acaiğ, ip aethgin.

cf 294.25

20 Mar e in tper pceim, oer ní rain purtuğao, ceth-
puime tpe la aethgin in erpaig oer in etarbaig; Leit-
tpe la aethgin a topbađ, cia noconnaic cen co pacaiğ;
lan tpe la aethgin a puba co pacrin na pob, oer muna
acaiğ, ip Leitipe la aethgin.

26 Mar e in cethpañao pceim, oer ní rain purtuğao,

¹ Has been cast.—For “Ce tocpaig” of the text, C. 924 reads “gia aroa
cupe, though there was put.”

Trespasses of neighbourhood are what it does to fences THE BOOK OF AICILL. or railings, to grass and to green corn or to ripe standing corn.

Restitution trespasses are all cases in which sick maintenance or restitution for the injury which is done are incurred.

The exemption of sledge and anvil.

That is, the person who plies the sledge on the anvil is exempt from penalty for injuries arising from the work he is engaged on.

Viz., he is exempt, though the anvil break^a the sledge, or the sledge break the anvil, or though an idler has been thrust^b between them without his knowledge or his having seen him. He is exempt from fine for injury to idlers and unprofitable workers, in the first slipping, if he has no knowledge of any defect;^c and he pays one-third of compensation for injury to fellow-labourers, and to all profitable workers, whether he has seen them or not; and for injury to beasts which he has not seen; but if he has seen the beasts, it (the fine) is full compensation.

If however it be the second slipping, and the arrangement of the anvil and sledge was not different, it is as a case of unnecessary profit in respect of compensation for injuring the idler and the unprofitable worker. Compensation is due to the profitable worker whether he saw or did not see him. Half 'dire'-fine with compensation is due for beasts if the beasts are seen,² but if not seen, there is due but compensation only.

If it be the third slipping, and the arrangement was not different, one-fourth of 'dire'-fine with compensation is due for injuring idlers and unprofitable workers; half 'dire'-fine with compensation for injuring profitable workers whether seen or not seen; full 'dire'-fine with compensation for injuring beasts if the beasts are seen, but if not seen it (the penalty) is half 'dire'-fine with compensation.

If it be the fourth slipping and the arrangement was not

^a If the beasts are seen.—The MS. reads "cen aicrim na nob," literally "without seeing the cattle;" but the sense requires "con aicrim na nob, with seeing the cattle."

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 Lečoirne la aithgin a nepbach ocyr i netarbach; lan
 oirne la aithgin a torbač. Ro riacč lan čena a rubu
 romanno.

Mar da cinto do cuaro in toro, a da fir no a da nanfir
 5 arpen do riasail ime; no ir ar fir imerpa a aenur.

Mar fir gobann ocyr anfir fir imerpa, in eutpuma
 do pormačt fir ann oic do gabaino, ocyr in eutpuma do
 pormačt aicri ocyr nemurpaxpta do comic doib eutpuru;
 no dono čena, a da fir ocyr a da nanfir map aen do riasail
 10 ime, ir a comic doib eutpuru, amuil atá uppato rnaoer bir
 ocyr pocerpo arale.

Mar ar a laim do cuaro, ir amuil cetpceinm. Mar
 fir fir imerpa, ocyr anfir gobano, ir a bič amuil ata
 arim uppato cen fir rogla.

15 Mar comerapxain do oib opoab etarbuar, ačt map
 etarpu buoein talil po rogail, ačt ma po fer in ti oib
 oairuči o riacč, ir tpuan naitxgina oi[c] do; muna fer, ir
 ferpo naitxgina o cach oib ina čeile.

Mar o rain amach po rogail, ma po fer in ti oib o
 20 riacč, ir a ic do; muna fer, ir a comic doib etarpu.

Mar ri in inoeoin po pceino ann, ačt map tpe fupreč
 a opočfupoičeti, ir a ic tpir fupoičeti; map tpe fupreč a
 opočbuailti, ir a ic tpir imerpa. Má tpe fupreč a
 opočfupoičeti ocyr a opočbuailti, ir a comic doib etarpu.

¹ Having seen.—For "Cicri" of the text, C. 926 has "paxpcriu."

² If the anvil has slipped.—For "po pceino ann" as in the text, C. 926 reads
 "do cuaro ar in cip, went off the block."

different, half 'dire'-fine with compensation is *due* for *injuring* idlers and unprofitable workers; full 'dire'-fine with compensation for *injuring* profitable workers. Full 'dire'-fine has been already mentioned for *injury* to beasts.

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If it be the head of the sledge-hammer that has slipped off, the knowledge or ignorance of both *the smith and the striker* is the rule in the case; or, *according to others*, the striker alone is liable.

If the smith has knowledge of it and the striker has not, the proportion which knowledge adds to *the fine* is to be paid by the smith, and the proportion which having seen¹ and not removed *those who may be hurt* adds to it, is to be paid equally between them; or indeed, it is the knowledge or ignorance of both that rules it (*the case*), and they pay it (*the fine*) equally between them, as it is *where* "a native freeman sharpens a stake and another casts it."

If it be from his hand it (*the sledge-hammer*) slipped,^a it (*the case*) is to be as a first slipping. If it be *with* the knowledge of the striker, and *with* ignorance on the part of the smith, it (*the case*) is to be ruled as it is in the case of "the weapon of a native freeman without knowledge of trespass."

*Ir. Went.

If two sledge-hammers while being wielded have come in collision, and if injury to the persons engaged² only has resulted, and if the particular person by whom it (*the collision*) was caused is known, he pays one-third of compensation; if he is not known, one-sixth of compensation is *paid* by each of them to the other.

*Ir. Among
themselves.

If it be injury to some one else³ that has resulted, if it be known which of them caused it, he pays for it; if he is not known, they pay for it equally between them.

*Ir. From
that out.

If it be the anvil that has slipped³ off *the block* in the case: and if (*this happened*) in consequence of³ bad fixing, the man who fixed it pays for the *injury done*; if it occurred in consequence of bad striking, the striker pays. If it (*the slipping off*) be in consequence of bad fixing and bad striking, they (*the fixer and striker*) pay for it equally between them.

^a For "purpeō" of the text, C. 926 reads "purpururo," here and in several other places.

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C. 927.
C. 927.

Երտիրն ին իսրայնո օսւր ին տէլալց իր ամաւ սէր բօւոնն [ին նիրօ]. Ընտա ին իսրայնո օ տօնոն օօ հոնթօւոն, [օսւր օ ինթօւոն օօ տօնոն] բօր չօճաւո.

C. 927. Մար ար ինթօւոն բօ բօջաւ, մար տրօ բարօս ա օրօճ-
5 Բաւաւաւ, իր ա իօ օրիր իմօրժա ա սօւսր; [աճտ մար տրօ բար-
իսսօ ա օրօճօնցճաւա, իր ա իօ օօ չօճաւո]; մար տրօ բարօս
ա օրօճԲաւաւաւ օսւր ա օրօճսնցճաւա, իր ա օմու օօիօ օտարս.

Մար իատ բրթօս ին տէլալց բօ բօջաւ ան, իր ա իօ օրիր
բօրտ ա սօւսր, աճտ մսնա բաւ օմբօրթատ օ չօճաւո ար,
10 օսւր մա տա, իր ա օմու օօիօ օտարս.

C. 926. Մար Է ին տարան բօ բօջաւ ան [աօ ա Բաւաւօ, ա բէջաօ
ին տրա բարբարս ա օրօճօնցճաւա նօ ա օրօճԲաւաւաւա;]
աճտ մար տրօ բարբ[իր]թօ ա օրօճօնցճաւա, իր ա իօ օօ չօճաւո
ա սօւսր; մար տրօ բարբ[իր]թօ ա օրօճԲաւաւաւ, իր ա իօ օթօր
15 սրլաւօս ա սօւսր. Մար տրօ բարբ[իր]թօ արսօն, իր ա օմու
օօիօ օտարս.

Մար իատ Երտիրն ին իսրայնո բօ բօջաւ ան, աճտ մարա
օմբօրթատ իւր չօճաւո օսւր Լաճտ Բօլջարթօտ, իր ա
օմու օօիօ օտարս; մսնա սւլ, իր ա իօ օթօր Բօլջարթօտ
20 ան սօւսր.

Իր իատ աօտ օրԲաւաւց անօ, օսնօս բօ օտաւլ բա օսր ին
իսրայնո իրն տօնոն.

Իր իատ աօտ ԵրԲաւաւց անօ, օսնօս բօ օտաւլ իսր օսր ին իսրայնո
իրն տօնոն.

C. 238. 25 Օւլիր օր օսւր արթօտ օսւր սմա [ա Երթօճա ին չօճաւո];
նօտօր իմսրնօ օճճ ամսր օսւր օճճ րթօտ օլճօնա, օճճ ու
սաւթ (!) C. 238

1 Has caused the injury.—For “բօ բօջաւ” of the text, C. 926 reads “բօ բաւաւ-
նալց,” which has much the same meaning.

2 Before their iron was put in the fire.—Persons were in the habit of going very
early to the forge in order to get their turn, as it is called, early. Such as fell
asleep before the placing of the iron in the fire, should be awakened by the smith,
to prevent their being injured by the sparks, &c. If they were not, the fine for

Gr. Gabel.
(JL 312.22)

The injuries from the sparks of the iron and of the hearth are ruled like the first slipping of the sledge-hammer. The injuries done by the iron in carrying it from the fire to the anvil, and from the anvil to the fire are to be paid for by the smith.

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If the anvil has been injured, and if it was in consequence of bad striking, the striker alone pays; but if it was in consequence of the iron having been badly held, the smith alone is to pay; and if it was in consequence of bad holding and bad striking, they are to pay equally for it (the damage) between them.

If it be the sparks from the hearth that have caused the injury in the case, the bellows-blower alone is to pay for it, unless the smith has urged him to blow strongly, and if he has, they (the blower and the smith) are to pay for it equally between them.

If it be the iron that has caused the injury when being struck, it is to be considered whether it was in consequence of bad holding or of bad striking the injury happened; and if it was in consequence of bad holding, the smith alone is to pay for it; if in consequence of bad striking, the striking party alone is to pay. If it was through the fault of both, it (the injury) is to be paid for by both between them.

If it be the sparks of the iron that have caused the injury in the case, and if there has been urging on by the smith and the bellows-blowers, they pay for it equally between them; if there has not been, the bellows-blowers alone pay.

"Profitable workers" here are persons who fell asleep before the iron was put in the fire.²

"Idlers" here are persons who fell asleep after the iron had been put in the fire.

Gold and silver and bronze found in the smith's forge are by law forfeited; the troughs and every range in general,

injury done them was equal to that for injuring a person employed at profitable and necessary work in the forge. But if they had remained awake until the iron was placed in the fire, and fell asleep then, they were regarded as idlers, because they saw the danger, and were therefore dealt with in case of injury from sparks, &c., as if they had been idle lookers on and broad awake.

prēčnais̃ter anto do minoletraiḃ na cepoča; ocup ip ann
rin do gabar eipic torbais̃ ipin cranḃ.

cf. V. 166. 3f.

ʾOlip cač aične inḃeičbirḃ uile 1 naič, a cuchtair, a
cepoča, a muilenḃ.

5 Ip ʾiler in tor ocup in tairget ocup in tuma a cepoča
in zobano, ocup noco ʾiler 1 cepoča in cepoča, uair aičnḃ
inḃeičbir hē 1 cepoča in zobann, ocup nocoḃ eḃ a cepoča
in cepoča.

C.252b. 1585

C. 1392.

ḃia con congai, [ačt ni ti neč eturru].

C 930.

10 [Eoon, plān do na conaiḃ in gal conoča do niao a
comaititiri a ʾa piaočo .i. a ʾa tižerna, ačt ni tí nech
eturru.

15 Ačtazim, atá ačt lium anto, co nach é in per etrana
coitčeno do čuaro rír a ʾeipim do planti ʾoib; no ačt-
azim, atá ačt lium anto, conač é in per leč etrana do
čuaro rír na habraim do planti ʾoib ina huile erbaru
ocup torbaru uile mar aen rir.]

Ma ta tižerna in ʾara con ar airo, ocup ni uil tižerna
in con aile, plān cu in rir uil ar airo do marbač, ocup
20 pīač pīačlūiči a coin in rir na ruil ar airo, cen caemačta
terraičē, ocup ma ta coemačtu terraičē, ip pīač sola
clūiči.

Muna ruil tižerna con ʾib ar airo, ačt coḃnais̃
aoa minmuile, lan pīač on lučt uil ar airo ip na conaiḃ,
25 ocup lan pīač in cač ní millrit po coraiḃ, ce be, cen
co be, coemačtu a terraičē.

¹ For the wooden vessels.—That is, the smith has to redeem the wooden vessels at a price equal to the 'eric'-fine of a profitable worker.

Every unnecessary charge.—That is, everything unconnected with his business

i.e. all small vessels of the forge ranged around it, are not however forfeited *by law*; and it is in this case that the 'eric'-fine of a profitable worker is payable for the wooden vessels.¹

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material?
* Ir. The
tree.

Every unnecessary charge² left in a kiln, a kitchen, a forge, or a mill, is *by law* forfeited.

The gold and the silver and the bronze are *by law* forfeited in the smith's forge, but they are not *by law* forfeited in the goldsmith's forge, for they are an unnecessary charge in the smith's forge, but not in the goldsmith's forge.

The exemption of dogs in dog-fights when no one comes between them.

That is, the dogs are exempt in the dog-fight made with the cognizance of both their owners, *i.e.* of both their masters, provided no one comes between them.

I stipulate, I make a condition in it (*the case*) that *if* it be not the impartial interposer who went down to separate them, then they (*the dogs*), I say, are exempt; or I stipulate, I make a condition that *if* it be the half-interposer³ who went down to separate them, then I do not say that they (*the dogs*) are exempt in respect of injury done to all idlers and profitable workers who may be with him (*the half-interposer*).

If the master of one of the dogs is present, and the master of the other dog is not, *it is* safe to kill the dog of the man who is present, and the fine for fair-play shall be paid for the dog of the man who is not present, if there be not^{*} the power of saving, and if there be power of saving, it is a case of fine for foul-play.

* Ir. With-
out.

If the master of neither dog of them is present, but sane adults are inciting them, full fine for the dogs is to be paid by those who are present, and full fine for every thing which they (*the dogs*) shall damage under their feet, whether there be, or there be not, power to save it.

left in charge of a kiln-owner, a cook, a smith, or a miller, is forfeited, evidently to prevent the concealing in this way of stolen goods.

³ *Half-interposer*.—That is, a person acting in behalf of one of the owners.

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.1. in fep etpana coiteino tainic etarpu; ocur map e
cu in fip atá ap aipō do foglaid fip, ip lán fiae uaid
ino; ocur map e cu in fip na fuil ap aipō, ip leē fiae,
ocur corab e in fep atá ap aipō icur. Ro fep in cu po
fogail fip ann fin; ocur mana po fep, ip teopa cethruime
uaēab arāen ann, .i. leē fiae o coin in fip atá ap aipō,
ocur cethruime o coin in fip na fuil ap aipō; ocur cor-
ab e in fep atá ap aipō icur.

Θδον, flán do na conab in gal conda do niat a aicilin
10 a da fiaeat, a da tigeina; flán do caē oib a ceile; ocur
fiae fiancluiēi in caē ní millpit po corab, cen caemaē-
tain a terpaicēi; ocur ma ta coemaētu terpaicēe, ip
fiae cola cluiēi ocur pellio cola cluiēi na pellaē po bai
acá pellaē.

C. 930.

15 [C congail comapleicēi a hara fiaeat, flán do caē oib
a ceile do mapbat, ocur fiae fiancluiēe uachy in caē
ní millpit po corab cen caemaētain a terpaicēi, ocur
ma ta coemaētain a terpaicēe, ip lán fiae, .i. fiae cola
cluiēe.]

20 C congail inoicēbipe ap a naēiō buoēin an aenup, lan
fiach po biēbinēi o caē oib ina ceile; ocur lan fiae in
cach ní millpit po corab, ce be cen co be caemaēta
terpaice; ocur pellaēfogail na pellaē po bai acá pellaē.

folia C930

Mapa leēbporcu ocur po fep in¹ cu do pigne in fogail,
25 ip amuil fep laime tigeina in con do pigne in fogail,
ocur ip amuil fep meōon cluiēi tigeina in con na tigeina.

¹ The MS. is defective here, and the sense cannot be made clear from any of the fragments found in other MSS.

That is, the impartial person interfered¹ between them *here*; and if it be the dog of the man who is present that injured him, he (*the owner of the dog*) pays full fine for it; but if it be the dog of the man who is not present, it is half-fine *that is due*, and it is the man who is present that pays. In this case the dog that has done him the injury is known; but if he (*the dog*) be not known, both the owners pay three-fourths fine, i.e. half-fine for the dog of the man who is present, and one-fourth for the dog of the man who is not present; and it is the man who is present that pays.

That is, the dogs are exempt in a dog-fight they engage in with the cognizance of both their owners, their masters; each of them is exempt from *the fines* of the other; but there is a fine of fair play for every thing they injure under their feet, if it could not have been saved; but if it could have been saved, it is a fine for foul play and for looking on at foul play *that is due* by the lookers on that were looking on at it.

In a dog-fight with the consent of both the owners, each of them (*the dogs*) is exempt in case of killing the other, and the fine for fair play *is due* of them for every thing they shall spoil under their feet, when there is no power of saving it, and if there is power of saving it, it (*the penalty*) is full fine, i.e. fine for foul play.

In a dog-fight without being excited² and of their own accord alone, full fine according to their wickedness *is due* from each of them to the other; and *there is* full fine for every thing they spoil under their feet, whether there was a possibility of saving it or not; and *there is* the fine for looking on upon the lookers on that were looking on at them.

* Ir. Un-
necessary.

If one of the dogs has been set to fighting,³ and if the dog which did the injury be known, the master of the dog which did the injury is as one who inflicted the injury with his own hand, and the master of the dog which did not do the injury is as the man in the midst of a game.³ *who takes part in*

* Ir. If it
be half-
inciting.

² In the midst of a game.—That is, in the position of a quiescent spectator of a dangerous sport which has resulted in injury to some one.

THE BOOK OF AICILL. — Μαρά λεῖβρορτυ, ocur ní fep; no mара combroρτυ, cía po fep, cen co fep, ip amuil fep laime íat map aen, [no] ip amuil fep mevon cluithe.

q. 238. 22f.

1 In fep eτρανα coiteinthe do éuair fip, rlan do caē fogal
5 do dena pu aca netaρpapaρo, aēt napab ap ρaigin
fogla pe copρ; ocur maρ eō, ip riach pon pαth, muna
coemnacap cena; ocur ma caemnacap, ip riacē po aicneō
α pαῖa ap; ocur riacē cola cluitē o naconaib inopium cen
caemaētū, ocur ma τα coemaētū tερpαcēti, ip riacē cola
10 cluitē.

q. 238. 15f.

C. 931. 15 In fep leῖetpana do éuair eταρpu, cío he buρein cío
he in cu piri nōechair ταib po fogal piri coín amac tpe
puiρ[ip]eō α leῖetpana ρum, lan riacē uao ipin coín amac,
ocur rlan don coín amuich eipium; lan riacē uao ipin coín
15 piri [nōeḗair ταib; leῖ riacē ón coín piri nōeḗair] ταib
inopium, cen coemaētū tερpαcēti, ocur ma τα coemaētū
τερpαcēti, ip riach cola cluithe.

Μαρά coρnacα do pigne in inmuille, rlan cu ann, ocur
riacē po aicneō α pαῖa ap fep inmuille.

20 Μαρά mac i naep íca leῖ oipi do pine in inmuille, ceth-
puime oipe ocur othpup comlan co bar α topbaē cen com-
gnim, ocur ma τα comgnim, ip cethpuime oipe ocur leῖ
oḗpup; ceithpi pēctmao othpupa co bar i nepbach cen

|| infrov 520.18-
522.19

If one of the dogs has been set to fighting,^a and it is not known *which of the dogs did the injury*; or if they both be set to fighting,^b whether it be known or not *which of them did the injury*, they (*the owners*) are both as (*in the position of*) one who inflicted the injury with his own hand, or both as the man ~~in the midst~~ of a game.¹

THE BOOK
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AICILL.

^a Ir. *If it be half inciting.*
^b Ir. *If it be joint-exciting.*

The impartial interposer who went down to separate the dogs is exempt, whatever injury he may do to them in separating them, provided that it be not with intent to injure their bodies *he went*; and if it be *with such intent he went*, it is a fine according to the nature of the cause *he shall pay*, even if it (*the injury*) could not be prevented; and if it could be prevented, it is a fine according to the nature of the cause he incurs; and *there is* a fine for fair play for it (*any injury done him*) from the owner of the dogs, if it (*the injury*) could not be prevented, but if it could be prevented, it is the fine for foul play *that is due*.

The half-interposer^a who went between them, whether it was himself or the dog which he went to help that, owing to his partial^b interference, injured the other dog,^c pays full fine for injuries to the other dog,^c and the other dog^a is exempt on account of injuries to him (*the half-interposer*); he pays full fine for *the injuries inflicted by* the dog in behalf of which he interfered; half fine *is due* from the owner of the dog in behalf of which he interfered, if he could not have prevented *the injury*, and if he could have prevented *it*, it is the fine for foul play *that is due*.

^b Ir. *Half*
^c Ir. *The dog with-out.*

If it be a sane adult that has^a excited (*a dog*), the dog is then exempt, and a fine according to the nature of the case is *to be paid* by the inciter.

If it was a youth at the age of paying half-'dire'-fine that caused the incitement, *he pays* one-fourth of 'dire'-fine and full sick maintenance till death *for injuries* to a profitable worker if he were not an abettor, and if he were an abettor, it is one-fourth of 'dire'-fine and half sick maintenance *he pays*; four-sevenths of sick maintenance

^a *The half-interposer.*—That is, one biassed in favour of one of the dogs.

THE BOOK OF AICILL. comgnim, ocyr ma ta comgnim, yr da pečtmaro; cethruime
 ————— wiru pe taeб aithgina iar mbar cečtar de, ciro a torbač
 ciro i nerbach cen comgnim, ocyr ma ta comgnim, ceth-
 ruime wiru ocyr leth aithgin.

5 Mara mac i naep ica aithgina do puno in inmuille, da
 pečtmaro othruya co bap a torbač cen comgnim, ocyr ma
 ta comgnim, yr pečtmaro; pečtmaro othruya co bap i
 neppaič cen comgnim, ocyr ma ta comgnim, yr in pečtmaro
 rann dec. Cethruime pečtmaro na aithgina iar mbar a
 10 cečtar de, ciro a torbač ciro i nerbač cen comgnim, ocyr
 ma ta comgnim, yr da pečtmaro.

Geibio greim leč aithgina cu cet cintač ac mac i naep
 ica leč wiru, ciro a leč pe rubu ciro a leč pe dainib; ocyr
 noca gabann ac mac i naep ica aithgina, ačt a leč pe rubu
 15 nama, amuil do beič cen inmuille wiru; uair nera do lan
 cothonač lan mic i naep ica aithgina; uair cač cothonačetu
 i mbi per inmuille, oligite cu, cač ecothonačetu i mbia per
 inmuille, inoligite cu. Cač bail iplan cu ac cothonač, yr
 C. 933. riach fair [i. leč očrap no leč aithgin] ac éccothonač; in
 20 bail yr riach fair a cothonač, yr mo bair fair ac ecothonač.

=infra 430. 24f.

Da mer cuirmtech, ačt ní bīoda nama.

Da mer cuirmtech, .i. plan don mri berair yr tech i nebar in
 cuirm. Ačt ní bīoda nama, .i. ačt na raiō bīodanur nemtechtach
 aice nama, uair maō eo on, noco plan.

25 Mar ar dia rucaō anuno he, ocyr ar dia po airuigeto

till death for *injury* to an idler if he were not an abettor, THE BOOK OF AICILL. and if he were an abettor, it is two-sevenths: *he pays* one-fourth of 'dire'-fine besides compensation after death for *injury* to either, whether a profitable worker or an idler, if not an abettor, but if he were an abettor, one-fourth of 'dire'-fine and half compensation.

If it was a youth at the age of paying compensation that caused the incitement, *he pays* two-sevenths of sick maintenance till death for *injuries* to a profitable worker if he were not an abettor, and one-seventh if he were an abettor; *he pays* one-seventh of sick maintenance till death for *injury* to an idler, if he were not an abettor, and one-seventeenth if he were an abettor. One-fourth of one-seventh of the compensation after death *is to be paid* for *injury* to either, whether a profitable worker or an idler, if not an abettor, but if he were an abettor, it (*the payment*) is two-sevenths.

Half compensation is incurred by a dog if it be its first trespass, *when incited*^a by a youth at the age of paying * Ir. With. half 'dire'-fine, whether in respect of beasts or in respect of persons; and it is not incurred by a dog incited^a by a youth at the age of paying compensation, only as regards beasts, *and the case is* as if there had been no incitement at all; for the full *fine* of a youth at the age of paying compensation is nearer to the full *fine* of a sensible adult *than is that of a youth at the age of paying half 'dire'-fine*; for the more sensible the inciter of the dog is, the less liable is the dog, and the less sensible the inciter is, the more liable is the dog. Wherever a dog is exempt if incited^a by a sensible adult, there is a fine on it, i.e. half sick maintenance or half compensation *to the injured party*, if incited^a by a non-sensible person; where it incurs a fine with a sensible adult, it incurs a greater fine with a non-sensible person.

The exemption of a fool in an ale house, provided he was not an enemy.

The exemption of a fool in an ale house, i.e. the fool is exempt who is brought into a house in which ale is drunk. Provided that he was not an enemy, i.e. provided only he had no previous enmity, for if he had, he is not exempt.

If it was out of charity^a he was brought in, and if it was * Ir. ~~After~~ God.

THE BOOK
OF
AICILL.
—

éall, plan don ti puc anunn he, ocur plan don ti po
airitnigis tall, plan rputh cen aobur cen biobanar.
Ocur ma ta biobanur, leé aithgin ar rputh, ocur leé
aithgin do uil pe lap; ma ta aóbar ocur biobanur, teorá
cethruime ná leth aithgina ar rputh ocur cethruime
do uil pe lap.

Mar ar dāigin a tairiachtá pucáó anunn he, ocur ar
dāigin a toirpuchtá po airitnigéó tall, aithgin ar in
ti puc anunn he, ocur ar in ti po airitnig tall. Slan
10 rputh cen aobar, ocur ma ta biobanur, leth aithgin ar
rputh, ocur leé aithgin orpu mar aen: ma ta aobar ocur
biobanur, teorá cethruime ar rputh, ocur cethruime
orpurom mar aen.

Mar ar dia pucáó anunn he, ocur ar dāigin a toir-
15 puachtá po airitnig (i. po upraem) tall, plan don ti puc
anunn, ocur aithgin ar in tí po airitnig tall, ocur plan
eirim ann cen aobar cen biobanur; ocur ma ta biobanur,
leé aithgin airpium, ocur leé aithgin ar in ti po airitnig
tall. Ma ta aobar ocur biobanur, teorá cethruime air-
20 pium, ocur cethruime ar in ti po airitnig éall, ocur
plan in ti puc anunn.

Mará ar dāigin a toirpuchtá pucáó anunn he, ocur ar
dia po airitnigéó tall, aithgin ar in ti puc anunn, ocur
plan in ti po airitnig éall he, ocur plan eirim ann cen
25 aobar cen biobanur; ocur ma ta biobanur, leé aithgin
ar in ti puc anunn. Ma ta aobar ocur biobanur, teorá
cethruime airpium, ocur cethruime ar in ti puc anunn
he, ocur plan in ti po airitnig thall.

¹ *If he have cause.*—Cause here seems to mean what is called “*causa sine qua non*,” something which exasperates the fool, some act or thing causing the affray.

² *Borne with within.* The words in parentheses in the Irish are an interlined gloss in the MS.

out of charity^a he was entertained within, the person who took him in is exempt *from liability for his offence*, and the person who entertained him within is exempt, *and* the fool, if he have neither cause nor enmity, is exempt. And if he have enmity, half compensation *is due* from the fool, and *the other* half compensation is remitted;^b if he have cause¹ and enmity, three-fourths of half compensation *fall* on the fool, and *the other* one-fourth is remitted.^b

THE BOOK
OF
AICILL.

^a Ir. *After*
God.

^b Ir. *Falls*
to the
ground.

If it was for the purpose of inciting him he was brought in, and for the purpose of inciting him he was entertained within, the person who brought him in, and the person who entertained him within, pay compensation. The fool who has not cause is exempt, but if he have enmity, the fool pays half compensation, and the other two (*the inciter and the entertainer*) pay half compensation; if he have cause and enmity the fool pays three-fourths of compensation, and the other two *pay* one-fourth.

If it was out of charity^a he was brought in, and *if it was* for the purpose of exciting him he was entertained, i.e. borne *revised* with within,² the person who brought him in is exempt, and the person who entertained him within pays compensation, and *the fool* himself is exempt if he have neither cause nor enmity; but if he have enmity, he pays half compensation, and the person who entertained him within pays half compensation. If he (*the fool*) have cause and enmity, he pays three-fourths of compensation, the person who entertained him within pays one-fourth, and the person who brought him in is exempt.

If it was for the purpose of inciting him he was brought in, and *if* he was entertained within out of charity,^a the person who brought him in pays compensation, and the person who entertained him within is exempt, and the fool himself is exempt if he have neither cause nor enmity; but if he have enmity, the person who brought him in pays half compensation. If he have cause and enmity, *the fool* himself pays three-fourths of compensation, the person who brought him in pays one-fourth, and the person who entertained him within is exempt.

Cro be [mer] no loirce eadā a čeile co nathinte no co
cannuill arnean aethgin ann, ma ta meirce, uair mep
cač mer; meirce mepačta řain, ocup noco meirci lenna,
uair řamato ead, noco řputh eirium.

10 Կօճոսէ՛ց զն մերթ յօ քսնն ին տօրքաճա՛ծ ան քն,
 օգր ճաճօ կօճոսէ՛ց զօ մերթ, իր նանօ օգր թօ տօրքե՛-
 ճար մե 1 յաթ լօ՛ւ Լեւիտօրք, յ. քն ին մեր իր յէ՛ց 1
 յեճա՛ծ ին ցարք, ա՛տ ո՛ւ ԵրօԾ յաճա՛ . ա՛տ աղիցն յաճա՛,
 զօ յա Երօ Եր թօ քնայնցիցօ յօ ին յի քր 1 թօԻԵ ԵրօԾանք
 քնե՛տե՛տաճ յօ, ա՛տ ո՛ւ ԵրօԾանք աղար յա մա՛ղար, ա՛տ
 15 ԵրօԾանք Լա՛ս ո՛ւ արձօ՛ւ թօԻԻ՛ն.

[Bla m' m' m' .i. cach foghall na tiull aithgin C1914]

ὅλα μίανθ μίθελαιρ.

1. Plan don ti claver an mein ar a metonclav. Mein rin ar na pul tečtugar, no ce beč tečtugar, no heircso vřir bunaro hi. Stan ačt na poib^x porpexath puič^ř, ocup ma ta, ir a beč ařuiř in clao ninořigteč; ocup pľainti epřaiř ocup etapbař ann co nřenam a řlgeř, řřian nařthgena [i naer comgnimprař, in eač tořbač, ocup in eač poř] in eač řřgař řo řentap aea imľuař řř ocup řřar; ocup řiačřain o ľeč řřře co řřian nařthgena.

² *The middle trench.*—"Middle" seems to mean, that the trench is sunk in a

Whatever fool it be that burns another person's clothes with a coal or a candle, pays compensation for it, if it be *done through* drunkenness, for though every fool is *as if* drunk; that is the drunkenness of folly, and not drunkenness from ale, for if it were, he would not be a fool *simply*.

The manifest assault of a fool is when he made it of his own accord, and was not more drunk from having drunk ale, but *because* his having heard the noise and voice of the crowd had the effect of inciting him.

Sensible adults who were^a not drunk caused his incitement in this case, and if they were sensible adults who were drunk, the case is the same as if the incitement had been caused by youths at the age of paying half 'dire'-fine, i.e. the fool would be exempt in the house in which he drank the ale, provided only it was not an enemy *he assaulted*, i.e. *he only pays* compensation, so that he would not be exempt if *the person assaulted* be a person to whom he bore previous enmity, unless it be¹ enmity of father or mother, but *he is exempt* for enmity of one day or night before.

^a Ir. *Without drunkenness.*

The exemption as regards mineral in a mine.

That is, the person is exempt who digs the mineral out of the middle trench.² This is mineral which has not been appropriated, or though it has been appropriated, respecting which the owner has given his consent. *There is* exemption provided there is no stripping of the sward to get to it, and if there be, it (*the case*) is to be as that of an "unlawful ditch;" and when it (*the work*) is legally done there is exemption *on account of injuries* to idlers and unprofitable workers, but one-third of compensation to fellow-workers *is due* to every profitable worker, and to every animal for every injury done in moving it (*the mineral*) up and down; and it (*the fine*) is reduced from half 'dire'-fine to one-third of compensation.

Should it be mineral that has been appropriated, and the owner has not given permission respecting it, *the fine* for digging it is five 'seds,' and the restitution of the mineral

place "in medio," not appropriated by any person, or, which is equivalent, where the owner waiving his right permits it to be considered as unappropriated.

cf. I 188. 36

- THE BOOK OF AICILL. —
- C. 1917. 5. taréar, éir ina tinnib, éir ina tannalzigib, éir na'áic[ro]e
 uprlaim'ber; ocup lan riad in caé rogail do gentar aca
 imluar, ocup beé ro einair na clairi, co roib fer bunaro
 na airtirín re iarra tairpé a lepuáar, co toil aei ma
 snemlepuáar. [Mar é a rama no in tirluagat deé dia einn,
 ir pceinnm do deéran dóib], ocup ir antirín ata lan riad,
 i cet pceinnm in uiré, cen fir etallair.

C 938. 1392

No bla mein mirdair.

- C. 1915. .1. rlan don mianraá in ní clairer a mian [ro éairéin,
 * 10 .1.] a tpi mirenna do biuo neich aile, no a tpi rathanna
 C. 1915. 10. ra biuo buoin [1. a rir] aét na caitea imarparad tairir;
 ocup ra caitea, ir riad gairi na himarparada uairi, no,
 cumar riad gairi na huiliatarae. Aét ma tannic clo
 a miana de, ir a apec uairi co lan riachair gairi; maní
 C. 1915. 15. tannic cloa a mian de tair, ir [aíhail] innreébiré torba
 C. 1915. [im] aithgina in bío ann.

Manar cuinriú in ben in biar tair, aét mar ap raáin
 marbta in leinim nar cuinriú in ben in biar, coirpóire
 ocup enecclann vic re pine a athar, cumal vic re pine
 20. marthar, coibé ocup enecclann vic rir in fer.

Mar ap raáin nerpa, ocup ní herpa 1 leé rirín lenam,
 leé coirpóire vic re pine a athar; leé cumal vic re pine
 mathar, coibé vic rir in fer. Erpa 1 leé re neé aile rín,
 ocup damar erpa 1 leit rirín lenam, ro ba erpa ir col
 15. clurí, ocup lan riach ino.

* of mianach deblin .1. a tri mianach 02561

For the first slipping of the sledge.—The MS. is evidently defective here.

as it is when taken, whether it be in bars, or in masses, ^{THE BOOK} or in manufactured* articles; and full fine ^{OF} is due for every AICILL, trespass that is committed in moving it, and he (*the miner*) shall be liable for such injuries as the trench may cause,^a ^{Ir. Ready.} until the owner shall have been aware of it (*the trench's* ^{Ir. Of the} *state* ^{trench.}) for a time during which he might have it properly settled, ~~he having a choice of not settling it.~~ If it be the spade or the shovel that went off its handle, such are to be considered as *cases of slipping off*, and it is in this case there is full fine, *as there is* for the first slipping of the sledge,¹ without knowledge of defect.

& deliberately failed to settle it

Or, the exemption *in cases* of the gratification of desire.

That is, the longing woman is exempt in eating what subdues her yearning, i.e. three bits of another's food, or three sufficient meals of her own food, i.e. her husband's, provided she eats not much more than this; and should she eat it, a fine for stealing the extra portion *is due* of her, or, *according to others*, a fine for stealing the entire. But should her yearning be subdued by it, she shall pay for it with full fines for theft; if her yearning has not been subdued by it, it is like unnecessary profit as regards restitution of *an equal amount of food* in the case.

If the woman did not ask for the food at all, and if it was for the purpose of killing the child *in her womb* the woman did not ask for the food, there shall be paid body-fine and honor-price to the family of the father, a 'cumhal' is to be paid to the family of the mother, & ^(by her) a 'coibeche'-wedding present and honor-price are to be paid to the husband.

Car p. 324

If it was on account of thoughtlessness *she did not ask for the food*, and it was not thoughtlessness respecting the child, there shall be paid half body-fine to the father's family, and half a 'cumhal' is to be paid to the mother's family, and a 'coibeche'-wedding gift is to be paid to the husband. The thoughtlessness was respecting some one else in this case, and if it had been thoughtlessness respecting the child, it would be thoughtlessness of foul play, and full fine *would be inflicted* for it.

C 1918

THE BOOK
OF
AICHEL.

Мар ар дагин члар но наире нар чунтог ин бен ин
блат, cumal тис пе рине ачхар, речтмат на cumale тис
пе рине mathar, coibei тис пирин пер.

Мар е ин пер на тис ин блат, а рсгато еа рат ар на тис.

Аџт мар ар дагин марбѣа ин леиним, coiproure ocup
eneclann тис пе рине ачхар ант, cumal тис пе рине
mathar, coibei ocup eneclann тис пирин мнαι.

Мар ар дагин нерра, ocup нѣ херра 1 леитх пир ин
lenum, leџ coiproure тис пе рине ачхар, ocup leџ cumal
тис пе рине mathar, coibei тис пирин мнαι. Ерра 1 leџ
пе nech аиле рин, ocup тамато ерра 1 leџ пирин lenum, ро
бат еарра ир col cluiџи, ocup lan pīach инт.

C 1917

I 180. 6

C. 939.

Мар ар дагин рсгачтаа но ганири на тис ин пер ин блат,
[ир амал инсеџбир торба им ачгин инт]; cumal тис пе
тис пе рине ачхар ант, речтмат на cumale тис пе рине mathar,
coibei тис пирин мнαι.

О lanumantа ата рин, ocup mapа тине наџ lanumantа,
inunn he ocup pain, аџт can coibei о тине nach lanum-
antа.

Но dono cena, cto mop да биџ реин то чатитџ connā
beџ нѣ уаџи ант, аџт ирин биџ pollamantа, .1. cāre no
notlac рин, ocup ир ант ата ин еире.

C 1910. 934

бла тратх тибурчт.

If it was on account of timidity or shame that the woman did not ask for the food, there shall be paid a 'cumhal' to the father's family, the seventh of a 'cumhal' is to be paid to the mother's family, and a 'coibche'-wedding gift is to be paid to the husband.

If it was the husband that did not give the food, it is to be seen for what reason he did not give it.

If it was for the purpose of killing the child *he did not give the food*, there shall be paid body-fine and honor-price to the father's family for it (*the refusal*), a 'cumhal' is to be paid to the mother's family, a 'coibche'-wedding gift and honor-price are to be paid to the woman.

If it was on account of thoughtlessness, and not thoughtlessness respecting the child, *that he did not give the food*, there shall be paid half body-fine to the father's family, and half a 'cumhal' is to be paid to the mother's family, and a 'coibche'-wedding gift shall be paid to the woman. This was thoughtlessness respecting another person; but if it had been thoughtlessness respecting the child, it would be thoughtlessness of foul play, and *there would be full fine payable* for it.

If it was through parsimony or niggardliness the man did not give the food, it is like a case of unnecessary profit as regards compensation for it; there shall be paid a 'cumhal' to the father's family for it, the seventh of the 'cumhal' is to be paid to the mother's family, and a 'coibche'-wedding gift shall be paid to the woman.

From a married person this (*the above payment*) is exacted; and if it be a person that is not married, it (*the payment*) is the same as this, except that a 'coibche'-wedding gift is not obtained from an unmarried person.

Or else, indeed, whatever quantity of her own (*i.e. her husband's*) food she consumes nothing is to be paid by her for it, except for the food of a solemn feast, *i.e.* of Easter or Christmas, and it is for eating this food the 'eric'-fine is due.

The exemption of a fool in throwing.

THE BOOK
OF
AICILL,
C. 1910.

1. րևան զոն օրսէ՛ զան քրիստոնէի զո ո՛ր զիս օ իւր
հոգնա՛հ շարքե՛ծա՛ ար արտ, օսըր օ նա իւր արտա՛ր իւր
հոգնա՛հ ա՛յս [հոգնա՛հ]; ո՛ր քրիստոնէի զո ո՛ր զիս օ իւր
հոգնա՛հ շարքե՛ծա՛ ար արտ, օսըր օ իւր արտա՛ր իւր
հոգնա՛հ ա՛յս.

C 940.

C. 1918.

Յա՛ զիս իւրա՛հար [ա թօր ա թօր].

C 1922

1. մա՛ զիս ա զիս զո իւրա՛հար, իւր քրիստոնէի օսըր
հոգնա՛հ շարքե՛ծա՛ ար արտ, օսըր օ նա իւր արտա՛ր իւր
հոգնա՛հ ա՛յս [հոգնա՛հ]; ո՛ր քրիստոնէի զո ո՛ր զիս օ իւր
հոգնա՛հ շարքե՛ծա՛ ար արտ, օսըր օ իւր արտա՛ր իւր
հոգնա՛հ ա՛յս.

մա՛ զիս զիս զիս զիս, ա՛ զիս մա զիս զիս զիս զիս զիս
հոգնա՛հ շարքե՛ծա՛ ար արտ, օսըր օ նա իւր արտա՛ր իւր
հոգնա՛հ ա՛յս.

մա՛ զիս զիս զիս զիս, ա՛ զիս մա զիս զիս զիս զիս զիս
հոգնա՛հ շարքե՛ծա՛ ար արտ, օսըր օ նա իւր արտա՛ր իւր
հոգնա՛հ ա՛յս.

C. 1918. Տե՛ զիս զիս զիս զիս զիս զիս զիս զիս զիս զիս
հոգնա՛հ շարքե՛ծա՛ ար արտ, օսըր օ նա իւր արտա՛ր իւր
հոգնա՛հ ա՛յս [հոգնա՛հ]; ո՛ր քրիստոնէի զո ո՛ր զիս օ իւր
հոգնա՛հ շարքե՛ծա՛ ար արտ, օսըր օ նա իւր արտա՛ր իւր
հոգնա՛հ ա՛յս.

¹ Or where I deem the fool exempt, &c.—The MS. seems to be defective here, as the cases put appear to be contradictory.

² A wooden vessel.—That is a boat made of timber, as contradistinguished from a coracle.

³ Unlawful trespass.—This is a quotation from some ancient law-book.

That is, the fool is exempt from paying the 'eric'-fine for his throwing when the sensible adult who incited him is present, and when he himself has neither cause nor enmity; or, where I deem the fool exempt¹ from paying the 'eric'-fine for his throwing, is when there is not an inciting sensible adult present, and when he has cause and enmity.

The exemption *in respect* of a ferry-boat from bank to bank.

That is, if it has been stolen, it (*the penalty*) is honor-price and restitution *of it*, or, *according to others*, it is double for a wooden^a vessel.² But if it be a common ferry-boat, it may be taken any where provided its equivalent^b be brought back, *i.e. the boat itself be restored*.

If it had been stolen, and if the community had given it in charge to a particular person,^c his honor-price shall be paid for stealing it.

If it had not been given in charge at all, it (*the penalty*) is the honor-price of the abbot of the church for "unlawful trespass³ against the church," and restitution *of it*; or, it is to be double for a wooden^a vessel.

The person who takes the boat to carry him from one bank to the other is exempt. He is exempt though he injures the boat in taking it up and putting it down; he is exempt though he break her sculls or her oars, provided it be not *done* through violence, for should it be, he shall be fined according to the nature^d of the case. The owner of the boat is exempt, though the boat should injure them *who use it*, provided he had no knowledge of defect, and should he have, it is a *case of fine* according to the nature^d of the case. This is a common boat, of which there is no private ownership, or though there be private ownership, the owner has allowed it *to be so used*; and it is safe to take it as far as it is each time taken, if it be a boat which is not private property, or as far as has *usually* been permitted, if it be a boat which is private property, provided it be not taken much beyond it; and should it be so taken, five 'seds' is *the fine* for it, and restitution of the boat with its oars, with its sculls, and its ready *made* articles.

^a Ir. Tree.

^b Ir. Restitution of itself.

^c Ir. A particular hand.

^d Ir. Cause.

THE BOOK
OF
AICILL.

Μα βιδὶ λαίμ σουινε ἀριστεῖς ἡε, ἢ καὶ αὐτὸς ποιεῖ το
 βρεῖθ' οὐ; οὐκ ἔστιν ἄλλο, ἢ αὐτὸς ποιεῖ τὸν ἑαυτοῦ καὶ
 ἐκείνου, οὐκ ἔστιν ἄλλο, ἢ αὐτὸς ποιεῖ τὸν ἑαυτοῦ καὶ
 ἐκείνου.

Marā eṯḥar ara ta teḥṭṭaḡāḏ, ocuṛ nūr eṛceṣo ḏo rīḡ
 ḥunaw, [lan rīaḥ in caḥ roḡaḡal ḏo ruḡneṣo aca cuṛ rūr ocuṛ
 ruṣar], ocuṛ cuṛ reṣiṭ, ocuṛ aṭṭḡin in eṯḥar cona ṛama-
 ḏaḥ ocuṛ cona aṣṣe upṛlam.

Μα τα περ πειρεται αιτιαι ανη, αετ ματα λειρ in πορτ αλιυ
ουερ αναλλ, ιρ α βρειε το α αενυρ; μυναρ λειρ ιτιρ, ιρ α
10 compaino το ετυρρυ ουερ περ in πειρετ αιλε.

Մանա ւիլ բօր քսիրտ արսի՞տե անո յար, ա՛տ մարս օտար
տաւի՛ հե, ր ա իրէի՛ն ո՞ւ ճիշտե՞ճա՛ն տաւի՛տե:

Ματα εθαη ecaηρι, ιη α βρεϊ το ολιγεϊcaη ecluyι,
 μα ταυ ann, ocuy muna pui nechtap de οιβ ανo, ιη α
 c. 941. 15 βρεϊ το θεοpαθ de [na cpyche].

Μαρά εθαίρ πορα τα τεχταζαο, οκυρ νιρ ειρεο he
 70νιρ bunaið, cuiε peoit ano, ριαð πορεπαο ρομαλτα πορ
 οιν ano, οκυρ αιθηζιν in εθαίρ cona ραμαιβ οκυρ cona
 ρεulμαιιβ, οκυρ lan ριαð in cað πογαιλ वो ζενταρ aca im-
 20λυαο ριρ οκυρ ανίρ ; no, comao lan ριαch in cað πογαιλ वो
 ζενταρ aca bpeið ριρ, οκυρ innoειthbipe τορβα [im] αιθη-
 ζιν in cað πογαιλ वो ζενταρ aca ταβαιρω ανιρ, uaiρ ιρ
 τορβα α τοιρcið.

Acht nis porlucht no anputh.

C1919. C942

25.1. do cuir ino, .i. na huile cothair inech ir eolach
i noliuē mānā ocuṛ uirē, cū be fāē a focla opno, irlan.

Na huile coonag uile meoch nach eolach i n-oligeo
mara ocu uici, ocu na huile ecoonag, cu eola cu
cu eola i n-oligeo mara ocu uici, cu be pa ara

1 *Unnecessary profit.*—To take the boat out of the water is useful to the owner, as tending to the preservation of the boat, therefore the compensation for injuries

If it (*the boat*) be in the hand of a particular person, he takes the five 'seds'; but if it is not, they shall be taken by the ecclesiastic of the territory, *if such there be*, and if he is not, they shall be taken by the pilgrim of the territory.

THE BOOK
OF
AICILL.
—
* Ir. Man
of grade.

If it be a boat which is private property, and which the proprietor did not permit *to be used*, there is full fine for every injury done in putting it up and down, and a fine of five 'seds,' and restitution of the boat with its oars and ready made articles.

If there be a special owner of a bank, and if he owns the bank on this side and on the other, he alone takes them (*the five 'seds'*); but if he does not own *both banks*, he divides them (*the five 'seds'*) equally between himself and the owner of the other bank.

If there be no special owner of a bank at all, and if the boat belong to the territory, it (*the fine*) is taken by the lawful *inhabitants* of the territory.

If it be the boat of a church, it (*the fine*) is taken by the lawful *people* of the church, if there be such; and if there be neither of these, it (*the fine*) is to be taken by the pilgrim of the territory.

Should it be a boat which is private property, and which the owner did not permit *to be used*, five 'seds' is the fine for it—the fine for overusing a loan—and restitution of the boat with its oars and sculls, and full fine for every injury done in moving it up and down; or, *according to others*, there is full fine for every injury that is done in bringing it down, and it is unnecessary profit with respect to restitution for every injury that is done in bringing it up, because it is profitable to save it.

But that there be no over-burden or storm.

That is, to be taken into account, i.e. all sensible adults who are skilled boatmen,^b for whatever cause asked to enter it, are exempt.

^b Ir. Skill-
ed in the
law of sea
and water.

As regards all sensible adults who are not skilled boatmen,^b and all non-sensible adults whether skilled boatmen or not, for whatever cause asked to enter it, there is full incidental to such an act should be less than for those consequent on the launching of it, by which it would be put in peril.

THE BOOK OF AICILL. — poclað orpo dul ino, 17 pīač po aicneð a pačā ar in ti po pocla orpo; ocup 17 e in pīach 17in: ma7 ar 7aigīn a čopa 7a7ip, 17 amuil in7eibipe 7opba im a7egīn; ma7 ar 7aigīn a 7liučā, no a cechapčā, 17 amuil col claičē im lan 5 pīach.

Slan a bpeič pop an7u7h a pīa7naupe, no pop peč 1 nec-
ma7; ačt na puctap7op an7u7h 1 neemau7; ocup 7a puctap,
17 pīač 7oim7ime ann, ocup a7ic in e7hai7 co na 7ama7o-
aib ocup cona aic7ib up7lama.

|| C 942 || C 1922

10 bla liach linad.

fo-dāulter C 942

Sept?

.1. 7lan 7on ti linap in lei7 ačt ni7 7a7ip7i 7o linu7ep
no claenta7. Ni 7ia7ha7igī7ep, [1.] noca 7uilit 7eich 7oi7
17in e7pač, ma 7pi7 7op7aena7ep. A77ip7ep, e77inu7ep
e77ic ann 17in 7opbač; .1. ma 77ia 7ep7ap 7op7aena7ē7ep,
15 a77ip7ep amuil cet 7ceimn co 7ip e7allai7; ocup noco
7e7 in bla 7o 7ap a7egīn, ap a 7oilli ocup ap a nem-
a7beile a 77in77a7o.

Slain7i e7baig ocup e7opbaig 7o cet 7ceimn na lei7ē
can 7ip e7allai7, ocup 7ia7eta7in o leč 7ipe ann co 77ian
20 a7egīna.

Ma7 e in 7ceimn 7ana7i7i, ocup ni 7ain 7ui7u7u7o, 17
amuil in7eibipe 7opba im leč a7egīn 1 ne77aig ocup 1
ne7apbaig, a7egīn a 7opba, leč 7ipe la a7egīn cen 7ip, cen
a77in. Ma7a a7e7u, co 7aileč7a a 7iač7ana co coemach7u
25 im7abala, cech7uime 7ipe la a7egīn 1 ne77aig ocup 1

fine according to the nature of the motive upon the person who asked them; and the fine is this: if it was for the purpose of putting across *the river*, it is as a case of unnecessary profit with respect to restitution; if it was for the purpose of wetting them, or splashing them, it is as a case of foul play with respect to full fine *being due for it*.

THE BOOK
OF
AICILL.
—

dirtying (cechair)

It is safe to take it (*the boat*) out in a storm, in the presence (*of the owner*), or in calm weather in his absence; but that it be not taken out in a storm in his absence; and if it be so taken, the fine for working it shall be paid for it (*the taking out*), and *there shall be* restitution of the boat with its oars and its ready made articles.

The exemption in respect of filling a ladle.

That is, the person who fills the ladle is exempt so as it is not over-filled or inclined to *one side*. There is no fining, i.e. there is no fine at all for *injury done to the idler*, if it has leaked through it (*the vessel*). It (*the injury*) shall be paid for, i.e. 'eric'-fine shall be paid for it (*the injury done by leaking*) in the case of the profitable worker; that is, if it has leaked through the vessel, it (*the injury done*) is paid for like the first slipping with knowledge of defect; and this exemption does not hold good beyond cases of restitution, because of the trifling and non-dangerous nature of the action.

There is exemption from fines for *injury done to idlers and unprofitable workers* by the first slipping of the ladle without knowledge of defect, and it (*the fine*) is reduced from half 'dire'-fine to one-third of compensation.

Should it be the second slipping, and the arrangement be not different, it is as a case of unnecessary profit as regards half compensation for *injury to idlers and unprofitable workers*, compensation for *injury to profitable workers*, half 'dire'-fine with compensation for *injury to animals* if they are not known to be present, or not seen. If they were seen, and if its reaching them may have been expected and could have been avoided, there is one-fourth 'dire'-fine with compensation for *injury done to idlers and unprofitable*

THE BOOK
OF
AICILL,
—

netarbañ, leč vipe la aithgin a torba, ocur lan vipe la
aithgin a rubu.

Mar e in tpep pceinm, ocur ni rain puiñuñ, cethruime
viri la aithgin i neppač ocur i netarbač, leč vipe la aith-
gin a torba ocur a rubu cen pir cen aiepin. Co pallečta
a puačtañ, co caemačta imgabala, leč viri la aithgin i
neppač ocur i netarbač, lan vipe la aithgin a torba, po
puačt lan cena a rubu.

Mar e in cethraññ pceinm, ocur ni rain puiñuñ,
leč vipe la aithgin i neppach ocur i netarbach, lan vipe
la aithgin a torbacu ocur a rubu.

C943.071587

*
C. 1923.

bla per cača on tpač co palle, [no co cenō pecht-
maine.]

1. plán do a pepar comcača budoen do marbač on tpač
C. 1923. 15 co palle, [maro] i viri va tuaič [i compocparib ber in cat], no
i viri vā cuiceč; no co cenō pēčtmaine, mar vā cūiceč i
nañič aen cuiceč, no i viri gulla ocur gaevelu. Ocur cto
iat pipu eipenn uile ber i naen baile ar in pe bečir a
C. 943. cup in cača rin, [ir e rin pe ata ēturpo]; ocur ó ča rin
amach ir añuñ per pēčta i necore vilrič do a per
comcača budoen do marbač, no ir amuñ inuileč i pēčt
inuileč.

ir ano ir [añuñ] per pēčta i necore vilrič do a per
comcača budoen, in inbač na paib berena etarpu ocur in

¹ If it be a battle between Galls and Gaels.—C. 1925, adds a fragment here,
"The battle between two territories is to last twenty-four hours; that between

* C. 1923-5 has two different commentaries. The 2nd partly = ll. 14-22

workers, half 'dire'-fine with compensation for *injury done* THE BOOK OF AICILL. to profitable workers, and full 'dire'-fine with compensation for *injury to animals*.

Should it be the third slipping, and the arrangement be not different, *there is* one-fourth 'dire'-fine with compensation for *injury to idlers and unprofitable workers, and* half 'dire'-fine with compensation for *injury to profitable workers and animals if they were not known to be near or were not seen.*^a *If they were seen, and if its reaching them* aIr. Without knowing, without seeing. may have been expected and could have been avoided, *there is* half 'dire'-fine with compensation for *injury to idlers and unprofitable workers; full 'dire'-fine with compensation for injury to profitable workers, and there is full 'dire'-fine for animals also.*

Should it be the fourth slipping, and the arrangement be not different, *there is* half 'dire'-fine with compensation for *injury to idlers and unprofitable workers, and full 'dire'-fine with compensation for injury to profitable workers and animals.*

The exemption of a combatant from one day to another, or to the end of a week.

That is, he is exempt from killing his own antagonist from one day to another, if the battle be between two territories or two provinces ~~with mutual notice~~; or to the end of a week if it be a battle of two provinces against one, or *if it be a battle between Galls and Gaels.* And though it be all the men of Erin that are at one place fighting that battle this is the time *during which the battle is supposed to be between them; and from this out, to kill one's foeman is like the killing of a man whom it is unlawful to kill^b in the person of a man whom it is lawful to kill,^c or like the killing of one whom it is unlawful to kill^b in the person of one whom it is unlawful to kill.^b* cf. II 148. sff. Can p. 357. adjoining L

The case in which one's foeman is as a man whom it is unlawful to kill in the person of one whom it is lawful

two provinces for a week, that between the Galls and Gaels for a month. i.e. certainty for uncertainty, i.e. as to time."

^bIr. Innocent.

^cIr. Guilty.

mistake for
" "

THE BOOK **Luēc amaiē**; no cé po bai, 1r iac in **Luēc amaiē** po tur-
OF
AICILL. **bro[ō].**

1r anto 1r amuil inuilepēc a pūcēt inuilepūg do a pēp com-
caēa buōein do mapbaō, in inbaito po bai berena eturpu,
5 ocur 1r iac in **Luēc talī** po turpuro.

Muna poib berena eturpu, plainti na poḡla do niat pua
cup in caēa, ocur iap cup in caēa, ocur in uair cora in
caēa buōein.

110¹ 2446
C. 945. Ma po bai berena eturpu, comaprougāō co pūcāigūō no
cen pūcāigūō, iur na poḡla do pūnoā pua cup in caēa
ocur iap cup in caēa; plainti na poḡla do pūne in uair
cora in caēa buōein, uair pūpuro cat [cāprou] do gup,
ocur noca pūpūenn berena.

1r ann ata in comaprougāō co pūcāigūō in inbaito do pūne
15 in cet pēp poḡail, ocur ni tapgāō ōliḡēō, ocur do pūgno
poḡail pūp ino; ocur a plainti don pūp ōiōinaē co tūan.

1r ann ata in comaprougāō cen pūcāigūō in inbaito do
pūne poḡail in cet pēp, ocur tapgāō ōliḡēō, ocur nūp gab
uao, aēc poḡail do ōenam pūp ōap a cenn; a comaprougāō
20 cen pūcāigūō pūn.

cf 2C 15, 337.
C. 945. 1r anto ata in comlecaō a ōa nūnōliḡēō aḡūō in aḡūō
in tan na poibe berena eturpu pua cup in caēa; no ce po
bi, po cuiptet ōib hē in uair cora in caēa [Uair] pūpuro
caēc cāprou, ocur noca pūpūenn berena. Caēc do mūn
C. 945. 25 berena [pūn], ocur ōama do mūn neimberena po ōo plān.

cf C 1764

¹ It was violated. For Turpuro. This is the reading of the MS., and in some parts of H. 3.18. Dr. O'Donovan in his transcript added a final o, as the word is so written in the MS. a few lines further on.

² Adjusted without reprisal, i.e. there is no restitution necessary in this case, the

to kill, is when there was not a 'bescna'-contract between him and the opposite party;^a or when, though there was, it was violated¹ by the opposite party.^a

The case in which to kill one's own foeman, is the same as to kill one whom it is unlawful to kill,^b in the person of one whom it is unlawful to kill,^b is when there was a 'bescna'-contract between them, and it was his own party^c that violated it.

^aIr. *The people outside.*
^bIr. *Innocent.*
^cIr. *The people within.*

If there was not a 'bescna'-contract between them, there shall be exemption *on account* of such trespasses as they may commit before giving battle, and after giving battle, and during the battle itself.

If there was a 'bescna'-compact between them, there shall be an adjustment, with reprisal or without reprisal, between the trespasses which were committed before giving battle and after giving battle; *and there shall be exemption on account* of the trespasses committed during the battle itself, for battle always dissolves 'cairde'-regulations, and does not dissolve 'bescna'-contracts.

The case in which adjustment with reprisal is made is when one man commits trespass, and does not offer to submit to law, and trespass was committed against him in the case; and the latter is exempt as far as one-third of compensation.

The case in which adjustment without reprisal is made is when one man commits trespass *on another*, and offers to submit to law, and he (*the other party*) did not accept the offer, but committed trespass against him in return; this is to be adjusted without reprisal.²

The case in which two illegalities counterbalance each other is when there had not been a 'bescna'-contract between them (*the two parties*) before giving battle; or though there had been, they laid it aside at the time they gave battle. For battle *always* dissolves 'cairde'-regulations, but does not dissolve 'bescna'-contracts. This was a battle after a 'bescna'-contract, and if it had been subsequent to a state of non-'bescna'-contract (*i.e. enmity*) there would be exemption.

aggression and offer to submit to law on the one side being considered as balanced by the refusal of the offer of law and the trespass committed in return on the other.

THE BOOK
OF
AICHEL.
C. 944 and
945.

[Stan do a pep nemberena do gner do marbato, no co ti
pe oligeo, oeur iar tiaetain pe oligeo, co poib berena a-
tappu, no co cenno deemaio ap a haithle.

Let piach ip in luēt po marbato ina piēt amuiž, co
coemaētun a paptaižē; oeur mana puil coemaētun a paptaižē,
iplan uile.

Stan do in pep po bai ina aroais do marbato tip, oeur
iplan do a marbato ēuap; oeur iplan do žio žiallaižēēt,
cio dāipe, cio cimioēēt do bera pāip.

10 Maō po tēpaiž a pep comcaetha bōein, oeur ip porpo
po mebaio, oeur cinoti co marbipoiip in luēt aile, ip coirp-
oipe comlan dāp a eipre.

Maōpa cunnatabairt co na mairbipoiip, ip leēt coirpōipe.
Maōpa cinoti co na mairbipoiip, noōo nūil naē ni.

15 Duine puc leiip rīp in tapm no in tetach a haithin in
rīp bunaro, iplan, uair ip amail oin 1 in baile 1 napao,
uair ip amail oin 1 minao eipiltnaē.]

✓ 280.18, 370.2.

✓ 300.16

Seoit a žiallaiž comcaēa bōein, oeur oiporom po
mebaio, oeur cinoti comberōaip in luēt aile, oeur a noilip
20 uile. Maōpa cunnatabairt ip a leēt oipri; maōpa cinoti co
na berōaip, [noōo nūil nach nī], ipsoit imluaro, oeur noco
teit dāp cūtiō tobaiž na epuche.

C. 946.

Trīan ipan aithne naenuaire, ap cul in caēa, oeur
cinoti comb[ep]dāip in luēt aile; maōpa cunnatabairt
25 ipēipri; maō cinoti co na berōaip, in tainmpānno žebur
in la rīn non blož don lo rīn ipin bliaroan, copab e in

= no in

1 The *levying share of the territory*.—This seems to imply that the territory wherein a battle was fought was entitled to levy or claim a share of the goods left behind on the battle-field, in certain circumstances.

There is always exemption for him (*the combatant*) in THE BOOK OF AICILL. killing the man with whom he has not a 'bescna'-contract, until he submits to law, and after his submitting to law, until a 'bescna'-contract is *made* between them, or for ten days after.

There is half fine for the people killed ~~in the character of these~~ outside, if they could have been taken *prisoners*; but if they could not have been taken *prisoners*, there is complete exemption.

He (*the combatant*) is exempt from *liability* for the killing of a man who was opposed to him below (*on the battle-field*); and he is exempt for killing him above (*out of the battle-field*); and he is exempt whether he brings him into hostageship, or bondage, or imprisonment.

If he (*the combatant*) has saved his own fellow-combatant, and they (*his own party*) were defeated, and it was certain that the other party would have killed *him*, there is full body-price for him.

If it were doubtful that they would have killed *him*, there is half body-price for *him*. If it were certain that they would not have killed him, there is nothing for *him*.

A person who brought the weapons or the clothes of another down (*to the battle-field*), with the owner's knowledge, is exempt, for it is as a loan; ~~when he is forbidden, he is not~~ *exempt*, for it is as a loan in a dangerous place. V

A man is entitled to take from the battle-field the 'seds' of his own fellow-combatants, when they were defeated, and it was certain the enemy* would have taken *them*. If it were doubtful he is entitled to half; if it be certain that they would not have taken *them*, he is entitled to nothing, they are articles of carriage, and do not go beyond the levying share of the territory.¹

*In. The other people.

There is one-third of its value due to a man for taking charge of property for one hour, at the rere of the army, when it is certain the other party (*the enemy*) would have taken it; if it be doubtful, it (*the payment he is entitled to*) is one-sixth; if it be certain they would not have taken it, the proportion which that day or the part of that day bears

THE BOOK OF AICHL. ταινμηταιντοι ριν το δεch[m]αιθ in τρεοιτ βερ αρ αν αιτhne naenuaire.

5 Cio potera co puil tpuan ap a naithe reo ocup co na puil aēt dechmaō ip na aithniō aile? 1p e paē potera, ap a aibeile.

Cio potera o paē aibeil hi cen a oili uile? 1p e paē potera, oaiti a inoizigō ap aithne do gabail ocup re ap eul in caēa.

cf. 1242.8 Cio potera maīab inoizigo do in aithne do gabail nī
 10 do bpeit do? 1p e paē potera, do puat leip a heipino in inill hi: uap na haithne aēniter don ouine in eipino, o do pu leip co inill, ata tpuan do ap a comet; in aithne aēniter do ouine i ninill, ce do bepa a hinill co heipino hi, noco nuil aēt a dechmaō do ap a comet.

15 bla pupta aith.

1. Slan a mbupenn in tpuirp ipin aith.

Ma neē teip puīē, aēgin i naep comgnupair maō aēgāō; ma taeb ppu taeb, ip tpuan naitghina.

Ma oacino pocairp in tpuirp, ip aithgin ina cet pceinn,
 20 ocup leē oipe la aithgin ipin pceinn tanapri, lan oipe ip in tpep pceinn, ocup, laigō ail for naepairb, po.

Slan a noenann in tpuirp ppu caē coonach do ēi, ocup aithgin a rubu ocup a necoonaē, ocup a naep cotalta, ocup in caē aen na paicenn; ocup, laigō ail for naepairb,
 25 in pocal po.

1. Slan don ti impep in tpuirp ip in aē, aet nīb tapprna do pūapcapup enech i neineē, aēt nīb tapprna inoizteē

1 The old rule transcends the new knowledge.—A quotation from some old law-tract. In C. 1868, there occurs a fragment beginning with "laigō ail for naepairb," which is thus glossed, "the 'ail,' that is the rock of the 'Senchus Mōr' transcends the new knowledge, the false commentaries."

to a year, is the proportion of a tenth of the 'seds' that is to be *paid him* for the charge of *them* for one hour.

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What is the reason that there is one-third *payable* for this charge and that there is but one-tenth for the other charges? The reason is, because of its dangerous nature.

What is the reason that as it (*the charge*) was dangerous, it (*the property*) is not all forfeited to the keeper? The reason is, to punish him for his illegality in having taken a charge while at the rere of the army.

What is the reason that when it is unlawful for him to take the charge he gets anything? The reason is this, he brought it (*the property*) from a place of insecurity to one of security; and when a person has brought a charge intrusted to him in a place of insecurity to one of security, he is entitled to one-third for guarding it; when a person has brought a charge intrusted to him in a place of security, from that place of security to a place of insecurity, he is entitled to only one-tenth for guarding it.

The exemption *in case of injury by a flail in a kiln.*

That is, there is exemption for that which the flail breaks in the kiln.

If a person comes under it, there is compensation for *injury* to fellow-labourers if *they are face to face*; if side by side, it (*the fine*) is one-third of compensation.

If it is off its head the flail flew, there is compensation for the first slipping, and half 'dire'-fine with compensation for the second slipping, *and* full 'dire'-fine *with compensation* for the third slipping; and this is a case of "the old rule transcends the new knowledge."

There is exemption for what *injury soever* the flail does to every sensible adult who has his sight, and there is compensation *due* for *injury* to animals and non-sensible persons, and to such as are asleep, and to every one who has not sight; and "the old rule transcends the new knowledge" is the rule^a here.

Look of next page

^a Ir. word.

That is, the person who wields the flail in the kiln is exempt, provided he does not cross-strike the person threshing face to face opposite him, and provided each of them does

*they were not
threshing face to face
crosswise*

THE BOOK *tiapner cač tob aig'ō ne aig'ō in pīr aile, uāir maō eo*
OF *on, noco plan.*
AIGIL.

Տևա՜նք քրթա՛ց օւր տարեա՛ց ձօ քե՛րմքս՝ յո քարքե, քե՛ր քր տա՛լլա՛ր; քրա՛ն յաճի՛ցա՛ւ 1 յա՛ր քօղո՛ղմքա՛ծ, ի քա՛ճ տօրե, քա՛ն քօ քօղա՛ց, օւր ին քա՛ճ քօ յօ քա՛ց; օւր մա՛ք քօղա՛ց յօ քօն, ի՛ր աճի՛ցն.

Μαρ ε in ρειννμ ταναιρι το δουλ ουρ το ταν, no in
cet ρειννμ το λετ το αζαδ, ιρ αμυι ινωειθιρε τορβα ιμ
λετ αιηζιν ι νερπαχ ουρ ι νεταρπαχ; αιηζιν α τορβαδ
ce το connac cen co πακαζ; λετ τοιρε λα αιηζιν α ρυβυ co
νωειρην να ροβ, ουρ mana ααζ, ιρ αιηζιν.

Mar e in trefceinn do dŷl oeur do dŷab, no in dafn
rceinn do leŷ da agawb, cethrurime tŷpe la aethgin i ner-
bach oeur i netarbach, cia nar connac cin co farawb; lan
tŷpe la aethgin a rubu co nŷceirin na rob, oeur man a awab,
yr leŷ tŷpe la aethgin.

Ma e in cethramad pceinnm do dūl ocur do dāib, no tper
pceinnm do leđ do aigio, leđ tūri la aithgin i neppach ocur
i netarbad, lan tūpe la aithgin a toirbad, po rīadē lan
20 cenā a rību.

1ր. Եւթրսմա ւրիւ տօրեաճ՝ յօ ճւլ օսւր յօ ճաւ, օսւր ւրիւ
բեր օմցոյմա յօ ճւլ օսւր յօ ճաւ. 1ր. Եւթրսմա ւրիւ բեր
օմցոյմա ղա աջո՞ւ օսւր ւրիւ տօրեաճ ղա աջօ.

1n terraç ıpları vó ööl öcür vó öab, ata leñ aıhıgıñ
ann por a ağıö. 1n terrach a fuıl leñ aıhıgıñ vó ööl
öcür vó öab, ata aıhıgıñ comlan anı por a ağıö.

not unlawfully cross-strike the other man face to face *opposite him*, for if it be so, *he is not exempt*.

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There is exemption for *injury* to idlers and unprofitable workers in the first slipping of the flail, without knowledge of defect; one-third of compensation for *injury* to fellow-labourers and all profitable workers, whether he (*the thresher*) saw them or not, and for every animal which he did not see; and if he saw the animals, there is compensation for *injury* to them.

Should it be the second slipping of the flail backwards and sideways, or the first slipping aside forward, it is like a case of unnecessary profit as regards half compensation for *injury* to idlers and unprofitable workers; compensation is the fine for *injury* to profitable workers whether he (*the thresher*) saw or did not see them: half 'dire'-fine with compensation for *injury* to animals, if he saw the animals, and if he did not see them, it (*the fine*) is compensation.

Should it be the third slipping backwards and sideways, or the second slipping aside forward, there is one-fourth dire'-fine with compensation for *injury* to idlers and unprofitable workers, whether he (*the thresher*) saw them or not; full 'dire'-fine with compensation for *injury* to animals, if he saw the animals, and if he did not see them, it (*the fine*) is half 'dire'-fine with compensation.

Should it be the fourth slipping backwards and sideways, or the third slipping aside forward, there is half 'dire'-fine with compensation for *injuring* idlers and unprofitable workers, full 'dire'-fine with compensation for *injuring* profitable workers, full 'dire'-fine is incurred for *injuring* animals also.

There is the same fine for *injuring* the profitable worker and the fellow-worker when the flail slipped backward and sideways. It is the same fine for *injuring* the fellow-worker and the profitable worker when the flail slipped forward.

There is exemption for *injuring* the idler when struck backwards and sideways, there is half compensation for *injuring* him when struck forward. The idler for whom there is paid half compensation when struck backwards and sideways, has full compensation when struck forward.

THE BOOK OF AICILL. Culturtaio ocyr taebturtaio aithrehtar ann in aic̃,
ocyr noco naithrehtar aēt aig̃iō nāma a cep̃oēa.

Dia crano cutaim, aēt arfogha riam.

1. Slan don ti benur in crano ra tuitim, .i. aēt co
ñoerna uproera peime riam. Ipeo olehur uproera do eod-
naēaib, upreartao rop ocyr eccotnaē, tureaō aera co-
talta, buioir ocyr oail turreartao, co rir a noaille
ocyr a mbuioire.

Ma do rigne oligeo nurrearēa ocyr o uproera, rlaneti
10 eppaiē ocyr etarbaē, ocyr tiaētain o leē ture co tpuan
naithgina.

Muna oerna oligeo uproera na uprearēa, ir amuil
iñoerēbire torba im leē aithgin i nerpach ocyr i netar-
bach; aithgin a torbaē, leē ture la aithgin a rubu co
15 naierin na rob, ocyr mana acaē, ir tpuan irin rob, ocyr
aithgin irin torbaē. Ocyr ir e rin in taura inaō irin berla
ir mo irin torbaē na irin rob; uair olehur de uproera
do eodnaēaib cin co raicea iat, ocyr noca olehur de
upreartao in ruib na racaē, uair noco nurailenn oligeo
20 aip clairoia na muineoa diairao don rob na racaē.

Ma po batap arāen ac tereao in crano, aēt mā po fer
in ti oib po roglaē, ieaō in tpuan; maine fer itir, ieaō
reireo naithgina o ēētaroe.

1 The 'Berla'-law that is the old law of the Feini, or as it is often called, the 'Feinechas.'

Back striking and side striking are taken into consideration in the kiln, but front *striking* only is taken into consideration in the forge.

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The exemption from liability of the man who fells a tree for injury done by it in its fall, but so as warning is given before.

provided he give

That is, the person who fells the tree is exempt from liability for injury done by its fall, i.e. but so as he first gave warning of it (*the felling*). It is required by law to warn sensible adults, to turn away animals and non-sensible persons, to arouse such as sleep, and to remove deaf and blind persons, if their deafness or blindness is known.

If he has observed the law of *thus* removing and warning, he is exempt from fine for injury to idlers and unprofitable workers, and, in the case of others, it (*the fine*) is reduced from half 'dire'-fine to one-third of compensation.

If the law as to* warning and removing has not been observed, it is like a case of unnecessary profit as regards half compensation due for injuring idlers and unprofitable workers: compensation is due to profitable workers if injured, half 'dire'-fine with compensation is due for injuring animals if the animals were seen, and one-third for injury to the animals if he did not see them, and compensation is the fine for injury to profitable workers. And this is the second instance in the 'Berla'-law¹ where there is a greater fine for injury to profitable workers than for injury to animals; for he (*the feller*) is bound to give notice to sensible adults, though he may not have seen them, and he is not bound to remove the animal which he has not seen, for the law does not require him to search² ditches and brakes for the animal which he did not see.

one of the 2 places

If they (*two men*) were felling the tree together, and if it be known which of them did the injury, let him who did the injury pay one-third of compensation; should he not be known, let one-sixth of compensation be paid by each of them.

* To search.—For "Θιαντο" of the MS. Dr. O'Donovan's conjectural reading is "οο πηρεο." The meaning is however the same, whichever reading be correct.

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Ma tairnic leir in dapa per a euit don eprinn do tērao,
ocur nī tairnic leir in per aile, rlan don pīr leirī tairnic,
ocur icao in per leir na tairnic in tīan a oenur.

Cio meinic tīrat na ruiḃ no na eccothaḡ, īraoḡ olegar
doe a nuproca uaoa caḡ nuair. Ma do ru[ḡ]ne in cet
upreapaoḡ, ocur po ba in a tītīn pē pīrī tairpēo de in
tupreapaoḡ do denam, ocur nī dērna, īr inann do ocur
na dērnao in cet upreapaoḡ, im a beḡ amuil in dēiḡbīre
torba.

¹⁰ Irēo olegur uproca in cīaino in cēin po rīa ḡuḡ pīr
in tēpetha, ocur upreapaoḡ in comao po rīa a bair.

Ir pū gabur ḡneim uproca ocur upreapaoḡ, dāne po
batup ar aīro in uair gabala in ḡnīmpaoḡ, ocur po pētar
cuma do buain in cīaino dā buḡn. Ir pū aḡa naḡ gabano
¹⁵ ḡneim uproca na upreapaoḡ, dāne na rā batup ar aīro
in uair ḡa[ba]la in ḡnīmpaoḡ, ocur noco nētar comao do
buain in ēraino dā bun.

Bla rīpen rāīpī.

.1. Slan a dōnāno in tīlīpīn pīr caḡ cōnaḡ do ēī; ocur
²⁰ aīthḡin a ruiḃ, ocur a neccōnaḡū, ocur ī naer cōtalta,
ocur in caḡ aen na rāicenn; ocur, laḡiḡ aīl pōr naerab, in
pocal po, .i. rlan don tī benar in tīlīpen ar dāḡin tīrāpī.

helquin?

Acht nīḃ tīe helḡnair.

cf. I .1. Aet napab pēol ḡnūy no ḡnīmpaḡer pūiḡb, amuil do
²⁵ nīḡ goban raer, no inḡin gobain tīrāp; in dūine ba hāil
leo dāmar īpīn tīḡ don tīlīpīn īr ē po aīmpītīr. Uair maḡ
eo on, noco rlan.

cf. I 156.21

Slaintī erbaḡ ocur etarbaḡ do cet pēinn na rīpen;

¹ Goban Saer. —A celebrated carpenter who lived in the sixth century. There are many legends connected with him still current in Ireland.

If it happened to one man of them to finish ^{his} the cutting of his part of the tree, and it did not happen to the other man, the man to whom it happened is exempt in case of an accident, and the other man who did not happen to finish pays the one-third of compensation himself. THE BOOK OF AICILL. has not finished

However often the animals or non-sensible persons come, he (the wood-cutter) is bound to warn them away from him each time. If he turned them away the first time, yet if he were aware of their having returned, in sufficient time to have again turned them away, but did not do so, it is the same to him as if he had not turned them away at first, so that it is like a case of unnecessary profit.

The man felling the tree is bound by law to give warning of it (the felling) as far as his voice could reach, and cause removal of beasts, &c. as far as its (the tree's) top would extend.

Warning and removal take effect as regards persons who were present when the work was undertaken, and such as knew that the tree was to have been cut down. They regarding whom warning and removal take no effect, are persons who were not present when the work was taken in hand, and who did not know that the tree was to have been cut down.

The exemption in case of a chip in carpentry.

That is, there is exemption from fine for injuries which the chip inflicts on every sensible adult who has his sight;^a and there is compensation for injury to animals, and non-sensible persons, and persons who may be asleep, and all who have not their sight; and "the old rule transcends the new knowledge" is the rule^b in this case, i.e., the man who knocks off the chip for the purposes of carpentry is exempt from liability. * Ir. Sec. * Ir. Word.

But so as it (the injury) is not done through malice.

That is, so as he does not guide them in a certain direction, as the Goban Saer,¹ or the daughter of the Goban Saer used to do; for they used to hit with the chip the person whom they wished to aim at in the house. For if this be the case, he (the person doing so) is not exempt.

There is exemption for injury to idlers and unprofitable workers, for the first slipping of the chip; there is one-third

of compensation *for injury* to fellow-labourers, to every profitable worker, and to all animals, if not known to *be present*, or not seen.

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If they were seen, and if its (*the chip's*) reaching them may have been expected and could have been avoided, *there is* half compensation for *injury* to idlers and unprofitable workers, compensation *for injury* to profitable workers and animals; and the exemption itself does not go beyond compensation on account of its non-dangerousness.

The exemption *in case* of a milch cow during her first milk, provided it be in a house, or in a pen her calf is tied.

The exemption *in case* of a milch cow during her first milk. i.e. the milch cow is exempt while her first milk remains in her teats or in her udder. Provided it be in a house, or in a pen her calf is tied, i.e. provided it be in a house within, or in a pen outside, that her calf is tied.

These are instances of all the cases in which the man who ties is exempt in his tying:—in whatever place the man who ties *the cow* performs the tying, if it be with a view to the owner's good he did the tying, he is exempt; and there is half fine upon the cow for her viciousness, and the encitement of her first milk takes the other half off her.

Should it not be with a view to the owner's good the man who ties *the cow* did the tying, a fine according to the nature of the case *is to be paid* by the tyer; and *there is* half fine upon the cow for her viciousness, and the encitement of her first milk takes the other half off her.

While in her own place she is exempt *from liability* for *injury* to the idler whether she were provoked or not, and for *injury* to the idler who provoked her, upon whom she charges out; one-fourth *fine* is upon her for *injury* to the idler who did not provoke^a her, or for *injury* to the profitable worker who did provoke her, whether inside or outside; half fine *is* upon her for the profitable worker who did not provoke her, whether inside or outside. This *is the case* while the encitement of her first milk is upon her; and when it goes off her. there is half fine upon her for *injuring* the idler, and full fine for *injuring* the profitable worker, whether she were *provoked* or not.

^a Ir. *Without provocation.*

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Μα πο bi in buachail ac peilleo in laeta dol don laeg,
ceithruime ocuy enecclann uait; mara duine nae buachail,
ir piach peilliō, .i. ceithramthu; ocuy ir ann rin ata aith-
gin o pellach co tarraetain rir laime.

5 Mar ar in uth tallao in laet, ir ceithramda ocuy ene-
clann; mar ar in letpur, ir diabla ocuy enecclann.

Cio poera cona mo ina gait ar in uē ina ar in letpur,
ocuy cona mo ir nerum he ir in letpur? Ire paē poera,
biēbini ocuy acbeile leir in nuōar a gait ar in nuē ina
10 ar in letpur, mo bir i coimitechit reoit ceithramda he
ir in nuth na ir in letpur.

Μα πο bi in buachail ac peilleo gaiti na bo do breith
don gataio, ceithramtha uat ocuy enecclann. Mara
duine nae buachail, ir piach peilliō nama uat; aithgin o
15 uppaō ina pail imcoimeta im boin, a tri cuico a deoraio,
ta cuico a mupcairte, cuico a daer. Aithgin o uppaō
ina pail imcoimeta im ech, teora cēthramtha o deoraio,
leē ocuy peēmaō o mupcairte, leē o daer. Ocuy don daer
budein po haithiio na reoit and rin, i necmair a tigeina,
20 ocuy damat a pionaire a tigeina, po bat inano ocuy po
aithitea don tigeina budein

Aithgin o uppaō ina pail imcometa im duine, ocuy
ceithruime peēmaō o deoraio, ta peēthiāio ocuy in ceth-
ramaō rann dec o mupcairte, peēmaō o daer.

25 Dia tarb ocuy peithe / darinna.

[aimar] / sq / gno

If the herdsman was looking on at the drinking of the milk by the calf, one-fourth of compensation and honor-price *are to be paid* by him; if he (*the looker-on*) be a person not the herdsman, it is a fine for looking on that *is due*, i.e. one-fourth of compensation; and this is a case in which compensation is *required* from the looker-on ~~until~~ the person actually in fault* is found.

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though
*Ir. Man
of the hand.

If it be from the udder the milk was taken, it (*the fine*) is one-fourth of compensation and honor-price: if out of the vessel, it is double compensation and honor-price.

What is the reason that there is a greater *fine* for stealing it from the udder than out of the vessel, when it is a greater necessary convenience in the vessel? The reason is, the author of the law deemed it more wicked and a greater crime to steal it from the udder than out of the vessel, *because* it is ~~more valuable~~ in the udder in connexion with an animal of quadruple restitution, than in the vessel.

If the herdsman was looking on at the stealing of the cow by the thief, one-fourth of compensation and honor-price *are due* from him. If the person *looking on* be not the herdsman, a fine for looking on only is *payable* by him; compensation *is due* from a native-freeman for neglecting to guard the cow, three-fifths of it *are due* from a stranger, two-fifths from a foreigner, one-fifth from a 'daer'-man. For neglecting to guard a horse, *there is due* from a native-freeman compensation, from a stranger three-fourths of it, from a foreigner one-half and one-seventh, from a 'daer'-man one-half. And in this case it was to the 'daer'-man himself the 'seds' had been given in charge, in his master's absence, but if it had been in his master's presence, it (*the case*) would have been the same as if they (*the 'seds'*) had been given in charge to the master himself.

For neglecting to guard a person, *there is due* from a native-freeman compensation, from a stranger four-sevenths of it, from a foreigner two-sevenths and one-fourteenth part, and from a 'daer'-man one-seventh.

The exemption of bulls and rams in bulling and ramming.

cf. V. 154. 29

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1. rlan do na tarbair ocup do na reitib in ré rúéan
bit ac ráir na maine. Slan doib in terppach a laéirino,
ce beé rúéaigib cen co be, ocup in terppach co rúéaigib
rora ninnraig amach; cethraméa uaitib irin nerppach
5 cen rúthaigib [rora ninnraigib amach], no irin torbac
co rúthaigib, eio tall eio amuich; leé ríac uaitib irin
torbac cen rúthaigib, gein ber mepacé in rora orro,
ocup o rachur oib, ir leé ríach irin erppach, ocup lan ríach
irin torbach.

10 Slan don tarb cach mil uile tuépa éuic do lot a rora
no a ingelca ime, cenmoéa a tarb coméana boein; uair
mao eiréin, ir leé ríach o cáé oib ina éile cen rair, ocup
ma ta rair, ir cethraméa.

Slan do caé mil co nrair ocup cen rair da ninnillib
15 boein, ocup caé mil co nrair dinnillib éctaréana, do ro
rair, ocup do ro tuimurcoo, acé naraé rre bitibné; ocup
mao eo on, ir leé ríac ro bitibné air, ocup ruirro mep-
acé a rora leé oe.

[*leé*] = *da*
Maia cominoraig^[leé] do tarb éctarann, ir lan ríac o caé
20 oib ina éile, cen rair; ocup ma ta rair, ir leé ríac, ocup
in ráir ro baí aicí aca éig iri ruirer leé oe.

Maia leéinoraigib, rlan in mil do rine in leéinoraigib
do marbaé, ocup mar e do marb neé, ir lan ríac; cen rair
rin; ocup ma ta rair, ir leé ríach, ocup in rair ro baí aicí
25 aca éig iri ruirer leé oe.

¹ *The bull.*—For “tarb” the MS. here has “torb,” which is the usual mode
of writing the word lengthened out as “torbac,” profitable. The word in the
text is however required by the context, and was accordingly substituted by Dr.
O'Donovan in his revised transcript.

That is, the bulls and rams are exempt during the proper season wherein they bull the cattle. They are exempt for *injury* to the idler, while in their own proper place, whether they were provoked or not, and to the idler who provoked them, whom they charge out upon; there is one-fourth *fine due* by them for *injuring* the idler who did not provoke them, upon whom they charge out, or for *injuring* the profitable worker who did provoke them, whether within or without; half fine is upon them for *injuring* the profitable worker who did not provoke them, while the excitement of the bulling is upon them, and when it has gone off them, there is half fine for *injuring* the idler, and full fine for *injuring* the profitable worker.

The bull¹ is exempt for *injuring* any other animal that may come to interrupt his bulling or his grazing, except a bull of his own herd; for if it is he, there is one-half fine upon each of them for the other if it be not the bulling season,^a and if it be the bulling season, it (*the fine*) is one-fourth.

^a Ir. With-
out bull-
ing.

He (*the bull*) is exempt for *injuring* any other animal of his own herd, whether it be the bulling season^a or not, and every animal of another herd in the bulling season, ~~which he has-bulled, and which was brought to him,~~ provided only it was not through wickedness *he did the injury*; but if it were, there is half fine for wickedness upon him, and the excitement of his bulling takes *the other* half off him.

? to own-bull &
own-strain (?)

Should there be a mutual attack by ² ~~strange~~ bulls, there is full fine from each of them (*the bulls*) for the other, if it be not the bulling season;^a but if it be the bulling season, there is *only* half fine, and the bulling which he had with his herd^b takes *the other* half fine off him (*each of them*).

^b Ir. At
home.

Should one bull make an attack^c on another, there is exemption for killing the animal that made the attack, but should he kill *the other*, there is full fine for it; that is, if it be not the bulling season;^a but if it be the bulling season, there is *but* half fine, and the bulling which he had with his herd^d takes *the other* half off him.

^c Ir. Should
there be a
half attack.
anyone

^d Ir. At
home.

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ACHILL.

Maṛa cominṭṛaigṭa mīl commaṭī cecṭinṭach, cen ṭair,
 ṭibruiteṛ caḍ cethruime ina cet cinaḍ; maṛṭ la caḍ ḃron-
 nar. Cen ṭair rin; ocuṛ ma ṭa ṭair, cobṛoḷaṭ maṛṭa,
 cobṛoḷaṭ conṭī, ocuṛ roinṭo ar ṭo (in ḃi ocuṛ in maṛḃ
 5 aṭuṛu).

Maṛa cominṭṛaigṭo mīl ḃie ocuṛ mīl moṛ, aḍṭ maṛ e
 in mīl bec ro maṛḃaḍ anṭo, aṭhḡin mīl ḃie ṭie ṭṛṛ in
 mīl moṛ, ocuṛ maṛṭ in mīl ḃie ṭṛṛ in mīl moṛ. Cen
 ṭair rin; ocuṛ ma ṭa ṭair, leḥ aṭhḡin mīl ḃie ṭṛṛ in mīl
 10 moṛ ṭie, leḥ maṛṭ in mīl ḃie ṭie ṭṛṛ in mīl moṛ.

Maṛ e in mīl moṛ ro maṛḃaḍ ann ḃuṛein, beo in mīl
 ḃie ṭṛṛ in mīl moṛ; ocuṛ in ṭainmṛainṭo ḡaḃuṛ beo in
 mīl ḃie a mbeo in mīl moṛ coraḃ e in ṭainmṛainṭo rin
 ṭo maṛṭ in mīl moṛ deḥ ṭṛṛ in mīl ḃie. Cen ṭair rin;
 15 ocuṛ ma ṭa ṭair, leḥ ḃi in mīl ḃie ṭṛṛ in mīl moṛ; ocuṛ
 in ṭainmṛainṭo ḡaḃuṛ leḥ ḃi in mīl ḃie; leḥ ḃi in mīl moṛ,
 coraḃ e in ṭainmṛainṭo rin ṭo leḥ maṛṭ in mīl moṛ
 deḥ ṭṛṛ in mīl ḃie.

fol. 762
 of 68762
 20 A baṛ aṭa ceṛṭṛ uingṭ 1 nimain ṭairḃ ṭichmaṛe ocuṛ a
 ṭaṛec pollaṛḍ, poḥa na nuaral rin; ocuṛ noea ṭue in riḥ ar
 aṛṭo, ocuṛ ṭa ṭucaḍ, iṛ ar [cuic] la ṭo na uairḃib ṭṛṛ poḥa
 ocuṛ riḥ, [ocuṛ] ar ṭṛṛ la ṭo na hṛḃib, ṭṛṛ poḥa ocuṛ riḥ;
 ceṛṭṛ ba in cet la ṭo na uairḃib, a poḥa, ocuṛ bo caḍ lae
 ṭo no ceṛṭṛ la aile a riḥ; ṭa ba in cet la ṭo na ḡraṭaḃ

¹ *The living and the dead.*—The words in parentheses in the Irish appear to be an addition by a later hand.

² *Five days.*—The MS. E. 3, 5, reads here “ceṛṭṛ, four.” O’D. 762, however, has the reading in the text.

If it be a mutual attack of two animals of equal goodness, not ^{the neighbourhood} in the bulling season,* <sup>with-
out bulling.</sup> and it is their first trespass, one-fourth ^{Tr. With-} fine is taken off each for its ^{Tr. Who.} being his first trespass; the carcass, if either be killed, goes to him whose beast has killed the other. This is the case if it be not the bulling season;† but if it be the bulling season,‡ they (the owners) divide the carcass equally between them, they divide the loss, and they divide equally between them the living and the dead animal. ??

Should it be a mutual attack of a small and a large animal, and the small animal is killed, the owner of the large animal pays the value of the small animal, and the carcass of the small animal goes to the owner of the large animal. This is the case if it be not the bulling season;§ but if it be the bulling season,¶ the owner of the large animal pays half compensation for the small animal, and half the carcass of the small animal goes to the owner of the large animal.

Should it be the large animal itself that was killed, the small animal, or one like it, shall be given to the owner of the large animal; and the proportion which the living small animal bore to the large animal living is the proportion of the carcass of the large animal that shall go to the owner of the small animal. This is the case if it be not the bulling season;§ but if it be the bulling season,¶ half the value of the small animal living shall be given to the owner of the large animal; and the proportion which half the value of the small animal living bears to half the value of the large animal living, is the proportion of half the carcass of the large animal that shall go to the owner of the small animal.

Where it is said there is a fine of four ounces and his restoration with interest, for driving a bull without permission, this is in the case of the property of the nobles; and he (the author of the law) did not mention the interest, and if he had, it would be at the rate of five days² to the nobles, both property and interest, and at the rate of three days to the lower grades, both property and interest; four cows the first day to the nobles for property, and a cow each day of the other four days for interest; two cows the first day to those of the chieftain grade for property, and a cow

Tr. Living.

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plaṭṭa a potha, ba caḍ lae don ṭa laeib aile a riṭ; bo in
cet la ṭo na ḡraṭaib reine a potha, ocup paṭṭaibe caḍ lae
don ṭa laeib aile a riṭh.

O uppaḍ aṭa rin; ocup a leṭ o ṭeopaḍ, ocup a cethruime
50 mupḍairṭe, ocup aithḡin ḡmpraḍ o ṭaer. Ocup inano
pe iarra peiṭenn ṭoib uile, iṭir uppaḍ ocup ṭeopaḍ ocup
mupcuiṭe ocup ṭaer, co ṭeḍmaṭ; ocup puilleḍ riṭ o
ṭechmaḍ amaḍ, co riṭb riṭaḍ ḡaṭi ann. Ocup a ean aṭa
rin, ocup ni uil riṭh i nuppaṭur. *odvine aht o davorchille*
add. 02763

10 Slan aen leim i naṭhaib ocup a muḡib ean timorḡuin;
ocup ma ṭa timorḡuin, iṭ riṭaḥ poiṃpume, caḍ cethruime
laeḡ ber aṭṭremaḡil; cethruime ar reiṭeo rin, no ceth-
ruime uirpe reḡn. Ocup caḍ uair iṭ cethruime ṭo reiṭ
ṭliḡiḍ, cethruime ar reiṭeo hi anṭoraṭe. 1. leṭ ṭrin bunaiṭ
15 anṭoraḍi aic; caḍ uairpe iṭ cethruime uirpe bodeim, ceth-
ruime ar aḍṭuḡaṭ hi anṭoriṭe, leṭ ṭrin bunaiṭ, ocup ceth-
ruime ṭrin ṭipe.

Ma po aḍṭaḡ biṭ po cinṭaib a ṭairb, ocup caḍ cethruime
laeḡ ber aṭṭremaḡil, iṭ a biṭ ṭo; munar aḍṭaḡeḍ, iṭ a
20 nemberṭ. Munar aḍṭaḡ in ṭarra ṭe, ocup po aḍṭaḡ araile,
caḍ ni po aḍṭaḡ iṭ a biṭ ṭo, ocup in ni nar aḍṭaḡ iṭ a
nemberṭh.

bla paebur^m comāing.

1. in per eṭraṇa coṭcino ṭainie [riṭ], mar e per na fine
25 aṭa ar airo po poḡail riṭ, iṭ lan riṭaḥ; ocup mar e per na
fine na puil ar airo, iṭ leṭ riṭaḥ; mā po per, iṭ ṭeopa
cethruime uaiṭi, 1. leṭ riṭaḥ o riṭ na fine aṭa ar airo
ano, ocup cethruime [o riṭ na fine ná puil ar airo]
ḡṭe. 1. riṭan ṭo na reṭaib bir a'comimpuḡaḡaḡa' a reiṭḡi

¹ *If it be not known.*—For “ma po” of the MS., meaning, “if it be,” Dr. O'Donovan conjectured “man po, if it be not,” and translated accordingly, as the sense requires.

² *Between them.*—For “uaiṭi” of the MS., Dr. O'Donovan conjectured uaiṭa, and for “ocup” “1.” as in the text.

³ *From the man whose tribe is not present.*—The Irish for this was put in by Dr

each day of the other two days for interest; a cow the first day to those of the "feini" grades for property, and a 'samhaisc'-heifer each day of the other two days for interest. THE BOOK
OF
AICILL.

This is *the fine* from a native-freeman; and from a stranger *there is* half of it, and from a foreigner the fourth of it, and from a 'daer'-person the restitution of the thing itself. And the time during which the interest runs is the same for them all—native-freeman, stranger, foreigner, and 'daer'-person, *i.e.*, to ten days; and from ten days out, it (*the interest*) shall be added to until it amounts to the fine for theft. And this is in 'cain'-law, but in 'urradhus'-law there is no interest.

In fords and in plains one leap is free to the owner of the cow, provided she (*the cow*) has not been brought^a there; but if she has been brought, there is a fine for it according to the law of over-working, *i.e.* the owner of the bull gets every fourth calf that is sire-like; that is, a fourth in place of a sixth, or a fourth for itself. And whenever it is one-fourth according to law, it is then one-fourth in place of a sixth, *i.e.*, he shall then have one half-third of the original; whenever it is one-fourth for itself, it is then one-fourth by stipulation, one half-third for the original owner of the bull, and the one-fourth of one-third for the owner of the land. *Bull*

^a Ir. *With-
out bring-
ing.*

If he (*the owner*) agreed to be accountable for the trespasses of his bull, and to take every fourth calf that shall be sire-like, he shall have them; if he did not agree to this, he shall not have them. If he did not agree to the one, but agreed to the other, he shall have everything he agreed to, and he shall not have what he did not agree to.

The exemption as to an edged weapon in a conflict.

That is, if it be a man whose tribe is present that injured an impartial person who interfered between them,^b there is full fine for it; and if a man whose tribe is not present injures him, there is half fine for it; if it be not known¹ which of them did the injury, they pay three-fourths fine between them,² *i.e.*, half fine from the man whose tribe is present, and one-fourth fine from the man whose tribe is not present.³ That is, the men who are sustaining their lawful^c anger are

^b Ir. *Went
down.*

^c Ir. *Ne-
cessary.*

O'Donovan, but whence taken, cannot be ascertained. It was probably a conjecture to supply the defect in the MS.

THE BOOK OF
AICILL. veitbiri ce ríachtnaigib' iarrann raebrach caich oib' re
cheile; aét arberat arailé congniat rru per netarḡaire,
ma ro ríá ní uatwab.

Al òmraic coitcenn comarleicé a haititen a ra tuaité no
6 ra cenel, rlan do caé oib' a cheile do marbat a re vligtig;
no i re in vligtig, co rru a vligtig no in vligtig accu mar aen;
no co rru a in vligtig ac nemcintac, ce be cen co be a[c]
cintach.

Mará rru ac cintach, ocur anrur ac nemcintach, aét
10 mar e in cintach ro marbat ant, ir lan; mar e in nemcint-
tach do marbat ant, ir lan ríach.

Ma ra tuaité in raia rru ar air ocur ní uil tuaité in
rur aile, rlan per ná tuaité uil ar air do marbat, ocur
mar e ro marb nech, ir ríach bair ecoir.

f. 196. 11 f.

15 in per leé eprana do éuait rru, cio he burein cio he in
per rru i roechait tab ro rogail rru [in per] amach tre
ruirur a leé eprana, lan ríac uat irin per amach, ocur
rlan don rru amuc eirium; ocur lan ríach uat irin per
rurin roechait tab, ocur leé ríach on rru rru i roechait
20 tait inorium; cen caemaétu a terraité, ocur má ra
caemaétu terraité, ir lan ríach.

f. 196. 4 f.

In per eprana coitcinté do éuait rru rlan do caé rogail
do gena rru aca netarḡairat, mana caemnacair éna, ocur
ma caemnacair, ir ríac ro aicné a raia air.

Contrast II. 178. 2

25 Má rob inoirer do caé oib' a cheile, ir lan ríach o céctar
de ino, cio be ro uachtnaig rru. Má roba oier do caé
oib' a cheile, ir leé ríac o céctar de inorium, cio be oib'

exempt though the sharp iron of each of them injure the other; but some say that they shall make *reparation* to a person who interferes between them, if anything (*injury*) is done by them.

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OF
AICILL.
—

In a general deliberate contest *fought* with the recognition of their two territories or two tribes, each *combatant* is exempt in killing the other within the legal time; or beyond the legal time, both being aware of its legality or of its illegality; or provided the innocent person be aware of its illegality, whether the guilty person be or be not *aware of it*.

If the guilty person be aware of it, and the innocent person be not aware of it, and if it be the guilty person that was killed in the case, there is exemption *for the killing*; if it be the innocent person that has been killed, there is full fine *for it*.

If the tribe of one man be present and the tribe of the other be not, there is exemption for killing the man whose tribe is present, but if it be he who has killed a person, there is a fine for unjust killing *imposed*.

If a man prejudiced in favour^a of one of the combatants interfered between them, whether it be himself or the man in whose behalf he interfered that, owing to his interference, injured the other man, he (*the man who so interfered*) pays full fine for the other man,^b and the other^b man is exempt with respect to him; and he pays full fine on account of the man in whose behalf he interfered, and the man in whose behalf he interfered pays him half fine; *this is* when there is no power of saving him (*the injured man*), but if there is power of saving, it (*the penalty*) is full fine.

^a Ir. *Of half interference.*

^b Ir. *The man outside.*

The impartial person who interferes between them is exempt on account of any injuries he may inflict on them in separating them, provided he could not help it (*doing the injury*), but if he could help it, he shall be fined according to the nature of the case.

If they were both engaged in an unlawful^c combat, they each pay full fine for it, (*injuring the impartial person who interfered between them*), whichever of them injured him. If the combat were a lawful one on both sides, they each pay half fine for *injuring him* (*the impartial person who inter-*

^c Ir. *If each of them was unlawful to the other.*

THE BOOK OF AICILL. fuaachtanaigheir nár, ocúr no fep in tí aipití no fuaachtanaigheir nár annsin.

Muna fep in tí aipití no fuachtanaigheir nár, maíub inóileir do caí oib a íeile, leí fíac o ceítar de co roib lan fíach a no. Má roba oileir do caí oib a íeile, ceíthruime o ceítar de co roib leí fíach a no.

Má roba oileirch don oapra de ocúr nob inóileirch oapraile, ceíthruiméi on tí oap bo oileirch, ocúr leí fíach on tí oap bo inóileirch, cona teopa ceíthruiméi írin fep 10 neorana coiteinó.

Ír ann írlan do caí oib a íeile in inbair aca coemaítu tobais oigíeíre tpe toicheo aile ac feicheimuin toicheo, ocúr aca coemaítu imgabala ac bíobuio.

Má ta caemaítu tobais oigíeíre tpe toicheo aile ac 15 feicheimuin toicheo, ocúr ní uil caemaítu imgabala ac bíobuio, amuilⁿ nech fíeap oia íuin no oia maíbaíⁿ can cínra no co cínra, in bíobuio.

Mána uil coemaítu tobais oigíeíre tpe toicheo aile ac feicheimuin toicheo, ocúr aca coemachtu imgabala ac 20 bíobuio, ocúr maí e in bíobuio no maíbaí ann, írlan; maí e no maíb nech, ír lan fíach.

Óla oúnao, oal; aipenap cip dono do beap lá níz no pechtapre níz, ap abí tuath. Ír tuathais a lepaígeí ap in neí do beir no cpen.¹ cf. I 136. 13

25 Óla oúnao. .i. ír ír oal írlan do oenun írin oúnao fíu híaí. Oal. .i. in oal in a comínoileir ann. Aipenap cip dono .i. ír uap eipnóir ap amaí cíu íat beap in o annn fop maí naíeapre ocúr naíth tpeapre ne aipre, aít co nía oia eíe lá níz no pechtapre níz. Ap abí tuath .i. ír fep níz bíp ap in tuath. Ír tuathais a lepaígeí ap 30 in neí do beir no cpen .i. ap in neí do beir láp in íat aic, no do cpen, do éennaí ann, in fep meon íatí lan inóileíre, co fíu íatí ocúr íatáire.

1 And the defendant has power of avoiding.—The meaning of this and the following paragraph seems to be this: The case in which one or other of them is free from (the consequences of) the acts done by the other is when the complainant (the injured person) might have brought a good (i.e. not demurrable) suit in another form and the party defendant would have a good defence to it. If the party injured could bring a good suit against the party who did the injury, the latter would have no defence to it. He would be in the position of "one who is pursued, &c.," i.e. he may be proceeded against in either form of action.

= fíu-
Is this really hpt?

ferred), whichever of them injured him, and in this case the particular person who injured him is known. THE BOOK OF AICILL.

If the particular person who injured him is not known, and if the combat was illegal on both sides,^a each of them pays half fine, so that he (*the injured person*) has full fine in the case. If the combat was legal on both sides,^b each of them pays one-fourth fine, so that he (*the injured person*) has half fine in the case.

^a Ir. If each of them was illegal to the other.

^b Ir. If each of them was legal to the other.

If it (*the combat*) was legal on the one side and illegal on the other, he on whose part it was legal pays one-fourth fine, and he on whose part it was illegal pays one-half fine, so that the impartial person who interfered has three-fourths fine.

The case in which each of them is free from the consequences of the acts done by the other is when the plaintiff has power of lawful suit by another mode, and the defendant has power of avoiding.¹

If the plaintiff has power of lawful suing through another mode, and the defendant has not power of avoiding, the defendant is like one who is "pursued to be wounded or to be killed without crime or with crime."²

If the plaintiff has not power of lawful suing by another mode, and the defendant has power of avoiding, and if it be the defendant who was killed, there is exemption for the killing; should he (*the defendant*) kill a person, there is full fine for it.

The exemption in the case of a court, and of an assembly; whatever stolen thing is brought is paid for by the king or the king's steward, the best in the territory. He can visit with correction the person who brought it in or bought it. *who is over*

The exemption of a court, i.e., the assembly in the court for a territory is exempt. An assembly, i.e., that which is assembled there for that purpose. Whatever stolen thing, &c., is paid for, i.e., whatever stolen thing is brought into it, shall be nobly paid for by the king, or the king's steward, upon a binding-man and the guarantee of a surety for its restoration, as soon as he shall have returned home. Best in the territory, i.e., the best who is in the territory. He can visit with correction the person who brought it in or bought it, i.e., on the man who brought it with him in theft, or who purchased or bought it, i.e., the guilty receiver of the stolen article,³ who knew the theft and the thief.

^a Ir. The full unlawful middle thief man.

¹This is a reference to some ancient law maxim.

²He, i.e., the binding-man.

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AICILL.

Ահէ զօլանօ քի րաճաջաօ տեհտա րառա.

.1. աճտ րն զօլանն քի րն րա ըօ րեհան ըօ րօր ըլիցի
րառա, աճտ ըօ րա ըօ ըլից, զաճ րաք ր քեքրաօ տըրբա ըօն
քիքոքրաք.

5 Ըառի ըքիճիք քեքրա քի րն օքր րն իալ առա ըաճ ըննօլ
քիքաօ քեքրեւիլք ըննօ? Աք րքրաճ ըօ րաօքքօ րն րեք րն
քի, րիք րքլօքքօ, ըօ րիք ըսնաօ, օքր րաքրաճ ա տըրբաօ
քիքաօ ըօ րքլօքքօ իք ըն ըի րաք րաք, ըօ ըօ րա ըօ թեճ.
Տսնն իմքրօ զք րաքրաք ըօ րաօք[ք]եճ րն րեք րն րիք
10 րքլօքքօ, օքր ա տըրբաօ ըսնաօ ըօ րքլօքքօ ըօ րաքրաք
քն ըի րաք րաք, աճտ րքքիքք րք րաքք ըլիցքք աճտ ըօ րա
ըօ ըլից.

C. 947.

Ուա մուճ օրքեւ [նօ քրօ].

.1. րլան ըօն մուճ րն տըրբաք ըօ քիլ քիքք, օքր ըօ թալ
15 քիքք, օքր քեքրա օքր քիքք, օքր քրբաճ րն տքիքք
քօքքին, օ քրք քիքք ճլաքքքք րն րա իւլք քրբաճքք րիլ;
օքր լեճ րաճ րաճի րիք տօրբաճ րն ըքին քքք րքքաճ ա քիքք
րիքք, օքր օ րաքաք րօք, լեճ րաճ րաճի րիք ըքրբաճ, օքր
լան րաճ րիք տօրբաճ.

C947 adds: *acht nit nesh dorona eigm norcain doib namu .i. achtaigim m*
ata acht leum and conch e inti droigne ceol in upre as daigin torba adeirion do slainbidhi

No achtaigim . . .
acht na uile eabair 7 eabair uile

cf. V 154. 19

20 Տլան ըի րն տըրբաճ ինքրաճքք րիքք ըօ ա ըլաք, ըօ ըօ քրօ,
նօ ըօ օրաք, քք թեճ րքքաճքք քն ըօ քք; օքր րն տըրբաճ ըօ
րքքաճքք րն րն ինքրաճքք իմաք. լեճ րաքք րաճի րիք քրբաճ
քն րքքաճքք, ըօ րիք տօրբաճ ըօ րքքաճքք, քրօ իմաճք քրօ
տալլ. լան րաճ րաճի րիք տօրբաճ քն րքքաճքք; օքր ըօ-

1 Here however.—The MS. is defective at this place. The article seems unconnected with what has gone before, or comes after, and no other copy than the fragment in E. 3, 5, has been found.

* Note *doib* - ∴ *muc* is *gen. pl.*

But the principal only for lawful valuation.

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That is, but *the thief repays* the principal only, ~~with lawful valuation~~, when he returns home, whenever there is an understanding that *this as a privilege has been granted* to the unworthy person.

What is the difference between this *case* and *that* wherein it is said "every animal which is handed over for a crime, *pending a law-suit?*" &c. The 'sed' was claimed from a native-freeman in that case, during the hosting, or the 'dun'-fort building, and his privilege in respect of hosting or 'dun'-fort building frees him, without anything whatever *being due* of him, until he arrives at his house. Here, however,¹ it is from a ~~native-freeman~~ the 'sed' is claimed during the hosting, and his privilege of 'dun'-fort building or hosting frees him from anything at all *being due* of him, but *he must give* a surety for lawful restoration in case he arrives at his house.

non - u.

The exemption of pigs at the trough or in the sty.

That is, *should a person shout*, the pig is exempt as regards *injury* to the idler who is behind the person who shouted,^a and beside the person who shouted^a and between the person who shouted^a and her (*the pig*), in case the person who shouted^a is himself an idler, since it is *his* shouting that incites her against all the other idlers; and there is half fine upon her *owner* for *injuring* the profitable worker, whilst the excitement caused by the shout is upon her, and when it has gone off her, there is half fine from her *owner* for *injuring* the idler, and full fine for *injuring* the profitable worker.

^a Ir. *The shouting.*

She (*the pig*) is exempt *as regards injury* to the idler who goes to her, to her trench or her sty, or her trough, whether there be provocation or not; and *as to* the idler who provoked her and upon whom she charged out. *There is* half fine from her *owner* for *injury* to the idler who did not provoke her, or to the profitable worker who did provoke her, whether outside or inside. There is full fine from her *owner* for *injury* to the profitable worker who did not provoke her; and there is no

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con րազաբար զօղիւսմէս ար մուս ար ա րիարտաւաճ, սար
րիարտաւա ւս րա մուս, օսար րիարտաւա մուս րա օ; սար
նի տօրմաւցեն ար օրն ւսլեն օ օրեւ, օսար նի տօրմաւցեն
օ օրն Լաւ, օ օրեւ, օսար ուո տօրմաւցեն նի ար մուս
օրն օ օրեւ, օսար ուո րարեն օ.

- Մարա մուս զօ շտաճա սրարօ րա, Լեւ օղիւս օ օր
սաւի, ո Լեւ աղիւս րա մար. Մարա մուս Եւիւնեճ
C. 948. [սրարօ], Լեւ տօր օսար օղիւս [օրմա] օ օր, օսար Լեւ
տօր րե տաւ աղիւս րա մար; օսար րօրն տարաւ ան
10 օղիւս Լեւ տօր. օսար շտաւ ալ սրարօ տօրն ո օղիւս
ղիւս օ օր րե Լար ան ար րե րեղիւս, ուա րաւ, սար
նօրն րալ աղիւս տօ օ րաւ օ տարաւ աղիւս
C. 948. տօր Լաւ. [ն սար] րար րե օղիւս րա ո տօր ուո
C. 948. ուան րա ուո տօր, ուաղիւս; [օսար ն տա րար րա ո
15 տօղիւս ո օղիւս ուո ուան րա ո տօր. ն
րա ողիւս ո աղիւս րա], րա տօրն օ օր
րե Լար ար րաւ աղիւս . րե րաւ արարն ո
տօր, ո ո օրն ւաւ ո ո օր, ո Լեւ ո օր, սար
նօր ո ր րար Լաւ.

- C. 948. 20 [ն տարա] ու րար օղիւս տօր օղիւս, ուո ար
C. 948. մուս տ [աւ, ա օր րե Լար]; ու րար օղիւս օ մուս
նօրն ար րար օղիւս տօ, աւ ա օր րե Լար; օսար ուո
աւրար ւաւ օրն տար, աւ ա Լար տօ ար ա աւիւ րա.

Ա օղիւս օրարն ո օրն Լար տօր ո օրն օ օր

fourth got for a pig on account of her beastliness, for the hound is more beastly than the pig, and the pig is more beastly than the cow; for it does not add to *the value* of a hound to have had pups, and it does not take from *the value* of a cow to have had a calf, and it does not add to *the value* of a pig to have had young pigs, and it does not take from her *value*.

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If the pigs *who have done any injury* belong to a native-freeman, and it is their first offence, full half sick-maintenance until death *is due* of them *to the injured person*, or half compensation after death *is the fine*. If they are vicious pigs belonging to a native-freeman, *there is* half 'dire'-fine and sick maintenance until death *to be paid*, and half 'dire'-fine with compensation, after death; and the excitement of the shouting takes half *the fine* off them. And though it should be desired that a part of the sick-maintenance or of the compensation should be remitted in favour of the man who shouted, it shall not be so, for there is no compensation to be paid by the looker-on *until* compensation has been received from the actually guilty person.^a *when* And when the man who shouted pays a part of the 'dire'-fine he does not pay any part of sick-maintenance, or of compensation; and when he pays a part of sick-maintenance or compensation he pays no part of 'dire'-fine. Of the portion of sick-maintenance or of compensation which he does pay, a part is remitted in lieu of compensation, viz., six-sevenths¹ with respect to a person, or four-fifths with respect to a cow, or one-half with respect to a horse, for he is not the actually guilty person.^a

^a Ir. Man
of the hand.

The proportion of the fine for shouting which is taken off the man who shouted, does not fall^b upon the pig, but is remitted; the proportion which shouting takes off the pig does not fall^b upon the man who shouted, but is remitted; and there is no participation considered between them, but the full *fine* is to be paid *by each* on his own account. ^b Ir. Go. *contribution*

For *the injuries* from the malicious shouting of a sensible adult there shall be paid the full 'dire'-fine of the wound

¹ Six-sevenths.—In C. 948, the portion remitted in such case is said to be, one-seventh with respect to a person, one-fifth with respect to a cow, and one-half with respect to a horse.

THE BOOK OF AIOHLL. ԾԻԸ, ԵՐՈ 1 ԵՐԲԱՃ ԵՐՈ 1 ՆԵՐԲԱՃ ԵՐՈ 1 ՐՈԲ, ԼԱՆ ԵՐԽՐՈՒՐԵ ԻԱՐ
մԲԱՐ ԻՐ ՆԱ ԾԱՆՈՒԲ, ՕԵՐ ԼԱՆ ԾԻՐԵ ԻՐ ՆԱ ՐՈԲԱՒ.

Եւցեմ քրքաւն ԵՐՈՆԱՅ, ԼԵՃ ԾԻՐԵ ՆԱ ԵՆԵՐՈՒ ԵՐ ԵՐ ԾԻԸ ԱՆՆ
1 ԵՐԲԱՃ ՕԵՐ 1 ՐՈԲ, ՔԵ ՔԵՇՄԱՐՈ ՕՏԻՐԱՐԱ 1 ՆԵՐՔԱՃ, ԼԵՃ
5 ԵՐԽՐՈՒՐԵ ԻԱՐ մԲԱՐ ԻՐ ՆԱ ԾԱՆՈՒԲ, ԼԵՃ ԾԻՐԵ ԻՐ ՆԱ ՐՈԲԱՒ.

Եւցեմ իՆՅԵՃԵՐԻ ԵՐԲԱ ԻՆ ԵՐՈՆԱՅ, ՔԵ ՔԵՇՄԱՐՈ ՕՏԻՐԱ
ԵՐ ԵՐ 1 ԵՐԲԱ, ՕԵՐ ՔԵ ՔԵՇՄԱՐՈ ԱՏԻՃԻՆԱ ԻԱՐ մԲԱՐ; ՔԵ
ՔԵՇՄԱՐՈ ՕՏԻՐԱ ԵՐ ԵՐ 1 ՆԵՐԲԱՃ, ՕԵՐ ԵՐ ՔԵՇՄԱՐՈ ԱՏԻ-
ՃԻՆԱ ԻԱՐ մԲԱՐ; ԵՐԵՐԻ ԵՐԵՐՈ ՕՏԻՐԱ ԵՐ ԵՐ 1 մԵՐՈՆ,
10 ԵՐԵՐԻ ԵՐԵՐՈ ԱՏԻՃԻՆԱ ԻԱՐ մԲԱՐ; ԼԵՃ ՕՏԻՐԱ ԵՐ ԵՐ 1 ՆԵՃ,
ԼԵՃ ԱՏԻՃԻՆ ԻԱՐ մԲԱՐ.

Եւցեմ ԵՐԲԱ ԵՐ 1 ՆԱՔ ԻԵԱ ԼԵՃ ԾԻՐԵ, ԼԵՃ ԾԻՐԵ ՆԱ
ԵՆԵՐՈՒ ԵՐ ԵՐ ԾԻԸ ԱՆՆ, ԵՐՈ Ա ԵՐԲԱՃ, ԵՐՈ 1 ՆԵՐՔԱՃ, ԵՐՈ
Ա ՐՈԲ; ԼԵՃ ԵՐԽՐՈՒՐԻ ԻԱՐ մԲԱՐ ԻՐ ՆԱ ԾԱՆՈՒԲ, ԼԵՃ ԻՐ ՆԱ
15 ՐՈԲԱՒ.

Եւցեմ քրքա ԵՐ 1 ՆԱՔ ԻԵԱ ԼԵՃ ԾԻՐԵ, ԵՐԽՐԱՐԵ ՆԱ
ԵՆԵՐՈՒ ԵՐ ԵՐ 1 ՐՈԲ ՕԵՐ 1 ԵՐԲԱՃ, ԵՐ ՔԵՇՄԱՐՈ ՕՏԻՐԱ
ԵՐ ԵՐ 1 ՆԵՐԲԱՃ, ԵՐԽՐԱՐԵ ԵՐԽՐՈՒՐԵ ԻԱՐ մԲԱՐ ԻՐ ՆԱ
ԾԱՆՈՒԲ, ԵՐԽՐԱՐԵ ԾԻՐԵ ԻՐ ՆԱ ՐՈԲԱՒ.

20 Եւցեմ իՆՅԵՃԵՐԵ ԵՐԲԱ ԵՐ 1 ՆԱՔ ԻԵԱ ԼԵՃ ԾԻՐԵ, ԵՐ
ՔԵՇՄԱՐՈ ՕՏԻՐԱ ԵՐ ԵՐ 1 ԵՐԲԱՃ, ԵՐ ՔԵՇՄԱՐՈ ԱՏԻ-
ՃԻՆԱ ԻԱՐ մԲԱՐ; ՔԵՇՄԱՐՈ ՕԵՐ ԻՆ ԵՐԽՐԱՐԱ ՐԱՆՆ ՎԵ
ՕՏԻՐԱ ԵՐ ԵՐ 1 ՆԵՐԲԱՃ, ՔԵՇՄԱՐՈ ՕԵՐ ԻՆ ԵՐԽՐԱՐԱ ՐԱՆՆ
ՎԵ ԱՏԻՃԻՆԱ ԻԱՐ մԲԱՐ; ՎԱ ԵՐԵՐՈ ՕՏԻՐԱ ԵՐ ԵՐ 1 մԵՐՈՆ,

until death, whether profitable workers, idlers, or animals THE BOOK OF AICILL.
be injured, and full body-price after death for *injuring* persons, and full 'dire'-fine for *injuring* animals.

For the injuries from the playful shouting of a sensible adult, there shall be paid, half 'dire'-fine of the wound until death in *the case of* profitable workers and animals, six-sevenths of sick-maintenance until death for idlers, half body-price after death for persons, *and* half 'dire'-fine for animals.

For the injuries from the shouting for unnecessary profit by a sensible adult, ~~there shall be paid~~ six-sevenths of sick-maintenance until death in *the case of* profitable workers, and six-sevenths of compensation after death; six-sevenths of sick-maintenance until death for idlers, and three-sevenths of compensation after death: four-fifths of sick-maintenance until death for a cow, *and* four-fifths of compensation after death; half sick-maintenance until death for a horse, *and* half compensation after death.

For the injuries from the malicious shouting of a youth at the age of paying half 'dire'-fine, there shall be paid half 'dire'-fine for the wound until death, in *the case of* profitable workers, idlers, or animals; half body-fine after death in *the case of* persons, and half in *the case of* animals.

For the injuries from the playful shouting of a youth at the age of paying half 'dire'-fine, ~~there shall be paid~~ one-fourth of *the fine* for the wound until death in *the case of* animals and profitable workers, three-sevenths of sick-maintenance until death in *the case of* idlers, one-fourth body-fine after death in *the case of* persons, and one-fourth of 'dire'-fine in *the case of* animals.

For the injuries from the shouting for unnecessary profit, of a youth at the age of paying half 'dire'-fine, ~~there shall be paid~~ three-sevenths of sick-maintenance until death in *the case of* profitable workers, *and* three-sevenths of compensation after death; a seventh and a fourteenth of sick-maintenance until death, for idlers, and a seventh and a fourteenth of compensation after death; two-fifths of sick-maintenance until death for a cow, *and* two-fifths of com-

THE BOOK OF AICILL. 1 nech, ceithruime aithgína iar mbar; ceithruime othruir co bar

Θιγγem compairi mic in naer ica aithgína, [ir] eutrumur
pectmaro in lan vire othruir co bar 1 torbað ocyr 1
nerbað, re pectmaro iar mbar; no cumað re pectmaro
othruir co bar, ocyr in pectmaro aithgína iar mbar;
eutrumur cuicero in lan vire othruir co bar 1 mboin,
ocyr ceithre cuiceao aithgína iar mbar; no comaro
ceithruime cuiceo aithgína iar mbar, ceithri cuiceo
othruir co bar; eutruma leðe in lan vire othruir co
bar 1 nech, ocyr leð aithgín iar mbar; no comaro leð
othruir co bar, ocyr leð aithgín iar mbar.

Θigem erba mic 1 naer ica aithgína [ir] eutrumur
pectmaro in leð vire othruir co bar, ceithruime 1 tor-
bach, pechmaro na re pectmaro 1 nerbach, tri pectmaro
aithgína iar mbar 1 ceðtar de, ciro 1 torbað, ciro 1 nerbach;
no, comaro tri pectmaro othruir co bar 1 torbað, ocyr tri
pectmaro aithgína iar mbar; eutrumur reirio in leð
vire othruir co bar 1 mboin, ocyr da cuiceo aithgína iar
mbar; no, comaro a cuiceo othruir co bar, ocyr da cuiceo

² After death.—The following is found written in apparently a different hand at the lower margin of the MS. E. 3, 5, p. 32. It seems a mere fragment, and not connected in particular with this part of the work. For “75.” of the MS., usually the contraction of “euge,” Dr. O'Donovan conjectured “eigine,” and translated accordingly.

[Ca roḡaib eigine iur na fuil veitbir torbaib na eppaib co báir ná iar mbar? .1. aét ir eutrumaró ino co bar ocyr iar mbar an compairi.

Ca roḡaib eigine iur a ta veitbir torbaib ocyr eppaib co bar ocyr na fuil iar mbar? .1. in eppaib, oir ir eutrumaró iur torbaib, ocyr iur eppaib iar mbar.

Ca roḡaib eigine iur a ta veitbir torbaib ocyr eppaib co bar, ocyr iar mbar? .1. in veitbir torba ríoe.]

read abged in
every case

3/

pensation after death; one-fourth of sick-maintenance until death for a horse, and one-fourth of compensation after death.¹

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For the injuries from the malicious shouting of a youth at the age of paying compensation, there shall be paid a proportion equal to a seventh of the full 'dire'-fine of sick-maintenance until death in the case of profitable workers and idlers, and six-sevenths of compensation after death; or, according to others, it may be six-sevenths of sick-maintenance until death, and a seventh of compensation after death; a proportion equal to a fifth of the full 'dire'-fine of sick-maintenance until death for a cow, and four-fifths of compensation after death; or, according to others, it may be one-fourth of one-fifth of compensation after death, and four-fifths of sick-maintenance until death; a proportion equal to one-half the full 'dire'-fine of sick-maintenance until death for a horse, and half compensation after death; or, according to others, it may be half sick-maintenance until death, and half compensation after death.

For the injuries from the playful shouting of a youth at the age of paying compensation there shall be paid a proportion equal to one-seventh of the half 'dire'-fine of sick-maintenance until death, one-fourth in the case of profitable workers, one-seventh of six-sevenths for idlers, and three-sevenths of compensation after death in the case of either profitable workers or idlers; or, it may be, according to others, three-sevenths of sick-maintenance until death in the case of profitable workers, and three-sevenths of compensation after death; a proportion equal to one-sixth of the half 'dire'-fine for sick-maintenance until death in the case of a cow, and two-fifths of compensation after death; or, according to others, it may be one-fifth of sick-main-

What trespass arising from shouting is it in which there is no difference of profitable workers, or idlers, till death or after death? That is, the malicious shouting for which there is equal fine till death and after death.

What trespass arising from shouting is it in which there is a difference of profitable workers and idlers, till death, and not after death? That is, the playful shouting, for there is equal fine for injury to the profitable workers and the idlers, after death.

What trespass arising from shouting is it in which there is a difference of profitable workers and idlers till death, and after death? That is, the case of apparent—^a Ir. unnecessary profit.

advantage?^a

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αιηζηνα ιαρ μβαρ; ευτημα λειθι ιν λεθ οην νοθηρυρ co
βαρ ιμ ech, ουρ cethpuma αιηζηνα ιαρ μβαρ; no, comaro
cethpuma oθpupa co βαρ, ουρ cethpume αιηζηνα ιαρ
μβαρ.

- 5 Α ειγем ινωειτθβιηι τορβα mic ι ναερ ια αιηζηνα
peθtmaθ na pe peθtmaθ oθpupa co βαρ ι τορbach, peθt-
maθ na pe peθtmaθ αιηζηνα ιαρ μβαρ; peθtmaθ na τη
peθtmaθ oθpupa co βαρ ι neρbaθ, peθtmaθ na τη peθtmaθ
αιηζηνα ιαρ μβαρ; cuiceo na ceιthи cuiceo νοθηρυρ co
10 βαρ ι mboin, cuiceθ na ceιthи cuiceo αιηζηνα ιαρ μβαρ;
cethpume oθpupa co βαρ ιμ ech, ουρ cethpume [αιη-
ζηνα] ιαρ μβαρ; no comarθ oθtmaθ oθpupa co βαρ ουρ
oθtmaθ αιηζηνα ιαρ μβαρ.

- C. 952. [ιρεθ ιρ ειγем epba anθ, α denam ap θαγιη cluiche,
15 ουρ ηι α λετ ηιρ na mucarib ιρ cluiche; ουρ θα μαθ εθ,
no bo epba cola cluiche, ουρ no bo lan pich.] ιρεθ ιρ
ειγем comραιι anθ, α denam ap θαγιη fogla.

- ιρεθ ιρ ειγем νειτθβιηι τορβα ann, ειγем νο εαρ ινωιλε
C. 952 α peparib no α goptaib [apba], ουρ ηι caemnacair ηι βα
20 oλιγεcheα; no ιρ ειγιη ηε epειθ.

- C. 952. ιρεθ ιρ ειγем ινωειτθβιηι τορβα ann, [α denam] ι cop
ινωιλι α peparib no α goptaib, [ουρ] comeparo α denam ηι
βα oλιγεcheα. *†*

first B.

θια nae impam no combauro.

- 25 1. plan von τι βειρυρ ιν nae von impam bursein, no com-
bauroθ mapoen pua neθ aile. Map pe bec νειτθβιηιρ ηο
ηε epρα ηιρ ηι, ιρ pιαθ piancluiche ιν caθ fogail νο γεηταρ
αα βπειθ ηιρ, ουρ ac α ταβαιρε ιννηρ.

¹ In a more lawful manner. This and the two preceeding paragraphs are given somewhat differently in C. 952, but the sense is substantially the same.

² Little necessity.—For “bec” of the MS. Dr. O'Donovan conjectured “bec” as a better reading.

tenance until death, and two-fifths of compensation after death; a proportion equal to one-half of 'dire'-fine of sick-maintenance until death for a horse, and a fourth of compensation after death; or, *according to others*, it may be one-fourth of sick-maintenance until death, and one-fourth of compensation after death.

For injuries from the shouting for unnecessary profit of a youth at the age of paying compensation there is paid a seventh of six-sevenths of sick-maintenance until death, in the case of profitable workers, a seventh of six-sevenths of compensation after death; a seventh of the three-sevenths of sick maintenance until death in the case of idlers, a seventh of the three-sevenths of compensation after death; a fifth of four-fifths of sick-maintenance until death for a cow, and a fifth of four-fifths of compensation after death; a fourth of sick-maintenance until death for a horse, and a fourth of compensation after death; or, it may be an eighth of sick-maintenance until death, and an eighth of compensation after death.

"Idle shouting" means the doing of it for the purpose of sport, and it is not sport with respect to the pigs; and if it were, it should be *considered as* idleness of foul play, and there would be full fine *for it*. "Malicious shouting" means doing of it (*the shouting*) with a view to injury.

"Shouting for ~~necessary profit~~" means shouting for the purpose of driving cattle out of *fields of* grass, or of corn fields, when they could not *have been driven thence* in a more lawful manner; or, *according to others*, it means shouting before a plundering party.^a

"Shouting for unnecessary profit" means the doing of it (*the shouting*) in order to drive cattle out of *fields of* grass or corn fields, when it (*the driving out*) could have been done in a more lawful manner.¹

The exemption as regards a boat in rowing or swamping.

That is, the person is exempt who, by himself, takes a boat to row, or who along with another person swamps it. If it were *taken down in a case of* little necessity,² or through wantonness, there is a fine of ~~foul-play~~ for every trespass committed in taking it down and bringing it up.

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—

^a Ir. 4
plundering.

difference betw. noe
& that 208. cf.?

four

* C2106. bla liathroite unscar. 1. is slan clon'ti ac imain na liathroite
 acor na faiche do millludug, no lin a hiarraha na diaid do macaib beca
 sechtar faiche

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Maṛ pe deiṭbhuṛ doemā picaḍ rir hi, 1. pḷainti epṛa
 [iḡ] ocuṛ etarbaḡ in caḍ poḡail do gentaṛ ac a bṛeith rir
 ocuṛ ac a taḍaiṛt inoiṛ. Cio uatha cio pochaṛde po aen-
 taiḡ in nimbaḍuḍ, 1ṛ pḷach pḷancluiṛi o caḍ oib ina ceile.

5 Ma po aentaiḡ in ṛapa ṛnem, ocuṛ nṛ aentaiḡ in ṛnem
 aile, 1ṛ pḷach pḷancluiṛi inoiṛ ṛnem po aentaiḡ, ocuṛ pḷaḍ
 cola cluiṛi inoiṛ ṛnem naṛ aentaiḡ.

Ma taṛt luṛt laime aṛo, ocuṛ luṛt imṛama, ocuṛ luṛt
 meṛoncluiṛi, 1ṛ iat 1ṛ luṛt laime aṛo luṛt in combaiṛi, 1ṛ
 10 iat 1ṛ luṛt meṛoncluiṛi aṛo luṛt imṛama, 1ṛ iat 1[r]
 pellaḡ ann in luṛt po bi na ṛoṛt 1ṛ in nae.

Ma ta luṛt combaiṛi inoiṛi, ocuṛ luṛt imṛama, 1ṛ iat 1ṛ
 aṛ laime ann luṛt in combaiṛi, 1ṛ iat 1ṛ luṛt meṛon-
 cluiṛi ann luṛt imṛama; 1ṛ iat 1[r] pellaḡ ann in luṛt
 15 po bi aṛ puṛt ina pḷaṛnaṛe, ocuṛ co nṛpaiṛi a taṛ-
 meaiṛe.

*

bla liathroite upcuṛ pḷachi pṛim caṭhṛaḍ.

gl. unscar!

cf. Appendix p. 554f.
 (p. 552f.)

= na beṭha

1. pḷan ṛon ti uapalṛcuṛeṛ in liathroite aṛ pḷachi na
 caṭhṛaḍ pṛimṛa, ceḡa beṭa ac aṛa aṛ neḍ ōul aṛ a nṛp-
 20 lainn, no cluiṛi do denum uṛpe; noco ōlegaiṛ a aṛa aṛ,
 uaiṛ oicomaṛi caḥ nṛplaino.

Na huile ṛenta uile biaṛ aṛ pḷache, pḷan ṛo a comṛai-
 leḍ aṛ ṛaḡin comallaḍ a ṛliḡio pḷachi; manab aṛ ṛaḡin
 comallaḍ a ṛliḡio pḷaḍṛi, 1ṛ pḷaḍ po aicneḍ a paṭa aṛ.

25 Maṛa ṛenta ina ṛenta inoiḡṛeṛa he pḛṭtaiṛ pḷaḍ,
 1ṛ lan pḷaḍ ina cet cinaṛo a pḷaḍṛi.

Maṛa ṛenta ina ṛenta ōliḡṛeṛa pḛṭtaiṛ pḷache, 1ṛ aṭh-
 ḡin ina cet cinaṛo a pḷache.

Ma ṛo cūaiṛ in liathroite pḛṭtaiṛ pḷaḍ amach, deiṭbhuṛ

1 That one might not.—For “cena” of the MS. Dr. O'Donovan conjectured
 “cona,” and translated accordingly

If it were through accidental necessity it was taken down, THE BOOK OF AICILL. *cf. p. 263*
 i.e. there is exemption on account of *injury* to idlers and unprofitable workers, for every trespass committed in taking it down and bringing it up. Whether few or many have consented to the swamping, there is a fine of *foul-play* from each of them in either case.

If one party consented and the other party did not consent, there is a fine of *fair-play* from the party that did consent, and a fine of *foul-play* from the party that did not consent.

If there be a *hand-party* there, and a rowing-party, and a party of middle-sport, the hand-party is the swamping-party, the middle-sport-party is the rowing-party, and the spectators are they who are silent in the boat.

If there be a swamping-party there, and a rowing-party, the swamping-party is the hand-party, the rowing-party is the middle-sport-party, and the spectators are they who were present on the bank, and who could have prevented it (*the swamping*).

The exemption as regards the ball in being hurled on the green of the chief 'cathair'-fort.

That is, the person is exempt who nobly strikes off the ball upon the green of the chief 'cathair'-fort, and this is in order that one might not¹ be sued for going upon a green, or playing a game upon it; it is not right that one should be sued for it, because "every green is free."

A person is exempt for demolishing every structure erected upon the green, *if he does so* for the purpose of maintaining the lawful use^a of the green; *but* if it be not for the purpose of maintaining the lawful use^a of the green, he pays a fine for it according to the nature of the case.

If the structures be illegal structures outside a green, there is full fine for their first injury^b to the green.

If the structures be legal structures outside a green, there is compensation *to be made* for their first injury to the green.

If the ball went out beyond the green *and a person goes for it*, the case shall be ruled by necessity and consent and

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for
for

perpetrators

*extra though notice has been
given against anyone?*

^a *Ir. law-
fulness.*

^b *Ir. trespass-
pass.*

THE BOOK OF AIGILL. **ocur** uirapacēt ocur uiracōto do piazail iur. Mapa deič-
biurur ocur uirapacēt ocur uiracōto, iplan.

Mapa deičbiurur ocur uirapacēt no uiracōā, a teopa
cethpume a rlaniti ocur a cethpume a cinwaiže.

5 Mapa deičbiurur cen uirapacēt, cen uiracōā, a leč a
rlaniti ocur a leč a cinwaiže.

Ce beič uirapacēt ocur uiracōto, mana iab deičbiurur,
no comaplecuro, noco namuil torba; acēt munā iuib uir-
apacēt co comaplecuro a nindeičbiurur acōn iur tall, uair
10 mato eo on, iplan.

1peō iur deičbiurur ano do deičbiurur tūl ar cenn na
liačpouci.

1peō iur uirapacēt ano a epcail do tūl ar a cenn.

1peō iur uiracōā ann iuracōā na bepnato. Leč iacē
15 uaine caiče in cač pōzail do ōena in liačpouci tall, ocur do
zentar ac a tabaipō amach.

bla ceite iuz talcompac.

1. rlan ōon iuz in compac tulla do niat in ōa mapacē
ina cet, ina iacē; no iplan ōon iuz in maiom talman bir
20 aice ina iacē.

Mapa maiom talman na cumangar do lepuzato tpe na
mūpēdo no tpe na linač, ce co iurta aile do ōenum ime,
iur ōenta ōipacē, ocur iur rlan he a leč iur na huiib.

Mapa maiom talman conecar do lepuzato, iur bičbinči
25 do piazail iur.

Mapa coŋnac po tapgepcur in eč do čum in ōenta, iur
iacē po aicneč a pačā on coŋnac iuran ech, ocur lan iacē
po bičbinči in ōenta o iur in ōenta iuran coŋnac; ocur

¹ Man-trespass.—That is as distinguished from trespass committed by a beast.

² Wickedness is the rule with respect to it.—That is the case is considered as a
tortious negligence.

³ For the sensible adult.—That is, for the injury done to the sensible adult.

vb. n. of uiscim? →

closing. If there be necessity and ~~consent~~ and closing, he THE BOOK OF AICILL.
who goes for it is exempt.

If there be necessity and ~~consent~~ or closing, he is three-fourths exempt and one-fourth liable.

If there be necessity without consent, without closing, he is half exempt and half liable.

Though there should be consent and closing, if there was not necessity, or permission *in the case of necessity*, it is not the same as *the case of* a profitable worker; unless in case of non-necessity he^a has consent and permission, for if he have, he is exempt. ^aTr. The man within.

"Necessity" means the necessity of his going for the ball.

"Consent" means that leave is given him to go for it.

"Closing" means really closing the gaps. There is half fine for man-trespass¹ for every injury which the ball does within, and which is done in bringing it out.

The exemption as regards a king's race-course *in case of sudden collision*.

That is, the king is exempt *from liability* as regards a sudden collision that may occur between two horsemen on his race-course, *i.e.* his green; or, the king is exempt *from liability* for accidents caused by a chasm that he may have in his green. fine to take ?? of 258.4

If the chasm be one that cannot be made safe by levelling it or filling it up, but could *be made safe* by constructing a stake-fence around it, *if this has been done*, it is a lawful structure, and there is full exemption as regards all accidents caused by it.

If the chasm be one that could have been made safe by levelling or filling up, but was not, wickedness is the rule respecting it.²

If a sensible adult brings a horse to the structure, and an accident happens, a fine according to the nature of the case is due from the sensible adult for injury to the horse, and full fine according to the imperfection of the structure is to be paid by the owner of the structure for the sensible adult;³

THE BOOK OF AICILL. **h**i. plan can ni uao irin nech, uair ip coonach po tairgeirtar

Mar 1 in tech po tairgeirtar in coonach do cum in
dentā, leč pīach po bičbinčes uirpū, ocup rēuipū mēpāč
5 a hēpma leč oi; ocup lan pīāč po bičbinčes in dentā o rīp
in dentā irin nech, ocup leč othpūp no leč aithgin uao
irin coonach.

Marā mac 1 naep īca leč vīpe po tairgeirtar in ech do
cum in dentā, cethruime vīpū ocup othpūp comlan co bap,
10 cen comgnim, ocup mā tā comgnim, ip cethruime vīpe
ocup leč othpūp; cethruime vīpe pē tāsē nāithgina īap
mbap, can comgnim, ocup mā tā comgnim, cethruime vīpū
ocup leč aithgin; ocup lan pīāč po bičbinčes in dentā o rīp
in dentā irin mac, ocup leč othpūp no leč aithgin uao ip
15 in nech.

Marā mac 1 naep īca aithgina po tairgeirtar in each do
cum in dentā, ip leč othpūp ocup eutpūmūp lečē in leč
vīpe othpūp co bap, cen comgnim, cethruime othpūp
ocup eutpūmūp cethruimēi in leč vīpe; tēopa cethruimī
20 aithgina īap mbap, cen comgnim, ocup mā tā comgnim,
cethruime ocup očtmač; lan pēich po bičbinčes in dentā o
rīp in dentā irin mac, ocup leč othpūp no leč aithgin ip
in neach.

Ma pē in tech po tairgeirtar in mac do cum in
25 dentā, cīo bēo mac uīle, cīo mac 1 naep īca aithgina, cīo
mac 1 naep īca let vīpū, leč pīāč po b[īčbinčes] ap an ech, ocup

and he (*the owner of the structure*) is exempt from *paying* THE BOOK OF AICILL. anything on account of the horse, because it was a sensible adult that brought it (*the horse*).

If it is the horse that brings the sensible adult to the structure, there is half fine upon it (*the horse*) for its wickedness, and the excitement of being ridden takes *the other* half off it; and full fine according to the imperfection of the structure is *to be paid* by the owner of the structure for *injury* to the horse, and half sick-maintenance or half compensation for *injury* to the sensible adult.

If it be a youth at the age of paying half 'dire'-fine that brings the horse to the structure, *in case of accident, there should be paid* one-fourth 'dire'-fine and full sick-maintenance until death, if no one else is equally in fault,^a and if some one else be equally in fault,^b it is one-fourth 'dire'-fine and half sick-maintenance *he pays*; one-fourth 'dire'-fine with compensation after death *is to be paid*, if no one else is equally in fault,^a and if any one else is equally in fault,^b one-fourth 'dire'-fine and half compensation; and the owner of the structure pays full fine according to the imperfection of the structure, for the youth, and half sick-maintenance or half compensation for the horse.

^aIr. *Without co-operation.*
^bIr. *If there be co-operation.*

If it be a youth at the age of paying compensation that brings the horse to the structure, it is half sick-maintenance and the equivalent of half of the half 'dire'-fine of the sick-maintenance until death *that should be paid* when no one else is equally in fault,^a and *if another be equally in fault,*^b one-fourth of sick-maintenance and the equivalent of one-fourth of half 'dire'-fine; three-fourths of compensation after death, if no one else be equally in fault,^a and if any one else be equally in fault,^b one-fourth and one-eighth; and the owner of the structure pays full fine, according to the imperfection of the structure, for the youth, and half sick-maintenance or half compensation for the horse.

If it is the horse that brings the youth to the structure, whatever youth he be, whether a youth at the age of paying compensation, or a youth at the age of paying half 'dire'-fine, *there is* half-fine upon the horse for its wickedness, and the

THE BOOK OF AICILLA. erim? of infra?
 5 7001110 mepach7 a hepma le7 71; ocup lan po bi7bin7e
 in 7enta o 7ip in 7enta ipin ne7, ocup le7 o7hpup, no leth
 aithgin uao ipin mac.

Mapa compiac tull7a 7a mapca7, map pe aer7heim top-
 5 ba a7ait map aen, ip 7pian nait7gina o ca7 7ib 7ein ina
 7eile, ocup le7b7upio; mapa comb7upio, ip7ipio nait7gina.
 Cen caema77a im7abala, ocup ma 7a caema77a im7abala,
 ip aithgin ocup le7b7upio, ocup mapa comb7upio ip le7
 aithgin.

10 Map pe hepba a7ait map aen, ip pianclui7e o ca7
 7ib ina 7eile ocup le7b7upio; mapa comb7upio, ip le7
 7ia7 pianclui7e. Cen caema77a im7abala; ocup ma 7a
 caema77a, ip 7iach cola clui7e ip in le7b7upio, mapa
 comb7upio, ip le7 7ia7 cola clui7e.

15 Map pe heipum nepa in 7apa 7e, ocup pe heipum topba
 apale, 7lan 7on topbach in 7epba, can caema77a im7a-
 bala; ocup ma 7a caema77a, ip le7 aithgin ocup le7b7upio;
 mapa comb7upio, ip ceth7uime aithgina. Ip 7ia7 pian
 clui7e on epa7 ipin topba7, ocup le7b7upio 7in, mapa
 20 comb7upio, ip le7 7ia7 pianclui7e, cen caema77a im7abala;
 ocup ma 7a caema77a im7abala, ip 7ia7 cola clui7i ocup
 le7b7upio; mapa comb7upio, ip le7 7iach cola clui7i.

Map pe hepba no pe topba a7a in 7apa 7e, ocup pe in-
 7e7b7upur 7o7la apale, 7lan 7on topba7 no 7on epa7 in
 25 7in7e7b7uprech 7o7la, cio le7b7upio, cio comb7upio, ce
 be7 caema77a im7abala cen co be, a7 napab 7a n7eoin
 uach7naisit 7up; ocup map eo, ip lan 7iach po aicneo a

excitement of being ridden takes the one-half off it; *and* THE BOOK OF AICILL. the owner of the structure pays full fine, according to the imperfection of the structure, for the horse, *if injured*, and half sick maintenance, or half compensation for the youth.

If it be a face to face collision of two horsemen, *and* φ. 254 18. if they who are both on profitable business, there is one-third of compensation from each of them to the other, and *this is so, if there be injury on one side only;*^a *but* if there be injury on both sides,^b there is one-sixth of compensation. *This is the case* when they could not have avoided each other, but if they could have avoided each other, there is full compensation for injury on one side,^a and half compensation if there be injury on both sides.^b

^aIr. Half-injury.
^bIr. Joint-injury.

If both are *riding* for amusement, there is a fine for fair-play from each of them to the other for injury on one side; if there be injury^b on both sides, there is half fine for fair-play. *This is* when they could not have avoided each other; but if they could, there is a fine for foul-play for injury on one side^a, and half fine for foul-play, if it be injury on both sides^b.

If one of them was riding for amusement and the other on profitable business, the person on profitable business is exempt from fine for injury to the idler, if it (*the collision*) could not have been avoided by him; but if it could, there is half compensation for injury on one side^a; it is one-fourth of compensation if there be injury on both sides^b. The idler pays a fine for fair-play, for the man on profitable business, in case of injury on one side, and half fine for fair-play in case of injury on both sides, if it (*the collision*) could not have been avoided by him; but if it could have been avoided, there is a fine for foul-play for injury on one side, it is half fine for foul-play, if there be injury on both sides.

If one was *riding* for amusement or profit, and the other for unnecessary trespass, the idler or the person on profitable business is exempt from fine for injury to the man of unnecessary trespass, whether there be injury on one side or injury on both sides, whether it (*the collision*) could have been avoided or not, but so as it was not wilfully they hurt him; and if it be, there is full fine upon them according to the nature of the case; and the unnecessary trespasser

THE BOOK OF AICHEL. բաժն օրոք; օսւր լան քիւժ քօր ինձե՛ծիքիք՝ [քօղի] ինձե՛ծիքիք, ւիտ լե՛ծիքիք, ւիտ օմբիքիք, ցե քե ցեն օ քե ցաքա՛ծէտ իմքաբալա.

1 Իքօ Իր լե՛ծիքիք անօ քեն քուք ք ք իմլաօ. Իքօ Իր օմբիքիք անօ քիւք ք իմլաօ; օսւր ուր քիւքիք ա՛ծ քեն քուք ին քա՛ճ ինքօ քիքիք.

Մաք քօքնա՛ծ քօ քիք ին քաքքօ քք քօքքաւի, լան քիք քա քեքք, օսւր օժիքք քօմլան օ քաք, ոք լան քիք օսւր աւժք լան քաք մքաք.

10 Մաք քք քքք, լե՛ծ քիք քա քեքք օսւր օժիքք քօմլան օ քաք, ոք լե՛ծ քիք օսւր աւժք լան քաք մքաք.

Մաք քք ինձե՛ծիք քօքք, օժիքք քօմլան օ քաք, ոք աւժք լան քաք մքաք.

Մաք քք քօքքաւի քօ քաքքքքքք քաք 1 յաք քա լե՛ծ քիք ին քե՛ծ քօ ճիւք ին քենք, լե՛ծ քիք քա քեքք օսւր օժիքք քօմլան քեն քօքքիք, օսւր քա քա քօքքիք, Իր լե՛ծ քիք օսւր լե՛ծ օժիքք; լե՛ծ քիք օսւր աւժք լան քաք մքաք քեն քօքքիք, ոք լե՛ծ քիք օսւր լե՛ծ աւժք.

Մաք քք քքք, Իր քեժիքքքք քիք քա քեքք օսւր օժիքք քօմլան օ քաք քեն քօքքիք, օսւր քա քա քօքքիք, Իր քեժիքքքք քիք օսւր լե՛ծ օժիքք; ոք քեժիքքքք քիք օսւր աւժք լան քաք մքաք, քեն քօքքիք, օսւր քա քա քօքքիք, Իր քեժիքքքք քիք օսւր աւժք.

Մաք քք ինձե՛ծիք քօքք, քօքք քեժիքքքք օժիքքք քօմլան օ քաք քեն քօքքիք, օսւր քա քա քօքքիք, Իր քեժիքքքք օսւր օժքք; քա քօքք քեժիքքքք աւժքք քաք մքաք; օսւր քա քա քօքքիք, Իր քեժիքքքք օսւր օժքք.

Մաք քաք 1 յաք քա աւժքք քօ քաքքքքք ին քե՛ծ քօ ճիւք քա քաւժքք քք քօքքաւի, օժիքք քօմլան օ քաք քեն

¹ To them.—That is, to the persons riding for amusement or on profitable business.

pays full fine for *injury* to them,¹ whether there be injury on one side or injury on both sides, whether it (*the collision*) could have been avoided or not.

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"Injury on one side" means one man being in motion. "Injury on both sides" means the two being in motion; and *it is implied that* but one person was injured in each of these cases.

If it be a sensible adult that brought a horse to the place designedly, *he pays* full 'dire'-fine for the wound, and full sick maintenance until death, or full 'dire'-fine and full compensation after death.

If it was in idle play *he brought it, he pays* half 'dire'-fine for the wound and full sick maintenance until death, or half 'dire'-fine and full compensation after death.

If it was for unnecessary ~~profit~~, *he pays* full sick-maintenance until death, or full compensation after death.

If a youth at the age of paying half 'dire'-fine brings the horse to the structure designedly, *he pays* half 'dire'-fine for the wound and full sick-maintenance, when there is no abettor;^a but if there be an abettor,^b it is half 'dire'-fine and half sick-maintenance *he pays*; half 'dire'-fine and full compensation after death, without an abettor, or *according to others* half 'dire'-fine and half restitution.

^a Ir. *Without co-operation.*
^b Ir. *Co-operation.*

If it was in idle play *he brought the horse to the structure, he pays* one-fourth of 'dire'-fine for the wound and full sick-maintenance until death, when there is no abettor, but if there be an abettor, it is one-fourth of 'dire'-fine *he pays* and half sick-maintenance; or, *according to others*, one-fourth of 'dire'-fine and full compensation after death, without an abettor, and if there be an abettor, it is one-fourth of 'dire'-fine and compensation.

If it was for unnecessary profit, *he pays* three-fourths of sick-maintenance until death, when there is no abettor,^a and one-fourth and one-eighth when there is an abettor;^b the three-fourths of compensation after death *when without an abettor*, and if there be an abettor, it is one-fourth and one-eighth *he pays*.

If a youth at the age of paying compensation brings the horse to the pit designedly, *he pays* full sick-maintenance until death when there is no abettor, and half sick-mainten-

THE BOOK OF AICELL. ⁵comgnim, ocyr ma ta comgnim, ir leč othruy; ocyr ačgin
— leč ačgin.

Մար քը քրժ, տօրժ cethruime othruya co bay, cen
comgnim, ocyr ma ta comgnim, ir cethruime ocyr očtmao;
նա տօրժ cethruime ačgina iay mbar cen comgnim, ocyr
ma ta comgnim, ir cethruime ocyr očtmao.

Մա քը Իճեիծիք տրժ, ir leč othruy cen comgnim,
ocyr ma ta comgnim, ir cethruime othruya no leth
¹⁰ačgin.

Ու յոժ cubao.

*Below to last
action?*

1. Երբ Դեիծիք տրժ Իճ ԿՅՈՆԱՅ ԻՂԼԱՆ ՎՅ ԵՐՔԱԵ,
ocyr քրժ յաիչինա սո Իճ տրժաճ մաք քաժ, no
cia atconnayre, manay xaba a xechna[č]; ocyr ma no bi a
¹⁵xechna, ir leč ačgin uayre ԻՂՆ ՆԵՐՔԱՃ, ocyr ačgin
comlan ԻՂՆ տրժաճ.

l. adin?

1. ԴԼԱՆ ՎՅ ՆԱ ՐՅՅԱԻՆ Իճ ԿՅՅԱՐՅ, Իճ ԵՐՅՈ ԿԱՇԻՐ ՉԵՍԻԲ, a
քր յրքննա Իճ ԵՆ ԿՅՅԱՐ ԵՒՍ ՕԿՐ ԵՆԱԼԼ, աճ յաժ ԿԱՇԻՐ
ԻՄԱՐԵՐԱՐՅ ՄԱՐՐ, ocyr ՎԱ ԿԱՇԻՐ, ԻՂ ՄԱՅՅ, no քրժ ՎՅՅԻՆ
²⁰ԿԱՇԵ.

ՈՅ ՈՒ ՐՅՅ ՔԱՅԵԱՐՅ.

*ie. alternative
reading: **

ՏԼԱՆ ՎՅ ՆԱ ՐՅՅԱԻՆ Իճ ԿԱՅԵԱՐ ՎՅ ՄԱՅ ԿՐ Ե ԵՐՅԱԻՆ ք
Երբ Դեիծիք տրժ.

ՄԱՐԱ ք ՎԵՇԻՅԻՐՅ ՎՅճՄԱ ԵՄԱՅ, ԴԼԱՆՈՒ ԵՐՅԱՅՑ ՕԿՐ
²⁵ԵՐՔԱՅԱՅ, ocyr ՎԱՃՄԱՆ Օ ԼԵՃ ՎՅՅ ԿՅ քրժ յաիչինա.

Մար ք Երք, ir leč քրժ, ce ՎՅ connac cen co քաժաճ.

Մար ք ԻճՎԵՇԻՅԻՐՅ քՅԼԱ ԵՄԱՅ, ir ԼԱՆ քրժ ce ՎՅ
connac cen co քաժաճ.

* Note that the commentators are often ~~giving~~ uncertain of what the brocard really means. See also pp. 202, 204

ance if there be an abettor; and full compensation after death, when there is no abettor, and if there be an abettor it is half compensation *he pays*. THE BOOK
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If it was in idle play, *he pays* three-fourths of sick-maintenance until death, when there is no abettor, and one-fourth and one-eighth of it, if there be an abettor; the three-fourths of compensation after death, when there is no abettor, and one-fourth and one-eighth, if there be an abettor.

If it was for unnecessary profit, *he pays* half sick-maintenance when there is no abettor, and one-fourth of sick-maintenance or half compensation, if there be an abettor.

The exemption of animals respecting snatched food.

That is, the ^{*riding of*} sensible adult ^{*causing justifiable injury*} in his lawful necessary riding is exempt from fines for injury to idlers, but pays one-third of compensation for injury to profitable workers, if he did not see them, or though he did see them, if there was no power of avoiding them; but if they could have been avoided, he pays half compensation for injury to idlers, and full compensation for injury to profitable workers.

That is, the animals are exempt from liability for the food which they eat in snatches, viz., three bites on either side of the way, but so as they eat not much more, and should they do so eat, it (the fine for it) is a sack of corn, or a fine for man-trespass.

Or, the exemption as regards animals throwing up clods.

That is, the animals are exempt from fine on account of the clods which they throw up with their hoofs when ridden on ~~necessary~~ profitable business.

If they are ridden through unavoidable necessity, they are exempt from fine for injury to idlers and unprofitable workers, and it (the fine) is reduced from half 'dire'-fine to one-third of compensation. 14. 253

If they are ridden for idle play, there is half fine whether they have seen or not seen the parties injured.

If it is for ~~unnecessary~~ trespass they are ridden, it is full fine whether they have seen or not seen the parties injured.

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blā tene tellach no aithine.

= atas of l. 17

1. plan don ti artar in teine a tellach in tige ēall, no
aithine a tellach na haēa amuiē, o tair a ruiuiugao ocup a
gnimugao, ocup o na bia rir poroparo aibeile na hetall-
air; ir ōenā ōiraiē, ocup plan a leē rir na huiib.

[t]

handy dénam

Ma do palā fogail acon ruiuiugao no' co' ngnimugao,
rlaini erbaiē ocup etarbaiē ann; ocup rlaini na haēa co
na comobair, ocup rlaini na tri narbann; ocup ir cetpao
co mbeiē trian naitigina irin arbar uil ar lar, mana
10 rabar a faill puchnama aime.

Ma ta rir poroparo aibeile ocup etallair, ir aithil
inōeiēbire torba im leē aithgin i neppach ocup i netar-
bach; aithgin a torba ocup a robu, ocup aithgin na
atha cona comhobair .i. rēuab, rēiche, ocup rirra; ocup
15 aithgin na tri narbano.

ceHāar? ?

Cetheora compiachaiē aithreptar a naiti .i. per pol-
taroē in conōaro, ocup per ataro na teneo, ocup per
cruaōaiē, ocup per tairbera in conōaro. Ocup comao
he buo fear laime im ic naitigina per ataro na teneo;
20 ano comao he per in cruaoaiē, ma ta combroptugao
air.

blā carbat aenach.

1. plan don ti beirer in carbat irin aenā. Slan do
ce hripter in carbat irin naenach, aēt narab tre bor-
25 tlachar; ocup maō eo on, ir rīach po aieno a faēa air.
Ocup plan ōrir in carbat ce foglao in carbat rirum, aēt

The exemption as regards fire on the hearth or as regards a coal. *spark brand* THE BOOK
OF
AICILL.

That is, the person is exempt from liability who makes together the fire on the hearth of the house within, or a coal on the hearth of the kiln outside, when it has been set and put in operation, and when there is no knowledge of excess, danger, or defect; it is a lawful work, and there is exemption from fines in all respects. *lib. when its setting & working have been finished*

If a trespass should occur at the setting of it or at the putting of it in operation, there is exemption from fine for injury to idlers or profitable workers in it (*the case*); and there is exemption as regards the kiln and its appurtenances, and exemption as regards the three kinds of corn; but it is the opinion of lawyers that there would be one-third of compensation as regards corn which is on the floor, unless it were for negligence in minding it. *un/*

If there be knowledge of excess, danger, or defect, it is like a case of unnecessary profit with respect to half compensation for injuries to idlers or unprofitable workers; compensation for injury to profitable workers and animals, and for injuring the kiln, compensation for the kiln with its appurtenances, viz., broom, hide, and flail^s; and there is compensation for the three kinds of corn. ^A

There are four recognised as jointly liable in a kiln, viz., the man who cleaves the fire-wood, and the man who kindles the fire, and the man who dries the corn, and the man who puts on the fire-wood. And the man who kindles the fire is he who actually in the first instance is liable^a for paying the compensation; or it may be the man who dries the corn, if he has been urged on. [?] ^a Ir. Hand-man.

The exemption as regards a chariot in a fair.

That is, the person who brings the chariot into the fair is exempt from liability for any injury done to it at the fair. He is exempt even though the chariot be broken at the fair, provided it was not broken through furious driving; but if it was, he shall be fined according to the nature of the case. And should the chariot injure any one, the owner of the chariot is exempt from liability if he were not aware *him (i.e. the driver)*

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να παῖθ πῖρ εἰνε, να εἰαλλαι, να ηαιβεῖλε; οἰρ ὅα παῖθ,
ἵρ πιαχ πο αινεῖθ α παθα αιρ.

Ἰα κοῖρε κομπῖαθ.

1. ῥλαν ὅον κοῖρε in κομπροῦζαλ ὅο nι, ο bur κοβῖαο
5 βιαο οἰρ τενε οἰρ κοῖρε; οἰρ ο να βιαο πῖρ πορεῖαο/
αιβεῖλε, να ηεαλλαι; ἵρ ὅεντα ὀπααθ, οἰρ ῥλαν α λεῖ
πῖρ να ηυῖλῖ.

Αἰετ αρροα ρερ ροιχῖο αε α κοῖρε

1. αεῖ co ὀθεῖνα αρροα; αρροῖῖο, αρ ρε, αε ρεο in
10 αεῖ ἵρ in αιρ. Ο ὅο ζενα ὀλῖεο ηυῖρεαιρ, ῥλαιντι
εῖραο οἰρ εταρβαο ann; οἰρ τιαῖταν ο λεῖ ὀρε co
τῖαν ηαιῖζῖνα.

Ἰα ὅαη ὅαηζαλ, οἰρ ἱμῖδεχτ, οἰρ ἱμαῖρνεχαιρ,
οἰρ αρααθαιρ.

15 Ἰα ὅαη, ῥῖλ. 1. βια να ὅαη ἱμῖο ἵρ βια ηαιῖλεῖ, οἰρ ἵῥλαν ὀοῖθ
[αν] ὅο αιρηνι πο κοῖαῖθ ο βιαρ ζνε αιρνε ποῖρ. 1. ῥλαν ὅο να
ὅαηαῖθ in ζαῖῖο ηια πορεῖμ. Οἰρ ἱμῖδεχτ, 1. αῖο αρ ἱμῖδεχτ
βεο. Οἰρ ἱμαῖρνεχαιρ, 1. in ὀμαῖρνεχαιρ αιρ ὅο ηια ἱμῖ
αρ in ηαααο. Οἰρ αρααθαιρ 1. αῖο ποη αρααθαιρ βεῖτ, αιρ ρεοη
20 ηαα αρααθαιρ α ὀυβῖαμαρ ροηαινο.

1. ῥλαν ὅο να ὅαηαῖθ εαα ηῖλε nι ηῖλε ὀαῖα ὀαιρζεβα
in κοῖναῖ ἵαο inα αεῖτ ἱμαῖν, οἰρ inα λιαῖ ἱμαῖν οἰρ αρ
α ηῖνγεῖλτ πο ρεομum, αῖε ηαῖαῖ τῖε βῖῖβῖνῖ ραααα-
ηαιῖτ; οἰρ μαο εο on, αῖε μαῖα αεῖτ ἱμαῖν, no μαῖα
25 ἱνγεῖλτ, lan πιαῖ ἵρ in ὀρβαῖ οἰρ ῥλαιντι 1 ηεῖβαῖ.

[In ὀρβαῖ no] in ὀρβαῖ πο ἱνὀραιῖ ann; οἰρ ὀαηαο
αιρ πο ἱνὀραιῖεα, πο βαο lan πιαχ ἵρ in ὀρβαῖ, οἰρ λεῖ
πιαῖ ἵρ in εῖρβα.

Μαῖα λιαῖ ἱμαῖν, no μαῖα ρεοη, λειῖπιαχ ἵρ in ὀρβαῖ
30 οἰρ ῥλαιντι 1 ηεῖβαῖ; οἰρ μεῖαετ α ρεομα no α λιαῖ

of its being ^{worn out} ~~unsound~~, or defective, or dangerous; but if he ^{THE BOOK} were, he shall be fined according to the nature of the case. ^{OF} ^{AICILL.}

The exemption as regards a cauldron in boiling.

That is, the cauldron is exempt in its boiling, when the food, the fire, and the cauldron are properly arranged; and when there is no knowledge of excess, ^{of / ?} danger, or defect; it is a lawful work, and there is exemption ~~from fines~~ in all respects.

But that the attendant gives notice of *his putting* ^{upr. ?? 'beware of the'} the fork into the cauldron.

That is, but so as he (*the attendant*) warns: "take care," says he, "here goes the fork into the cauldron." When he has given this legal *warning* of removal, he is exempt ~~from fine~~ for *injury* to idlers and unprofitable workers; and it (*the fine*) is reduced from half 'dire'-fine to one-third of compensation for *injury* to profitable workers.

The exemption as regards oxen ~~in working, and in being driven, and in grazing, and in ploughing.~~ ^{ox fight}

The exemption as regards oxen, &c., i.e. the exemption *in the case* of the oxen is the same as the exemption *in the case* of the new-milch cows, and they are exempt as regards what they trample under their feet when they are in any way led out, i.e. the oxen are exempt ~~from fine~~ for the act, i.e. *the injury* they commit during their work. *In* being driven, i.e. when they are going to ~~and from their work~~. And *in* grazing, i.e. in their noble ~~grazing~~ abroad in the field. And *in* ploughing, i.e. while they are at the plough, for the work we mentioned above was not ploughing. ^{combattiveness ?}

That is, the oxen are exempt as regards everything over which a sensible adult conducts them in proper driving, or quick driving, and in their grazing while engaged at work, provided it be not through wickedness they did the damage; and if it be, provided it be *in* proper driving, or if it be *in* grazing, *there is* full fine for *injury* to the profitable worker and exemption as regards the idler.

It was the profitable worker or the idler *that* made the attack in this case; and if the attack had been made upon him, the profitable worker would be entitled to full fine, and the idler to half fine.

If *the injury was inflicted in* quick driving, or if *it be at* *their work*, *there is* half fine for *injury* to the profitable worker and exemption as regards the idler; and the excite-

THE BOOK OF
AIOELL,
—
մայն ըօ րօր in Լեօ ալե տի. [In տօրբա՛ ըօ] in
տօրբա՛ ըօ inօրաճ աո րին ; օսր ըամաօ ար ըօ inօրաճ-
ժեա, ըօ Բա Լե՛ րիաճ րին տօրբա՛, օսր շեօրսիմե րին
ներբա՛.

4. V 488.

5 Ա մ[ն]եճ ար ա շենարիս, րլան տօր in տօրբա՛ ըօ
inօրաճ ծուս օօ Բա արիս, օ Բե՛ րիժաճի՛ շեն օօ Բե, օսր
in տօրբա՛ օօ րիժաճի՛ րեժար արիս ; շեօրսիմե սաժ րին
ներբա՛ [օօ Լենարս ամա՛], շեն րիժաճի՛, րեժար արիս, ըօ
րին տօրբա՛ օօ րիժաճի՛ 1 արի՛ ; Լե՛ րիա՛ րին տօրբա՛ օան
10 րիժաճի՛ օր 1 արի՛, օր ա րեժար արի՛. In օմթօ Բե
մեթա՛ ա րեօմա օսրս րին ; օսր օ րաժար տի, ր Լան րիա՛
րին տօրբաճ, օսր Լե՛ րիաճ րին ներբա՛.

4. V 488. 37

1մա, օ րի սաժարս, րլանտ արիսճ օսր օթարիսճ ըօ
նա Խարեանիս օթարս Բուսին, օսր, Խարե՛ օ Լե՛ տի
15 օօ րիան արիսճինա.

Տլան ըօ նա Խարեանիս օա՛ րօճալ ըօ շենտ րի նա
ըամաիս օ արիսճ ա րեօմա օսր ա րեիցնիմարս արս,
աժտ արիս րե Բոբլաժար, օսր մաօ օօ օն, ր րիա՛ րօն
րաժ.

20 Տլան ըօ նա ըամաիս օա՛ րօճալ ըօ շենտ րի նա արեմնաիս,
աժտ արիս րե Բիժինճ, օսր մաօ օօ օն, ր Լե՛ րիաճ րօ
մԲիժինճ օրօ, օսր մեթա՛ ա րեօմա տի րօր in Լեօ ալե
տի.

Մա տա ըամ Բիժինճիս րին արաժար, օսր աթա րօ
25 Բունաօ ար արօ, օսր աթա րի արի, ր սիլատաօ ա օնաօ տի
օօ սիլե.

Մանա րիլ ար արօ տի, օսր աթա ա րի արի, in նեօճ ըօ
րօրմաժ րի տի րի Բունաօ ; in նեօ՛ ըօ րօրմաժ արիս
օսր նեմարարաօ տի ըօ Լաժտ արաժար.

¹ If they are gone from.—That is, if they are left by those who should take care
of them.

ment of their work or of the quick driving takes the other half off them. *It was* the profitable worker or the idler *that* made the attack in this case; and if the attack had been made upon him, the profitable worker would be entitled to half fine, and the idler to one-fourth.

As to starting from their halters, they are exempt from fine for *injury* to the idler who advanced upon them to the border of the field, whether they be provoked or not, and the idler who provoked them outside the border; there is one-fourth fine from them for *injury* to the idler whom they followed outside the border, and who does not provoke,^a or for *injury* to the profitable worker who provokes^b within the border; *there is* half fine for *injuring* the profitable worker who does not provoke^a whether within or without the border. This is while the excitement of their work is upon them; and when it has gone off them, there is full fine for *injuring* the profitable worker, and half fine for *injuring* the idler.

So, too, if they (*the oxen*) are gone from,¹ they are exempt from fine for *injury* to idlers and unprofitable workers who may be among the ploughmen themselves, and it (*the fine*) is reduced from half 'dire'-fine to one-third of compensation in the case of profitable workers.

The ploughmen are exempt as regards such injuries as they may do to the oxen in getting their work and their full service from them, if it be not done with violence, and if it be, there is a fine according to the nature of the case.

The oxen are exempt as regards such injuries as they do to the ploughmen, but so as they be not done through wickedness, and if so, there is half fine upon them (*the oxen*) for their wickedness, and the excitement of their work takes the other half off them.

If there be a wicked ox in the ploughing, and its owner is present, and knows of it, he pays the full amount for its offences.

If he be not present, and yet knows of it, the owner pays the amount which his being aware of it adds to the fine; and the ploughmen pay that which the fact of having seen and not removed (*the ox*) adds to it.

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^a Ir. With-
out provo-
cation.
^b Ir. With
provoca-
tion.

all wrong!

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AIGILL.

Μα τα αἰτῦγαῶ αἰρεῖ αἰρ εἰρηρῦ, ρλαν τοιβριυμ ιν ταρ
ριν το denum, ce beṣ ρῖρ ροινοῖ no αμνειρε, αἰτ na θερνατ
ιμαρεραιο ταιριρ; οεϋρ ὅα νθερνατ, ιρ εαιε ρεοιτ ανο, ριαῖ
ρρεραιο ροιμελτα ρορ οιν, οεϋρ αιηγιη na ιμαρεραιο το.
5 καῖ ρυιηε ὅατα ραμ ιριν αραθηαρ; no, comaro aen eaiε
ρεοιτ τοιβ uile, οεϋρ comροινοιτ εταρῦ he po comαιρτο no
po leiṣarpe.

Manne ρuil αἰτῦγαῶ αἰρεῖ αἰρ εταρῦ 7ρῖ, ρλαν τοιβ-
ριυμ ιν 3ηοιμ το buaiη αρτυ, αἰτ na ροιβ ρῖρ ροινοῖ no
10 αμνειρε, οεϋρ ma τα, ιρ ριαῖ ρον ραθη.

Μα ρο 3αβατο ιν ραμ λα naρ bo leiρ, ιρ εαιε ρεοιτ ανο,
ριαχ ροιμρμε.

Μα εῦατο ιν ραμ ιηονατο ιρ αἰρτο na ινατο buoειη, ιρ
ριαχ ρορραιο ροιμελτα ρορ οιν ανο. Οεϋρ ειο aen ρυιηε
15 τῖρατ ταιρμερε ιν naραθηαρ, comaro εο buo αιλ αιηγιη
ιν lae uile uaro, noco nuil uaro αἰτ αιηγιη α εοτα buoειη.
No, dono, comaro ann ρο beṣ αιηγιη α εοτα buoειη uaro ιν
ταν ιρ ρε ρειṣβῖρῦρ ρο τοιρμῖρε ιατ, οεϋρ μαρῖ ινρειṣ-
βῖρῦρ, ιρ αιηγιη ιν lae uile uaro.

20 ιη ρυιηε τανιε εῦαυ εῦ ρῖρῖαιγιρ εο εοιη no εο mβῖρῦ
ρῖνο, achτ muηα caemnacair α ρῖρῖαιγιρ το ριṣῖρ uaro, εο
ταιρμερε 3ηοιμραιο no can ταιρμερε 3ηοιμραιο, amail
τορβαῖ cen ρῖρῖαιγιε he, ι leṣ ρῖρῖρ buoειη, οεϋρ amail το
neṣ eigem ρειṣβῖρῖε τορβα ι leṣ ρε nech αιλε.

25 Μανα caemnacair α ριṣῖρ uaro cen τοιρμερε 3ηοιμραιο,
οεϋρ eunibaro ann ριν, amail τορβαῖ εο ρῖρῖαιγιῶ he ι leṣ
ρῖρ buoειη, amail το neṣ eigem ινρειṣβῖρῖε τορβα ι leṣ
ρε nech αιλε.

¹ *Compensation for his own share.*—This would seem to mean compensation for the portion of the ploughing which his taking away his ox or oxen prevented being performed on the day in question.

If there be a particular stipulation ^{about ploughing} respecting it between them, they are exempt from liability in doing the stipulated ploughing, though aware of weakness or want of strength of the oxen, provided they did not do much beyond it; and if they did, there shall be paid for such excessive work five 'seds' (the fine for over using a loan), and compensation for the excess to every person having an ox in the ploughing; or, according to others, it might be five 'seds' only for them all, and they divide it (the fine) between them equally or unequally. THE BOOK OF AICILL. anything team

If there be no particular stipulation respecting ~~it~~ (the ploughing) between them, &c., they (the ploughers) are exempt from liability for getting the work out of them (the oxen), provided they were not aware of any weakness or want of strength on their part, and if they were, there shall be a fine according to the nature of the case.

If an ox be yoked on a day out of his turn, there is a fine of five 'seds,' (the fine for use), for it.

If an ox be put in a position of greater pressure^a than the stipulated position^b there is a fine for over-using a loan for it. And if a person should come to prevent the ploughing, though compensation for the whole day should be sought from him, there shall be recovered from him but compensation for his own share;¹ or, indeed, according to some, compensation for his own share is recoverable from him when it was out of necessity he prevented them (the ploughers), but if it was not out of necessity, he pays compensation for the whole day. ^a Ir. Higher.
^b Ir. His own. ship/ team/

As to the person who came to them with a dog or a white sheet for the purpose of provoking the oxen, if his provocation could not be got rid of by preventing the work or without preventing the work, he is considered in respect to himself, as a profitable worker without provocation, and as respects another person whom he may have injured in his attempt, as one who raised a shout for necessary profit.

If he could not be got rid of without preventing the work, and then could have been got rid of, as respects himself, he is as a profitable worker with provocation, and as respects another person whom he may have injured, as one who raised a shout for unnecessary profit. in that way (i.e. by stopping the work)

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Maŋ coniepaŋ a ppičaišib do vičur uao cen tairmepe
gnimpaŋ, amaŋ epbač cu ppičaišib he i leč pŋ buruin,
ocur amaŋ do neich eiŋeam epba i leč pe nech aile.

cf O'Saw. 742

bia cuiŋhech pŋiab no viraŋno.

5 bia cuiŋhech pŋiab. i. pŋan don ti do ni in cuiŋis iŋ in tŋleib. No
viraŋno, .i. in aŋbaŋraŋno na caile. Cuiŋhech .i. cuiŋape tēŋta
pŋn, ocur pŋan hi i pŋleib no viraŋno, o biaŋ epcaŋpe cen co-pŋoib, imme.

(C. 114 972. 30f.)

Epcaŋpe na cuiŋiŋi do pŋis ocur do čuač. Epcaŋpe
in beŋa aŋpnoil ŋap nae noŋba. Epcaŋpŋ in con cu tŋač
10 ocur co neŋcaŋpe pŋaŋ lučt aen-ŋiŋ ocur aen-baŋi, ocur cu
tēŋaŋ paŋiŋ poŋaŋpŋ a vepŋ iŋiŋ niŋaŋo aile.

cf I 154. 14. C. 250sf. 1028

Epcaŋpe in con poŋaiŋ, ocur inn aiŋi miŋ, do na čeiŋŋi
comaičtŋb aŋa neŋa.

cf O'Saw. 2267. (R)
I 336 2f. 330. 23f.

Epcaŋpŋ in ppičŋ tŋpe do na pēčt niŋaŋaŋba vepŋ vŋiŋeŋ;
15 —co pŋis, co aŋpnoŋeč, co bŋiŋuŋaŋb, co bŋeithemaŋ, co
ppŋm ŋobaŋno, co maŋleno čuačŋ, pŋaŋ lučt aen ŋiŋ ocur
aen baile.

mana R

Epcaŋpe in ppičŋ pŋiŋpŋi ŋap na tēŋaŋ čuičŋ aŋa neŋu,
do miŋp, ocur do loŋiŋŋečaiŋb maŋa in čēŋhŋamaŋo čuičŋ.

O'Saw. 313

bia moŋa biaŋ imŋaebur, poŋ laŋ pŋis tŋeibe, no poŋ
imŋeŋŋa.

linv. ??

beith?

25.1. pŋan don moŋaŋo ma beŋ imŋeŋaebur ac a beŋ, poŋ laŋ
tŋeibi in pŋis. O ŋa aŋŋečba in ŋniŋuŋač ocur in pŋiŋuŋač,

¹ The set-spear.—This may have been a sort of deer-trap.

² The hound entitled to time and notice.—For rules as to hounds "with time and notice," and hounds "without time and notice," &c., vide C. 2502, et seq.

If his provocation could have been got rid of without pre-
 venting the work, he is regarded as an idler who provokes,
 as respects himself, and, as respects another person *whom he*
may have injured, as one who raised a shout of idleness.

The exemption as regards a pit-fall in a mountain
 or wood.

The exemption as regards a pit-fall in a mountain, i.e. the person
 who makes the pit-fall in the mountain is exempt. Or a ~~wood~~, i.e. in the great
 extent of a wood. A pit-fall, i.e. it is a lawful pit-fall; and it is safe to have
 it in a mountain or a wood, whether there be notice of it or not.

Notice of the pit-fall *should be sent* to the king and to
 the community. Notice of the ~~set-spear~~¹ *should be sent* over
 nine holdings. Notice of the hound entitled to² time and
 notice² *should be given* in presence of the people of one 'lis'-
 fort and one village, and to thrice the distance of watching
 mentioned in the other place. Notice of the hound in heat,
 and of the mad cow, *should be sent* to the four nearest neigh-
 bourhoods.

Notice of a waif of the land *should be sent* to the seven
 quarters which the law specifies:—to a king, to an
 'airchinnech'-dignitary, to a 'briughaidh'-farmer, to a
 brehon, to a chief-smith, to the mill of the territory, and in
 presence of the people of one 'lis'-fort and one village.

Notice of a waif of the sea *should be sent* over the three
 territories nearest to the sea, and to the shipmen of the sea
 in the fourth territory.

As to the mad dog:—there is no benefit in proclaiming it
 (the dog) unless it be killed, nor though it be killed, unless
 it be burned, nor though it be burned, unless its ashes have
 been cast into a stream.

The exemption of a servant, in respect of the edge
 of an axe, on the floor of a king's house, or on a road
 of carriage.

That is, the servant is exempt from fine for injury done
 by the edge of an axe which he wields around him, at his
 work, upon the floor of a king's house. When he has finished

share

Ir. With.

2 is a hound of 3 shroets
of guards he refers to

Aggression!

a double

5

THE BOOK OF AICILL. օսւր օ նա ԲԻՐ ԲՈՐԵՐԱԾՆԱ ԽԱԵԲԵԼԵ ՆԱ ԽԵՇՈՒԼԱՐ, ԻՐ ՎԵՆԵԱ ՎԻՐԱԾՆ.

1 Ին ԽԻՐԵԹ ԵԵԻԹԵՐ ԵՐԵՆ ԶՆԻՄԱԶԱԾՆ օսւր ԵՐԵՆ ԲԻՐՈՒՄԱԶԱԾՆ, ԲԼԱՆԻՄԻ ԵՐԲԱԻԶՆ օսւր ԵՐԲԱԻԶՆ ԵՐԵՆ ԵՐԵՆՈՄ Ա ՎԼԻԶԵԾՆ; ԵՐԵՆ ՆԱԻԾԶԻՆԱ Ա ՆԱԵՐ ԵՐԵՆՆԻՐԱԾՆ, ԻՆ ԵԱԾ ԵՐԵՆԱԾ, օսւր ԻՆ ԵԱԾ ԲՈԲ; օսւր ԵՐԵՆԵԾ Օ ԼԵԾ ՎԻՐԵ ԵՐԵՆ ՆԱԻԾԶԻՆ.

174. 8 ՄԱՐ ԱՐ Ա ԼԱՐՄ ՎՕ ԵՐԱՐ, ԻՐ Ա ԵԵԾ ԱՄԱԼ ԱԵԱ, ԵԼԱ ՄՈԶԱ ՄՈԶԱՐԻՆԵ, .1. ՄԱՐ ՎԱ ԵՐՄ ՎՕ ԵՐԱՐ, ԻՐ Ա ԵԵԾ ԱՄԱԼ ԱԵԱ, ԵԼԱ ՕՐՄ ԻՆՎԵՐԻՆ.

22b. 6 10 ՄԱՐԱ ԲԼԻՐԱ, ԻՐ Ա ԵԵԾ ԱՄԱԼ ԱԵԱ, ԵԼԱ ԲԼԻՐԵՆ ԲԱՐԻՐ.

22b. 3 ՄԱՐԱ ՄԱՐԼԵՍ, ԻՐ Ա ԵԵԾ ԱՄԱԼ ԱԵԱ, ԵԼԱ ԵՐԱՆՆ ԵՐԱՐԻՄ.

ՆՕ ԲՕԵ ԻՄՔԵՐՆԱ .1. ՆՕ ԻՆ ԲՕԵ ԻԱՐԲԱ ՆՎԵՆԱՆՆ Ա ԵԻՄՔԵՐՆԱ ԻԱՐ ԵԱԵ, ԻԱՐ ԵՐԱՐԻՄ.

15 Ին ԽԻՐԵԹ ԵԵԻԹԵՐ ԵՐԵՆ ԶՆԻՄԱԶԱԾՆ, օսւր ԵՐԵՆ ԵՐԵՆՈՒՄԱԶԱԾՆ, ԲԼԱՆԻՄԻ ԵՐԲԱԻԶՆ օսւր ԵՐԲԱԻԶՆ ԵՐԵՆ ԵՐԵՆՈՄ Ա ՎԼԻԶԵԾՆ; ԵՐԵՆ ՆԱԻԾԶԻՆԱ ԵՆ ՆԱԵՐ ԵՐԵՆՆԻՐԱԾՆ, ԻՆ ԵԱԾ ԵՐԵՆԱԾ, օսւր ԻՆ ԵԱԾ ԲՈԲ; օսւր ԵՐԵՆԵԾ Օ ԼԵԾ ՎԻՐԵ ԵՐԵՆ ՆԱԻԾԶԻՆ.

ԵԼԱ ԵՐԱՐԻՆ ԼԵԵ օսւր ԼՕՐԱԵ.

1. ԲԼԱՆ ՎՕՆ ԵՐԱՐԻՆ ՎԱՐ Ա ԼԵԵ օսւր Ա ԼՕՐԱԵ ՎՕ ԵՐԱՐԻՆ, 20 ԲԻՐ օսւր ԲԱՐ, ԻՆ ԽԻՐԵԹ ԵԵԻԹԵՐ ԵՐԵՆ ԶՆԻՄԱԶԱԾՆ օսւր ԵՐԵՆ ԵՐԵՆՈՒՄԱԶԱԾՆ ԵՐԻ օսւր ԵՐԱՐ. ՏԼԱՆԻՄԻ ԵՐԲԱԻԶՆ օսւր ԵՐԲԱԻԶՆ ԵՐԵՆ ԵՐԵՆՈՄ Ա ՎԼԻԶԵԾՆ, ԵՐԵՆ ՆԱԻԾԶԻՆԱ Ա ՆԱԵՐ ԵՐԵՆՆԻՐԱԾՆ, ԻՆ ԵԱԾ ԵՐԵՆԱԾ, օսւր ԻՆ ԵԱԾ ԲՈԲ; օսւր ԵՐԵՆԵԾ Օ ԼԵԾ ՎԻՐԵ ԵՐԵՆ ՆԱԻԾԶԻՆ.

cf. 16b. 18

25 Օ ՎԱ ԵՐԶԵԲԱ ԻՆ ԶՆԻՄԱԶԱԾՆ օսւր ԻՆ ԵՐԵՆՈՒՄԱԶԱԾՆ ԵՐԱՐ, օսւր Օ ՆԱ ԲԻՐ ԲՈՐԵՐԱԾՆ, ՆԱ ԽԱԵԲԵԼԵ, ՆԱ ԵՐԱԼԼԱՐ, ԻՐԵՆՄԱՆՆԱ ՎՕ ԲԱԶԱԼ Ա ԼԵԾ ԲԱ, ՆՕ ԻՐ ՎԵՆԵԱ ՎԻՐԱԾՆ.

his work and the arrangement, and when he has no knowledge of excess, danger, or defect, it is a lawful work. THE BOOK
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—

As long as he is at the work and at the arrangement he is exempt *from fine* for *injury* to idlers and unprofitable workers when he acts legally; *he pays* one-third of compensation for *injury* to fellow-labourers, profitable workers, and animals; and it (*the fine*) is reduced from half 'dire'-fine to compensation.

If it (*the axe*) slipped out of his hand and *injured any one*, it is to be *ruled* as is "the exemption of a servant in his service," i.e. if it was its head that flew off^a, it is to be *ruled* as is "the exemption of sledge and anvil."

^a Ir. *If it went off its head.*

If it were chips *that did the injury*, it is to be *ruled* as is "the exemption of chips in carpentry."

If it were the block *that did the injury*, it is to be *ruled* as is "the exemption of a tree in its fall."

Or a road of carriage, i.e. or the road upon which he performs his carrying, *using it* as a way, a passage.

As long as he is at the work and at the arrangement, he is exempt *as regards fine* for *injury* to idlers and unprofitable workers, when he acts legally; *he pays* one-third of compensation for *injury* to fellow-labourers, profitable workers, and animals; and it (*the fine*) is reduced from half 'dire'-fine to one-third of compensation.

The exemption of a bondmaid respecting the flag and kneading trough.

That is, the 'daer'-bondmaid is exempt *from liability* in putting her *baking* flag and her kneading trough by her, up and down, as long as she is at the work and at the arrangement down and up. She is exempt *from fines* for *injury* to idlers and unprofitable workers, when she is acting legally, *but pays* one-third of compensation for *injury* to fellow-labourers, profitable workers, and animals; and it (*the fine*) is reduced from half 'dire'-fine to compensation.

When she has finished the work and the arrangement of *the baking utensils*, and when there is no knowledge of excess, danger or defect, "slippings" is the rule in this case, or it is a lawful work.

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Օսր աճե՞ծ բոցնա մա՞նա.

1. 1n nı ıy uca ɔɔʒaɔɔı ɭe bɔɔ ɔaı ɔcon ɔɔɔnı ɔıle cena,
ın ɔɔıaɔɔaɔ; ıy ɔıııaıɔ ɔıı bıaɔ.

ıaıaɔɔı C, 0'D.
Յա իարաճիտա Ծիբօիճե՞ծա; Կարարի օջան.

5 Յա իարաճիտա .ı. ɔıan ɔon ɔı ɔıııııı ın ɔıaɔaɔɔ ɔa ɔıc ɔ ɔıɔıaıɔı.
Կարարի օջան .ı. ıy ɔo ıy ɔɔɔıan ıe, ɔon ɔııııı, ɔon ɔııı ɔııe cən
ɔonıaıɔ ɔ ɔıııı, cən ɔıı ɔıɔıaıɔıa, ɔaɔ ɔıɔıaıɔıa ɔe ɔa ɔıaɔaɔıııı,
ıııan. Ma ɔa ɔonıaıɔ ɔ ɔıııı, ıy ɭeɔ ɔıaıɔııı.

Օն Ծիր անբնե զն բոնա՞յտ ա Կարար, զն Կարար Ծիբօիճե՞ծա,
10 ɔaɔ ɔıɔıaıɔı ɔe ɔa ɔıaɔaɔııı, ıy ɭeɔ ɔıaıɔııı; ma ɔa
ɔonıaıɔ ɔ ɔıııı, ıy ɔıaıɔııı.

Ա զա ինքար Ծիբօիճե՞ծա զն ցաճա՛յլ շրեճար, ıy ɔıaıɔııı;
ıııııı ցաճ շրեճար, ıııan.

Մարա Կար Գն ın ɔı օ րաճա՞ծ, օսր անբար Գն ın ɔı րաճարար,
15 ɔe րօ ցաճ շրեճար, cən ɔon ցաճ, ıııan.

Մարա Կար Գն ın ɔı րաճարար, օսր անբար Գն ın ɔı օ րաճա՞ծ,
ıy ɔıaıɔııı.

cf 116.24f.

20 Ա զա Կար Ծանցնե արա՞ն ım ın ııaıaııe, ɔı ııaıaıլ շրեճ-
ար, ıııan; ıııı րօ ցաճ շրեճար, ıy ɭeɔ ɔıaıɔııı. Ա զա
ıııııı Եճանցնե ımա՞րա՞ն, ɔe րօ ցաճ շրեճար cən ɔon ցաճ,
ıy ɔıaıɔııı ար ɔa ııeɔ րօճ ɔııı ɔo cən ɔa ɔeɔ ɔo ɔeɔıııaɔı.

Շո րօճար ı ıaıլ ɔıa Կար Ծանցնե ıo Եճանցնե արա՞ն
ım ın ııaıaııe ɔı ııaıaıլ շրեճար, ɔonı ııan; օսր ɔa ıaıլ

II D'D 693. C 721
(with lower commentary
partly printed infra p. 556 f.)

cf I 278.16. etc.

And her *other* working utensils in general.

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That is, the thing which she chooses to have with her at her work generally, the sieve, *for instance*; it (*the case*) shall be similarly *ruled*.

The exemption as regards a loan destroyed; ~~the beloved man~~ is completely exempt.

The exemption as regards a loan, that is, the person who takes a loan is exempt should it be overtaken by great disease. The beloved man is completely exempt, i.e. the person to whom there is entire exemption is the beloved man, the man of the family who is not bound to restore it (*the loan*), who has no knowledge of any great disease except the visitation of God overtaking it, he is exempt. If he be bound to restore it, it is a *case of half compensation*.

A loan to a man not of the family, who is not bound to restore it, who has no knowledge of great disease, except the visitation of God overtaking it, is a *case of half compensation*; if he be bound to restore it, it is a *case of full compensation*.

The ignorance of great disease *on the part* of both with taking of security, is a *case of compensation*; if he (*the lender*) did not take security, he (*the borrower*) is exempt.

If the person from whom it was taken had knowledge of *disease*, and the person who took it was ignorant, whether he (*the lender*) has taken security or not he (*the borrower*) is exempt.

If the person who has taken *the loan* had knowledge, and the person from whom it was taken was ignorant, it is a *case of compensation*.

If both have knowledge together of the safety of the place in which the charge was put, with respect to the charge, and if security was taken,^a he (*the borrower*) is exempt; ^aIr. With taking of security. if he (*the borrower*) did not take security, it is a *case of half compensation*. If both are equally ignorant together of the place being unsafe, whether he has taken security or not, it is a *case of compensation* ~~for his great neglect in not testing the firmness of his house.~~ *in proportion to his*

What is the reason that when they have both knowledge of the place being safe, or unsafe with respect to the charge, and security has been taken,^a it is a *case of exemption*; and

THE BOOK OF ACTS ατα ατα πρ τριποχιτωα μαρ αεν ιη ιη όην, εο νικταρ αιτηζιη
ανη ?

1ր ք բաժ բոծերս; ևն թսնե ապր բաժառ ևն աշոնք ք ք
 քաղեր քրեքսր ք բլան աշոնք, օսք օսք քեռառ բլան;
 քոն թսնե օ մեքար ևն ճոն, ք ք քաղք քրեքսր ք հարք
 ք հոնա թօ, օսք օսք ք քա հեռա աշոնք քք.

Յեւ արմ տըջալ.

1. Դիւն ըստ ի ներքին ին տարն "ճարալ չալ" յեծէա ղե ; ա
արմ օսւր ա յտաժ նսնն ին, ին արմ օսւր յեծ նեւ՝ աւե
լօար ա աւտն ; օսւր ամաւ իր յուր ի նսնն սւե, յո իր
ամաւ՝ իր յուր ի օր քաւա ի Լե՛, իր ամաւ՝ իր յուր Լե՛ ա
արմ օսւր ա յտաժ.

[illegible]

20 Muna maipenn in tarum no in tetach acen fir amach
itar, ir arum ocur etac a comaisenta o pine in fir po mar-
bat ann, conao riach roimprime o fir bunaro in arum no
in etag.

[illegible]

that when they have both knowledge equally of great disease with respect to the loan, then compensation is paid for it? THE BOOK
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—

The reason is: the man with whom the charge was left is he who takes security for exemption as regards the charge, and it is right that he should be exempt; as to the person from whom the loan is obtained, it is he who takes security for the repayment of his loan to him, and it is right that compensation should be paid to him.

The exemption as regards arms in battle.

cf. n. of ar. pich?

That is, the person who brings a weapon to a noble conflict is exempt; this is *concerning* his own weapon and raiment, or the weapon and raiment of another *taken* with his consent; and as he himself would be lawful spoil wholly, *in the former case*, or would be lawful spoil as far as reaching half, so *in the latter case*, half his weapon and raiment are lawful spoil.

If it be the weapon and raiment of another *a person takes* by force in his presence, or without his knowledge in his absence; and if the weapon or the raiment remain with the man who took them,^a the weapon or the raiment is to be restored to the owner; and a fine for use is to be paid by the family of the man who is killed to the owner of the weapon or raiment; a weapon and raiment of the same nature *are to be given* by the family of the man who was killed to the man who killed him,^b as he has a right to a weapon or raiment.

^aIr. *The man without.*

^bIr. *The man without.*

If the weapon and raiment do not remain with the man who killed him,^b a weapon and raiment of the same nature *are to be given* by the family of the man who was killed to the man who owned the weapon and raiment, and a fine for use *is to be paid* by the owner of the weapon or raiment.

If a man who kills another^b knows that the weapon and raiment are not his lawful spoil, *and yet takes them*, he shall be *regarded* as a fully unlawful middle-theft man; if he knew it not, he shall be *regarded* as a fully lawful middle-theft man, and is exempt, provided he does not put them on, but if he has put them on, he shall restore them, with full fines for theft.

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Ma conainnais in marbaid can in tairm no can in tairach
do lot, i' le' p'ach each ainhir; muna caemnacair i'ir, i'ir
ceithram'ca each ainhir.

bla muilinn b'leith.

(orig. has mille h')

186-6

1. Denta v'pait' a ceithreinn cen f'ir etallair; inano
ocur bla in uir' on ceithreinn amach. A f'ir a t'uir, r'as
ocur f'ir b'leith ocur f'ir muilinn, i' a ic do f'ir muilinn.

O b'ir f'ir ac f'ear muilinn, cio be oca mbe m'ille f'ir,
i' e f'ir muilinn i'ur, a'et in n' topm'ager a'ere ocur nem-
10 a'ere f'or f'ir b'leith. F'ir r'ar m'urro, ocur f'ir b'leith, i' r/
e f'ir b'leith i'ur, ocur noca n'can f'asr muilinn.

Slan don ti do n' in m'leith i' in muilenn, 1. Denta
v'pait' ceithreinn in muilinn.

Cio f'odera co' na denta v'pait' ceithreinn in muilinn
15 f'unn, ocur co' na' e' ceithreinn in uir' tuar? I' e f'at'
f'odera; mo i' denta v'pait' in n' uil ac im'luar an muilinn
f'unn, in t'uir, ina in n' uil ac im'luar an uir' tuar,
lama na n'cane.

Mar e in t'ara f'ceinn cu f'ir etallair, le' aithgin 1
20 n'rbat' ocur 1 n'et'rbat', aithgin 1 t'rbat' ocur 1 n'asr com-
gnim'ar, le' v'ir la aithgin 1 r'upu cu f'ac'ir na rob,
ocur mana f'ac'ar, i' aithgin.

Mar e in t'ep f'ceinn co f'ir etollair, ceithra'et' v'ir
la aithgin 1 t'rbach ocur 1 n'asr comgnim'ar, lan v'ir
25 la h'aithgin 1 r'upu co f'ac'ir na rob, ocur mana f'ac'ar
i'ir, i' le' v'ir la aithgin.

Mar e in ceithram'ar f'ceinn co f'ir etallair, le' [v'ir]
la aithgin 1 n'rbat' ocur 1 n'et'rbat', lan v'ir la aithgin 1
t'rbat' ocur 1 n'asr comgnim', ocur po f'at' lan c'ena 1
30 r'upu.

1 nemurcarlat
of 252-6

If a man could have killed another^a without injuring his weapon or raiment, *but injured them*, it (*the penalty*) is half-fine for every case of ignorance; if he could not have so killed him, it is one-fourth fine for every case of ignorance.

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^aIr. If the
killing
could have
been done.

The exemption as regards a mill in grinding.

That is, the first slipping of the mill, if there is no knowledge of defect, is *ruled as if it were* a lawful work; from the first slipping forth, it is the same as "the exemption of the sledge." If the three persons concerned, viz., the mill-wright, the grinder, and the mill-owner were aware of a defect, the mill-owner has to pay for it.

If the mill-owner be aware of the defect, whoever of them (*the others*) might also have been aware of it, the mill-owner pays, except that which seeing or not seeing imposes in addition on the grinder. But if the mill-wright and the grinder were aware of it, it is the grinder who pays, and the mill-wright does not pay.

removing/

The person who grinds in the mill is exempt, i.e. the first slipping of the mill, is *ruled as if it were* a lawful action.

What is the reason that the first slipping of the mill is as if it were a lawful performance here, and that the first slipping of the sledge above is not so? The reason is: *the action of that which works the mill, viz., the water, is more of the nature of a lawful performance, than the action of that which works the sledge above, viz., the hands of the men.*

If it be the second slipping with knowledge of defect, there is half compensation for injuries to idlers and unprofitable workers, compensation for profitable workers, and fellow-labourers, half 'dire'-fine with compensation for animals if seen, and if not seen, compensation only.

If it be the third slipping with knowledge of defect, there is one-fourth 'dire'-fine with compensation for injury to profitable workers and fellow-labourers, full 'dire'-fine with compensation for injury to animals if the animals were seen, and if not seen, it is half 'dire'-fine with compensation.

If it be the fourth slipping with knowledge of defect, there is half 'dire'-fine with compensation for injuring idlers or unprofitable workers, full 'dire'-fine with compensation for injuring profitable workers and fellow-labourers, and there is full 'dire'-fine for injuring animals also.

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Μα τα περ bunaro ap apno, ocup ata pæp, ocup ata περ
bleið, ocup ata pîr ac pîr bunaro, îr uilataro a cinaro
uile tic opîr bunaro.

Muna pail περ bunaro ap apno itîr, no ce beitð, muna
pail pîr aiei, ocup ata pîr ac pæp, in neoð do ropmaðt pîr
tic do pæp, in neoð do ropmaðt aiei ocup nemupreaparo,
do comic doib etarpu.

Cio potera co nicanð περ bleið cinra in muilino punni,
cen cor gæb do laim bið po cinraib, ocup co na hican in
10 ouine tuap cinra in neich, manap gæb do laim bið po
cinraib? 1p e pað potera; do genaro in tech tuap inol-
geð cen co gluaiptea he, ocup coip cemaro tplan in ti po
gluaipepta he, o na geba do laim bið po cinraib. In
muileno imupro, noco uingneo inoligeð muna gluaiptea
15 he, coip ce po beitð a cin for in ti po gluaipepta he.

bla muilino bleið.

∴ mletth (frattribution)

Slan opîr in muilino cio beo gabur itîr a da περ, cio
aep deiðbipe cio aep in deiðbipe.

Slan don cet pceinm na bpo pîr cað naen; no dono,
20 comaro tplan naithgina ina-est pceinm in cað naen tic do
bleið, ap amail aep comgnimparð; ocup aiðgin îrin cinaro
tanairai; ocup leð pîað la aithgin îrin tpep pceinm; ocup
lan pîað la aiðgin îrin cethramað pceinm. Ocup îr aihail
cet pceinm do gpep dia noaingniðep cað peðt. Ocup maro he
75 in pæp pacbur opoðpeol pîr, îr e icup na pîaða po uile;
maro po tpeiri in uipai imupro, ocup ni opoðpeol bir pîr,
îr περ in muilenn icup na pîacha po uile.

If the *mill-owner*, the mill-wright, and the grinder be present, and the *mill-owner* be aware of a defect, the mill-owner pays the whole amount of the damage that may occur.

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If the *mill-owner* be not present, or, though he be, if he be not aware of the defect, and if the mill-wright is aware of it, that which the fact of being aware of the defect adds to the fine is paid by the mill-wright, and that which seeing and not removing *beasts, &c.*, adds to it, they pay equally between them.

What is the reason that the grinder pays for the injuries caused by the mill in this case, although he did not undertake to be responsible for injuries, and that the man in the case above does not pay for the injuries done by the horse, unless he had undertaken to be responsible for such injuries? The reason is: the horse in the case above referred to would do an illegal thing, though it were not set in motion, and it is right that the person who set it in motion should be exempt when he did not undertake to be responsible for the injuries it may commit. As to the mill, however, inasmuch as it could not do anything illegal if it were not set in motion, it is right that the person who set it in motion should be responsible for it.

where?

The exemption as regards a mill in grinding.

That is, the mill-owner is exempt from liability for injury to a person caught between the millstones,* whether persons present there of necessity or without necessity.

* Ir. The
two mouths.

In the first slipping of the millstone, there is exemption as to every one injured; or else, indeed, it may be one-third of compensation in the case of the first slipping for injury to every one who comes to grind, and who is regarded as a fellow-labourer; and compensation for the second injury; and half-fine with compensation for the third slipping; and full fine with compensation for the fourth slipping. And it (the slipping) is always like a first slipping if it (the mill-stone) was fixed each time. And if an accident happens because the mill-wright left it (the stone) badly arranged, it is he that pays all these fines; if, however, it be the too great force of the water, and not the bad arrangement of it that caused the accident, it is the mill-owner that pays all these fines.

given? but of
mice

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AICHEL

blā etha iethlanō.

1. plan don ti do ni in niethlanō in eā, .i. o tairgeba in
gnimuḡaō ocur in ruioiuḡaō, ocūr o nā bīa pīr porcraio,
no aicbeile, nā heallair, ocur o dā ḡenṡar inā nōenṡa
ṡoligṡeā iat, nā cīuācā, α dā tīuan tīr ocur aen tīuan
tuar, īr dōenṡa vīraith.

Maṡa punnanō do ročair ann, īr pēenmannā do ruagail
1 leṡ pīa, nī rāin ruioiuḡaō, ocur dāmao rāin ruioiuḡaō,
īr α beṡ amail cet pēinm.

10 Mā tā pīr porcraio, no aicbeile, no eallair, no māṡa
inā nōenṡa inṡoligṡeā ro facbaṡ iat .i. α dā tīuan tuar
ocur α tīuan tīr, biṡbīnṡe do ruagail 1 leṡ pīu; aithḡin inā
cet cīnair, leiṡ vīre lā aithḡin inā cīnair tanairṡi, lān
vīre lā aithḡin īr in tīerṡ cīn.

15 In aīreṡ beṡar acon ḡnīmuḡaō ocur acon tīruioiuḡaō,
pīlanṡi eṡbaio ocur eṡarṡbaio anō co nōenum α ṡoligī;
tīuan naitḡina 1 nāeṡ comḡnīmpaio, in eacḡ to[p]baṡ, ocur
in caṡ rop, ocur tairṡeṡ o leṡ vīre co tīuan naitḡina.

blā ēleramnaḡ ēler.

20 1. plan don ti eamnar nā ḡo clīr innairṡi, no nā hūbla
clīr innairṡi.

Maṡa ēlera neamaicbeile iat, īr pīaṡ pīanclīuī inṡṡu
1 laiṡpīnō, ocur pīaṡ colā clīuīcē inṡṡu α pēṡṡar laiṡpīnō.

Maṡa ēlera aicbeile iat, īr pīaṡ colā clīuīcē inṡṡu, cīo
25 α laiṡpīnō, cīo α pēṡṡar laiṡpīnō.

1ṡeo īr ēlera aicbeilī ann, eacḡ clēṡ arā mbīa pīnō no
pāebur.

1ṡeo īr ēlera nēmaicbeile ann, caṡ clēṡ ar nā bīa pīnō
nā pāebur.

elph. gl.?

if super

Σ 106.51

The exemption as regards corn ~~in~~ a haggard.

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That is, the person is exempt *from liability* who makes up the corn in the haggard, i.e. when the work has been finished and the *requisite* arrangements made, and when there is no knowledge of excess, danger, or defect, and when they, viz., the ricks, has been formed into legitimate structures, *in proportion* of two-thirds of them below and one-third above, it is lawful work.

Should a sheaf fall from it,^a "slippings" is the rule in respect of it (*the sheaf*) if the arrangement be not different, but if the arrangement be different, it (*each new slipping*) is to be as a first slipping. In. In it.

If there be knowledge of excess, danger, or defect, or if they (*the ricks*) have been left *formed* into unlawful structures, i.e., two-thirds of them above and one-third below, wickedness is the rule in respect of them; *and there is paid* compensation for the first injury, half 'dire'-fine with compensation for the second injury, *and full* 'dire'-fine with compensation for the third injury.

As long as they (*the workmen*) are engaged at the work and the arrangement, and act legally, they are exempt *from fine* for injuries to idlers and unprofitable workers; *but there is* one-third of compensation for injury to fellow-labourers, profitable workers, and animals, and it (*the fine*) is reduced from half 'dire'-fine to one-third of compensation.

The exemption as regards a juggler and jugglery.

That is, the person is exempt who ~~multiplies~~ the juggling spears up, or the juggling balls up. 'doubles'

If they be not dangerous juggles, there is a fine of fair-play for *any injuries from* them within the place of *performance*, and a fine of foul-play for any outside of the place of *performance*.

If they be dangerous juggles, there is a fine of foul-play for *injuries from* them whether within or outside of the place of *performance*.

"Dangerous juggles" mean all juggles in which pointed or edged instruments^b are *used*.

"Not dangerous juggles" mean all juggles in which neither pointed nor edged instruments^b are *used*.

^b Ir. Point
or edge.

1րծ րբ Լաթրինո անո, ա արտաւ րե րմասարո 1 Եաւե 1
մԵ1.

5 bla 1a pa n d a n l e ch.

1. Դևան չի եղար ին չարսն յարե՞լ չա մարտի, չո
 չա յոսնե մարտ. Տևան չե սաճնաչիտ բարն իսրսն, ա՞ժ չա
 չաք ար լու՞ծ չո ար բաճալ հե ; օար յա չաք, իր բաճ քո
 բաճ.

Slan von fir etpana coiteino an guin ime i puch
an aipm ocyr an etais can aipguro purora; no ipan vo a
nemguin vo lecuo voib can calmaetu atpana.

tuath bretha 2 (But just before Q has: fuiric se fothla de
bla tuath tre-as. brethaigh 1. laithi na tri nagh)

[illegible]

Μα τα εοματευι αρταει [zan α μαρβαδ], ιρ ευ τιραν
νυραν / ιρλαν ιατ βοσειν, οουρ λαν ριαδ νο λεθ ριαδ ιριν τι
 25 νο μαρβαδ ινα ριχετ.

1p anto ata lan pial i pin ti po marbato ina pucht in tan ip a
pucht in ti puc na pectu po marbato he. 1p ann ata in leč
pial in tan ip a pucht in ti po per eno ar corp po marb he.

¹ *Or the dead persons.*—The MS. here has “no nū nūwē.” Dr. O’Donovan lengthened out the last word as “nūwē,” persons, so that the meaning would be, “or the dead persons.”

"Within the place" means that they (*the spears or bells*) fall round about him in the place where he is *performing*. THE BOOK
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"Outside of the place" means that they pass out from him to a distance.

The exemption as regards iron in slaughtering.

That is, the person is exempt who brings the iron to cut up the beeves or the dead persons.¹ He is exempt, though he injures the iron, but so as he does not strike it against a stone or a tooth; and if he do, there is a fine according to the nature of the case.

The exemption as regards the interposer in wounding.

That is, the impartial person who interposes is exempt, if he ~~injure the~~ *wound intending it* arms or raiment of those around him, without *noticing his mistake* intending injury; or he is exempt in ~~not~~ *their quick wounding* allowing them to injure him if he has not power to separate them.

The exemption as regards a territory in three attacks.

That is, the occasions^a of three attacks, *viz.*, an attack on ^a *Ir. Days.* account of horses, an attack on account of arms, and an attack on account of persons, are exempt to territories, i.e. persons in this case came into the territory for unlawful plunder, and were carrying off the 'seds' of the territory; and every injury done in stopping them, and in taking the 'seds' from them is justifiable. And the intention brought by the parties was to stop them, and if they could not be stopped without killing them, they may be killed, and there is exemption as regards everyone killed in mistake for them.^b

If they could have been stopped without killing them, one-third of the excess ~~of one fine above the other is paid~~ *for killing them; as it is safe to kill themselves*, but there is full fine or half-fine for the person killed in mistake for any of them.^b

The full fine lies for a person killed in mistake for one of them, when it was in mistake for the person who carried off 'seds' he was killed. The half-fine lies when a person is killed in mistake for^b one who had inflicted a wound on the body.

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1 In deiðem artaite pucaro cuice ann rin, ocyr mapra
in deiðeam mapbða, ce beið cen co be coemaðtu artaite,
17 co tpuan nupana 17 lan iat buðein, ocyr lan puað 17 in
ti po mapbato ina puchet.

5 In uap denma na pogla rin, ocyr mapra peðtar uap
denma na pogla, cio in deiðeam mapbða cio in deiðem
artaite pucaro cuice, 17 cu tpuan nupana 17 lan iat buðein,
ocyr lan puað no leiðpach 17 in ti po mapbato ina puchet.

1 epich tall pain, ocyr mapra peðtar cuic amuch, aæt
10 ma tait na peoit ap aip amuch, amail 17 lan tall he, 17
amlaro 17 lan amail, po aienet in in deiðe pucaro cuice, cio
in deiðem mapbða, cio in deiðem artaite.

Muna uilro na peoit ap aip amuch 17 in, tabpato aparo
ocyr tropato; ocyr geibio athgabail iartain.

15 Ma to punnet pogail ne hinbleogain i cinaro cinotag,
aæt mapra inbleogain ipær ap cinaro ninbleogain he,
aæt mapra beocnet po peparo aip, no mapra peoit pucaro
uato, 17 coipropu a beocneioi, no tpe a pet, can ppuðagio,
tic pui. Mapra mapbato, 17 lan co tpuan, uap 17 iat in
20 pine po peparo a mapbcoipropu.

Mapra inbleogain nach ipær ap cinaro in ninbleogain,
cio beocnet, cio mapbato, cio peoit, 17 lan co tpuan.

Ni huil cinat ap aip ano rin, ocyr ni uil taperiu
oligio; no ma ta cinat ap aip, ocyr ata taperiu oligio,
25 cio beocnet, cio mapbato, cio peoit, cio inbleogain ipær
ap cinaro ninbleogain, cen co beo, 17 lan puað a cneioi can
ppuðagio tic to inbleogain ano.

Here C 1769 has a short further part. with repetition of board. Cf. D 2009

The intention brought to him in that case was to stop THE BOOK OF AICILL. *them*, but if it were an intention to kill *them*, whether it was possible to stop *them* or not, it is ~~to~~ one-third of the excess [The killing] of themselves is immune up to 1 of the one fine above the other ~~the penalty shall extend~~; or ~~there is exemption for killing themselves~~, and full fine payable for the man killed in mistake for them.^a

^a Ir. In their shape or person.

This is at the time of committing the trespass, and if it be not at the time of committing the trespass, whether it is an intention of killing or an intention of restraining that was brought to him, it is to one-third of excess ~~the penalty shall extend~~. ~~There is exemption for killing themselves~~, and there is full fine or half-fine payable for the person who was killed in mistake for them.^a

This *was* in the territory within, and if it be beyond the territory outside, and if the 'seds' be forthcoming outside, as they would be exempt inside, so would they be outside, according to the nature of the intention that was carried thither, whether *it was* intention of killing or intention of restraining.

If the 'seds' be not forthcoming outside, let him give notice and fast; and let him distrain afterwards.

If trespass has been committed against a kinsman for the default of a debtor, and if he be a kinsman who is exempt from the liabilities of a kinsman, and if it be a life-wound that has been inflicted on him, or if it be 'seds' that have been taken from him, body-price for his life-wound, or 'dire'-fine for his 'seds' is to be paid him if he have not given provocation.^b If he has been killed,^c he (*the debtor*) is then exempt so far as one-third, for it is the family that would take his death body-price.

^b Ir. Without provocation.
^c Ir. If it be killing.

If he be a kinsman who is not exempt from the liabilities of a kinsman, whether it be a life-wound, or killing, or taking away of 'seds,' there is exemption as far as one-third.

The criminal is not present in this case, and there is no offer of law; or if the criminal be present, and there is offer of law, whether it be a life-wound, or killing, or taking away of 'seds,' whether it be a kinsman who is exempt from the liabilities of the kinsman or one who is not, it is full fine for the offence that shall be paid to the kinsman, if he have not given provocation.^b

blā bāncathā bān.

blā bān bāncath?

.1. plan do na mnáib in cáth bān do nīat, a cūcēla
ocur a cūbolga do tocbaíl a rīatnāire a pēp lēpach. 1ar
napato ocur 1ar tpoīcatō rāin, ocur māp pē napato ocur
5 pē tpoīcatō, a pēgato cāpāt ar a nōēpīrat. Aēt māp ar pāt
tīncāgēti rīaē, 1p rīaē īnolīgēto athgabala. Māp ar pāt
pōgla pē corp, aēt mā pō pōgail do corp dē, 1p lan
rīaē na pōgla pō pōp dē dīc anō; ocur mūnāp pōp pōgail
dē 1tīp, 1p rīaē īmpāto, nō cūmāto rīaē pāicē.

10 blā cuaille aīpī.

.1. plan don tī pāīdēp in cuaille 1p in nāipdē 1ar nā blā-
ato; ocur mūnāp blāto 1tīp, 1p bīēbīnēi do rīagail 1 lēē pīp.
Aīthgīn īnā cēt cīnāto, lēē dīpē lā aīthgīn īnā cīnāto tān-
aīptī, lan dīpē lā aīthgīn īpīn tpep cīnāto.

15 blā dēlge dāe.

.1. plan do na pēpāib an dēlg do bēē pōp a nāe, pōp a
ngūalāno; nō 1plan do na mnāib an dēlg do bēē pōp a nāe,
pōp a nūē, aēt nā pōib īmāpēpāto tāpīp; ocur dā pāib, 1p
bīēbīnē dō rīagail 1 lēē pīp. Aīthgīn īnā cēt cīnāto, lēē
20 dīpē lā aīthgīn īnā cīnāto tānāptī, lan dīpē lā hāīthgīn
īpīn tpep cīnāto. Slāntī ēppāīg ocur ētapbāīg in cāē
pōgail do gēnat 1cā gabail īmpū.

¹ A fine for fighting in a green.—That is, a fine for fighting in a prohibited place,
such as a green or sanctuary.

aile
for slitting

f. 54v. 74b

The exemption as regards women in a woman-battle.

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That is, the women are exempt as regards the woman-battle which they fight, raising their distaffs and their comb-bags, in the presence of their guardians. This is after notice and fasting, but if it be before notice and fasting, it is to be considered for what reason they did it. And if it was for the purpose of compelling the payment of debts, there is a fine of unlawful distress *for it*. If it was for the purpose of injuring the body, and if injury to the body resulted therefrom, full fine for the injury which has resulted therefrom is to be paid for it; but if injury has not resulted therefrom at all, it is a fine for intention, or it may be a fine for *fighting in a green*¹ *that shall be paid for it*.

The exemption as regards a stake in a fence.

That is, the person is exempt who ^{person} sets up the stake in the fence after it has been trimmed;^a but if it has not been trimmed,^a wickedness is the rule respecting it. There is compensation for the first injury *it causes* half 'dire'-fine with compensation for the second injury, full 'dire'-fine with compensation for the third injury.

^a Ir. Prepared.

The exemption as regards a brooch on the shoulder.

That is, the men are exempt *from liability*, if they have the brooch on their 'dae,' *i.e.* on their shoulder; or the women are exempt if they have the brooch on their 'dae,' *i.e.* on their bosom, but so as it is not much beyond it; and if it be, wickedness is the rule respecting it. *There is* compensation for the first injury *it inflicts*, half 'dire'-fine with compensation for the second injury, full 'dire'-fine with compensation for the third injury. *There is* exemption as regards idlers and unprofitable workers for every injury done in putting it (*the brooch*) on.

Df. 16^a 2.
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Blau D

ὁλα αἰν'οιρ. et.

.1. ɪr ɪnann ɪrⁿ bla meɪn mɪɔclayrⁿ, ɪn ben.

204.8

(2 continues)

Slan don anuoir, don mnaí, in teit do ní, áit bí ben
 (dligteach) dligteach, .i. ceimniúitear, ocuip ^{inn. g.}rop im muig teicta do ^{innmúideach} d'innmúideach
 (spigide) spigide .i. corab in mnaí dligteach do mnaí h1 rin .i. corab et
 dligteach, et píu, no corab im a pep peín do ne in mnaí
 h1rin in aualtrach, .i. plan don ceimniúitear a min fogla
 ocuip a mop fogla pe pe tpeirí; le' fiach uatí itir min
 fogla ocuip mop fogla o tpeirí amach co míp, no co noe'c
 10 cu pep, ocuip lan fia'c uatí ann rin.

cf V 1468

Lan piach on avatpang ina mop poglaib po četoir; plan
 to a min pogla ne ne tpeiri; leč piac uat'i ina min pogla
 o tpeiri imač co mir, no co nweč cu pep, ocup lan piac
 uat'he avo rin.

[illegible]

20 Եթան քին յա քսիւ ձ քիք, օգր զօ յա զագօ ձ զիւր, օգր
քիք ան միր ; յար զա մեւի՛ձ ձ քիք հի, յօ զա զագօ ձ զիւր
զի, յօ զամառ յար ան միր, քօքաթ քտ մեւի՛ձիւք, օգր լան
քիքի ինք.

¹As regards the jealous woman.—In the MS. E. 3, 5, p. 38, col. 1, a passage is here found which seems altogether misplaced. It is as follows:—

[illegible]

And the hound is like an idler who provokes, if it can be separated from; if it cannot, however, it is like a profitable worker who provokes with respect to one-fourth *fine* for it from the master of the oxen; and it is like idle shouting to it

0'A. 2009

0' A 2010

(additional pars.
printed infra p. 558)

The exemption as regards a woman in jealousy.

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—

That is, *the exemption as regards the jealous woman*¹ is the same as "the exemption as regards the gratification of desires."

The woman, i.e. the wife, is exempt from *liability* for the jealous acts she does, provided she is a lawful woman, i.e. a first wife, and provided this *jealousy* is *exhibited* in a proper place, i.e. provided it is in a lawful place she does the act, i.e. provided it be lawful jealousy, i.e. rightful jealousy, or that she does these things to her own husband respecting an 'adaltrach'-woman, i.e. the first wife is exempt as regards her minor offences and her great offences for the space of three days; half-fine *is due* from her for her minor offences and great offences from three days forth to *the end of a month*, or until she goes to *live with another man*, and full fine *is due* from her then.

There is full fine due from the 'adaltrach'-woman for her great offences at once; she is exempt as regards her minor offences for the space of three days; half-fine *is due* from her for her minor offences from three days forth to *the end of a month*, or until she goes to *live with another man*, and full fine *is due* from her then.

Who are they upon whom it is lawful for them (*jealous women*) to inflict these *injuries*?² Upon the man and upon the woman, and upon everyone among the family of the man and of the woman on whom the liability of being sued as a kinsman rests. The criminal is not forthcoming *in this case*, but if so the full fine for the wound without provocation should be paid to the kinsman in the case.

This is the case of a woman who is not *living with another man*, and to whom a release *from her engagements* was not given, and it is before *the expiration of the month*; for if she were *living with another man*, or if her release had been given to her, or if it were after the month, it would be a case of unwarranted jealousy, and *there would be full fine* for it.

with respect to the injuries which the oxen do to another person, if it (*the hound*) can be separated from, but if it cannot, it (*the case*) is like the shouting for unnecessary profit.

² To inflict these injuries.—O'D. 2009 has here, from the margin of the MS., "in *uictac ningen ocu* in *uimleo leo*, the scratching of the nails and the cutting by them."

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1 p e a poḡa umreap anō rin; ocyr vā mao hē a poḡa bič i
noliḡeo lanamnair; cač iplan vī pe pe, iplan vī hē vō
ḡreḡ i noliḡeo lanamnair; cach uair iplan vī hē, ocyr
O'D. 2010. coibche ocyr enecclann vīc rīa, [ocyr epic a enēre vīc rīa
co comlan]. Cač uair iplan hē co rīuīc a leč, īr amlaib
iplan vī hē; ocyr comarvugao ītir in leč vlegair vō ocyr
in coibche ocyr in enecclann noliḡir, ocyr cīo pe vīb aca
mbīa in imarēraio. īcāo pe čēile.

*
Cach nī iplan vīrann pe pe, iplan vī hē vō ḡreḡ i
10 noliḡeo lanamnair; cač nī īcā epic uairī rīuno pe pe, īcā
epic uairī ann vō ḡreḡ i noliḡeo lanamnair.

1 pēo īr mīn poḡail anō cač uīle nī (uīle) no co rīa in rīuī-
liuḡač, ocyr in rīuīliuḡač buvein.

1 pēo īr moḡ poḡail ann cač nī očā rīn amach.

15 bīa each echṡreḡ, ītir eočū ocyr mucca.

1. rīan vō nā hečair in ṡreḡ echvā vō nīat eṡrīru
buvein.

Ocyr mucca, .1. ītir eočū eṡrīru buvein, ocyr muca eṡrīru buvein,
ocyr rīan vōib cīo cač vīb vō ne pe cheile. (more in O'D. 2011)

20 bīa līac līmao, no rīutech.

1. rīan vōn vī līmuḡ in rīein rīrīn līc; rīan vō ce vōč
in rīein ṡreḡ in līc, no in līc ṡreḡ in rīein; no cīa vōčra in
ṡerpač eṡrīru.

no rīutech, .1. in nī īr vōč rīečēḡ uao ocyr ēuīc, in epāno cam.
24 Scenmannā vō rīaḡail ī leč rīr, nī rān rīuīliuḡač; ocyr vā mao rān
rīuīliuḡač, īr a bīe aīnail eṡr rīeinn.

revised and O'D. 2011

O'D. 2011
O'Daw. 805

(Additional par. fr. O'D. 2011
printed infra p. 558)

O'Daw. 1462

chooses to separate in the present case
 She has her choice ~~then~~ to separate; but if she should THE BOOK
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— choose to remain in the law of marriage, *in* everything as regards which she would be exempt *from liability* for a time, *if not bound by the law of marriage*, she shall be exempt as to it always, *although* in the law of marriage. *This is* whenever she is exempt in respect of it; and 'coib-che'-wedding-gift and honor-price is to be paid to her, and 'eric'-fine for a wound *inflicted by her* is to be paid by her fully. Whenever she is exempt respecting it as far as one-half, she is similarly exempt; and a balance is to be struck between the half that is due from her and the 'coib-che'-wedding-gift and honor-price to which she is entitled, and whichever of them has the excess let him pay *it* to the other.

For everything as regards which she is exempt here for the time *mentioned*, she is exempt always, *though continuing* within the law of marriage; for everything in which she is liable to give 'eric'-fine during the time *stated*, she is liable to 'eric'-fine always, *though continuing* within the law of marriage.

"Minor offence" means every kind of injury up to bloodshedding, and bloodshedding itself.

"Great offence" means every injury from that out.

The exemption as regards horses in horse-fights, both horses and pigs.

That is, the horses are exempt as regards the horse-fight they wage among themselves.

And pigs, i.e. between horses among themselves and pigs among themselves; and they are exempt *from liability* for whatever *injury* each of them may do to the other.

The exemption as regards the grinding-stone or the crank in *grinding*.

That is, the person who grinds the knife on the stone is exempt; he is exempt though the knife should injure^b the stone, or the stone injure^b the knife; or though the idler ^b Ir. Go through. should come between them.

Or the crank, i.e. the thing which runs well from him and to him, *viz.*, the crooked stick. "Slippings" is the rule respecting it *if* the fixing was not different; but if the fixing was different, it (*i.e. each fresh accident*) is to be the same as a first slipping.

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blā cat cuilī.

.1. plan don cat in biaro po geba a paill imcoimeta irin cuilīro do caitthem; aēt na tuca a daingen tiḡi no leptaip* he; ocup da tuca, ip amail topbach co narm in biaro, ocup amail epbaē can arm in cat; ocup plan in cat do marbach and. (additional matter fr. O'D. 2012 printed infra p. 560)

blā cat luchgabail.

O'D. 2012. .1. plan don cat [in terbach] in luchgabail a ločao; ocup lečpach uaō irin topbaē, ocup mepaēt a ločao do reup in ^{selgā O'D. 2011} leče aile ve.

cf. O'Daw. 743

blā cethra vīno.

Slan do na cethraib pep na tulaē naibino for na fuil O'D. 2012. tečtugao [do caitthem], no ce beič tečtugao air, po heirceao he vrip bunao. Mara pep for ata tečtugao, ocup nīp ¹⁵heirceao he vrip bunao, ip meiē no fiaē dunacaēti.

cf. IV 86. 20†.

.1. a ponnuo ocup a palao, ocup uip min a comaicenta tar a eip. Etaḡe po na puḡaib, ocup luachair po na ḡraoib oēa rin amaē.

O'D. 2012.

Fep a porō, [no ḡorō].

²⁰.1. mara coḡnach po tairḡeo irin pe compaic a haicitin a finečaire, ocup nī fuil cin ac in ti po tairḡirtar, no ce beič aicī, po hinuip, cīo beocneo, cīo marbchneo ipan. Ma ta cin aicī, ocup nīp inuip, cīo beocneo, cīo marbchneo, ip lan fiaē in vūine 1 pucao aḡio amach he, aēt ma po

¹ A cat in a kitchen.—The rule about the cat in D'Achery's *Capitula Selecta Canonum Hibernensium* is different: "Hibernenses dicunt, Pilax si quid mali fecerit nocte non reddet dominus ejus; in die vero, nocens reddet," p. 505. O'D. 2012 has some further rules on the subject, which will be given in the appendix.

² Pleasant hills.—This seems to refer to hills on which meetings in the nature of courts were held, but the article is imperfect in both copies, i.e., in E. 3, 5, and Egerton Plut. 90.

³ A fine of sacks.—That is, a fine consisting of a sack of wheat, a sack of oats,

The exemption as regards a cat in a kitchen.¹

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That is, the cat is exempt *from liability* for eating the food which he finds in the kitchen owing to negligence in taking care of it; but so that it ~~was not taken~~ from the security of a house or vessel; and if it ~~was so taken~~, the case as regards the food is like that of a profitable worker with a weapon, and the case as regards the cat is like that of an idler without a weapon; and it is safe to kill the cat in the case.

does not take it

The exemption as regards a cat in mousing.

That is, the cat is exempt *from liability* for injuring an idler in catching mice when mousing; and half-fine is due from him for the profitable worker *whom he may injure*, and the excitement of his mousing takes the other half off him.

The exemption as regards cattle on a hill.

That is, the cattle are exempt *from liability* in eating the grass of the pleasant hills,² which is not appropriated, or though appropriated, respecting which permission was given by the proprietor. If it be grass which is appropriated, and permission has not been given by the proprietor, there is a fine of sacks,³ or a fine for man-trespass for it.

asked from

" "

That is, if it be a hill for meetings, and if it has been cut up, it is to be beaten down and trampled on, and fine clay of its own nature to be put on it afterwards. And if a meeting is to be held on the hill before the grass has returned to its original state, clothes are to be spread under kings and rushes under the grades from that out (*inferior grades*).

A man wounded in the field of battle.⁴

That is, if it be a sensible adult that is drawn into the combat-field with the consent of his family, and if there was no crime charged upon the person who drew him, or though there were a charge he avowed it, whether life-wound or death-wound ensues, he is exempt. If there was crime charged upon him and he did not avow it, whether life-wound or death-wound, it is the full fine of the person and a sack of barley. This appears to have been a common fine among the ancient Irish.

⁴ A man wounded in the field of battle.—Here, it is said, Cennfaela's part of the treatise begins, the previous part having been considered the work of king Cormac.

|| N.B. 4.84.12f.

0/2013

THE BOOK **OF AICHEL** **lan**. Mana pa batup a pine ar airo, mapa beocneo mapa marbcneo, ir
O'D. 2013. ir lan; mapa marbcneo, ir pias baif ecoir.

Cio potera conao rlan don ti i pueao aigro ano ro he
50 beif a pine ar airo, ocur co fuil piasch baif ecoir on
tuine tall i baif aia, aobonnao do rlaif, do eclair, do
O'D. 2013. pofpfaif, ocur do annoit, ocur do maifin [i. do pine a
mathar]? Ir re paf potera, inoligtaf don tuine ano-
raif do tuine do tironucul no cupo upfoerao doibrein, uair
10 ni pef na biao oib tuine damao ail a fuarluao; ocur
coir ce ro beif piasch baif ecoir air, uair na derna a
fupfoera.

Ir e paf ro dera, fuirfuao tironaif do ar a inoion uil
ar tuine andrain, ocur coir ce no beif piasch baif ecoir on
15 ti ro marburar he, cen a tairbena do cae aen bu doif
do uarluao; no comao on ti ro tironaif ar he do beif.
Sunn inuipao, cunnarao pe coonaaf do pine in tuine ano ro,
ocur do doion do cuao ino, ocur coir cemao rlan don ti
ro marburar he, o beif a pine ar airo.

20 In tecoonach ro tairgitar irin pe comraie a haifin
a pine ocur a coonaaf, ocur ni fuil ein ae in ti ro tairgitar-
O'D. 2013. tar, no ce beif aia, ro inoir, mapa marba [ir rlan don ti
pueur ar, ocur ir rlan don ti i pueur ar aia]; ir lan,
ocur mapa beocneo, ir coirpotaie a beocneioi oie paf.

25 Ma ta ein aie ocur nir inoir, no map a necmaif a co-
naeu, cia ro hinoir cen cor inoir, cio beocneo, cio marb-
cneo, ir lan piasch.

² 'Annoit'-church.—Vid. supra, p. 65, note 2.

against whom he has been brought out *he is liable for*, but if his family were present, whether it be life-wound or death-wound, he is exempt. If his family were not present, and if it be a life-wound, it ~~(the penalty) is full fine~~; if it be a death-wound, it ~~(the penalty)~~ is a fine for unjust killing.

What is the reason that the person against whom one was brought is exempt here when his family are present, and that a fine for unjust killing lies against the man who drew him in the case,^a where it is *said*: "Let it be proclaimed to the chief, to the church, to the sub-chief, and to the 'annoit'-church,¹ and to the mother's people, i.e., the family of the mother." The reason of it is, it is unlawful for the person here to deliver a person up until he has given notice to these *parties*, for he does not know but that there might be one among them who would like to ransom him; and it is right that there should be a fine for unjust death upon him, because he had not given the notice.

According to others, the reason of it is, the result of having delivered up a man against his will is *charged* upon a person here, and it is right that there should be a fine for unjust death recoverable from the person who killed him, without having shown him to everyone who was likely to ransom him; or, it ~~(the fine)~~ may be *recovered* from the person who had delivered him up. Now, in this latter case, it was an agreement that the person *who delivered him up* had made with a sensible adult, and it was with his own consent he went there *(to the battle)*, and it is right that the person who killed him should be exempt, when his family were present.

As to the non-sensible person he has drawn into the combat-field, with the cognizance of his family and his guardians,^b when the person who drew him is not in fault, or if he is, he avows it, if death *ensues* the drawer is exempt, and the person who came to *fight* against him is exempt; he is exempt, but if it be a life-wound, body-fine for a life-wound shall be paid by him.

If he is in fault and did not avow it, or if it was in the absence of his guardians^b the *occurrence took place*, whether he avowed it or not, whether life-wound or death-wound, it ~~(the penalty)~~ is full fine.

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—

^a Ir. *Within*.

^b Ir. *Sensible adults*.

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1n ouine i pucaro amach he, ac̃t ma po batup a cothnais
ap aip, iplan; mapa beocneo, ip lẽt coirpōipe a beocneioe
oic pīp. Ocur i pū̃t cothnais, ocur õa mão a pū̃t ecothnais
po bão lan coirpōipe.

5 Map a neccaiip a cothnã, cio beocneo cio mapbneo,
ip lẽt coirpōipe a beocneioe oic pīp; ocur i pū̃t cothnais,
ocur õa mão a pū̃t ecothnais, po bão lan coirpōipe.

coirpōipe comar-buithi add A.C.

Mapa cothnã po tairgẽo ipin cãt a aic̃tū a pinẽc̃aipe,
O'D. 2014. ocur ni pū̃l cin [ac̃ in ti] po tairgẽr̃tar, no ce bẽĩt cin aic̃
10 O'D. 2014. po inoip, [ip p̃lan] don ti pucur̃tar he, ocur ip̃lan don ti i
pucaro ãg̃ao; ocur cio beocneo cio mapbneo, ip̃lan.

Map a neccaiip a cothnã, ocur ni pū̃l cin ac̃ in ti po
tairgẽr̃tar, no ce bẽĩt aic̃ po inoip, mapa beocneo ip̃lan,
mapa mapbneo ip̃ lan p̃iach.

15 Ma ta cin aic̃, ocur nip̃ inoip, cio beocneo cio mapbneo,
ip̃ lan p̃iã, ocur ip̃lan don ti i pucaro ãg̃ĩõ in cãt inão
oib̃ rin he.

Cio po oepa cunao p̃lan in ti i pucaro ãg̃ĩõ ipin cãt he,
ocur nã p̃lan don ti i pucaro ãg̃ĩõ ipin compuc. 1p e
20 pãt̃ p̃õoepa, õl̃ig̃ĩõ cãt̃ inã compuc, ocur l̃ũga po p̃et̃ar
p̃iãr̃p̃ãg̃ĩ i cãt̃ inã compuc. Mapa ecothnã po tair-
gẽo ipin cãt̃ a aic̃tū a cothnã, ocur ni uil cin ac̃ in ti
po tairgẽr̃tar, no ce bẽĩt aic̃ po inoip, mapa mapbão
ip̃ lan, mapa beocneo, ip coirpōipe a beocneioe oic pīp on
25 ti pucur̃tar he, ocur lẽt coirpōipe a beocneioe on ti po
g̃ab nã ãg̃ao. 1 pū̃t cothnais po g̃abur̃tar imuich ann rin
he, ocur oam a pū̃t ecothnais, po bão lan p̃iach on ti pucur̃-
tar he, ocur ip̃lan don ti i pucaro ãg̃ĩõ.

¹ Into the battle.—O'D. 2014 reads "cat coirceann comar-leicti, a general advised-battle."

² In the person of.—That is in mistake for.

7 linmarc e /
08/2014

And he hath been told a falsehood, & if he knew he was an adult.

The person ~~who brought him out~~ is exempt if his guar- THE BOOK OF AICILL.
dians* were present; if it is a life-wound, it is half body-fine for his life-wound that is to be paid by him. *So it is in* * Ir. Sensible adults.
the person of a sensible adult, and if in the person of a non-sensible adult, it (*the penalty*) would be full body-fine.

If it be in the absence of his guardians,* whether it be life-wound or death-wound *that ensues*, half body-fine for the life-wound is to be paid by him; *this is* when he is in the person of a sensible adult, but if it were in the person of a non-sensible adult, it (*the penalty*) would be full body-fine.

If it be a sensible adult that was drawn into the battle¹ by the consent of his family, and the person who drew him is not in fault, or though he should be in fault, he avowed it, there is exemption to the person who brought him, and exemption to the person who came against him; and whether it be life-wound or death-wound, he is exempt.

If it be in the absence of his guardians,* and the person who drew him was not in fault, or though he was, he avowed it, if it be life-wound he is exempt, if it be death-wound, it is full fine *he pays*.

If he is in fault and he did not tell it, whether it be life-wound or death-wound, it is full fine *he pays*, and there is exemption for the person whom he was brought against in every instance of these.

What is the reason that the person is exempt whom he was brought against in the battle, and that the person whom he was brought against in the combat is not? The reason of it is, a battle is more lawful than a combat, and inquiry could be made less in a battle than in a combat. If it was a non-sensible person that was drawn into the battle by the consent of his guardians,* and the person who drew him is not in fault, or though he should be *in fault*, he avowed it, if death *ensues*, he is exempt; if a life-wound, the body-fine of his life-wound is to be paid to him by the person who drew him, and half the body-fine of his life-wound by the person who came against him. In the person of² a sensible adult he was taken outside on this occasion, and if it had been in the person of a non-sensible man, it (*the penalty*) would be full fine from the man who had drawn him, and the man whom he came against is exempt.

THE BOOK OF AIOILL. — Mar a neccair a pinechaire, cio marbað cio beocneo, 1r lan riac on ti ruccurtar he, ocur 1rlan ðon ti 1 ruccar aoiā.

Ma ta ein aoi, ocur n1r ino1r, no mar a neccair a pin-
echaire, ce po ino1r cen cor ino1r, cio beocneo cio marbcneo,
1r lan riac, ocur rlan ðon ti 1 ruccar aoiā in cað inao oib
rin he.

Cað bail 1r oile1r in per compaic uile, 1r oiliur a arn
ocur a etach uile. Cað bail 1r oiliur he co ruici a leð, 1r
oile1r a arn ocur a etach co ruici a leð. Arn ocur etac in
ouine buoiein rin, no arn ocur etac neið aile ar a aoiuoin.
Mara arn ocur etac neið aile na ecmair, 1r riac poim-
pume ann. O pine rium o1r. bunaro in arn ocur in
etac; ocur ruarlarico in pine in tarum rin no in tetac, no
arn ocur etac a comaicinta; aet maine tarðitar he ior
cen a lot, 1r a oile1r ðon rir amaið, ocur arn ocur etach a
comaicinta o1r bunaro, cuna riac poimpume.

Ma po ior in per amuich cunao arn neich aile, 1r
* O'D. 2015. amuil per medongaiti laninoligthech he. Mani [ri]oir
oir, 1r amuil per medongaiti lanoligthech he, ocur
rlan ðorum ac na po gaba ime, ocur ma po gab, 1r amuil
per medongaiti laninoligthech he.

1r ann aet leð riac cað anr1r, in uair po petaro in
marbða cen in tarum no in tetac ðo milleo. 1r ann aet
cethruime cað anr1r, in uair na petaro in marbað cen
in tarum no in tetach ðo milleo.

Cio po ðera corob rlan ðon ti po gaburtar in tecot-
nach 1 nagait 1rin ðath coitcenn comarleiðti, ocur co
nac rlan ðon ti po gaburtar 1 naðarð he 1rin naimr1r
compaice? 1r e pað poðera, oligtiðe cath ina compuc,
ocur mo po roich a tarparið a compuc na 1 cað, in pe coðnac

¹ More lawful.—O'D. 2014, adds—"ocur linmaire, more fully attended,"
that is greater numbers are engaged in it.

If it be in the absence of his family, whether death-wound or life-wound *ensues*, it (*the penalty*) is full fine from the man who drew him, and the man whom he came against is exempt.

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If he was in fault and did not avow it, or if it was in the absence of his family, whether he avowed it or not, whether life-wound or death-wound *ensues*, it is full fine, and the man whom he came against is exempt in each case of these.

Wherever the combatant is altogether lawful spoil, his arms and clothes also are all lawful spoil. Wherever he is lawful spoil as far as one-half, his arms and clothes are also lawful spoil as far as one-half. These are the man's own arms and clothes, or the arms and clothes of another man *taken* with his consent. If they be the arms and clothes of another man *taken* in his absence, it is a fine for the wear *that is due for them*. ~~This is due~~ from his family to the owner of the arms and clothes; and the family shall redeem these arms or clothes, or *give* arms and clothes of the same kind; but if they (*the arms and clothes*) have not been preserved uninjured, they are the lawful spoil of the man outside, and arms and clothes of the same kind *are to be given* to the owner, with the fine for wear.

If the man outside knew that they were the arms of another person, he is like a fully unlawful middle-theft man. If he did not know it, he is like a fully lawful middle-theft man, and he is exempt, if he has not put them on, but if he has put them on, he is like a fully unlawful middle-theft man.

It is then there is half-fine for every ignorance, when the killing could have been effected without injuring the arms or the clothes. It is then one-fourth fine *is to be paid* for every ignorance, when the killing could not have been effected without injuring the arms or the clothes.

What is the reason that the man who comes against the non-sensible adult in the general advised battle is exempt, and that the man who comes against him in the time of combat is not exempt? The reason is, a battle is more lawful than a combat, and the inquiry could be more *easily* made in the combat than in the battle, whether it was against a

no in pe heccotinač he, no in pe vilpeč no in pe inovilpech,
no in pabatar α pine ap avto, no na pabatur; ocup cor.
ce po beřt řiađ bav. ecup uav na verna α iavřavřid.

Cach bpreithemáin ^{u^D} a bægul. ^{al^D}

O'D. 2015. 5[. ἵρεο ἢ λειρῖν μβρεθemuin | ἐρικ in neic ιμα mbaeß-
λατερ he díc .i. ἐρικ α γύβριεθε.]

1. μαρ τρια comparati pucurpar in breithem in zu breeth,
 ο.δ. 2305. ocur ατα ac zabail impri τρια comparati, [no] cio τρια
 ανποτ pucurpar hi, μα τα ac zabail impri τρια comparati,
 t/ eneclann uat i nuprurour, no cumal ocur eneclann i cain ;
 10 ocur uilri na aile dec in caē inat uibrin.

Mar tria anpot pucurtar hi, ocur ata ac gabail impi
 tria anpot, leť eneclann ann i nupratur, no leť eneclann
 ocur leť cumal i cain; no dono čena, cuna beř eneclann
 15 iřin anpot, ocur tria anpot beřiuř, mana řuil ac gabail
 impe, řlan do ačv vřlři na aile dec uařa.

Μα τρία κομμάτι αταξάρ αε in ελεγχο, οούτ τρία κομ-
μάτι αταξάρ αε lenamain αρ, no ειν τρία ανποτ αταξαρ,
ματ τρία κομμάτι αταξαρ αε lenamain αρ, enecclann αιρ,
20 οούτ διλνι να αιλε dec υατα.

Μαρτυρία ἀποτὸς ἀτάχαρ ἀε ἰν εὐγαθ, οὐρ τρία ἀποτ
ἀτὰ ἀε ἰενμαῖν ἀρ, λεῖ εἰνεκλάνν, οὐρ οὐλρι νὰ αἰλε θεε.

Μαρ τρια ανποτ αταθαρ αε ιν ειλυαο, οσυρ νι τιλ αε
lenmain αρ, ρλαν το αετ διλρι να χαλε δεσ μαδα.

25 Each has a perm. ^{right D} ^{ramat D}

O'D. 2016. [1. iped ip leir in each ip miz enecclann do i nair a pout].
 .1. in aenmaw pann pichet do miz tuaiti i nair a pum-

sensible adult or a non-sensible adult it was *fought*, or against a condemned or non-condemned man, or whether his family were present or not; and it is right that a fine for unjust killing should be *recovered from him* because he did not make the inquiry.

Every judge is ^{not} *punishable* for his neglect. *at his own risk (?)* *O'Gr. I 81.*

Viz, the Brehon is to pay 'eric'-fine for that wherein he is impugned, i.e. the 'eric'-fine for his false judgment. That is, if it be through malice the judge passed the false sentence, and is adhering to it through malice, or though he may have passed it through inadvertence, if he is adhering to it through malice, honor-price is *due* from him in 'Urradhus'-law, or a fine of a 'cumhal' and honor-price in 'Cain'-law; also the forfeiture of the one-twelfth in each case of these.

Is gabail impi the same as lenmain as?

If he passed it (*the false sentence*) through inadvertence, and is adhering to it through inadvertence, *there is* half-honor-price *due* for it in 'Urradhus'-law, or half honor-price and a fine of half a 'cumhal' in 'Cain'-law; or, indeed, *according to some*, there is no honor-price *due* for inadvertence, and *though* he passed it through inadvertence, unless he is adhering to it, he is exempt from *liability*, but *his fee*, the one-twelfth is forfeited by him.

If it be through malice that he is impeached, and he is adhering to it (*his sentence*) through malice, or though it be through inadvertence he is *impeached*, if it be through malice he is adhering to it, he pays honor-price and *his fee*, the twelfth is forfeited by him.

i.e. his judgment is challenged

If it is through inadvertence he is impeached, and *if* he is adhering to it (*his judgment*) through inadvertence, half honor-price *is due from him*, and his twelfth is forfeited.

If it is through inadvertence he is impeached, and *if* he is not adhering to it (*his judgment*) he is exempt, but his twelfth is forfeited by him.

Every king is entitled to compensation for injury to his road.

That is, everyone who is a king is entitled to honor-price for injuring his road. That is, the one-and-twentieth part is *due* to the king of a territory for injuring his principal

* D (p. 2016): atach rig vinda rannat (?) rosoth de uide nind anach
 lugha forgu seti cachu beodile bis.

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poit; teorā cethramtha nā aenmāo rannōe pichet 1
 nair α porpōit. Leth nā haenmāo rannōe pichit do flait
 geilpīne in nair α primpōit, dā tīan nā haenmāo
 rannōi pichit do in nair α porpōit. Ocur noco ngabar nī
 5 oib rin 1 liubar, aēt in aenbur rann pichet, aēt α gabail
 o nā pīuēib; ocur īr ar gabair in aenmāo rannō pichet,
 atach nūg rinōdō rannūo.*

Canar α ngabar teorā cethruimēi nā haenmāo rannōe
 pichit atā do nūg tuaiēi 1 nair α porpōit? 1r ar gabair o
 10 nā pīuēib, uair in pīuēi do gabar ar primpōit α dā tīan
 do nūg tuaiēi, ocur α tīan do flait geilpīne. 1n pīuēi do
 gabar ar porpōit īr rinōdō ar do eutpū. 1r α teorā ceth-
 ruimēi in dā tīan atā do nūg tuaiēi do pīuēi α primpōit
 in leē atā do do pīuēi α porpōit; coir no dēirōe, uair
 15 īr in noenmāo rann pichit atā do nūg tuaiēi, in air
 α primpōit, cemāo he teorā cethramthā nā haenmūo
 rannōi pichit rin do beit do in air α porpōit.

acrad Eg.

Eg. 70 f. 15d (01/2 2017)

Canar α ngabar leē nā haenmāo rannōi pichit atā do
 flait geilpīne 1 nair α primpōit? 1r ar gabair o nā
 20 pīuēib; uair in pīuēi do gabar ar primpōit, α dā tīan do
 nūg tuaiēi, ocur α tīan do flait geilpīne; in pīuēi do ga-
 bar ar porpōit, īr rinōdō ar do; in eutpū atā do nūg
 tuaiēi ano, īr eutpū α leē atā do flait geilpīne, uair
 īr eutpū leiēi ar dā tīan in tīan. Coir no dēirōe,
 25 uair īr in noenmūo rann pichit atā do nūg tuaiēi 1 nair
 α primpōit, cemāo leē in noenmūo rann pichit rin do beit
 do flait geilpīne 1 nair α primpōit.

Canar α ngabar dā tīan in noenmūo rannōe pichet

road; three-fourths of the one-and-twentieth part for injuring his by-road. One-half the one-and-twentieth part is *due* to the 'Geilfine'-chief for injuring his principal road, two-thirds of the one-and-twentieth part to him for injuring his by-road. And nothing of these *regulations* is found in any book, except the one-and-twentieth part; but they are inferred from the *case* of 'waifs'; and the one-and-twentieth part is inferred from 'The demand of a king for the cutting of his roads.'

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Whence is it inferred that the three-quarters of the one-and-twentieth part are *due* to the king of a territory for the injury of his by-road? It is inferred from the 'waifs,' for, of the waifs which are found on a principal road *there are* two-thirds *due* to the king of the territory, and one-third to the 'Geilfine'-chief. The waifs that are found on a by-road are to be divided in two between them. The three-fourths of the two-thirds of the waifs of his principal road that are *due* to the king of the territory are *equivalent* to the half of the waifs of his by-road to which he is entitled; *and* from this it is right that as it is the one-and-twentieth part that is *due* to the king of the territory for injuring his principal road, it should be the three-fourths of this one-and-twentieth part he should have for injuring his by-road.

Whence is it inferred that half the one-and-twentieth part is *due* to the 'Geilfine'-chief for the injuring of his principal road? It is inferred from the 'waifs,' for two-thirds of the waifs which are found on a principal road, *are due* to the king of the territory, and one-third thereof to the 'Geilfine'-chief; the waifs which are found on a by-road are divided in two; *and* whatever portion the king of the territory has therein, the 'Geilfine'-chief has one-half of the same, for the one-third is equal to one-half of two-thirds. It is right therefore that as it is the one-and-twentieth part that is *due* to the king of a territory for injuring his principal road, it should be the one-half of that one-and-twentieth part that the 'Geilfine'-chief should get for the injuring of his principal road.

Whence is it inferred that it is the two-thirds of the one-

* Here B (O'D 2019) has a new brocard *cachae aus a loize* + short commentary unfinished.

- THE BOOK OF AIGILL. ατα το πλατ̃ γελphine i nair α πορραιτ, uair naē inoirenn
 O'D. 2018. Lebar? 1p ap gabar, ap α cuiotiz p̃ritē b̃uoin ocup p̃uz
 5 O'D. 2018. tuaitē ap in [por]p̃ot rin; uair in p̃riti do gabar ap
 γελphine; in p̃ritē do gabar ap porp̃ot, [α leth do p̃uz
 tuaiti ocup α leē do πλατ̃ γελphine .i. p̃eireō imporc̃p̃aio
 ατα το πλατ̃ γελphine aro rin do romaine α p̃ritē porp̃ot
 p̃ech romaine α p̃riti p̃rimp̃ot; coip no d̃eiriōē, ciamao
 p̃eireō imporc̃p̃aio no beē do i nair α porp̃ot p̃ech air α
 10 p̃rimp̃ot; ocup air m̃bein α c̃ota d̃ep̃er p̃ritē ap, .ip aro
 t̃eit in c̃ombp̃oail rin air it̃ir na p̃laēaib].

Cio pot̃era c̃onaō mo do p̃uz tuaiti α p̃rimp̃ot ina porp̃ot, ocup c̃ona mo do πλατ̃ γελphine α porp̃ot ina α p̃rimp̃ot?

- 15 1p e p̃aē pot̃era; p̃uioil̃ri do p̃uz tuaiti p̃rimp̃ot ina porp̃ot; ocup p̃uioil̃ri do πλατ̃ γελphine porp̃ot ina p̃rimp̃ot.

Ocup iar m̃breit̃h c̃otaē p̃riti ap, ip ann αta in c̃obp̃oail rin air it̃ir na p̃laēib; ocup α laēō ocup α ñg̃ñm̃p̃aio do
 20 c̃ait̃em doib p̃ir in p̃e rin, ocup t̃reb̃uiri o na p̃laēib p̃e p̃er p̃riti, m̃apa l̃uza ina cuiotiz p̃uc̃ur̃tar p̃er p̃riti, ina p̃uil̃leo d̃airec do o pa p̃iñt̃p̃aio p̃er buñairo, ocup t̃reb̃uiri tar c̃eno p̃ir p̃riti, m̃apa mo na cuiotiz p̃uc̃ur̃tar, in im̃ap̃c̃p̃aio d̃airec uao o po p̃iñt̃p̃aio p̃er buñairo.

* *

25 Cach meic α m̃ap̃lab̃ra.

- × .1. t̃pi m̃eic̃lab̃ra ait̃p̃eg̃tar aro: m̃ap̃lab̃ra d̃ep̃ .i. iñd̃eit̃em po bai aic̃i anñirin α tab̃air̃t ap cõp̃c α d̃ep̃, ocup

¹ Shall be found.—O'D. 2018, adds here: "And it is of the share of the original owner this division was made, and as to what reaches the owner, if it was found

x for this see O'D 1571f C54.

f. B. Ait. 9.

O'D 1571f.

and-twentieth part which are *due* to the 'Geilfine'-chief for THE BOOK OF AICILL. injuring his by-road, as no book states it? It is inferred from his own share and *that of* the king of the territory, of the waifs *found* on that by-road; for *of* the waifs found on a principal road, two-thirds are *due* to the king of the territory, and one-third to the 'Geilfine'-chief; *and of* the waifs found on a by-road, the one-half is *due* to the king of the territory and the one-half to the 'Geilfine'-chief, i.e. here the 'Geilfine'-chief has one-sixth more of the profits of the waifs of his by-road than of the profits of the waifs of his principal road; *and* it is right from this that he should have one-sixth more for the injuring of his by-road than for the injuring of his principal road; and after the finder of the waif has deducted his share therefrom, it is then this equal division of it is made between the chiefs.

What is the reason that there is more *due* to the king of the territory for *injuring* his principal road than his by-road, and that there is more due to the 'Geilfine'-chief for injuring his by-road than *for injuring* his principal road?

The reason is; the principal road is more the peculiar property of the king of the territory than the by-road; and the by-road is more the peculiar property of the 'Geilfine'-chief than the principal road.

And after deducting the share of *the finder of* the waif from it, it is then this division of it is made between the chiefs; and they use the milk and the labour of *the stray cattle* during this time, and security *is given* by the chiefs to the finder of the waif, *that* if the finder has got less than a *finder's* share, more should be paid him in case the original owner be found, *and* security *is given* for the finder, *that* if he obtained more than a *finder's* share, he shall pay the overplus when the original owner shall be found.¹

Every son *is entitled* to his son-gift.

There are three kinds of son-gift taken into consideration; a son-gift *in consideration* of tears, i.e. he had an intention then of giving it to *him* to check his tears, and if it was not

on a chief road, it is the same as if it was lost by a king of a territory, and if on a by-road, it is the same as if it was lost by a 'Geilfine'-chief."

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mun buo eo, ip a beic amuil in macrlabpa reircean;
ocur macrlabpa gaire; ocur mac reirren. In macrlabpa
deir canb¹berap can²taithberap, in ni do berap inoiu
gatair air amairech.

5 In macrlabpa gaire ip oilep do uile, iur cola [ino] (.i. aithgin), ocur cru (.i. in tinno), ap ip puilep la reime
macrlabpa dar polaro. Co nachtu³ga⁴ do mac rin loigro-
acht na gaire, ocur munap a⁵taig, ip comlo⁶gu⁷o lanam-
nair do denum de; noco mo beirer do oiba⁸ in athap iap
10 necaib in nathap na cach mac o⁹ligte¹⁰ na deirna in gaire, ^{acht}

*cuithir bunad sef av. VII. nanman do indud beirius in mac scribbr
sef na macu oile add. Oib. 1572*

In macrlabpa reircean; ip oilep in bunad co ruici reit
nanman¹¹o don inoiu, ocur a re¹²ga¹³o o ¹⁴ca rin amac, cuic
tur, cuich p¹⁵uehnam; (ocur t¹⁶rian bunad na reit nanman¹⁷o
ro) ocur anman¹⁸o ap pichit po bi ano rin. Munab mo
15 nat reit nanman¹⁹o, ip ce²⁰raio comao oilep.

Cacha fuch a mac co no²¹ergeltar de.

1. ip²²eo ip leir²³in f²⁴uiche a mac co po de²⁵rb²⁶cennais²⁷ter de,
d/ co po i²⁸etar coirp²⁹phie ocur eneclann p³⁰ur po aic³¹neo up³²raio,
no de³³oraio, no m³⁴ur³⁵ce³⁶ur³⁷ei no ra³⁸ir, ocur lan i³⁹ap⁴⁰raio fon
20 com⁴¹ut re; ocur aith⁴²gin ca⁴³ neic po i⁴⁴eo in⁴⁵a cin⁴⁶ao oic
p⁴⁷ur. Ocur po p⁴⁸er a ath⁴⁹ap ano rin; ocur m⁵⁰un⁵¹a p⁵²er, in
e⁵³ir⁵⁴ue ra⁵⁵ir ip lu⁵⁶ga bu⁵⁷ga⁵⁸ba⁵⁹ i lu⁶⁰ba⁶¹ra oic in⁶²a cin⁶³ao .i. e⁶⁴ir⁶⁵ue
m⁶⁶ur⁶⁷ce⁶⁸ur⁶⁹ei ra⁷⁰ir.

Ma⁷¹ra cu⁷²ra⁷³ma in lan po i⁷⁴eo ra⁷⁵ir a cen⁷⁶n ocur in lan
25 po o⁷⁷le⁷⁸et de, i⁷⁹eo in ta⁸⁰tha⁸¹ir be⁸²ir⁸³ur im⁸⁴ach he in lan rin
p⁸⁵ur⁸⁶in ath⁸⁷ap i⁸⁸eo pa⁸⁹ibe ta⁹⁰ll co⁹¹ra⁹²ra⁹³ta.

¹ A gift in consideration of maintenance.—This, it would seem, was a portion which the father gave to the son who was to support him in his old age. This son was usually the eldest legitimate son, and it would appear from this article that there was a regular agreement entered into by the father and son for this purpose.

-bongar Oib 938

cf. II 364. 20

cf. cach f^uiche a mac mani^{ch}eder de
ZCP 8, 319.

ACL III 226. 16.

C. 228. 230. 232.

this intention he had, it is to be considered as a gift to a son THE BOOK
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— for affection's sake; and a gift *in consideration* of maintenance;¹ and a gift of affection. The gift to a son *in consideration* of tears is given and taken away, *i.e.* what is given to-day is taken away to-morrow.

The gift to a son *in consideration* of maintenance is all due to him, both stock, *i.e.* restitution, and interest, *i.e.* the increase, for with the Feini, a gift to a son on conditions *of support* is lawful. *This is so* when the son has made an agreement respecting the price of his maintenance *with the father*, and if he has not made an agreement, it shall be made into an adjustment of 'lanamhnus'-relationship; he shall not obtain more of the father's effects after his death than any other legitimate son who did not perform the maintenance.

As regards the gift to a son for affection's sake;² the stock is *his lawful right* as far as seven animals of the increase, and it is to be considered from this out, *what is due* for land, and *what for attendance*; and these seven animals constitute one-third of the stock which consisted of twenty-one animals. If it be not more than seven animals, the opinion of some is that it is *his lawful right*.

Every cuckold *has a right to his reputed son* until purchased from him.

That is, to the cuckold belongs *his reputed son* until he is purchased from him *by his real father*, *i.e.* until there has been paid to him body-price and honor-price according as he is a native freeman, or a stranger, or a foreigner, or a 'daer'-person, and the full price of fosterage for the length of time *he was with him*; the equivalent also of everything which he had paid for his crime shall be paid him *back*. His *real father* is known in this case; but if he be not known, the lowest 'eric'-fine for a freeman that is found in a book is to be paid for his crime, *i.e.* the 'eric'-fine for a free foreigner.

If the full *fine* which has been paid for him be equal to the full *fine* which he owed, the *real father* who takes him away shall pay that full *fine* to the *reputed father* with whom he has been hitherto.

² *The gift to a son for affection's sake.*—In C. 1228, this is said to be in amount 'a 'colpach'-heifer, or a 'samhais'-heifer, or a milch cow."

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Mará cuiruma lan in athair rucurtaí he ocuṛ lán
in athair o rucaro, icaro in tathair rucurtaí he a lan
budein rirín nathair o rucaro. Mará mo lan in athair o
rucaro, icaro in tathair rucurtaí amuig, ma cuimigro, ocuṛ
mana cuimigenn, icaro budein a bualgur a reilleḁa; no ir
a ic don athair a bualgur reanrocaíl.

seilbe?

Mará luḁa in lan po icaro dar a cenn na in. lan po
olecht de, icaro in tathair beuṛ imach he oigbail laime
rur in nathair aca roibe éall corraṛta, ocuṛ icaro budein
in imarparaio ar aḁaḁ imach.

Mará cuiruma in taltraṁ tucaro air ocuṛ in taltraṁ
po olecht de, ir ceṛtiarraio; mará mo anar, ir olliaṛraio;
mará luḁa anar, ir ingiaṛraig. Conicir a breiḁ o caḁ rur
ṛur do gṛer he, no co tucá rur noane daen athair, ocuṛ
o do beṛa rur daene leiṛ do aen athair, nocu cumaic a
breiḁ uaraṛraio no cu tucá rur de leiṛ daṛthair aile;
ocuṛ o do beṛa rur de leiṛ daṛthair aile, noco cumaic a
breiḁ uaraṛraio ṛur de, no ṛur daene, no co reḁt cumala.

Ir ar gabar a breiḁ o caḁ rur ṛur do gṛer .i.

20 rær brú beuṛ brú
do tabairt clí,
cío do cet colla
cumraḁi.

.i. ir roer don brú beuṛ in mbriḁ pecir colann don cet
25 da cumraigea in clí rin.

Mará mo lan in athair rucurtaí, icaro in tathair ru-
curtaí a lan budein rur in nathair o rucaro, ocuṛ icaro in
imarparaio amach.

If the full *fine* of the father who takes him away be equal to the full *fine* of the *reputed* father from whom he is taken, the father who takes him away shall pay his own full *fine* to the *reputed* father from whom he has been taken. If the full *fine* of the *reputed* father from whom he has been taken be greater, the father who has taken him out shall pay it, if he is able, but if he is not able, *the son* himself shall pay in right of his property; or it shall be paid by the father in right of the 'old promise.'^a

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If the full *fine* that has been paid for him is less than the full *fine* which he owed, the father who takes him out shall pay the *liability* for injury of his hand to the *reputed* father with whom he had been hitherto, and he himself shall pay the excess against him out (to the other party).

* Ir. Old
word, i.e.
proverb.

'the emptying of his
hand'

If the fosterage which was given to him be equal to the fosterage that was due to him, it is a right fosterage-price; if it be more than that, it is over-fosterage-price; if it be less than that, it is under-fosterage-price. He can be taken from man to man always until the evidence of men assign him to one father, and when he has been assigned to one father by the evidence of men, he cannot be taken from him until he be assigned to another father by the test of God; and when he has been assigned to another father by the test of God, he cannot be taken from him by the test of God, or the test of men, until seven 'cumhals' are paid for him.

noted from prop.

His being brought from man to man in succession is derived from this, i.e.

Free is the womb that brings forth a birth
To produce a body,
Whichever of a hundred persons
Removes it.

not used

i.e. the womb is free which brings forth the offspring whatever person of the hundred it be by whom that offspring is removed.

all wrong

If the full *fine* of the father who has taken him is greater, let the father who has taken him pay his own full *fine* to the father from whom he has been taken, and let him pay the excess out.

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Ματ ρεο α ρειρ ιν ρερ, cuið in lenum, ap ρe, letpu, ap ρi, iρlan τι; uair ρεο α ρειρ: each ρuch α mac co noergelltar ρe. No ρono, comat eipic anpocail uaithe anto.

5 Cach athair α cet coibðe.

1. cet coibðe cað ingine dia athair, da trian iρ in ðoibði tanairte, ocup leð ap in tpep coibðe, ocup uppannur caða coibðe oða ρin amañ co ρia coibðe ap ρichit. Leð coibðe cað ingine dia hañe ρine, trian ap in coibðe tanairte, 10 cethpumði ap in tpep coibðe. Ocup iρ ap ðabair ap ρil ni, cuiτ, i coibðe cacha mna ρon aigi ρine añuail ρil cuiτ in apðai b baitpate; ocup noca naðabair ni oib ρin ρon aithp cenmoða in cet coibðe, aæt α ðabail on aigi ρine.

Canap α naðabair da trian ata ρon athair ap in coibðe 15 tanairte, uair nað inoipenn lebap? Iρ ap ðabair, on aigi ρine, uair leð ata ρon aigi ρine ap in cet coibðe, ocup trian ap in coibðe tanairti, ocup iρ e da trian in lain. Coip no ρeipðe; uair iρ uile ata ρon athair in cet coibði, coip cema da trian ρo beit ρo ap in coibði tanairti.

20 Canap α naðabair in leð ata ρon athair ap in tpep coibði, uair nað inoipenn lebap? Iρ ap ðabair, on aigi ρine; uair leð ata ρon aigi ρine ap in cet coibði, ocup cethpumðe ap in tpep coibðe. Coip no ρeipðe; uair iρ uile ata ρon aithair in cet coibðe, coip cema leð ρo beτ ap in tpep 25 coibðe.

¹ *Half the first 'coibche'-wedding gift.*—There seems to be something wrong in this statement. If the father got the whole of the first such gift, how could the head of the family get the half?

If what the man says is, 'whose is the child?' says he, and she (*the mother*) says 'thine,' she is safe; for what it (*the law*) says is: 'Every cuckold *shall have* his own son until purchased from him.' Or indeed, it may be that 'eric'-fine for falsehood *is due* from her for it.

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Every father gets the first 'coibche'-wedding gift.

cf. II 32.

That is, the first 'coibche'-wedding gift of each daughter, *is due* to her father, two-thirds of the second 'coibche'-wedding gift, and one-half of the third 'coibche'-wedding gift, and a proportionate part of every 'coibche'-wedding gift from that out until it reaches the one-and-twentieth. Half the first 'coibche'-wedding gift¹ of every daughter *is due* to the head of her family, one-third of the second 'coibche'-wedding gift, one-fourth of the third 'coibche'-wedding gift. And hence it is inferred ~~that~~ the head of the family has some share of the 'coibche'-wedding gift of each woman, as he has in the *aptha*-gains of the strumpet; and none of these is obtained *directly* by the father except the first 'coibche'-wedding gift, but he ~~obtains his shares~~ from the head of the family.

1 none of these [shares] is (can be) inferred from the father, but are so inferred from the act.

Whence is it inferred *that* two-thirds are *due* to the father out of the second 'coibche'-wedding gift, as no book states it? It is inferred from the *share* of the head of the family; for the head of the family has one-half out of the first 'coibche'-wedding gift, and one-third out of the second 'coibche'-wedding gift, which is *equivalent* to the two-thirds of the whole. This is right therefore; since the father has the whole of the first 'coibche'-wedding gift, it is right he should have two-thirds out of the second 'coibche'-wedding gift.

Whence is it inferred *that* the half is *due* to the father out of the third 'coibche'-wedding gift, as no book mentions it? It is inferred from the *share* of the head of the family; for the head of the family has one-half out of the first 'coibche'-wedding gift, and one-fourth out of the third 'coibche'-wedding gift. This is right therefore; since the father has the whole of the first 'coibche'-wedding gift, it is right he should have one half out of the third 'coibche' wedding gift.

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cf. IV 62.25f.

cf. 314.7

Եւ թօքսն քոնաճ՝ Եւթրսմա քարաւ ին քօւծի, օքսր քոնաճ՝
Եւթրսմա թօ քարաւ ին քրսն քնօւլ? Իր ք բաժ թօքսն, մօ
քաւթք ին քաթար թօ քօւքի՛ն իմ քեք օքսր իմ մօքնն ին
քաճի քնք, օքսր քօւք քն մաթ մօ նօ քեւժ թօ. Օքսր նօքօ
5 քօքքար թօւր քն թօ քաթարք նօ քօ քնքսրսմ ին քրսն քնօւլ
Լք թօ ճսմ քնք; օքսր նօքօ քօքքար թօւքրսմ քն թօ քաթարք
քօ նօ քօ քնք քն նա քանթօ քն թօն քօւքժ թօւքրսմ. Իր քր
քաթար; սրքանթսր թօն աճի քնք քր քաժ քօւքժ նօ քօ քնք
քօւքժ քր քնքիք, օքսր նօքօ նաքքար թօն քաթար օն քրք
10 քօւքժ քնք, աժք ա քաթաւ օն աճի քնք. Աճսւլ քր թօ քնք-
սմա քնք թօ քնքն նաճի քնք թօն քեք քօւքժ, քօւք քնք մա
քն քնքսմա նօ քեւժ թօ քնքն աճի քնք քր քաժ քօւքժ նօ
քօ քնք քօւքժ քր քնքիք.

Իր քնն քնք թօւքր նա քնն քնք թօւքրսմ .i. թօն քաթար
15 օքսր թօն աճի քնք, ին քնն քր քնքքաժքեք քօ նքեւժքնք ին
քն.

Մաք քր նքեւժքնքսր մնք թօ քնքքեժ ին քնքքք, աճսւլ
քրքեքք սաժքր նա քանթօ քնք թօւքր քօ քօ մնքժ քօ նա նքլքքեժ,
քր քնքաժ քնք քրքեքք օն քաթար օքսր օն աճի քնք նա
20 քնքնք քնք թօւքր թօւք.

Մաք քրք նա նքեւժքնքսր նօ քրք նա ննքեւժքնքսր մաք
քն քնքք ին քնքքք, ին քնքքքքնքք քրքեքք սաժք թօ
նա քնքնքք քնք թօւքր քօ քօ մնքժ քօ նա նքլքք, քօքքք ք ին
քնքքքքնք քնք քրքեքք օն քաթար օքսր օն աճք քնք թօ
35 նա քնքնքք քնք թօւքր թօւք.

Ըաք թօքքք ա քրսն.

.1. քեքքսմքի քր թօքաժ քնքք քնքք, նօ քր ին քնքք քրքքք
քնք քաթաւ մաքք, օքսր մա քնք քաթաւ մաքք, քր քրսն.

¹ 'Tinol'-marriage collection.—Vid. Vol II., p. 346, note 3.

What is the reason that they do not take of the 'coibche' - THE BOOK OF AICILL. wedding gift equally, and that they do not take of the third of the 'tinol'-marriage collection' equally? The reason of it is, the father is more expected to relieve her (*the daughter*), in small and in great matters, than the head of the family, and it is right that he should have more. And she is not bound to give these portions of her 'coibche'-wedding gift until she has taken the one-third of 'tinol'-marriage collection with her to a husband; and they are not obliged to give this to her until she has given these parts of the 'coibche'-wedding gift to them. It is derived from this:—the head of the family has a share out of every 'coibche'-wedding gift as far as twenty-one 'coibche'-wedding gifts, but the father does not obtain any from the third 'coibche'-wedding gift out, but gets *his shares* from the head of the family. As he gets twice as much of the first 'coibche'-wedding gift as the head of the family, it is right that he should have twice as much as the head of the family out of every 'coibche'-wedding gift as far as twenty-one 'coibche'-wedding gifts.

It is then these portions belong to them, i.e. to the father, and to the head of the family, when the woman is lawfully^a divorced. ^a Ir. *Of necessity.*

If the separation has taken place through non-necessity *on the part* of the woman, even as the shares due to her when she is in her lawful state will be returned by her, so also shall the shares belonging to the father and the head of the family be returned by them.

If it be through necessity or non-necessity *on the part* of both that the separation took place, the proportion of the shares belonging to her in her lawful state, which shall be returned by her, is the proportion which shall be returned by the father and the head of the family of the shares which would belong to them.

Of every levy its third.

That is, the fourth *is paid* for levying within the territory, or in the nearest territory without *the intervention* of an arm of the sea, but if there be an arm of the sea, it is one-third.

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Ṭṛian ar tobach ar in trér cṛich cen gabail mara, ocur
ma ta gabail mara, 1ṛ leṣ. Leṣ ar tobac̃ 1ṛin cethṛamaḃ
cṛich cen gabail mara, ocur ma ta gabail, 1ṛ da ṭṛian.
Ocur 1ṛeo 1ṛ gabol mara ann ead̃ bail na petar cen luing
no cen ṛnam. Da ṭṛian ma daṛ mara moing, uile ma co
necne inṛaigro. O 1ṛ nemberēā ṛin daṛ na petar dul
cen ṛnam no cen ethar, no cen imcein cṛiḃe; ocur da
petā, nocu cumṛeapet cuitis tobais in; buo ecin inṛeu-
chat cṛiche do maḡail 1 leirh ṛṛ.

N.B.

cf. I 294-9

digested
0-6 1693

10 Cio poṛera conach ṛail aḃt cethṛuimḃi ar tobach ṛunn,
ocur 1 bail ata ṭṛian do ṛeicheman ar tobach o anṛoḃo co
oiler tuar, ocur conaḃ 1 cṛiḃ do ṛuneḃo iat anṛir? 1ṛ e
ṛaḃ poṛera; bṛeithem do ṛune in tobach tuar, ocur aile
ṛec tuilleṛ in cethṛuimḃi conaḃ ṭṛian; ocur nocu bṛeith-
15 em do ṛune ṛunṛo.

Ma ṛo cenṛais inṛṛpo, ar maithē ṛe ṛeṛ in ṛeoit, in tan
1ṛ luḡa inā loḡ do ṛat ar, 1ṛ cutṛuma aṛaṛo do, ocur loḡ
tobais ar in nimaṛeṛaṛo.

Maṛ e a cutṛuma ṛein do ṛat da ḃinṛo, no ar mo anar,
20 1ṛ oileṛ a ṛet do, no co daṛtar cutṛuma aṛaṛo do da cino;
ocur 1ṛ oileṛ o neoch a mbeṛaṛ, aḃt ṛann daṛ muṛ, aḃt
in ṛiḃaṛmaḃ ṛann ar ṛṛṛ bunaro; ocur 1ṛ anṛ ataṛ na
ṛanna ṛin in tan na cumaing ṛeṛ in ṛeoit a tobach.

Munab ar daig in maithira ṛo cenṛais, 1ṛ ṛiaḃ ḡaiti uat
25 anṛo.

cf. V 334-11

1ṛ eṛtiḃ ata cuitis tobais, ṛeoit oḡiger ocur in na
ṛamtar oḡigeḃ do; ocur cuitis tobais don ti ṛo toiḡeṛtar
iat, ṛo aicneḃ na cṛiḃi ar toiḡeḃo iat. Ocur 1ṛ eṛtiḃ ata

¹ The billowy sea.—The word 'mong' usually means the 'mane of a horse.' It
refers probably to that state of the waves in which they are poetically described
as 'crested.'

One-third *is paid* for levying in the third nearest territory, without *the intervention of* an arm of the sea, and if there be an arm of the sea, it is one-half. One-half is paid for levying in the fourth territory without *the intervention of* an arm of the sea, and if there be an arm of the sea, it is two-thirds. And an arm of the sea means every place which cannot be crossed over without a boat or without swimming. Two-thirds *are paid* if it be over the billowy sea,¹ the whole if it be a forcible incursion. This is when it is taken from a man with whom there is not a 'besena'-compact, and who cannot be approached without swimming, or without a boat, or without a great round by land; but if he could be otherwise approached, the levyer's share will not be altered in any way; 'distance of territory' must be the rule respecting it.

What is the reason that there is only one-fourth for levying here, while in a place above mentioned an advocate had one-third for levying from beginning to end, and both levies were made within the territory? The reason of it is; it was a Brehon that made the levy in the former case,² and his fee is one-twelfth, which with one-fourth is one-third; and it was not a Brehon that made this levy.

If, however, he has purchased for the good of the owner of the 'sed,' when it is less than the value he gave for it, he gets the proportion due for his suing, and the expense of levying is deducted from the excess.

If it was its own proper value he gave for it, or more than it, the 'sed' shall belong to him until he is paid for his suing for it; and it is forfeited by the person from whom he recovers it, except the part beyond sea, except the thirtieth part of it to the owner; and these divisions are made when the owner of the 'sed,' is not himself able to recover it.

If it was not for the purpose of effecting good he bought 'the sed,' fine for theft is recoverable from him.

The 'seds' out of which the levyer's share is due are those which are due to him and concerning which his right³ has not been conceded to him; and the share for levying is due to him who has levied them, according to the custom of the territory where they were levied. And the 'seds' out of which

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¹ Ir. Above.

² when he has given less than its value for it, the amount of his own property (good) is [made good] to him at the fee for

share apply

³ Ir. Law.

4V 334.14f

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cuittis impioi, reoit na oligenn duine do peir oligio, ocup
cinnoti no cunnatabairt conio ar impioe tucaro iat; ocup
trian ar impioi cinnoti ant, no peireo ar impioe cunnatab-
arac.

- 5 1r eiruib atait reoit imluaro, reoit po batup ac duine
i ninuo aile ocup po erburtae de dul ar a cenn, no cen
cor erburtae 1r peirui leir; reoit imluaro don ti do cuaro
ar a cenn po aicneo elaronais no anelaronais .i. rerepall
caē elaronais, no leirerepall caē neimelaronais. 1r e
10 aipet atait na reoit imluais co pia cuittis tobais na cuicē
ocup noco teit tairir.

Manā eipet dul ar a cenn iur, no muna peirui leir,
noca nuil ni don ti do cuaro ar a cenn. Bit na reoit im-
luaro in inbairt ipe per in treoit a tubairt iur a tabairt
15 leir na reoit tucurtae; no 1r po aicneo in ti po cuirpeo
per bunaro ar a cenn, manab e a tubairt dul ar a cenn.

4V 334.8f

1r eiruib ata cuittis puiē, reoit do terta o duine, ocup
noco nitir cait a puiet iat. Ocup cuittis puiē don ti puiar
iat po aicneo coimved no eccoimved.

20 Leith dipe la aithgin.

4V 486.11f

.1. on mroac etechta, ma po aipobenupta alē no peiē
cen gabail trebuiui cen uproca rooēleigir; ma do pine
nechtar de, 1r cethruimēi dipe la aithgin; ma po gab iat
mar aen, 1r lan.

25 Aithgin on mroach tetaē ma po aipobenupta alē no
peiē cen gabail trebuiui; ocup ma po gab trebuiui, 1r lan.

Aithgin on mroach etechta ma tuiroech pola cen gabail
trebuiui, cen uproca rooēleigir; marab iat maraen,
1r lan.

the share of intercession is due are the 'seds' which a person is not entitled to according to law, and it is certain or doubtful that it was for intercession they were given; and there is one-third for certain beseeching, or one-sixth for uncertain beseeching in the case.

The 'seds' out of which driving 'seds' are due are 'seds' which a person had in another place and he ordered him (*another person*) to go for them, or though he did not order, he approves^a of it; driving 'seds' are due to the person who went for them according as he is a professional or unprofessional person, i.e., a 'screpall' to every professional, or half a 'screpall' to every unprofessional person. The driving 'seds' extend to the levying share of the territory, and do not go beyond it.

^a Ir. Prefers.

If he did not order *him* to go for them at all, or if he did not prefer it (*his going*), there shall be nothing *due* to the person who went for them. The driving 'seds' are *due* when it was the owner of the 'seds' that told him to bring with him the 'seds' which he did bring; or, it is according to the quality of the person whom the owner should have sent for them, if he had not told *the man* to go for them.

That out of which a finder's share is due is the 'seds' which are wanting to a person and he does not know where they are. And the person who found them is entitled to a finder's share according to the nature of *the place where he found it, whether in a common or a place not a common.*

Half 'dire'-fine with compensation.

That is, from the unlawful physician if he has removed a joint or a sinew without taking guarantee, without warning of bad curing;¹ if he has done either of these, it (*the penalty*) is one-fourth fine with compensation; if he has done both, he is exempt.

Compensation *is recoverable* from the lawful physician if he has removed a joint or sinew without taking guarantee; and if he has taken guarantee, he is exempt.

The unlawful physician shall make compensation for his blood-letting' without taking guarantee, without warning of bad curing; if he has *done* both, he is exempt.

¹ Without taking guarantee, without warning of bad curing. That is, getting an indemnity against liability to damages; and with notice that he was not a regular physician.

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OF
AICELL.

Slan don mroach techta a tuirpech pola cen gabail
treabuiru ocuŕ uproca rooŕleisŕ. Olegar don mroach
etechta gabail treabuiru nama. Ir anto atarín in inbair
na raibí cneo for a cno 1 corp, no ciaro bi, ro tuillirtar
ŕum cneo imarpario anto, ma poclairo liais coitcenn co
petparioa a leisŕ ní bu olisŕeŕ. Ma ro batup cneoa ar
a cno 1 curp, ocuŕ nŕ tuillirtar ŕum iat, ocuŕ poclairo
liais coitcenn cuna petpario a leisŕ ní bu olisŕeŕ, rlan
iatŕum anto.

[?]
10 Cairte gell coibeŕ colla[^]?

(*many. edge 50*)
O'D. 707.

[1. caroe aŕne in lan gille iŕ? Coibeŕ colla^o na rŕach.]

1. Na ceirŕu lan gille, ocuŕ na ceirŕu leit gille, ocuŕ
na ceirŕu tŕian gille, ocuŕ na ceirŕu rmaŕt gille.

Na ceirŕu lan gille .i. lan gille ŕurín neŕum toirŕioa
iŕar mbreithemnur 1 nuparour; lan gille ar ŕinroa no ar
ŕeoŕio; lan gille ŕe aŕec in ŕŕ uirŕ 1 rlanŕ iŕ nŕ
ŕoile; ocuŕ lan gille ar in nomaro lo don rŕleo; ocuŕ no-
maro ar ŕeŕmaro iŕeic.

Na ceirŕu leit gille; leŕ gille ŕurín neimneŕum iŕar
20 mbreithemnar in nuparour; leŕ gille iŕar mbreithemnur 1
cain aŕomnain, cŕo ŕe neŕum cŕo ŕe nemneŕum; leŕ gille
ŕurín ní ŕeŕ 1 lobao don [aŕgabail] bŕuigrechta 1 cain
ŕaŕuic, cŕo ŕe neŕum cŕo ŕe nemneŕum; leŕ gille rŕia
[loingŕe] liŕ don rŕleo.

25 Na ceirŕu tŕian gille; tŕian gille ŕurín neŕam toirŕioe
uparour 1 nuparour, 1 nupŕuigell; tŕian gille iŕar mbreithem-
nur 1 cain ŕaŕuic, cŕo ŕe neŕum cŕo ŕe nemneŕum;
tŕian gille ar ŕeŕ[eŕ] don rŕleo; ocuŕ tŕian gille 1 nup-
ŕuigell 1 cain aŕomnain, cŕo ŕe neŕum cŕo ŕe nemneŕum.

¹For restoring the sick man to health. This seems to apply to the case of a man that has wounded another, whom he was obliged to take to his own house to be cured. He was entitled, it would appear, to take from the invalid's friends a pledge that they would take him back if pronounced incurable.

²To the poet. That is, a pledge that his claim would be paid on the ninth day after judgment had been given in his favour; otherwise, the pledge would be forfeited on the tenth day.

|| O'D 2447 ff.

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cf I 276. 23f.

caro ndoilighe O'D 2447

ethg. in cwmathchessa
i cam P. 6/8 2447. O'D. 708.

cf C 2690. O'D 121 O'D. 709.

cf C 560

The lawful physician is exempt for blood-letting without taking guarantee, or *giving* warning of bad curing. The unlawful physician is bound to take guarantee only. This is the case where there was no wound upon the body before him, (or when though there was, he increased the wound too much), if an impartial physician declares that it could have been cured more lawfully. If there were wounds on the body before him, and if he did not increase them, and an impartial physician declares they could not have been cured more lawfully, he is exempt as regards them.

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AICILL.
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What is the pledge proportionate to the subject-matter^a in dispute?

That is, how is the full pledge known at all? The proportion to the principal *claimed* as debts.

^aIr. Body

That is, the four full pledges, and the four half pledges, and the four one-third pledges, and the four 'smacht'-pledges.

The four full pledges *are these*; viz., full pledge for an article of necessity after judgment in 'urradhus'-law; full pledge for a pauper or a stranger; full pledge for restoring the sick man to health¹ after ~~having been pronounced incurable~~; and full pledge on the ninth day to the poet²; and this is ~~a~~ ninth for ~~a~~ tenth. (i.e. here ninth = tenth)

?
conclusion of sick-man's
of Eoin 12,

The four half pledges *are*: half pledge for an article not of necessity after judgment in 'urradhus'-law; half pledge after judgment in the 'cain'-law of Adamnan, whether for an article of necessity, or not of necessity (half pledge for the part that is forfeited of the distress³ of farm law) in the 'cain'-law of Patrick, whether for an article of necessity, or one not of necessity; half pledge for festival entertainment⁴ to a poet.

ein halbes Pfand für das
was vom Pfand nach
Landrecht verfällt
Thurn ZCP 18, 389.

The four one-third pledges *are*:—one-third pledge for an article of necessity of 'urradhas'-law in 'urradhus'-law, in arbitration; one-third pledge after judgment in the 'cain'-law of Patrick, whether for an article of necessity or one not of necessity; one-third pledge for a sixth to the poet; and one-third pledge in arbitration in the 'cain'-law of Adamnan, whether for an article of necessity or for one not of necessity.

³ *Of the distress.* For "aēgabail, distress," O'D. 1,456, reads "aethgim, restitution."

⁴ *Festival entertainment.* For "loingte" which is the reading approved of by Dr. O'Donovan, O'D. 1,456, has "loigē."

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Na ceitŕi rmaçt gille; rmaçt gille peçtmair do rcur
troirci feich neŕaim toircioe upraoair i nupruigell ocu
rmaçt gille peçtmair i nupruigell i cain patraic, ci
pe neapum ci pe neimnerum; rmaçt gille peçtmair do
5 rcur troirci i cain adomnain, ci pe nerum ci pe neim-
nerum; rmacht gille peçtmair ap treir don filio; rmaçt
gille peçtmair do rcur troirci feich neŕaim toircioe
upraoair. Fuilleoŕ nŕin rmacht gille peçtmair co roib
lan gille iar mbreithemnuŕ.

10 In ceithrúmaro rano dec do rcur troirci feich neimnea-
raim upraoair, fuilleoŕ nŕin ceithrúmaroŕ rann dec corub
tŕian gille i nupruigell. Fuilleoŕ nŕin ŕeireo gille i
nupruigell curub leioŕ gille iar mbreithemnuŕ. Smacht
gille eicnoŕeoç do rcur troirci i cain patraic, fuilleoŕ nŕin
15 in rmacht gille eicnoŕeoç co roib rmaçt gille peçtmair
i nupruigell, co roib tŕian gille iar mbreithemnuŕ; rmacht
gille peçtmair do rcur troirci i cain patraic, fuilleoŕ nŕin
in rmacht gille peçtmair co roib tŕian gille i nupruigell;
fuilleoŕ nŕin tŕian gille i nupruigell co roib lan gille
20 iar mbreithemnuŕ.

* simply expanded?

* *laingire* 022448

Tairgille ap na gellaib pe pe nanta co na topaçtair
burdein a ŕopba anta i nupruigell, ocu in lan ruigill pe
pe ioçma, ocu feich i ŕopba ioçma. Ce do ŕoireo in gell
i ŕopba anta, mana toirpet na feich a ŕopba ioçma, iŕ
25 eiric elaire, no comao aparo a chgabala ap in ngell.
ŕoigellao ocu bleith ocu lobao do ŕul ina cenn. No

cf. I 208.30

The four 'smacht'-pledges *are*:—a 'smacht'-pledge of one-seventh to stop fasting for debt *in the case of* an article of necessity in 'urradhus'-law in arbitration; and a 'smacht'-pledge of one-seventh in arbitration, in the 'cain'-law of Patrick, whether for an article of necessity or for one not of necessity; a 'smacht'-pledge of one-seventh to stop fasting in the 'cain'-law of Adamnan, whether for an article of necessity or for one not of necessity; a 'smacht'-pledge of a seventh in addition to a third to the poet; a 'smacht'-pledge of a seventh to stop fasting for debt *in case of* an article of necessity in 'urradhus'-law. Addition *is* to be made to the 'smacht'-pledge of a seventh until there shall be full pledge after judgment.

As to the fourteenth portion to stop fasting for debt *in case of* an article not of necessity in 'urradhus'-law, the fourteenth portion shall be added to until it is *made up to* a one-third pledge in arbitration. The one-sixth pledge in arbitration shall be added to it until it is *made up to* a half pledge after judgment. *As regards* uncertain 'smacht'-pledge to stop fasting in the 'cain'-law of Patrick, the uncertain 'smacht'-pledge shall be added to until it is a 'smacht'-pledge of one-seventh in arbitration, *and* until it is a one-third pledge after judgment; *as to* a 'smacht'-pledge of one-seventh to stop fasting in the 'cain'-law of Patrick, the 'smacht'-pledge of a seventh may be added to until it is a one-third pledge in arbitration; the one-third pledge in arbitration may be added to until it is a full pledge after judgment.

An additional pledge shall be given with the pledges during the period of stay, until their own forthcoming at the end of the stay in arbitration, and the full award during the period of delay in pound, and the debts at the expiration of the delay in pound. Though the pledge be forthcoming at the end of the stay, unless the amount due be forthcoming at the expiration of the delay in pound, there is 'eric'-fine for absconding *due, or according to others* the principles *applicable in the case of* distress, apply to^a the pledge. Expense of tending and of feeding and forfeiture shall be added to them. Or, *according to others*, a pledge is

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^a Ir. On.

* cf. C. 1874. feich sin ata an dil 7 an sona.

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dono čena, cona bu vilur gell do gner no co troircea, maō uarlucaō no ma vilriugaō.

cf. II 96

tarrgair(?) O'D 2449

Uiri anta 1r e uiri gellta; uirde gellta 1r uirde uirēma; uirde uirēma 1r e uirde ičēa rīač. Uirde anta in pe iarra mbi in athgabail ap anao ap uo i laim cirtaig. Tairgille ap na gellail rīrin pe rīn. Uiri gellta 1r e uirde uirēma [1.] in pe iarra rīothmaitep; roigeltaro ocup bleit i cenn na hachgabala rīrin pe rīn. 1r coir gell do tabairt rīr na rīačail.

O'D. 709.

lobaid O'D

O'D. 709,
708.

Uirde uirēma 1r e uirde rīač; in pe iarra tait tuirim lobao a cenn na athgabala, cupub rīrin pe rīn do bepar rīač tap a cenn [in gill]. [rīač rīn rīailt for uil ocup rēna, ocup imā nāo ēigūn] a dail tige braitheam; ocup mana beirir, no buo lan gille no leč gille do rīč rīu 1rpo aicneo nepam no neimnepam .i. lan gille rīrin nepam, no leithgille rīrin neimnepam.

cf. I 27. 29.
V 224. 24

Caitte pochraic? .i. trian na cethruime add O'D 775

1. trian rīr na beoilib for trebuiū ečtrann co cenn mbliatna, ocup rīrēo for trebuiū buoin. Cethruimē 20 rīr na maiboilib for trebuiū ečtrann co cenn mbliatna, ocup ochtmao for a trebuiū buoin. Ocup 1rēo 1r trebuiū buoin ann, trebuiū in rīr o mberar na rēoit, no trebuiū neich aile euturū. Ocup 1rēo 1r trebuiū ečtrann anto, trebuiū in ti berur, no trebuiū aile rap a cenn. 25 Ocup uaine nač cumā eiripit ocup aicēo in uaine amaič ann rīn; ocup samā uaine buo cumā eiripit ocup aicēo, ocup 1r euturūa no biao leo for trebuiū ečtrann ocup for a trebuiū buoin. Ocup beoilē no maiboilē ac na rīil

cf. V 358. 16. 17. 20

N.B.

¹ What is hire? On the margin of the MS., H. 3-17, O'D. 775, opposite these words is written "eroge." The article seems to relate to land let out for grazing only.

² One's own security. The commentary here is unintelligible; it appears to be made up of different glosses mixed together. In O'D. 775, the definitions of "one's

never due until the fasting takes place, whether it be redemption or forfeiture.

The period of stay is the period for pledging; the period for pledging is the period of delay in pound; the period of delay in pound is the period for paying the debts. The period of stay is the period during which the distress remains for a while in the hands of the debtor. This is the time during which addition should be made to pledges. The time of pledging is the time of delay in pound, i.e. the time in which payment is made; expense of tending and feeding is added to the distress for that time. It is right to give a pledge for the debts..

The period of delay in pound is the time for paying debts; —the time when forfeiture is added to distress,—and it is in that time that cross claims are brought in by way of set off^a against the pledge. These are debts which are disputed and denied, and about which it is necessary to resort to the house of the judge; and if they are not such, a full pledge or half pledge should run with them according to their nature of necessary or non-necessary articles, i.e. full pledge for the necessary article, or half pledge for the non-necessary article.

What is hire?¹

That is, a third for the live-chattels upon the security of strangers to the end of a year, and one-sixth when upon one's own security. One-fourth for the dead chattels upon the security of strangers to the end of a year, and one-eighth when upon one's own security. And one's own security² means the security of the man from whom the 'seds' are obtained, or the security of another man for him.^b And the security of a stranger means the security of a person who obtains them (the 'seds'), or the security of another person for him.^b And the 'person out-side' in this case, is a person whose words and acts do not correspond; but if he were a person whose words and acts did correspond, there would be equal hire for them upon the security of strangers and upon his own security. And these are live

own security,¹ and "extern security" are just the reverse of those here given. Both copies are corrupt or defective.

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falls upon

*a Ir. In- on payment &
stead of: denial? (i.e.
which must be paid or
disapproved ??).*

Barth. p. 85

*b Ir. Be-
tween them.*

1: no? as the same as his word

cf 126. 24 *supra*THE BOOK
OF
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iníolop na iníorbairt rin, ocup da mbeir iníorbairt no
iníolop, robar puilleo an iníorbairt Leo, no a iníolop
buidéin.

Cio fodepa conat mo in puilleo ata Leo for trebuiui
eétpano na for a trebuiui buidein? Ipe pat fodepa;
ruioilri dona petuib in ni ingener uatib buidein iná in
puilleo do biad Leo do petuib eétpano.

Carre aithe? .1. log meich.

.1. caiti in aithe cumaine do beap luir na ceitri miač-
aib .1. miač .1. cethruimti ro luir na mairbuiuib eétpann
co cenn mbliadna.

Caite veitbir etarpu ro ocup in baile i napaar: dia
terta miač no a log, a leč no trian ino? Cuthruimur ceth-
ruimti a patá tucaó don boairis meonach anoiris ip
raerath .1. i bail ata: dia terpa miach no log, a leč no
trian .1. curab eo ber ino. Cethruimti patá in boairé
meonais tucaó don oairis meonach. Oct reiparill dec
eireic, a lan log eéč rum iap neirinoiricup leiti do; ocup a
trian raíde do caá bliadain pe preiricir in imreair, re
reiparill. Da reiparill oib ap capna mairt, reiparill
ap tinde mairt, reiparill ap mairt uir, a teopa cethruimti
ap mairt uir, ocup a cethruimti ap cruineéct, ocup da
reiparill ap da miachais brača. Ro uilao uile rin, cen-
moá aen miach brača, ocup elao ro leiceo iman daia
miač brača oib, ocup diablao iap neloó ro. Cuthruimur leiti
irin da miachais aithgina in miach diabulao, no trian
cona tabairt iur; cona de rin, dia terpa miač no log, a
leč no trian ino.

ap/
Sic.

¹ *The fine for it.* It is probable that the case, so obscurely and confusedly stated here, is when the tenant had not received the full stock from the landlord, and therefore the fine for non-payment of the rent, was not so heavy as it would otherwise have been. In O'D., 1008, it is said that when a tenant failed in paying any part of his rent, he

chattels or dead chattels which have no produce or increase, but should they have increase or produce, additional *hire* for the increase should be given with them, or their own produce *returned*.

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What is the reason that the interest given for them on the security of strangers is more than *that given* on one's own security? The reason is; it is more lawful as regards the 'seds' that what springs from themselves *should be restored* than the addition which would be *made* to them of the 'seds' of strangers.

What is pay? i.e. the price of a sack.

That is, what is the complementary pay that is given with the four sacks? i.e. this *is* a sack i.e. of one quarter *that is given* with the dead chattels of strangers to the end of a year.

What is the difference between this and where it is said; "If a sack or its value be wanting, its half or its third *is the fine* for it?" A proportion equal to one-fourth of his stock had been given to the middle 'bo-aire'-chief in this case, in 'saer'-stock tenure, i.e. where it is *said*, "If a sack or its value be wanting, its half or its third, i.e. shall be *the fine* for it." The fourth of the stock of the middle 'bo-aire'-chief had been given to the middle 'og-aire'-chief. *The amount in this case* is eighteen screpalls, his own full honor-price when he is half unworthy; and the third of this, *namely*, six 'screpalls,' *is given* to him every year during the expectation of separation. Of these, two 'screpalls' are for the beef of a cow, a 'screpall' for the bacon of a pig, a 'screpall' for an unsalted pig, its three-fourths for an unsalted pig, and one-fourth for wheat, and two screpalls for two sacks of malt. *Supposing* all these were paid, except one sack of malt, and that *the payment* of the second sack of malt was evaded, and for this evasion there is double. The sack of double is equal to half the two sacks of restitution, or a third when it is added to; hence is *derived the rule*, "If a sack or its value be wanting, its half or its third *is the fine* for it."¹

was liable to a penalty equal in amount to three times the value of that part wherein he failed, besides a fine for breaking the law.

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Caitē vail? Nī aogellat.

.1. in leth ingellur neač vail, ocur muna več, biaio pmačt
upcraioi vala uao, .1. uingī dečlaroacra, ocur leč nuingī
vo tuata. Maia noech, noco nuil pmačt upcraioi vala
s uao.

Caitē cumolizeo iur pinib?

*.1. maia zeilpine vo vibačtur ann, teopa cethramčana
vibač zeilpine vo veirbpine, cethruimčī vārpine ocur
vinočpine, teopa cethramčana na cethramčana vārpine,
10 ocur a cethramčhu vinočpine.

Maia veirbpine po vibačtur ann, teopa cethramčana
vo vibač veirbpine vo zeilpine, a cethruime vārpine ocur
vinočpine, teopa cethramčana na cethramčana vārpine,
ocur a cethramčhu vinočpine.

15 Maia i in iarpine po vibač ann, teopa cethruimčī vo
vibač iarpine vo veirbpine, a cethramč vo zeilpine
ocur vinočpine, teopa cethramna na cethruime vo zeil-
pine, ocur a cethruime vinočpine.

20 Maia inočpine po vibač ano, teopa cethruimčī vo vibač
inočpine vārpine, a cethramčū vo zeilpine ocur vo veirb-
pine, teopa cethruimčī na cethruimčī vo veirbpine, ocur
a cethramčū vo zeilpine. *

¹ Failure of meeting.—This means a court or legal meeting. The fine for non-attendance was a cow. *Vid.* O'D. 1694.

² The 'geilfine'-division. In O'D. 738, it is said that the 'geilfine' consisted of five persons, and each of the other three 'fines' or divisions, of four persons, making in all seventeen persons. It is also said that the 'geilfine' is the youngest and the 'innfine' the oldest of these four divisions; that if a person be born into

cf C 1439

4-17 0535 f. (O'D. 738 f.)
(JMB 4)

* Also in CCF, H70 (p44)

11 C 411

What is a meeting? What is promised.

That is, when a person promises to go, and unless he does go, a 'smacht'-fine for failure of meeting¹ *shall be recovered* from him, i.e. an ounce to an ecclesiastic, and half an ounce to a layman. If he goes, there is no 'smacht'-fine for failure of meeting *due* from him.

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*Cf. H. 3.18, p. 428^b (C 1007).
CCF pp. 14-15.*

What is the reciprocal right among families?

That is, if it be the 'geilfine'-division² that has become extinct, three-fourths of the ^{hereditary} property of the 'geilfine'-division *shall go* to the 'deirbhfine'-division, *and the remaining* one-fourth to the 'iarfine'-division, and to the 'indfine'-division, i.e. three-fourths of the fourth to the 'iarfine'-division, and one-fourth of it to the 'indfine'-division.

Fre. CCF p. 44, cf. p. 70

If it be the 'deirbhfine'-division that has become extinct, three-fourths of the property of the 'deirbhfine'-division *shall go* to the 'geilfine'-division, one-fourth to the 'iarfine'-division and the 'indfine'-division, i.e. three-fourths of the fourth to the 'iarfine'-division, and a fourth of it to the 'indfine'-division.

If it be the 'iarfine'-division that has become extinct, three-fourths of the property of the 'iarfine'-division *shall go* to the 'deirbhfine'-division, one-fourth of it to the 'geilfine'-division and 'indfine'-division, i.e. three-fourths of the fourth to the 'geilfine'-division, and one-fourth of it to the 'indfine'-division.

If it be the 'indfine'-division that has become extinct, three-fourths of the property of the 'indfine'-division *shall go* to the 'iarfine'-division, *and* one-fourth of it to the 'geilfine'-division and the 'deirbh'-division, *viz.*, three-fourths of the fourth to the 'deirbhfine'-division, and one-fourth of it to the 'geilfine'-division.

the 'geilfine,' so as to make it exceed five persons, this causes one of them to be sent up into the 'deirbhfine'; and in the same manner a man shall pass from one 'fine' of them up into a higher, as far as the 'innfine,' which shall send out a man into the 'duthaig ndaine,' i.e. the community. Hence it seems that these 'fines' were artificial divisions of a family made for law purposes.

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Map 1 geilpine ocyr veirbpine po vibaro ann, teopa
ceithraimēi a noibaro map aen diairpine, ocyr a ceithraimēi
vinoirpine.

Map 1 inoipine ocyr iaripine po vibarwur ann, teopa
ceithraimēi a noibaro do veirbpine, a ceithraimēi do geil-
pine.

Map 1 veirbpine ocyr iaripine po vibarwur ann, teopa
ceithraimēi a noibaro map aen do geilpine, a ceithraimēi
vinoirpine.

10 Map 1 geilpine ocyr inoipine po vibarwur ann, teopa
ceithraimēi do vibaro geilpine do veirbpine, ocyr a ceith-
raimēi diairpine; teopa ceithraimēi do vibaro inoipine
diairpine, ocyr a ceithraimēi do veirbpine. Ocyr ata
comlin na reēt pep nōc ar uo anoirin, ocyr muna beīē,
15 O'D. 737: noco biao [comproino], aēt in ti buo nera da breith.

Bethaig, is Mc!

018737 *Bethaigh* *

Inoipine uile po vibarō ann rin, ocyr da mbeīē aen uaine
vib inoipine, po beparō in inbairō na comproinoirpir he na *deban*
teopa pine ecurru; ocyr mana maipenn, ip a comproino.

Ma maipō in tathair, ocyr atait da mac aice, ocyr
20 O'D. 738: ata comlin pine [cach mac vib], [i. ceīraip], ip ceīraip
& C. 412, co ngebao [in tathair] greim fir in cach pine [vib, ocyr
O'D. 735. comat] da geilpine iat ann. Ocyr ma tainic in vibaro a
O'D. 738. hinaro aile, [ar amur na pine] imuīē, ce ra beīē a mac no
a brathair in ti ip a vibaro tainic ann ip in pine tall ar
25 a čino, noco mo bepur he na caē pep don pine.

Geilpine ipi ip ro, inoipine ipi ipine.

¹ Are then forthcoming. This seems to mean that the four classes should be
made up again out of the family, if it were sufficiently numerous for the purpose;
and if this could not be done, there was to be no partition.

*

But recte C 412: ina bethaigh is tuacu roborad in dibad na comroinfi fora
teorak finit.

If it be the 'geilfine'-division and the 'deirbhfine'-division that have become extinct, three-fourths of the property of both *shall go* to the 'iarfine'-division, and one-fourth to the 'indfine'-division.

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—

If it be the 'indfine'-division and the 'iarfine'-division that have become extinct, three-fourths of their property *shall go* to the 'deirbhfine'-division, *and* one-fourth of it to the 'geilfine'-division.

If it be the 'deirbhfine'-division and the 'iarfine'-division that have become extinct, three-fourths of the property of both *shall go* to the 'geilfine'-division, *and* the one-fourth to the 'indfine'-division.

If it be the 'geilfine'-division and the 'indfine'-division that have become extinct, three-fourths of the property of the 'geilfine'-division *shall go* to the 'deirbhfine'-division, and one-fourth of it to the 'iarfine'-division; three-fourths of the property of the 'indfine'-division *goes* to the 'iarfine'-division, and a fourth to the 'deirbhfine'-division. And the whole number of the seventeen men are then forthcoming,¹ and if they be not, there shall be no partition, but the nearest of *kin* shall take it (*the property*).

All the 'indfine'-division had become extinct in this case, but if any one of them ^{above} had been in existence, he would take ~~it~~ (*the property*) ~~when~~ the other three divisions should ~~not~~ share it between them; but if he is not living, it is to be shared (*among the other divisions*).

smaller than/

If the father is alive and has two sons, and each of these sons has a family of the full number, *i.e.* four, it is the opinion of *lawyers* that the father would claim a man's share in every family of them, and that in this case they form^a two 'geilfine'-divisions. And if the property has come from another place, ~~from a family~~ outside, though there should be within in the family a son or a brother of the person whose property came into it, he shall not obtain it any more than any *other* man of the family.

^a Ir. Acc.

to the/ from/

The 'geilfine'-division is the youngest, the 'indfine'-division is the oldest.

THE BOOK OF AICILL. **Μα** táinic nech [τομαρρεαῖθ] anir α γελῖρνε, yr per do
 duil eirri ruar i nḃeirḃrḃrḃne, ocup per do duil ar caḃ rḃne
 ina ceile no co ruar inḃrḃrḃne, ocup per do duil eirri rḃeic i
 O'D. 738. nouḃaiḡ [noaine].

5 Cairi reoir turclaire?

1. Lan loḡ enech ar aiputin in ḃaerḃraiḃ, ocup "rath
 aḃuail polo," lan rath ocup leḃ rath, ocup ḃa tḃrian rathḃa
 do berait na tḃri pḃaiḃi ḃaerḃraiḃ ḃa ḃeile. Lan loḡ enech,
 ocup tḃrian loḡ enech, ocup nomao loḡi enech uaitḃib ar
 10 aiputin. Lan enecḃlann ocup leḃ enecḃlann ocup tḃrian
 neinecḃlanni ḃoib i meth a mbio. Lan rmaḃt ocup leḃ
 rmaḃt ocup cethruimḃi rmaḃta ḃoib ina fuilleo rin. Lan
 enecḃlann, ocup leḃ enecḃlann, ocup tḃrian neinecḃlanni ḃoib i
 15 roḡail lain do denum ru ruar na ḃaerḃaib, na teopa reḃt-
 maḃo nenecḃlanni ḃoib i roḡail lain no denum ruar na
 raerḃaib, no a mac a ḃaerḃeile; ocup noco nuil ni do a mac
 a raerḃeile; no ḃa mbeḃt, comao reḃtmaḃo in reḃtmaḃo.
 Ocup noco nuil forḡiallḃa, na cuirḃu a raerḃaethaib.

Cairi tomur o ḡrainib ocup uigib?

20 1. tḃriḡrainḃo i nopolach, ceḃḃi opḃaiḡi i mbair, teopa
 baḃa i tḃroigḃo, ḃa tḃroigḃo dec i perḃaiḡ, ḃa perḃaiḡ dec i
 forḃaiḡ, ḃa forḃaiḡ dec i tḃri cumailḃe ḃia for, re forḃaiḡe
 ḃia leḃet, ma beḃt ina toimḃib techḃaib.

ḃa lan dec uigḃi eirri a meirḃu, ḃa meirḃu dec i noll-
 veirḃ, ḃa oillveirḃ dec i noilmeḃaḃ, no i nopolḃraic, ḃa

¹ *The three chiefs*—Vid. "Cain Aigellue."—*Senchus Mor*. Vol. ii.

If one person has come up into the 'geilfine'-division, so ^{THE BOOK OF AIOILL.} as to make it excessive* (*i.e. more than five persons*), a man must go out of it up into the 'deirbhfine'-division, and a man is to pass from one division into the other up as far as ^{a Ir. Of excess.} the 'indfine'-division, and a man is to pass from that into the community.

What are the returnable 'seds'?

That is, full honor-price on receipt of the 'daer'-stock, and ~~the stock is like the property~~, full stock, and half stock and two-thirds of stock are given by the three chiefs¹ of daer'-stock tenancy to their tenants. Full honor-price, and one-third of honor-price, and one-ninth of honor-price *are obtained from them (the tenants) on receipt of the stock.* Full honor-price, and half honor-price, and one-third of honor-price *are paid as fines to them (the chiefs) for failure of their food-rent.* Full 'smacht'-fine, and half 'smacht'-fine, and one-fourth 'smacht'-fine *are paid to them as an addition to it (their food-rent).* Full honor-price, and half honor-price, and one-third honor-price *are due to them for full trespass done to them in the persons of their 'daer'-stock tenants, the three-sevenths of honor-price are due to them for full trespass done to them in the persons of their 'saer'-stock tenants, or for the son of a 'daer'-stock tenant; but he (the chief) shall have nothing for the son of his 'saer'-stock tenant; or if he has, it shall be the seventh of one-seventh.* And there is no chief of second claim, or chief of third claim in 'saer'-stock tenancy.

a fine that he can bear.

lands for accepting

What is the measurement by grains and eggs?

That is, three grains *are* in an inch, four inches in a palm, three palms in a foot, twelve feet in a rod, twelve rods in a 'forrach'-measure, twelve 'forrach'-measures in a 'tircumhaile'-space in length, six 'forrach'-measures in its breadth, if it be of its lawful dimensions.

Twelve times the full of a hen-egg *is* in a 'meisrin'-measure, twelve 'measrin'-measures in an 'ollderbh'-measure, twelve 'ollderbh'-measures in an 'oilmedhach'-measure, or in an

THE BOOK OF AICILL. Cethrapar ar pichit do cleirib imme, ocup da
 fer dec do tuathab. Cuthuma bio doib, ocup diablad
 lenna do na tuathab, ar na rabat na cleirib ar meirici,
 ocup ar na milla a traea umpu.

C. 1830. 5 [Conmeper a ngimur ocup a fiacha] ar a linab, ar
 a relbab, [ocup ar a naora a cuthuma].

cf. 440 ff.
 must follow.

1. mapra cunnatabairt in uathab no naaa uathab do
 pineo in maprao, noco nuil aithgin oie ann; aet ma com-
 poza leo mapra aen, ocup cio be oib piri poza in cranndur,
 aithgin bia do. Ocup ip amlaio do nuith in cranndur:
 tri cranndur do dur ino, cranndur cithaig, ocup cranndur
 rlanthig, ocup cranndur na thinnioi na diao. Ip loe da fiacha do
 da rlanthig. Mapra e cranndur na thinnioi tannic ar, a
 dur cae nuair no co ti cranndur aile ar.

15 Mapra cithaig conao uathab do pineo in maprao, ip aith-
 gin oie ann. Maith doib mapra aen rin. Maith don piri
 amuio, mana iur nach mil bec cethraich po poza piri.
 Maith don piri eall, mana iur nach mil bithineo po poza
 aile uao. Maith don aithgin, im ie do gabail uao ann.
 20 Ip amlaio ietar in aithgin: cranndur do dur ar cae noen
 reilb, ocup ar cae naen mil do petab na relba rin, co
 rinndur in mil aithgin po poza piri; corab lan po aenao
 in mil rin ietar ann; naia mil cethraich i cinao in mil
 bithineo, ocup naia mil bithineo i cinao mil cethraich.
 25 Ocup ar maith re peichemai toicheo do nuith rin da
 mbe ac aia aithgin o piri piri. Ocup ip amlaio ietar-
 rum in naithgin rin ietarum fein eall; reit ranna im
 uine, eic ranna im boin, ocup da ranna im ech. Cach
 uair ip reit ranna im uine, ietar inoile lan tri ranna

¹ Two 'olfine'-measures. In O'D. 1067, half an 'olfine'-measure is said to be
 equivalent to an 'olpatraic'-measure; and the proportions are mentioned, as six
 laymen to twelve clerics.

‘olpatraic’-measure ^{two of = an} ~~which contains two~~ ‘olfeine’-measures.¹ THE BOOK OF AICILL. *q. V 44. 7*
 Four and twenty clerics *sit down* about it, and twelve laymen. They (*i.e. both parties*) get an equal quantity of food, but double ale *is allowed* to the laymen, in order that the clerics may not be drunk, and that ~~their canonical hours may not be set astray~~ on them. *it may not upset*

Their deeds and their debts are estimated equally from their numbers, from their herds, and from their ages.

That is, if it be doubtful whether it was by them (*the persons charged*) or not by them the killing was committed, there is no compensation to be paid for it (*the killing*); but if they both choose, or whichever of them chooses that lots should be cast,* it (*the casting of lots*) shall be conceded to him. And the lots are cast in this manner:—three lots are put in, a lot for guiltiness, a lot for innocence, and the lot of the Trinity after them. This is enough to criminate or acquit them. If it be the lot of the Trinity that came out, it is to be put back each time until another lot comes out. ^{aIr. The lots.}

If it be certain that it was by them the killing was committed, compensation shall be paid for it. This is good for them both. *It is* good for the man outside, unless he knew that it was not a small animal of first offence that injured him. *It is* good for the man inside, unless he knew that it was not a wicked animal of *his* that did the injury. *It is* good for the compensation, with respect to getting payment from him for it. This is the manner in which the compensation is paid:—lots are cast upon each herd, and upon each animal of the ‘seds’ of that herd, until the particular animal is known which did the injury to him; so that the full *fine* according to the nature of that animal is paid for it; that it be not an animal of first trespass for the offence of an *habitually* wicked animal, or an *habitually* wicked animal for the offence of an animal of first trespass. And this is done for the good of the plaintiff should he be suing for compensation from man to man. And this is the way they pay that compensation between themselves within:—seven parts for a person, five parts for a cow, and two parts for a horse. Whenever it is seven parts for a person, cattle of full *fine*

THE BOOK
OF
ARCELL.

ar ar dur, ocyr tecaic i cuibduir co hinuile leiči im tpi
panuab aile, ocyr comicaic etarpu; tecaic inuile leiči co
hinuile aithgina im an paino ata ar pcaith aithgina, ocyr
comicaic etarpu.

5 Cach uair ip cuic panna im boin, icait inuile lain da
paino ar ar dur; tecaic i cuibduir co inuilib leče im in
da paino aile, ocyr comicaic etarpu; tecaic inuile lain
ocyr leče co inuilib aithgina im in paino ata ar pcaith
aithgina, ocyr comicaic etarpu. No dono čena, coma da
10 paino dec do denam don aithgin im duine, ocyr nae
pano im boin, ocyr nae pano im ech.

Cach uair ip da pano dec im duine, pečt pano ar
inuilib lain, cečpi panna ar inuilib leiči, ocyr pann ar
inuilib aithgina. Ocyr ip amlaio pin atait inuile leče
15 ocyr cečpi pečtmair ar inuilib lain, ocyr inuile aithgina
i cečpaimče pe hinuilib leče, ocyr inuilib aithgina i
pečtmair pe inuilib lain.

Cach uair ip nae panna im boin, cuic pano ar inuilib
lain, a tpi ar inuilib leiči, pann ar inuilib aithgina; ocyr
20 ip amlaio atait inuilib i tpi cuico pe inuilib lain, ocyr
inuile aithgina i tpiun pe hinuilib leče, ocyr inuile aith-
gina [i] cuico pe hinuilib lain.

C. 596.

C. 1880.

Cač uair ip nae pano im ech, [cečpe] panna ar inuilib
lain, ocyr tpi ar inuilib leče, ocyr da pano ar inuilib
25 aithgina; ocyr ip amlaio pin atait inuile leče i teopa
cečpaimče pe inuilib lain, ocyr inuile aithgina in da
tpiun pe inuilib leiči, ocyr inuile aithgina i leč pe hin-
uilib lain.

cf. 446. 26f.

Ma pain inuile lain ocyr leče ocyr aithgina ac mapbač

¹ Nine parts for a cow. The MS. adds here "u. panna im boin, five parts
for a cow," which is plainly a mistake.

² Four of these parts.—O'D. 1464 reads here "pečt, seven," which is manifestly
wrong.

pay three parts of them first, and they come into shares with cattle of half-fine respecting other three parts, and they pay *them* equally between them; the cattle of half-fine come *into shares* with cattle of restitution respecting the part that is for restitution, and they pay equally between them. THE BOOK
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10 4

Whenever it is five parts for a cow, the cattle of full-fine pay two parts out of it at first; they come into shares with cattle of half-fine respecting the other two parts, and they pay equally between them; the cattle of full-fine and of half-fine come *into shares* with cattle of restitution respecting the part that is for restitution, and they pay equally between them. Or, *according to others*, the restitution may be divided into twelve parts for a person, and nine parts for a cow, and nine parts for a horse. *10 5*

Whenever it is twelve parts for a man, seven of *these* parts are upon the cattle of full-fine, four parts upon the cattle of half-fine, and one part upon the cattle of restitution. And thus the cattle of half-fine are *in a proportion* of four-sevenths with the cattle of full-fine, and the cattle of restitution are in one-fourth *proportion* with the cattle of half-fine, and the cattle of restitution are in one-seventh *proportion* with the cattle of full-fine.

Whenever it is nine parts for a cow,¹ five of *these* parts are upon cattle of full-fine, three upon cattle of half-fine, and one part upon cattle of restitution; and thus the cattle of half-fine are in three-fifths *proportion* with the cattle of full-fine, and the cattle of restitution in one-third *proportion* with the cattle of half-fine, and the cattle of restitution in one-fifth *proportion* with the cattle of full-fine.

Whenever it is nine parts for a horse, four of *these* parts² are upon cattle of full-fine, and three upon cattle of half-fine, and two parts upon cattle of restitution; and thus the cattle of half-fine are in three-fourths *proportion* with the cattle of full-fine, and the cattle of restitution in two-thirds *proportion* with the cattle of half-fine, and the cattle of restitution are in half *proportion* with the cattle of full-fine.

If it be different cattle of full-fine, of half-fine, and of restitution that are *together engaged* in the killing of "a dog

cf O'D 985 misroida cetna keaisc archoen .f. coin araig .f. coin na tri ngum [1.]
 ... longaircht 7 gabaltaige 7 dingbail fir forana i'ir flallach.

cf I 1447, etc

*
 THE BOOK
 OF
 AIOILL.
 —

for. uil.

con na tpi ngum, icat inoil lán cethpuimēi ocup peēt-
 maō ap tur, ocup tecaī a cuibui co inoilib leiēi im
 cethpuimēi ocup im peētmaō, ocup comicat etarpu.
 Tecaī inoil lán ocup inoil leēe [i cuibui] co hin-
 o. 1830. Lib aithgīa [im cethpuimēi], ocup comicat etarpu.

for 7 uil. mod

for. uil.

Ma rān inoil leēe ocup lán he, icat inoil lán
 cethpuimēi peētmaō ap ap tur, ocup tecaī a cuibui co
 hinoilib leēe im cethpuimēi ocup im peētmaō, ocup comi-
 cat. Tecaī inoil lán ocup inoil leēe co hinoilib
 10 aithgīa im cethpuimēi, ocup comicat etarpu.

Ma rān inoil lán ocup leēe, icat inoil lán ceth-
 puimthe ocup oētmaō ap ap tur, ocup tecaī i cuib-
 ui co inoilib leēe im leē ocup im oētmaō, ocup comicat
 etarpu.

15 Ma rā inoil lán ocup aithgīa, icat inoil lán
 teopa cethpuimēi ap ap tur, ocup tecaī i cuibui co
 inoilib aithgīa im cethpuimēi, ocup comicat etarpu.

mark. ident. 446

Ma rā inoil leēe ocup aithgīa, peēt rānōa do venum
 don aithgīa ann, ocup icat inoil leēe cuic rānōa ap tur,
 20 ocup tecaī i cuibui co hinoilib aithgīa im in da rānō
 aile, ocup comicat etarpu. No dono čena, ata coirpōru
 in duine ip teopāo i coin na tpi ngum, co mbeit in cut-
 puma po icpāēa i nōuine do rānnaib i neccuibui dic
 inōi .i. da rānōa dec do venum de in apuōa aopubnamap
 25 pōmānōa ap in ecuibui im duine. Inoil lán, ocup leēe,
 ocup aithgīa rin pōmānōa.

Manā uil aēt inoil lán ocup leēe, in naitgīa sic doib.

1 A dog of the three deeds. That is, tracking, seizing, and defending a person
 attacked, in certain cases. Vid. O'D. 2449.

of the three deeds,"¹ the cattle of full-fine pay a fourth and a seventh first, and they *then* come into shares with the cattle of half-fine respecting a fourth and a seventh, and they pay equally between them. The cattle of full-fine and the cattle of half-fine come into shares with the cattle of restitution respecting a fourth, and they pay equally between them.

If it be ~~different~~ cattle of full-fine and of half-fine that have killed the dog, the cattle of full-fine pay a fourth of a seventh out of it (*the fine*) at first, and they come into shares with the cattle of half-fine respecting one-fourth and one-seventh, and they pay equally. Cattle of full-fine and cattle of half-fine come into shares with cattle of restitution respecting a fourth, and they pay equally between them.

If it be ~~different~~ cattle of full-fine and of half-fine that have killed the dog, the cattle of full-fine pay the fourth and the eighth out of it (*the fine*) at first, and they come into shares with the cattle of half-fine respecting one-half and one-eighth, and they pay equally between them.

If it be cattle of full-fine and of restitution that have killed the dog, the cattle of full-fine pay three-fourths out of it at first, and come into shares with cattle of restitution respecting a fourth, and they pay equally between them.

If it be cattle of half-fine and of restitution that have killed the dog, the compensation shall then be divided into seven parts, and the cattle of half-fine pay five parts at first, and come into shares with the cattle of restitution respecting the other two parts, and they pay equally between them. Or, according to others, as the body-fine of a person who is a stranger is the fine for the "dog of the three deeds," so the number of portions which would be paid for a person in cases of unequal division should be paid for it, i.e., as to the dispositions which we mentioned before in the case of unequal division respecting a person, they are to be divided into twelve parts. Cattle of full-fine, and half-fine, and restitution are those referred to before.

If there be only cattle of full-fine and half-fine, the compensation is to be paid by them.

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*This par. is really a
repetition of the
preceding one*

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In tainmpainne po ierair inoile lethe pe inoile lain,
co mbeir inoile aithgina acu, cupub e in tainmpainne rin
icair cuna mbeir ocup inoile lain.

Marā inoile aithgina ocup inoile lethe uil ann, in aith-
5 gin sic ann doib, ocup in tainmpainne po ierair inoile
aithgina pe inoile lethe, co mbeir doib lib lain acu, cupub
e in tainmpainne rin icair cuna mbeir ocup inoile lethe .1.
reoir cethirapra po romaino.

Marā reoir ata rmaet ocup aithgin, ocup na fuil oipe,
10 ma ta ceirp eutpuma a aithgina do rmaet ann, ir apura
reoir ceirapra; mana fuil ceirp eutpuma aithgina do
rmaet ann, ir apura reoir oibulra.

cf 446.5f



omission.
supply ff. 446.9f

Marā mo in rmaet ina naithgin, ocup in fuil ceirp
eutpumar na aithgina ann, (ocup) in tainmpainne rin
15 don aithgin ber ap inoile aithgina; ocup a fuil ann o
ta rin amach ap inoile lain ocup lethe.

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Marā mo in aithgin ina in rmaet, in tainmpainne
zeiber in rmaet bec rin naithgin moir, cupub e in tainm-
paine rin don aithgin ber ap inoile aithgina; ocup a
20 fuil ann o ta rin amach ap inoile lain ocup lethe; ocup a
comie doib etarra.

cf 446 22f

Mar aipe do cuatur do cum in breitheman, oirpaito
cintar icair in eccuibuir, ipso ir coir don breitheman
ann a ra; icair per na haen bo eutpumar pe per na mbo
25 moia. Ma cuibuir do cuatur, ir coir don breitheman
a ra; icair per na oen bo eutpuma pe haen boin do buab
pir na mbo moia.

C 1596. 2195f.
cf IV 258. 14

Cach cin co cintach.

.1. cin ber cirta i cup noco olegar inbleogan bra-

The proportion which cattle of half-fine would pay *in re-* THE BOOK
lation to cattle of full-fine, there being cattle of restitution OF
 with them, is the proportion which they (*cattle of half-fine*) AICILL.
 pay when they are with^a cattle of full-fine only. —

^a Ir. And.

If it be cattle of restitution and cattle of half-fine that are concerned in it (*the killing*), the compensation shall then be paid by them, and the proportion which cattle of restitution would pay *in relation* to cattle of half-fine, they having cattle of full-fine with them, is the proportion which they shall pay when they are with the cattle of half-fine only, i.e. the above were 'seds' of four degrees.

If it be a 'sed' which has 'smacht'-fine and restitution, and has not 'dire'-fine, if there be four times as much of 'smacht'-fine as there is of restitution for it, it has the graduation of a 'sed' of four degrees; if it has not four times as much of 'smacht'-fine as it has of restitution, it has the graduation of a 'sed' of double.

If the 'smacht'-fine be greater than the restitution, and is not equal to four times the restitution, that proportion of the restitution shall be upon the cattle of restitution; and what there is from that out *shall be* upon the cattle of full-fine and of half-fine.

If the restitution be greater than the 'smacht'-fine, the proportion which the little 'smacht'-fine bears to the great restitution, is the proportion of the restitution that shall be upon the cattle of restitution; and what there is from that out *shall be* upon the cattle of full-fine and half-fine; and they pay equally between them.

If it was for this they went to the Brehon, to ask how they should pay the unequal proportions, what the Brehon ought to say is; "Let the owner of the one cow pay as much as the owner of the many cows." If it be *in a case of equal* proportions they went, it is right for the Brehon to say: "Let the owner of the one cow pay as much as one cow of the cows of the owner of the many cows."

Every crime to the criminal.

That is, as long as the criminal is in the territory it is not lawful to sue his next of kin or his kinsman surety, but

THE BOOK OF AICILL.
 thar na raṭa raṭra, aṭt toicheṭa ar pein po aicneṭ a
 gṛaio; ocyr aṭhgaḃail do gaḃail de; ocyr poigeltaṭ ocyr
 bleiṭ ocyr lobaṭ do uil ina cenn.

Manā puil i cṛiṭ itir he, no ce na beiṭ, manā puil i
 5 reoit aici, mā po leiṭirṭar elō, a poḡa don peichemāin
 toicheṭa in inbleoſan bṛathar no raṭa aicṇep; ocyr cio
 pe uib aṭraṭ, ir leiṭ a poḡa; aṭt māṛ e a poḡa inbleoſain
 bṛaṭar raṭra, iṭar in uiliatāio uile pṛ. Ocyr māṛ e
 O'D. 735. a poḡa inbleoſain raṭa [raṭra], noco niṭar aṭt māṛ
 10 ceṛt aithgin.

Cio poṭera caṭ uair iṛe a poḡa inbleoſain bṛathar
 raṭra co niṭar in uiliatāio uile pṛ, ocyr caṭ uair iṛe a
 poḡa inbleoſain raṭa, co na iṭar aṭt māṛ ceṛt aithgin?
 Iṛe raṭ poṭera; inbleoſain raṭa nocoṛ gaḃurṭar pāio do
 15 laim aṭt māṛ ic no tobaṭ, ocyr coir cen co hicaṭ aṭt māṛ
 ceṛt aithgin, no co po leiṭea pēin elō.

Inbleoſain bṛathar imoṛpo, nocoṛ gaḃurṭar pāio do
 laim itir ic no tobaṭ, aṭt aṭhail po poirio ḃuici iar
 ceimennāib, ocyr coir cia no icāo in uilṛeṭāio uile, uair
 20 uiaḃlāo cintāig iṛi aithgin inbleoſain.

Māṛ e a poḡa inbleoſain raṭa raṭra, noco nicaṇn aṭt
 ceṛt aithgin ineich pṛ i nṛeṭāio, no co leiṭea pēin elō,
 ocyr icāo inbleoſain bṛathar uigḃail laime pē hinbleo-
 ſain raṭa.

25 Māṛ e a poḡa inbleoſain bṛathar raṭra, icāo pṛin in
 uiliatā po ḃleṭt āno, uair uiliatā cintāio iṛi aithgin
 gill inbleoſain; ocyr in tan tic cintāṭ pē ḃligeṭ, icāo
 uigḃail laime pē hinbleoſain.

Manā puil i cṛiṭ itir he, aṭt mā tait reoit aici iṛin
 30 cṛich, a poḡa don peichemāin toicheṭa in iatā reoit geḃur
 o mṛo gill, no inbleoſain bṛathar no raṭa aicṇep.
 Māṛ e a poḡa a reoit do beiṭ ina laim o mṛo gill, a caithem
 a laṭṭa no a gṇimṛāio, ocyr poigelt ocyr bleiṭ do uil ina
 cenn, ocyr noco teit lobaṭ. Māṛ e a poḡa inbleoſain
 35 bṛathar, ir a beiṭ māṛ aṭubṛamāṛ romāio.

Ṭṛiān do aṛgeṭ in caṭ eṛic.

.1. o buṛ ṭṛiā compāio, no ṭṛiā ānpoṭ pēirgi inṛeṭḃipe

to sue himself according to his rank; and to make a distrain THE BOOK OF AICILL. upon him; and to let expense of feeding and tending, and forfeiture accumulate upon it (*the distress*).

If he is not in the territory at all, or though he be, unless he has 'seds,' or if he has absconded, the plaintiff has his choice whether he shall sue the next of kin or the surety; and whichever of them he sues, he has his choice; but if it be his choice to sue the next of kin, the entire claim is paid him. And if it be his choice to sue the kinsman surety, proper compensation only shall be paid him.

What is the reason that whenever it is his choice to sue the next of kin, the entire claim is paid him, and whenever it is his choice to sue the kinsman surety, only proper compensation is paid him? The reason is; the kinsman surety had not undertaken to *do aught* except to pay or levy, and it is right that he should not pay but proper compensation, unless he should himself abscond.

The next of kin, however, had not undertaken at all to pay or to levy, but as it would come to him in course, and it is right that he should pay the entire claim, for "the compensation of the next of kin is double that of the defaulter."

If it be his choice to sue the kinsman surety, he pays but exact compensation for the thing for which he went *security*, unless he should himself abscond, and the next of kin shall pay the emptying of his hand to the kinsman surety.

If it be his choice to sue the next of kin, he (*the next of kin*) shall pay the entire of that which was due in the case, for the whole liability of the defaulter is the restitution of the kinsman's pledge; and when the defaulter submits to law, he shall pay the emptying of his hand to the kinsman.

If he (*the defaulter*) is not in the territory at all, but has 'seds' in the territory, the plaintiff has his choice whether he shall seize his 'seds' after the manner of a pledge, or sue the next of kin or the kinsman surety. If it be his choice to have his 'seds' in hand after the manner of a pledge, he may use their milk or their labour, and expense of feeding and of tending accumulates upon them, but forfeiture does not. If it be his choice to sue the next of kin, it is to be as we have said before.

One-third is sued in each 'eric'-fine.

That is, when it is intentionally, or inadvertently in

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բարբաւթը յա շնոճ, իր ցարքսա տրն ցօրքօրս զաճ շնոճ
 Ծօ թի՛ զնն զաճ շնաճ՝ ցօ թսւո՛ւ տրն օճաճի, շն ցար-
 քմօրիւ ծալլ; օցր մա զա ցարքմօրիւ ծալլ, իր ար ցարք-
 քմօրիւ; յօ ին օճտաճ թառն ծօ ցօրքօրս զաճ շնոճ
 5 զաճ արօքրօճ ցօ թսւո՛ւ օճ յարօքրօճ ծօ, շն ցարքմօրիւ
 ծալլ; օցր մա զա ցարքմօրիւ ծալլ, իր արօքրօ ար
 քիւիւ.

Մար տրօ արօքր քարճ ծարճիւր, իր ցարքսար տրան Լէ՛
 ցօրքօրիւ Ծօ թի՛ զնն զաճ շնաճ՝ ցօ շնն տրն շնաճի, շն
 10 ցարքմօրիւ ծալլ. օցր մա զա ցարքմօրիւ ծալլ, իր ար
 ցարքմ շնաճի; յօ ին օճտաճ թառն ծօ Լէ՛ ցօրքօրս
 զաճ շնոճ ցօ թսւո՛ւ օճ յարօքրօճ ծօ, շն ցարքմօրիւ
 ծալլ; օցր մա զա ցարքմօրիւ ծալլ, իր ար արօքրօ ար
 քիւիւ.

15 Ին Լա քարճ ար շնաճ յի քարճն ար արօքրօ. Ին Լա
 քարճ ար արօքրօ, յի քարճն ար օճաճ; օցր շնաճ ալ
 ա քարճ օրքօ արօքր ին շնաճ, յօ քարճն աճ տաճ ար
 յարճ Ծօ. օցր յօ քարճ արքմ արքմքարճն արօ արօքր
 ցօ թսւօ ցարքմօրիւ ծալլ, օցր օ արք, ին թառն օքրարօ յօ
 20 արքիւն ալ արօ իր ար օճաճ քարճն յօ ար տրն արօքր-
 քմօ. օցր յսոն ար արքիւն տաճ յա արքմ Ծօ քարճ քարճ
 արօքրօ ա արքարքիւ արօ, ցօ քարճ յա ար քարճիւր
 Ծօ Լաճ; օցր արքմ Ծօ, յօ արք քարճ տաճ յա արքմ
 արօ քարճ քար.

cf. I 68. 19

25 Մար ար արքիւն տաճ յա արքմ Ծօ քարճ քարճ
 ա արքարքիւ, իրան Լաճ զնն, օցր քարճ ծօ քարճ ար-
 քարճիւ.

Մար տրն քարքար քարճիւր ցօ քարճ Լաճ, յօ
 յարքարք քար արքմ Լէ՛ քարճ, աճ ա յօ քարճ.

1 For each 'aenach'-injury. The words "aenach," or "oenach," and "aro-
 bno," have been left untranslated as no gloss upon them, in the sense which
 they seem to bear in the text, has been as yet found. "Aenach" is probably the
 exposure of a blemish; and "aidbred," the reproaching a man therewith, in which
 sense the word occurs in *Senchas Mor.*, vol. i., p. 72, line 5 from bottom.

2 And the inquirer. The marks of aspiration over the *g* and *o* in the Irish
 word, արքարքիւ, are in different ink and of a different form the usual marks of
 aspiration in the MS. They are evidently by a later hand.

unlawful^a anger the wounds are inflicted, a proportion of THE BOOK OF AICILL. one-third body-fine for every wound shall be incurred in the case for each 'aenach'-injury¹ as far as three 'oenach'-injuries, when no limb has been removed; ^a but if a limb has been removed, it is for four 'aenach'-injuries *it is due*; or, the eighteenth part of body-fine *is paid* for a wound in every 'aidbred'-injury as far as eighteen 'aidbred'-injuries, without removal of a limb; but if there has been removal of a limb, it is *paid for as many as twenty-one* 'aidbred'-injuries. ^b

^a Ir. unnecessary.

^b Ir. Without cutting off a limb.

If it (*the wound*) was *inflicted* inadvertently in lawful^c anger, the proportion of a third of half body-fine shall be incurred for it for every 'aenach'-injury till it reaches three 'aenach'-injuries; *this is*, without removal of a limb. And if there be removal of a limb, it extends as far as four 'aenach'-injuries; or the eighteenth part of half body-fine for every wound as far as eighteen 'aidbred'-injuries *shall be paid*, when there has been no removal of a limb; and if there has been removal of a limb, it is *paid for as many as twenty-one* 'aidbred'-injuries. ^c

^c Ir. necessary.

The day which runs for an 'aenach'-injury does not run for an 'aidbred'-injury. The day which runs for an 'aidbred'-injury does not run for an 'oenach'-injury; and though it should be desired that it should run for them both at once, it does not run but for either of them. And there is no after-judgment from a 'daer'-man, unless a limb has been removed, and when it has, the portion of sick-maintenance or compensation which is *due* for it runs for one 'aenach'-injury or for three 'aidbred'-injuries. And it was not for the purpose of exposing the blemish the 'aidbred'-man made the inquiry in the case, with knowledge or without knowledge of bad cure by the physician; and if it were, the 'eric'-fine for exposure of the blemish would be *due* for it besides.

If it was for the purpose of exposing the blemish that the inquirer made the inquiry, the physician is exempt in the case, and the inquirer² shall pay 'eric'-fine.

If it be in consequence of bad curing with the physician's knowledge, the testing time is not taken into consideration with respect to it, but it (*the 'eric'-fine*) is always to be paid *at once*.

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Μαρ τῷ πρῶτῳ ὁποῦλεῖς γὰρ πρὶ τοῦ λῆγ, ἀπὸ μαρ
πρὸ τοῦ νῦν αἰετὸς ἀνέστη γὰρ ἰατ, ἢ αἰετὸς τοῦ λῆγ πρὸ
αἰετὸς μῦθος τεχτὰ ἢ ἐτεχτὰ, ὡς τρεαβῆται.

Μαρ ἰατ πρὸ τοῦ νῦν αἰετὸς, ἢ λῆγ; αἰετὸς βεῖται ὡς ἢ τοῦ λῆγ
5 ἢ ὡς ἰατ ἀνέστη ἢ τρεαβῆται[εἰς] ἢ; ὡς ὁ τρεαβῆται ἢ
τοῦ λῆγ, ἢ ἀνὰ πρὸ τοῦ νῦν αἰετὸς τοῦ πρῶτου γὰρ.

Μαρ τῷ πρῶτῳ ὁποῦλεῖς γὰρ ὡς πρὶ τοῦ λῆγ, ἢ αἰετὸς
τοῦ ἀνέστη τοῦ βεῖται ὡς λῆγ. Μαρ ὁποῦλεῖς γὰρ, ἢ αἰετὸς τοῦ
λῆγ πρὸ αἰετὸς μῦθος τεχτὰ ἢ ἐτεχτὰ.

10 Ἰατ εἰς αἰετὸς αἰετὸς, αἰετὸς, αἰετὸς, αἰετὸς, αἰετὸς.

1. Μα πρὸ τοῦ βεῖται αἰετὸς, ἢ αἰετὸς ὡς λῆγ λῆγ τοῦ
αἰετὸς, ἢ αἰετὸς, ἢ αἰετὸς ὡς νῦν αἰετὸς, ἢ πρὸ τοῦ
μῦθος ἀνέστη, ἢ πρὸ τοῦ μῦθος, ἢ αἰετὸς ὡς νῦν αἰετὸς,
ἢ αἰετὸς αἰετὸς (1. αἰετὸς αἰετὸς) ἀνὰ; ἢ αἰετὸς αἰετὸς ὡς
16 ἢ λῆγ ἀνέστη τοῦ ἀνὰ. ὡς ἢ αἰετὸς ὡς μῦθος λῆγ ἢ
μῦθος, ὡς ἢ πρὸ τοῦ, ὡς ἢ αἰετὸς; ὡς ὡς μῦθος
βεῖται ὡς αἰετὸς αἰετὸς ἀνὰ πρὸ τοῦ (ἢ πρὸ τοῦ
αἰετὸς), βεῖται πρὸ τοῦ.

Μα πρὸ τοῦ βεῖται ὡς αἰετὸς αἰετὸς αἰετὸς ὡς, τρε αἰετὸς
20 πρὸ τοῦ, λῆγ αἰετὸς ἀνὰ ὡς λῆγ ἀνέστη ὡς αἰετὸς
αἰετὸς. ὡς ὡς μῦθος βεῖται ὡς αἰετὸς αἰετὸς
ὡς αἰετὸς, ὡς ὡς μῦθος ἀνὰ πρὸ τοῦ. Τῷ πρὸ τοῦ
[βεῖται] ὡς ἰατ πρὸ τοῦ.

1 *They came against him.* That is, his wounds became troublesome to him.

2 *A foot, a hand, an eye, a tongue.* In a fragment of this article in C. 681, a question and answer to the following effect, are given: "When is there full 'eric'-fine for a foot or a hand? Full 'eric'-fine is *due* for each member of these when he (*the injured party*) has but one eye, or one foot, or one member of half compensation."

3 *According to his intention.* The Irish for this phrase is an interlined gloss by a later hand.

* More likely to mean that the injured man retains his various senses, seeing, hearing, etc.
hardly: of 350 21 ff

If it was in consequence of bad curing without the physician's knowledge, and if it was within the time of testing they came against him,¹ the 'eric'-fine is to be paid by the physician, according to his rank of lawful or unlawful physician, with security.

If it be after the testing time, he (*the physician*) is exempt; while the cure is being made the after-judgment is not paid; and when the cure shall have been finished, it is then the testing time is the rule respecting it.

If it is in consequence of bad curing with the physician's knowledge, he is to pay as if he (*the physician*) inflicted the wound with his own hand. If it be bad curing, it is to be paid for by the physician according to his rank of lawful or unlawful physician.

Half the 'eric'-fine of every person is to be paid for a foot, a hand, an eye, a tongue.²

That is, if a person has been entirely deprived of the use of one leg, or one hand, or of one lip, or of his tongue, so as to lose^a his utterance, or of his nose, with the sense of smell, or of the sight of^b an eye, or the hearing of an ear,^c he is entitled to half body-fine, i.e. ^{for the full amount of} according to his (*the assailant's*) intention;³ and half-compensation and full honor-price for it (*the injury*) are due to him. And it is the opinion of some that there should be full 'eric'-fine for the mouth, and for the nose, and for the tongue; and as often as a person shall have been deprived of a member for which half compensation is due,^d the occasions being distinct, (or in second anger),⁴ that fine shall be paid to him.

If a person shall have been deprived on the same occasion of two members for which half-compensation is due, and through one fit of anger, full body-fine, and full honor-price, and full compensation shall be paid for it. And however often a person is, on the one occasion, deprived of two members for which half compensation is due, only that amount shall be paid for them. Through a different fit of anger, they were cut off him.

^a Or in second anger. The Irish for this also is an interlined gloss by a later hand.

^aIr. with.

^bIr. An eye with sight.

^cIr. An ear with hearing.

^dIr. Of half compensation.

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Ma feara cneo ar in notan ar a aile, ir coirp-
ocur enecclann ann po truma na cneoi do, ocur aithgin, no
euprimoibe baill.

Ma po marbad he ar a aithle rin, fecht cumala i netar-
5 feara cuirp ri hanmain, uair fecht a corp ocur anum.

Ma po benad a cluar co neirtecht do duine, ir leť coirp-
ocur ir leiť enecclann, ocur ir leť aithgin; no dono,
co na beif in aithgin iur, uair ir a lenmain in eirtecta
bir; no dono čena, comad coirp-ocur ocur enecclann po
10 truma na cneoi.

Ma po benad meara a čor no lam de, ir lan coirp-
ocur ir lan enecclann ocur aithgin comlan; ocur cio iat
a meara uile bentar de, noco nuil ni ir mo na rin ant.

Cutpuma i mearab na cor; no, cumad meara na cor
15 aňuil meara na lam; no dono, cumad cutpuma in cať mear
do na tri mearab uile, cenmota in orda; uair ordu na
coirp aňuil ordu na laime; ocur cia no bent a lam o ča
gualaino do duine, ir inano do ocur po bent a de hi ac
arvell; ocur cia po bent a čor o ča a glun de, ir inano
20 do ocur po bent a de hi iat aobrono.

Ma po facad ni da luth irin coir no irin laim, no da
himcirin irin tuil, no da boltnugať irin trpoin, no da
eirtecht irin cluar, no da uplabra irin tēngair, ceth-
ruime coirp-ocur, ocur cethruime aithgina, ocur leť ene-
25 clann ann do cať duine iur ir el ocur uair, ocur ramairc.
Ar fon aithgina irin laim, oť rcpirail dec pa do, a hoť
dec oib irin ordain a aenur; a hoť dec aile acut ant-
pise; nae rcpirail oib irin mear pata irin laim deir, no
irin mear muraig irin laim ci; nae rcpirail acut ant-
30 reic; tri rcpirail cach mear do na tri mearab aile.

¹ The maimed person.—For "notan" of the MS., Dr. O'Donovan conjectured
"notar." The term "othar" means "a sick person."

If a wound was afterwards inflicted on the maimed person,¹ body-fine and honor-price *shall be paid* to him for it according to the severity of the wound, and compensation, or the separation of a member.

If he was killed after this, seven 'cumhals' *shall be the fine* for killing^a him, for *there are* seven 'cumhals' for body and soul.

^aIr. Separating body from soul.

If a person be deprived of his ear with hearing, half body-fine, and half honor-price, and half-compensation are *due* for it; or, *according to others*, there may be no compensation at all, for it is following of the hearing it is; or, *according to others*, it may be body-fine and honor-price according to the severity of the wound.

If the toes of his feet, or *the fingers* of his hands have been cut off *a person*, full body-fine, and full honor-price, and full compensation are *due*; and even though it be all his fingers that have been cut off him, there is no more than this for it.

There is the same *fine* for *each of* the toes of the feet; or, *according to others*, the toes of the feet are *paid* for as the fingers of the hands; or indeed, there is the same *fine* for each of the three toes, except the big-toe; for the big-toe of the foot is like the thumb of the hand; and though the arm should be cut off a person from the shoulder, it (*the fine*) is the same to him as if it were cut off him at the elbow; and though his leg were cut off him from his knee, it (*the fine*) is the same to him as if it were cut off from the ankle.

If any of its power has been left in the foot or in the hand, or of its sight in the eye, or of its sense of smell in the nose, or of its hearing in the ear, or of its utterance in the tongue, *the fine* is one-fourth of body-fine, and one-fourth of compensation, and one-half of honor-price for it to every person whether low or high, and a 'samhaisé'-heifer. As compensation for the hand, twice eighteen 'screpalls' are payable, eighteen of them *are* for the thumb alone; eighteen more *remain* with you then; nine 'screpalls' of these are for the long finger of the right hand, or for the middle finger of the left hand; nine 'screpalls' *remain* with you then; three 'screpalls' *are* for each finger of the three other fingers.

^c
'medicine'
(i.e. 3rd finger)
differs medicinally

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Ἐν περὶ παλιν μα βυαῖν ἱρὶν ἀλτ ἰχταρὰχ, ὅα περὶ παλιν ἱρὶν ἀλτ μεθοναῖ, περὶ παλιν ἀρ ἱρὶν ἀλτ υαῖταρὰχ.

Μα πο βενατὸ βαῖρ α μεοῖρ ο βυν νὰ ἡνγνε, ο θὰ α ὀυβαν ῥαῖρ ὅε, κοῖρποῖρ οὐρ ἐνεκλάνν πο τῦμα νὰ
5 ἐνεῖρ; no μα πο περατὸ ῥαῖλῖγῶ ἀρ ἀε βυαῖν α ἡνγν
ὅε, ἱρ εῖρῖε ῥαῖλῖγῶ ὅο ἀντ. Μὰρ ο ὀυβαν ῥαῖρ πο βενατὸ
ὅε α ἡνγν, εῖρῖε βαν βεῖμε ἀνν, οὐρ ἡνγν εἰτ ὅον τῖμ-
πανὰχ ἀρ ῥον αἰτῖγνῖα, μαῖρ ὅε ὅο βενατὸ.

Μα πο βενατὸ α λεῖ ῥολτ no α λαν ῥολτ ὅο ὀυῖνε, λεῖ
10 κοῖρποῖρ οὐρ λεῖ αἰτῖγν οὐρ λαν ἐνεκλάνν.

Inc. D. f. 8a (10174)

Μα πο βενατὸ ^{dh. B. f. 8a uachtarach} ὀβῖρῖα ^{dh. uine^x} υαῖταρ ἀ ῥαλ ὅο ὀυῖνε, κοῖρποῖρ οὐρ
ἐνεκλάνν ἀνν πο τῦμα νὰ ἐνεῖρ; no, κυματὸ λεῖ κοῖρ-
ποῖρ οὐρ λεῖ ἐνεκλάνν ἀντ, μα κοῖλῖατ; οὐρ μαῖα
κοῖλῖατ, ἱρ λαν κοῖρποῖρ, υαῖρ νῖ βεο ὀυῖνε cén collúo.

15 Μαῖρῖα ὑῖρῖαντῦρ ὅο λεῖ ῥολτ no ὅο λαν ῥολτ πο βενατὸ
ὅε, ἡν τῖανμῖρῖαντῦρ ὅο λεῖ ῥολτ no ὅο λαν ῥολτ πο βενατὸ
ὅε, κυῖρῖα ε ἡν τῖανμῖρῖαντῦρ ῥῖν ὅο λεῖ κοῖρποῖρ οὐρ ὅο
λεῖ αἰτῖγν οὐρ ὅο λαν ἐνεκλάνν βεῖρ ἀνν.

20 Ὅα βὰ ἱρὶν ἐνοκβεῖμ, no ἱρὶν ἡνγνῖατὸ κο ὁματὸ, οὐρ
ῥεῖτματὸ neneclainne; οὐρ κυτῖρῖμῖρῖ ῥεῖτματὸ ἡν ὅα βὸ
ὀαἰτῖγν ὀμαῖρῖεῖρῖατὸ ἱρὶν ἡνγνῖατὸ κο ὁματὸ ῥεῖτ ἡν ἐνοκ-
βεῖμ. ἡν ἀενματὸ ῥῖανν ῥῖῖῖατ ὀαἰτῖγν ἱρὶν ἡνγνῖατὸ κο
ὁματὸ, υῖνγε ἱρὶν μβανβεῖμ, no ἱρὶν ἡνγνῖατὸ cén ὁματὸ.

25 Ὅα βὰ ἱρὶν ἐνοκβεῖμ, no ἱρὶν ἡνγνῖατὸ κο ὁματὸ, οὐρ
ῥεῖτματὸ eneclainni; οὐρ ῥεῖτματὸ ἡν ὅα βὸ ὀαἰτῖγν
ὀμαῖρῖεῖρῖατὸ ἱρὶν ἡνγνῖατὸ κο ὁματὸ. ὅο ἱρὶν μβανβεῖμ,
no ἱρὶν ἡνγνῖατὸ cén ὁματὸ; ἡν ἀενματὸ ῥῖανν ῥῖῖῖατ ὀαἰτῖ-
γν ὀμαῖρῖεῖρῖατὸ ἱρὶν ἡνγνῖατὸ cén ὁματὸ.

1 Lump-blow.—That is, a blow which produces a lump on the part struck.

2 The white blow.—That is, a blow which does not produce a lump, or cause bleed-
ing or discolouration.

1818 1968 C 1776

*dh. m. a. chollairh is leth
coirpeline agus letheneclainnana*

There are three 'screpalls' for cutting the lowest joint, two 'screpalls' for the middle joint, and one 'screpall' for it (the injury) for the upper joint.

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If the top of his finger has been cut off him from the root of the nail, or from its black upwards, body-fine and honor-price *are paid for it*, according to the severity of the wound; or if bleeding was caused in cutting off his nail, he shall have 'eric'-fine for bleeding on account of it. If it was from the black upwards his nail was cut off him, *there shall be* 'eric'-fine for a white blow on account of it, and a wing-nail *shall be given* to the harper by way of compensation, if it was off him, it (*the nail*) was cut.

If half his hair or the whole of his hair has been cut off a person, half body-fine and half compensation and full honor-price *shall be paid for it*.

If the upper lids of his eyes have been taken off a person, body-fine and honor-price *shall be paid* for it according to the severity of the wound *inflicted*; or, *according to others*, it (*the penalty*) may be half body-fine and half honor-price for it, if he sleeps; but if he does not sleep, it (*the penalty*) is full body-fine, for a person cannot live^a without sleep.

^a Ir. *Is not alive.*

If it be a part of half his hair or of the whole of his hair that has been cut off him, the proportion of half hair or of whole hair that has been cut off him, is the proportion of half body-fine and of half compensation and of full honor-price that shall be *paid* for it (*the cutting*).

Two cows *are paid* for the lump-blow,¹ or for the shaving bare, and the seventh of honor-price; and *the fine* for the shaving bare exceeds *the fine* for the lump-blow by the equivalent of the seventh^c of the two cows *to be given* as^b compensation. The twenty-first part of compensation *is the fine* for the shaving bare, and an ounce for the white-blow,² or for the shaving without making bare.

^b Ir. *Of.*

Two cows *are paid* for the lump-blow, or for the shaving bare, and one-seventh of honor-price; and there is one-seventh of the two cows *due* as^b compensation additional for the shaving bare. A cow *is paid* for the white blow, or for the shaving without making bare; one-and-twentieth part of compensation additional for the shaving without making bare.

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Forobruind O'D 1964
 Cairi deicibir atarpu ro .1. iur cairir, ocup i bail ita:
 lomaro porporoino each mna tri treblonnar do penar do
 oib treinib fiaċ ā meblaigē? .1. coirporu a eneiwe ata
 doibpuno in eipic giunta co lomaro, no cen lomaro, ocup
 5 enecclann ata oī ēall ina parugaro.

Eipic giunta co lomaro a ciabair na eporan, ocup na
 pcoloc, ocup na ningen mael, ocup i caċair a pūire, ocup a
 pinoraro a malaċ, no cairir, no peroc no a nulea na fear.
 Ir eipic giunta co lomaro no cen lomaro doib ann; no,
 comaro eipic leċ fuilte no lan fuilte doib a nupla; no sono,
 co na beic pando doib iur daiċin i necore inoigiteċ.

Ocup cia no bentar a baill leċ aithgina uile i naenpeċt
 lan coirporu ocup lan aithgin ocup lan enecclann
 do inoib.

O'D. 1964-15 [Mar i a uirum ro benaċ ar in uirne, lan coirporu ocup
 5 lan enecclann, ocup aithgin comlan do inoib. Na harne
 toile, ocup in toil feic, cio be oib bentar ar tur, ir
 ann ata in coirporu comlan, ocup coirporu ro truma
 na eneiwe ir in nī bentar de ro deoiċ. Mar i a uirgi
 20 cle ro benaċ ar ar tur, ir lan coirporu, uair ir uairi
 ata in geineŋain; ma a uirgi deir, ir coirporu ro eut-
 puma na eneiwe. Daine dia poċnat rin, ocup do gni
 clannugaro doib. Ma daine do na poċnat, ocup na denat
 clann doib, amail ata penoir oiblice no per gnaċ, nī
 25 fuil doib inoib aċt coirporu ro truma na eneiwe.

(Much more better in this 2 parts. in O'D. 1965).

O'D. 1966. Ma enam cumach cen leuraċ cen enei, ir a poail uirpe
 ocup aithgina fēin; ma do rat inurpo in enam comāċ

*uair geibid geim fuilte doib
 a ciabair, no cona beir na nū
 doib, uair is eozg inoigiteċ
 O'D 1964*

What is the difference between this, i.e. between *the shaving of the hair*, and where it is said:—*For shaving of the belly of any women through wantonness there is incurred two-thirds of the fine for seducing her?* That is, they have to *pay in this case* body-fine for her injury as ‘eric’-fine for shaving bare, or without making bare, and she has honor-price above for her violation.

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‘Eric’-fine for shaving bare *is paid* for the *false* locks of the poets, and of the ‘scoloc’-persons, and of the shorn girls, and for the lashes of their eyes, and the hair of their brows, or for the hair, or the beard or the whiskers of the men. It is ‘eric’-fine for shaving bare, or not shaving bare *that shall be paid* to them in this case; or, *according to others*, ‘eric’-fine for half hair or full hair *shall be paid* them for the hair of the head; or indeed, *according to others* they shall have no part of compensation for an unlawful visage.

And though all his members entitled to half compensation should be cut off *a person* on one occasion, *he shall have full body-fine only*, and full compensation and full honor-price for them.

If it is his virile member that was cut out of a man, he shall have full body-fine, and full honor-price, and complete compensation for it. *As to* the glands of desire, and the sinew of desire, whichever of them is cut out first, there is complete body-fine for it, and body-fine according to the severity of the wound for that which is cut off him last. If it was his left testicle that was cut out of him first, it (*the penalty*) is full body-fine, because it is from it generation proceeds^a; if it be his right testicle, it (*the penalty*) is body-^a Ir. Is. fine according to the severity of the wound. *This is in case of* people to whom they are of use, and whom they serve in procreating. If they (*the persons mutilated*) be people to whom they are not of use, and for whom they do not procreate, such as a decrepid old man or a man in orders, there is *nothing due* to them for the loss of them, but body-fine according to the severity of the wound.

If it be *a case of* bone-breaking without rending or wounding, it (*the penalty*) is a division of ‘dire’-fine and compensation itself; if, however, the bone-breaking has caused a

wound, it is *a case of* body-fine according to the nature of THE BOOK OF AICILL. the wound, and his division of honor-price when it is greater than his own division of 'dire'-fine and compensation.

They are all brought into sick-maintenance, except the *wounded in anger*.

That is, they are all brought to the noble relief of food and medical attendance, *i.e.* the persons who are not exceptions from sick-maintenance.

When it has happened by design, or inadvertently through anger, whether it be lawful^a anger or unlawful^b anger, food and medical attendance shall be *supplied* to him till he (*the wounded man*) reach his house.

^aIr. Necessary.
^bIr. Unnecessary.

All the persons who are not exceptions from sick-maintenance, if the wounds were inflicted on them through design or inadvertently in unlawful anger, are not to be brought out into sick-maintenance, but food and medical attendance *shall be supplied* to them till they reach their houses.

If *the wounds were inflicted* inadvertently without anger, or through play, or through unnecessary profit, they (*the wounded*) are to be brought into sick-maintenance, save the exceptions from sick-maintenance; for if they be such, whatever section of the *law of 'eitge'*-crimes the wounds inflicted on them come under, they are not to be brought out into sick-maintenance, but food and medical attendance *shall be supplied* to them till they reach their houses; or, according to others, the price of sick-maintenance *shall be given them*.

If it be living laceration of cattle.

That is, from the hound of first trespass belonging to a native-freeman these divisions¹ of *fin*es following are due; or *they are due* from a native sensible adult in a case of unnecessary ~~profit~~, or from a 'daer'-man through design. And the owner of the hound has his choice whether he shall pay this, or forfeit the hound; and should it be his choice to forfeit the hound, it (*the fine*) will take effect for its first offence in 'urradhus'-law.

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O'D. 1967.
O. 1775.

[Cneðā nā rob aīnā l cneð nā nōaīne, o ēā bap co bann
beim, no o bap co cnoic beim.]

Μαρ τρε compaiti no anpot feirgi inoieðbiu po perato
[nā cneðā] opira, rin ap ron aithgina, ocup α ceiðu cut-
puma ap ron oiru, ip nā petab cethramto rin ap ron
aithgina, ocup α cutpuma ap ron diablat ip nā petab
diabulata.

Μαρ τρε anpot feirgi deiðbiu, rin ap ron aithgina ocup
α oα cutpuma ap ron diabalta ip nā petab cethpuma,
no α leð cutpuma ap ron diabla ip nā petab diabalta.

Leið oiru in ruib inā epoli bap, ocup lan neneclainni oα
tizerpa; oα tpuan in leið oiru inā epoligi cumale, ocup
leð enecclann oα tizerpa. C tpuan inā inannpaz pe pet,
ocup tpuan neneclainne oα tizerpa; cutpuma feirgi
ano, no peðtmaio co nā tabaipz pip ip an inannpaz peðt
pet.

Cio bap α puiliugato nā rob? In tainmpainno zabait
nā cuic peoit α coirpoupe mapðā in ouine, cupub e in
tainmpainno rin oο oupe aicinta in ruib bep inā puiliugato.
Re cneðab in ouine puagailter cneðā nā rob o bap co
ban beim; no o ēā bap co cnocheim; no comato o bap co
puiliugato.

O bap tpuā compaiti no tpuā anpot feirgi inoieðbiu
[no perato nā cneðā], in tainmpainno oα [lan] coirpoupe po
biao oο co nā peðāin ap fein, cupub e in cutpuma rin oο
oiru in tpeoit fein bep inā peðāin ap in rob, cio rob [ip
oīn cio rob] ip cleið; ocup in [tainmpainno] oemecclainn
po biao oο conā peðāin ap fein, cupab e in tainmpainno
rin oα enecclainn bep oο co nā peðāin ap in rob ip cleið,
ocup α leð inā peðāin ap in rob ip lu.

¹Double fine.—For 'diablat', of the text O'D. 1967, read 'oupe;' and also for
'diabalta' in the next paragraph.

²A tent-wound of six 'seds.'—That is, a wound requiring the use of lint in its
treatment, and the penalty for which wound would be six 'seds.'

f. IV 232.10

f. 432.27 f.

The wounds of beasts *are* as the wounds of human beings, THE BOOK OF AICILL.
from death to white blow, or from death to lump-blow.

If it was through design or inadvertently in unlawful anger the wounds were inflicted on them, that *shall be* for compensation, and four times as much for 'dire'-fine, *i.e.* for the animals of quadruple *compensation* by way of compensation and as much by way of double-fine¹ for animals of double *compensation*.

If it was inadvertently in lawful anger, that *shall be* for compensation, and twice as much as double *fine* for animals of quadruple *compensation*, or half as much as double *fine* for animals of double *compensation*.

Half the 'dire'-fine of the animal *is due* for its death maim, and full honor-price *is due* to its owner; two-thirds of its half 'dire'-fine for its 'cumhal'-maim, and half honor-price to its owner. A third *is due* for its tent-wound of six 'seds,'² and one-third of honor-price to its owner; the equivalent of one-sixth or one-seventh *is due* for inflicting upon it a tent-wound of seven 'seds.'

What shall be *paid* for drawing the blood of animals? The proportion which the five 'seds' bear to the body-fine for the killing of the human being, is the proportion of the natural 'dire'-fine of the 'sed' that shall be *paid* for drawing its blood. By the wounds of the human being the wounds of the animals are ruled from death *down* to a white blow; or from death to a lump-blow; or it may be from death to drawing of blood.

When it is by intention or inadvertently in unlawful anger the wound has been inflicted, the proportion of the full body-fine which he (*the owner*) would have for its infliction on himself, is the proportion of the 'dire'-fine of the 'sed' itself that shall be *paid* for its infliction on the animal, whether it be a small animal or a large animal; and the proportion of honor-price that would be *due* to him for its infliction on himself, is the proportion of honor-price that will be *due* to him for its infliction on the large animal, and the half of it for its infliction on the small animal.

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O bur tpa aipos peipzi deiðbiru, in tainnpainoi ða
leð coipzoiu no bioð ðo ina pepðain aip pein, copub e
in tainnpainoi rin ða leð oiui ber ðo ina pepðain ap in
pob, cið pob ip lu, cið pob ip cleiði. In tainnpainoi ða
leð eneclainn no bioð ðo cona pepðain aip pein, cupub e
in tainnpainoi rin ða leð eneclainn ber ðo ina pepðain
ap in pob ip cleiði, ocup a leð ina pepðain ap in pob ip
lu.

Maða cutpumur cleiði ip epbaðað ðon aithgin ann, ip
c. 1778. lan eneclainn; maða cutpumur la, ip leð eneclainn; [ocup
mað cutpumur peipzi, no peðmaro, no painne ip lu, ip
tuille ppi.]

O'D. 1970. [Maða cutpumur cethpaman, no cuicð, no painne ip
mo ina, ip aþcup uile tpi; ocup cen cob epbaðað aðt an
cethpamtha pando ðe, co ppi, ip aþcup uile tpi.]

In cethpuime pann pichit ðo oiui in puib ina enocbeim,
no ina giunao co lomao, ocup in cethpuime pann pichit
ðaithgin ðimarpearo ipin ngiunao co lomao, ocup in
cethpuime pann pichit ðeineclainn ða tigeþna; no, comao
cethpama pann ðena.

c. 1776. In oðmaro pann cethpaðat co leð [na hoðmaro painne]
cethpaðat ina ban beim paðaib peið po pað, no na glap,
no na at, no na ðepz; ocup ata iat a tpuur ann; mana
puil aðt aen, no ðeoð oib ann, in oðmaro pann cethpa-
chat co cethpuime na hoðmaro pann cethpachao. In

O'D. 1968. oðmaro pann [cethpachao] nama ina ban beim cen teinoiur,
no ina giunao cen lomao; ocup na panna cetna ða enec-

O'D. 1968. lainn [innpu pe taoð rin.] No ðono ðena, in tainnpainoi
ða eneclainn ðo bioð ðo ina pepðain aip pein, cupub e in
tainnpainoi rin ber ðo ina pepðain ap in pob ip cleiði,
ocup a leð ina pepðain ap in pob ip lu.

¹ But the one-fourth.—In the MS. over the latter part of the contraction for the word "fourth," there is written by another hand, "achao," to intimate probably that the word might be "cethpachao," a fortieth.

When *the wound has been inflicted* inadvertently in law-ful anger, the proportion of his half body-fine which he would have for its infliction on himself, is the proportion of half 'dire'-fine that shall be *due* to him for its infliction on the animal, whether it be a small animal or a large animal. The proportion of half honor-price which he would have for its infliction on himself, is the proportion of half honor-price he shall have for its infliction on the large animal, and the half of it for its infliction on the small animal.

If the compensation be deficient in an amount equal to *the value* of a large animal, there is full honor-price *due for it*; if it (*the deficiency*) be the equivalent of a small animal, there is half honor-price *due for it*; and if it be the equivalent of a sixth, or a seventh, or of a lesser portion, addition is to be *made* to it.

If it be the equivalent of one-fourth, or one-fifth, or a larger division, *that is deficient of the 'sed,'* it is to be all returned in consequence; and even if there should be deficient but the one-fourth¹ part of it, with proof, it shall be all returned in consequence.

The twenty-fourth part of the 'dire'-fine of the animal is *paid* for a lump-blow, or for shaving it bare, and the twenty-fourth part of compensation in addition for shaving bare, and the twenty-fourth part of honor-price to its owner; or it might, however, *according to others*, be the fourth part.

The forty-eighth part with half the forty-eighth part is *the fine* for the white-blow which leaves a sinew in pain, or discoloured, or swollen, or red; and the three *conditions* are present; if there be but one or two of them present, *the fine shall be* the forty-eighth part with the fourth of the forty-eighth part. The forty-eighth part only is *due* for a white blow without soreness, or for shaving without making bare; and the same proportions of honor-price for them besides. Or else, the proportion of honor-price which would be *due* to him for the infliction *of the wound* on himself is the proportion that shall be *due* to him for its infliction on the large animal, and the half of it for its infliction on the small animal.

5/8 1970. C1779 (2)

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cancellanraig B
5/8 1970

Ceṡṡṡaimṡi ʔuṡi cneiʔi in ʔuib ap a leiṡer, amail ata o
 ʔṡaʔaib ʔeine. 1ʔ ap ʔabair: ceṡṡṡaimṡi ʔuṡi/cneiʔi caṡa
 ʔuib ʔuamanoa/ap a leiṡer laimo aṡoa; ʔo ʔeip ʔianeeṡ
 caibṡeṡaiṡ; 1ʔ e ʔo ṡino in bann. No ʔono ṡena, comaro
 5 a venum ap in loṡ 1ʔ luṡa buṡabap ʔo liaṡ; no ʔono cena,
 O'D. 1971. comaro a ʔiaṡailṡ ʔe aṡṡṡin [in ʔuib], uap 1ʔ oṡṡuṡ
 O'D. 1971. nemṡṡaro, cuṡṡama aṡṡṡina [in ʔuib ina nemṡṡeipin, no]
 loṡ oṡṡuṡa.

Nocu nuil aṡṡor opo ʔo ʔṡeṡ ʔṡe ʔuṡṡuṡo cneo
 10 ʔṡeṡṡain opo, no coma ʔimaineṡ; ocuṡ o buṡ ʔim-
 aneṡ, 1ʔṡe ʔleṡap a nachuṡ. No ʔono ṡena, o buṡ ʔṡa
 compaiṡi no ʔṡe apṡoṡ ʔeipṡi inṡeṡṡiṡu, cen cumaro
 eṡṡaṡach aṡṡ in aenmaṡ ʔann ʔiṡṡiṡ ʔib, 1ʔ a naṡṡuṡ,
 ocuṡ cuṡṡama na aṡṡe ap ʔon ʔiabla. Maṡ ʔṡe apṡoṡ
 15 ʔeipṡi ʔeṡṡiṡu, aṡṡ maṡa cuṡṡama ʔṡin no ceṡṡṡaimṡi no
 ni 1ʔ mo inap 1ʔ eṡṡaṡaṡ ʔib, 1ʔ a naṡṡuṡ uile ʔṡiṡ. Maṡa
 cuṡṡama ʔeṡṡmaṡo no oṡṡmaṡo, no ʔannṡi 1ʔ luṡa aṡap, 1ʔ
 a ʔuilleṡ. Maṡa inṡeṡṡiṡu ʔoṡṡa, noco nuil a naṡṡuṡ ʔo
 ʔṡeṡ no co ʔo ʔimaineṡ, ocuṡ o buṡ ʔimaineṡ, 1ʔ a naṡṡuṡ.

C1778

20 No con ʔuil aṡṡuṡ na ʔob ʔo ʔṡeṡ ʔṡe na cneṡuṡaro, no
 co ʔa ʔimaineṡ iat, ocuṡ o buṡ ʔimaineṡ iat, 1ʔ ann ata
 in ʔaṡṡor ʔṡeṡo.

O'D. 1970. Cio ʔoṡeṡa [eipṡe, ocuṡ ʔe ʔa-ṡaro ʔa ninaṡ eile], cio
 bec in annim o buṡ maṡṡanaṡ hi co ʔuil a naṡṡor ʔṡiṡ,
 25 O'D. 1970. ocuṡ a bail ata colṡaṡ ap aṡṡeṡṡ [ṡo ʔuil eṡṡaro laṡ
 ocuṡ laṡṡa 1ʔin bliṡaṡin ʔin, ocuṡ] co na ʔuil aṡṡor ʔṡiṡ?

oicinn
oicinn C1778

1 A double-fine.—For 'ṡiabla,' here, Dr. O'Donovan suggested 'ṡipe' as a more correct reading.

The one-fourth of the 'dire'-fine for the wound of the animal is *paid* for the curing of it, as is *obtained* from the 'Feini' grades. From this is derived: "the fourth of the 'dire'-fine of the wound of each ruminating animal is *paid* for its complete cure, according to the fair-judging Diancecht; it was he that established the rule." Or else, *according to others*, it is to be done for the smallest fee that is found for a physician; or else, it is to be ruled by the compensation for the beast, since it is the sick-maintenance of a non-grade, or the price of sick-maintenance that is the equivalent of the compensation for the beast in case of non-attendance. *brilliant*

They are never to be sent back *to the person who has injured them*, in consequence of wounds having been inflicted on them, unless they are *become* useless; and when they are *become* useless, they ought to be sent back. Or else indeed, when *they have been injured* intentionally or inadvertently in unlawful anger, even though they should be but the one-and-twentieth part deteriorated in value,* they are to be sent back, and the equivalent of the blemish *is to be paid* as double *fine*.¹ If it were in lawful anger, and if the deterioration amounts to the third or the fourth of their value, or to more, they are all to be sent back in consequence of it. If it amount to one-seventh or one-eighth or a smaller part of *their value*, addition *is to be made* to it (*the compensation*). If it *happened through unnecessary profit*, they (*the animals*) are never to be sent back unless they are *become* useless, and when they are *become* useless, they are to be sent back.

Animals are never to be sent back because of their being wounded, unless they are *become* useless, but when they are *become* useless, they are then to be sent back on account of them (*the wounds*).

What is the reason of this, and that it is said in another place, however small the blemish, if it be permanent, they are to be sent back in consequence of it, and where a 'colpach'-heifer is under cure, and the injury is such that there is a deficiency of the calf and milk for that year, that there is no sending back for it (*the wound*)?

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*Ir. Though
but the one
and twen-
tieth part
be deficient
in them.

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—

1η ρατ ποτερα: cto bec in ainiṃ o bur marṭanaē, noco
nṛai pṛeipciṛia pailtiñi aci iapṛain, ocuṛ coip ce ṛa
neiṛea α αῖῥuṛ tṛit. 1 baiḷ ατα colpaē ap aṛceng, ατα
pṛeipciṛia pailtiñi ann, ocuṛ coip cen co ṛeṛṇta α αῖῥuṛ
5 tṛit. No, ṛono cenα, cto bec in ainiṃ o bur marṭanaē hi,
O'D. 1970. tṛe compaiṛi [no tṛe apṛot pṛeipe inṛeiṛbiṛi] po pṛaṛo
cneṛ ann, ocuṛ coip ce ṛo neiṛea α αῖῥuṛ; ocuṛ i baiḷ ατα
colpaē ap aṛceng, tṛe inṛeiṛbiṛe toṛba po pṛaṛo cneṛ
ano, ocuṛ coip cin co biṛ α αṛṛeuṛ.

O'D. 1970. ¹⁰ [Ocur ra maò he roga fir in treoit a pet fein do beò
aigì, roga othruir ocur tìre ocur eneclann do leo].

O'D. 1972. [bo ap.uth]; maŕe a huč uile no milles anŕ, [ro gpeŕ]
 O'D. 1972. bo ŕap a eŕi. [Na ceŕpa olčena pon coŕp ceŕna]. Maŕiat
 a ceŕthŕi tŕine no milles anŕ, očt ŕeŕpaŕill ŕic cačā
 15 bŕiaŕona co no ictap ŕe ŕeŕpaŕill ŕec aen bŕiačān. 1
 1972 eŕnoŕi ŕiŕ; očap maŕa cunŕtabaŕt, ceŕŕi ŕeŕpaŕill ŕic
 cačā bŕiaŕona no co no ictap očt ŕeŕpaŕill aen bŕiaŕona.

no go C1779

Μακριά απ' την ριμή, π' περιπαίλλ' καὶ βλαστὰ κορὴν
 ἵσταρ' ὅα περιπαίλλ' ὅεσιν βλασταίν.

20 Մաօ ղաժ ա ղա ղիւն, Եւթիւ ղըքալլ ու Եաճ Ելաժա
 Եօ ղօ լԵթաժ օճ ղըքալլ ին Եսն Ելաժան. 1 Եսնօ ղիւն ;
 օԵւր ղաղ ԵսննաԵալլ, ղա ղըքալլ ու Եաճ Ելաժա ղօ
 Եօ ղօ լԵթաժ Եւթիւ ղըքալլ Եսն Ելաժան.
 Եօ Եսն 08 1971

Μαρά αεν τῖνε, τὰ ῥερεπall τic αἰᾶ βλιατῶα co πο hic-
 1 ταρ αειτῖν ῥεριπαll αεν βλιαᾶαν. 1 αιντω ριν; οαυ
 μαρά αυνταβαίρτ, ῥερεπαll τic αἰᾶ βλιατῶα no co πο
 ιεταρ τὰ ῥερεπαll αεν βλιαᾶαν.

¹ *Thriving*.—"γαῖσιναι" appears to mean, expectation of increase in fatness, or of producing young the following year, or of improvement in value generally.

The reason of it is: though small the blemish may be, when it is permanent, there is no hope of its thriving¹ afterwards, and it is right that it should be sent back in consequence. In the case in which the 'colpach'-heifer under cure is referred to, there is hope of thriving, and it is right that there should be no sending back in consequence. Or else indeed, as to the rule "though small the blemish may be when it is permanent," &c., it applies where the wound was inflicted intentionally or inadvertently in unlawful anger, and it is right that it (*the animal*) should be sent back; and in the case in which "the heifer under cure," &c., occurs, the wound was inflicted through unnecessary profit, and it is right that it should not be sent back.

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And if it were the choice of the owner of the 'sed' to have his own 'seds,' he should have sick-maintenance and 'dire'-fine, and honor-price along with them.

A cow for the udder; if it be the entire of her udder that has been injured, a cow *shall be given* in her stead always. The quadrupeds in general *are estimated* according to the same rule. If it be her four teats that have been injured, eight 'screpalls' shall be paid every year until sixteen 'screpalls' shall have been paid in one year. This is in a case of certainty; but if it be a doubtful case, four 'screpalls' shall be paid every year until eight 'screpalls' shall have been paid in one year.

If it be three of her teats^a that have been injured six 'screpalls' shall be paid each year until twelve 'screpalls' shall have been paid in one year. ^{a Ir. Her three teats.}

If it be two of her teats^b that have been injured, four 'screpalls' shall be paid each year until eight 'screpalls' shall have been paid in one year. This is in a case of certainty; but if it be a doubtful case, two 'screpalls' shall be paid each year until four 'screpalls' shall have been paid in one year. ^{b Ir. Her two teats.}

If it be one teat that has been injured, two 'screpalls' shall be paid each year until four 'screpalls' shall have been paid in one year. This is in a case of certainty; but if it be a doubtful case, one 'screpall' shall be paid each year until two 'screpalls' shall have been paid in one year.

THE BOOK OF AICELL. [Mar aine rine ip erbaðach uirpe, repupall co leð inn
zaða bliaðna, no tpi repupall aon bliaðain.

O'D. 1972,
&c.

O getap ciall don tpaistini, ip oðt repupall na paistiniðe
vic ann.

5 Marā rpeb po milleð an ipin tpine, in tainmpaanne
zeabur in rine ipin ueth, gurab e in tainmpaanne pin deipic
in tpine bep ipin tpeib.

Loğ a laðta vic zaða bliaðna co po icetur loğ laðta ocup
paistiniðe aon bliaðain, ocup cen nað ní vic o ða pin
10 amae; no dono, loğ laðta vic in cet bliaðain, ocup loğ
laðta ocup paistiniðe vic an bliaðain tainuipce, ocup ce-
nach ní vic o ða pin amae; no dono, loğ laðta vic cenn da
bliaðain, ocup cen ní vic o ða pin amach.

C. 1782 (2)

cf 370.5f.

Ma tainic in tpaistinihi imuiğ pua cinn blaðna, cio
15 ipin lo deiğenað don bliaðain ti hi, ip aipic loiğeðta na
paistinihi amach; muna tainic, ip a neimairic. No dono,
co nðipceðta, uair ip eipic poğail. In tan ip bo ceitpi
repupall pichit pin; in tan imuppo, ip bo pichi repupall, ip
tpi rine po loiçeð vi, ip deic repupall naon bliaðain, no
20 euc repupall caða blaðna. In tan ip da rine, ip euc
repupall in aon bliaðain, no da repupall co leð zaða
blaðna. In tan imuppo ip aon rine, ip da repupall co
leð zaða bliaðna, no repupall co ceðpume repupall aon
bliaðain.

25 Ma tainic in laðt vi iartain, ip in ní pail ap pğat paistiniðe
daipic. In tan ip marð, no do ðuair imuiğ, cen aipic
in ní tuc ap pğat paistiniðe. In tan imuppo na tucaro
imach iní pail ap pğat paistiniðe, cen a aipic imach.

Mað tpi rine bur erbaðach vi, ip ceitpe repupall co

na haisichs a fogla a

If it be one teat that is defective in her, a 'screpall' and THE BOOK OF AICILL. a half *shall be paid* for it every year, or three 'screpalls' *in one year.*

When every idea of the expectation is abandoned, the eight 'screpalls' of the expectation shall be paid for it.

If it be the milk-passage that was destroyed in the teat, the proportion which the teat bears to the udder is the proportion of the 'eric'-fine for the teat that shall be *due* for the milk-passage.

The value of the milk shall be paid every year until the value of the milk and of the expectation be paid *in one year*, and nothing shall be paid from that forth; or else, the value of the milk shall be paid the first year, and the value of the milk and of the expectation *of calves* the second year, but nothing shall be paid from that forth; or else, the value of the milk shall be paid till the end of two years, but nothing shall be paid from that forth.

If the expectation came outside before the end of a year, even if it be on the last day of the year it comes, the value of the expectation is to be returned out; if it has not come, it (*the value, &c.*) is not to be returned. Or else, *according to others*, it is to be paid back, since it is 'eric'-fine for trespass. This is when it is a cow of four and twenty 'screpalls' *worth that is in question*; but when it is a cow of twenty 'screpalls' *worth, and* three of her teats were spoiled, it (*the payment*) is ten 'screpalls' in one year, or five 'screpalls' every year. When it is two teats *that were spoiled*, it (*the payment*) is four 'screpalls' in one year, or two 'screpalls' and a half every year. When, however, it is one teat *that was spoiled*, it (*the payment*) is two 'screpalls' and a half every year, or a 'screpall' and a fourth of a 'screpall' in one year.

If the milk came to her afterwards, the thing which is for the sake of expectation is to be returned. When she dies or has gone astray, what was given for the sake of the expectation is not to be returned. When, however, that which is for the expectation was not given out, it is not to be paid out.

If it is three teats that are defective in her, it is four 'screpalls' and a half *that are to be paid* every year, or nine

THE BOOK OF AICILL. — Let̃ gačā bliāḏnā, no noi pēripaill aon bliāḏain. Ocuṛ ciḡ be oiḃ pūr buḡ poḡā a ic in aoinpēčt, amlāo rin, cuṛ pailtinchē. Maḡ pērp lāṛ in pēp eile pūrpnaḡē nā pailtince, iṛēḡ paḡuṛ ḡo, uaiṛ iṛēḡ iṛ ḡliḡēḡ ann .i. a poḡā ḡo pūr pēṛtana nā cneiḡē.

Maḡ in aoinpēčt icṡuṛ, ocuṛ tainic in tṛailtinchē iāṛ rin, iṛ a aiṛic amach mā iṛin bliāḏain iṛ nepa čī pī ceta-muṛ. Maṛ gačā bliāḏain icṡuṛ in tṛailtinchē, ciḡ gaṡ gaṡuṛ taill in bó pēin. no ciḡ cpech piallač bēṛcna, icṡuṛ a pailtinchē pūr i cen buḡ aicnṡa a beč a mbetaiḡ, cin cṛine ḡa bṛeič. Maṛa bāṛ ṛo ḡeib čāll hi, no ḡa mbēṛa ḡalup a cṛoḡ pēin uile, no ḡiṛoiche ḡe, no cṛine, no pail imcoimēṡa, no cpech neimbercna ḡia mbṛeič uile, noco nícaṛ nī ḡon tṛailtinchē pūr o rin amach.

15 ḡa ṛaḡbaḡ imuṛṛo in cpech no in ḡalap ní aḡe, icṡuṛ a pailtinchē beoṛ pūr.

Cā haṛeṡ beṡṡiṛ iā ic pēin? .i. co mbēṛēḡ cpech-piallač nembercna iāṡ, no ḡiṛoiche ḡe, no cṛine; no, iṛ e aiṛeṡ bečēṛ ic a hīc ḡuṛaḡ cinṡi nemṡaṛṛačṡain nā pailtinchī amuḡ, ocuṛ o buṛ cinṡi, loḡ lačṡa ocuṛ pailtinchī ḡic ann in bliāḡain rin, ocuṛ cin nī ḡic ann o čā rin amač. No ḡono čēna, comāḡ loḡ lačṡa ḡic ann in cēt. bliāḡain, ocuṛ loḡ lačṡa ocuṛ pailtinchī ḡic amač in bliāḡain tan-aiṛe, ocuṛ cen nī ḡic ann o čā rin amač. No ḡono cēna, o pō iṛaiḡēṡa loḡ lačṡa ocuṛ pailtinchē amač co cenn mbliāḡnā, co nā hīcčā nī ann ṡaiṛiṛ rin].

'screpalls' in one year. And whichever of them is his choice, he shall pay the consideration for expectation at the same time in this manner. If the other man prefers to wait for the result of the expectation, it shall be ceded to him, for the law of the case is, "the inflieter of the wound has his choice."

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If it is at once it is paid, and the expectation came afterwards, it is to be paid out, if it (*the expectation*) came first in the next year. If the expectation is paid for every year, though the cow herself may have been stolen *within*, or plundered from people outside who have a 'bescna'-compact, the expectation shall be paid for, as long as it is natural that she should be living, and not overtaken by decay. If she has died within, or if disease has carried off all her young, or the visitation of God, or decay, or neglect of keeping, or the plundering act of people with whom there was not a 'bescna'-compact, has carried them all off, nothing shall be paid to him for the expectation from that forth.

If, however, the plundering or the disease has left something of the value of the young with him, his expectation shall be paid him.

How long will this continue to be paid? That is, until the plundering ~~act of a~~ party with whom there is not a 'bescna'-compact shall have carried them off, or the visitation of God, or decay; or, *according to others*, the time during which it will be paid, is until the non-appearance of the expectation is ascertained outside, and when it is certain *that there will be no increase*, the value of the milk and of the expectation shall be paid for it that year, and nothing shall be paid for it from that forth. Or else, *according to others*, the value of the milk is to be paid for the first year, and the value of the milk and of the expectation shall be paid out the second year, and nothing shall be paid from that forth. Or else, *according to others*, after the price of the milk and of the expectation shall have been paid to the end of a year, nothing more shall be paid beyond that time.

THE BOOK OF AICHEL. No dono cena, o no icaitea los laeta ocur railtinehi amae co cenn da bliadain co na icta ni ano tairir rin. Ocur o getair ciall don trairtinehi, ir oet repirail na railtinehi dic.

cf. 366-145.

5 Ma tainic in trairtinehi amue iaowan, in eutpuma tucad ar peat railtinehi ann tairic amue; no dono, co na airteta, uair ir eiric poela.

C. 1782. [Seirio irin cluar go neirtaet, ce be pob, no irin adairc go na rlibac, no irin nerball go enaim; aile oeg irin
10 cluar gan eirtaet, no irin adairc gan rlibas, ocur in cetraine pahn pichit irin nerball gan enaim.]

In bo treinuagad uirre: trian ar peat a colla, trian ar peat a railtinehi, trian ar peat a laeta ocur a laig; a teora cethruimti ar in laet, ocur a cethruimti ar in
15 laeg, in trian ata ar peat a laeta ocur a laig, pe repirail veirioe ar peat laeta, ocur da repirail ar peat
O.D. 1971. laig [i. cio piren, cio boinenn e, in la bepar; ocur bo ceirre repirail pichet hi.]

cf. II 240.9

In dam, treinuagad air: trian ar peat a colla, ocur
20 trian ar peat a gniraro, ocur trian ar peat a railtinehi iaowan.

C. 1782. [In tarb, treinuagad air; trian ar peat a colla, ocur trian ar peat a gnima, ocur trian ar peat a trairtinehi.]

Cach pet aca ta colano, ocur railtinehi, ocur laet, ir
25 treinuagad air. Cach pet ac na fuil aet colano ocur railtinehi, no colano ocur laet, ir poino ar do. Cach pet oib ac na fuil [laet na gniraro, ocur ac na fuil railtinehi iaowan], aet colano nama, ir apromex comateet air, aet mana mart cana aicillne, ocur marreo, ir ceithri
30 repirail air.

dothchusa B
dothchusa O 1979

Or else indeed, *according to others*, when the value of ^{THE BOOK} the milk and the expectation has been paid out to the end ^{OF} of two years there shall be nothing paid for it from that ^{AICILL.} forth. And when it is ascertained that there is no expectation, the eight 'screpalls,' *the value* of the expectation, are to be paid.

If the expectation came outside afterwards, the amount that had been given for the expectation shall be returned to *the man* outside; or indeed, *according to others*, it is not to be returned, because it is 'eric'-fine for an injury *that shall be paid*.

A sixth shall be paid for the ear that has hearing,^a of what beast soever, or for the horn with its pith, or for the tail with *its* bone; one-twelfth for the ear without hearing, or for the horn without pith, and the twenty-fourth part for the tail without bone.

^a Ir. *With hearing.*

The cow has a tripartite division; *viz.*, one-third for her body, one-third for her expectation, and one-third for her milk and her calf; three-fourths of it (*the last third*) are for the milk, and one-third for the calf, *i.e.* of the third which is for the milk and the calf, six 'screpalls' are for the milk, and two 'screpalls' for the calf, *i.e.* whether bull or cow calf, the day it is calved; and it (*the cow in question*) is a cow of four-and-twenty 'screpalls' value.

The ox has a tripartite division; *viz.*, one-third for its body, and one-third for its work, and one-third for its expectation afterwards.

The bull has a tripartite division: one-third for his body, and one-third for his work, and one-third for his expectation.

Every 'sed' that has a body, and expectation, and milk, has a tripartite division. Every 'sed' that has but body and expectation, or body and milk, is to be divided into two parts. As to every 'sed' of them that has neither milk nor work, and that has not expectation afterwards, but body only, the arbitration of neighbours is *to be had* respecting it, unless it be a beef in 'cain aigillne'-law, and if it is, four 'screpalls' are *to be the value* for it.

carcan (for eating)

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In tech, tpenugao air: trian ar peat̃ a colla, trian
ar peat̃ a pailtineĩ, trian ar peat̃ a gnimprao. Cile dec
a mathar ar in perrach in uair bepar he, aĩail ata
aili dec ar in laeĩ in uair bepar he; no,[co]maro leĩ aile
dec a aĩar in inbaro ir perr in tathair.

Manā puil aĩt colano ocur pailtineĩ, no colano ocur
gnimprao, ir poiro ar do. Manā puil aĩt colano nama,
noco nuil naĩ ni, uair naeo maĩn marpa he.

In muc, tpenugao uirpe: trian ar peat̃ a colla, trian
ar peat̃ a pailtineĩ, ocur trian ar peat̃ a hail; ocur ir
ceprao comaro ina bpoiro po milles he; ocur vamaro ar
na breĩt, ir pinguino ar caĩ norc co pice tri horcu, no
comaro co nae norcu, mara cinoti co tibrato ar he.

Hebrews ad O.D. 1977

C. 1785. [In muc, mara a capna ir epraoaĩ uirpu ir a haĩt̃ur,
ocur muc a comacinta tar eiri.

Mara al na bliatna ir epraoaĩ to, trian a nupcom-
air a hail, ocur trian a nupcomair a colla, ocur trian
a nupcomair a pailtine.

Mara ni va hal (.1. va pinnib tra) ir epraoaĩ uirpe,
in tainmpainne do triun icair zaĩ bliatna, no a va
coibair aon bliatna; trian ar peat̃ a hail, ocur ina
bpoiro po milles in tal ann rin; ocur vamaro ar na breĩt,
ir pinguino ar zac norc so puĩgi nai norca, no tri orca .1.
nomaro loĩge a mathar rin, amail ata a nuac eapraĩ na
tri perriboll.]

In muc pipenn, poiro ar do uirpe.
C. 1785. [In lair, tpenugao uirpu; trian ar peat̃ a colla, ocur
trian ar peat̃ a pailtineĩ, ocur trian ar peat̃ a perrpaĩ
ocur a gnimpra.

¹ That it would have given milk. For "tibrato ar he." O.D. 1977, reads
"co tibratir ar."

The horse has a tripartite division ; one-third for its body, THE BOOK OF AICILL. one-third for its expectation, *and* one-third for its work. The one-twelfth of *the value of its dam is to be given* for the foal when it is foaled, *just as the calf is worth the one-twelfth of the value of its dam* when it is calved; or *according to others*, it is the one-half of the twelfth of *the value of its sire* when the sire is better.

If it (*the 'sed'*) has only body and expectation, or body and work, it is to be divided into two. If it has but body only, there is nothing *for it*, because it is not a beef carcass. *an asset as carcass*

The pig has a tripartite division ; one-third for her body one-third for her expectation, and one-third for her farrow ; and it is an opinion that it was in her uterus it (*the young*) was destroyed ; but if it was after farrowing, it is a 'pinginn' for every young pig as far as three young pigs, or it may be as far as nine young pigs, if it be certain that it would have given *milk to them*.¹

As regards the pig, if it be its flesh that is deficient in it, it (*the pig*) is to be returned, and a pig of the same nature *is to be given in lieu of it*.

If it be the litter of the year that is deficient in her *case*, one-third *shall be paid* in consideration of her litter, and one-third in consideration of her body, and one-third in consideration of her expectation.

If it be part of her litter (i.e. of her teats) that is deficient in her, the proportion of a third shall be paid every year, or twice as much *in one year* ; one-third on account of her litter, and it was in the uterus the litter was injured in this case ; and if it were after they were brought forth, a 'pinginn' shall be *paid* for every young pig as far as nine young pigs, or, *according to others*, three young pigs, i.e. this *is* the ninth part of the price of their dam, as is *paid* for the lamb of a sheep of *the value of the three 'screpalls'*.

The he-pig has a tripartite division.

The mare has a tripartite division ; one-third in consideration of her body, and one-third in consideration of her expectation, and one-third in consideration of her foal and her work.

If it be her udder that is deficient in her, she is to be returned, and a mare of the same nature *is to be given* in lieu of her. THE BOOK
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If it be the foal of the year that is deficient in her, she is to be returned, and a mare of the same nature *is to be given* in lieu of her.

If it be the foal of the year that is deficient in her, *then, according to others, one-third shall be given* in consideration of her foal, and one-third in consideration of her work, and one-third in consideration of her expectation.

If it be one teat* that is deficient in her, if there be the feeding of her foal in the other teat, *there is compensation* for it and sick-maintenance, and if there be not, there shall be one-third *paid* for it. And if it is in the uterus, i.e. of its dam, the foal was destroyed, it is the ninth part of *the value of the dam that shall be paid* for it, and if it be on the field *it was destroyed*, the twelfth part of the *value of the dam shall be paid*.

What is the reason that there is more *to be paid* for destroying it in the uterus of its dam, than *when destroyed on the field*? The reason is, it is supposed that greater injury will result to her (*the dam*) for destroying it in her uterus than in the field.

One-twelfth *is to be given* for the foal, i.e. *one-twelfth of the value* of its dam, the day it is foaled, whether it be male or female, *just as one-twelfth of the value* of his dam is *to be given* for the calf at the time it is calved; and it is the dam it is like in this case, but if it be the sire *it is like*, it is one-twelfth *of the value* of the sire *that is to be given* for it; and if it be not like either of them at all, it is half the one-twelfth of each *that is to be given* in the case in which the sire was better, so that this is full one-twelfth.

The male horse has a twofold division.

The he-pig has a twofold division.

The sheep has a threefold division, *viz.*, one-third for her body, one-third for her expectation, one-third for her wool and her lamb and her milk,¹ i.e. a 'pinginn' in consideration of her lamb, and a 'pinginn' and a half in

* Ir. The second teat.

altho' it is more if a necessity in the paddock.

co leſ ar peaſ a holla, .i. ocur olann na bliatona uile rin, ocur leſ pingino ar peaſ a laſta. Cupa tri repapall rin ; ocur cema cupa buſ mo no buſ luſa na rin hi, i r e rin coſpoſail no biaſ uirpe im tpeinuſaſ.

5 In cupa ſipenn, i r poindo ar a ſó uirpe.

Maſa cupa ſa repapall hi, pingino ar in olaino, ocur pingino ar an uan ocur ar in laſt, a ſa trian ar uan, ocur a trian ar in laſt.

10 In cupa ; maſ e a huſ uile i r epbaſach uirpe, i r a hat-ehur ar culu, ocur cupa inich aicinta ſar a heiri. Maſ é uan ocur laſt na bliatona rin i r epbaſach uirpe, i r tpeinuſaſ uirpe ; trian a comair a huain ocur a laſta, ocur trian i comair i colla, ocur trian i comair a paſtinch.

Maſa cupa ſa repapall hi, i r ſa pingino ar ſon a huain 15 ocur a laſta .i. pingino co leſ ar in laſt, ocur leſ pingino ar in uan ; uair ceſruime irin laſt in tuan.

Maſ aon ſine i r epbaſach uirpe, ocur ata beſuſaſ in uain irin ſine eile, teopa ceſruime pingino in ſaſ bliadain, no pingino co leſ aon bliadna. Maſa cupa tri 20 repapall hi, i r repapall ar ſon a huain ocur a laſta .i. ſa pingino ocur ceſruime pingino irin laſt, ocur teopa ceſruime pingino irin uan ; uair ceſruime irin laſt in tuan.

Maſ aen ſine i r epbaſach uirpe, ocur ata beſuſaſ in 25 uain irin ſine eile, pinginn ocur oſtmaſ pingino ann ſaſa bliadna, no ſa pingino co ceſruime pingino ann aen bliadain.

Olann na caopaſ a cein ber uirpe amail ſinnpaſ na pob arſena, eiſ ſiu ni iap na buain ſi.]

¹ *A fourth [of the milk].—This calculation is evidently wrong, it is one-third according to the previous distribution.*

consideration of her wool, i.e. this is the wool of the whole year, and half a 'pinginn' for her milk. This is a sheep of the value of three 'screpalls,' and though it should be a sheep of greater or less value than that, this is the proportion that will be observed in its tripartite division.

The male sheep is divided into two parts.

If it be a sheep of the value of two 'screpalls,' there is a 'pinginn' for the wool, and a 'pinginn' for the lamb and for the milk, i.e. two-thirds thereof for the lamb, and one-third for the milk.

As to the sheep, if it be her whole udder that is deficient in her, she is to be returned, and a perfect sheep of the same nature is to be given in lieu of her. If it be the lamb and the milk of that year that are deficient in her, there is a tripartite division of her; one-third in consideration of her lamb and her milk, and one-third in consideration of her body, and one-third in consideration of her expectation.

According to others, if she be a sheep of the value of two 'screpalls,' it is two 'pinginns' that will be paid for her lamb and her milk, i.e. a 'pinginn' and a half for the milk, and half a 'pinginn' for the lamb; for the lamb is equal to a fourth of the milk.¹

If it be one teat that is deficient in her, and the feeding of the lamb is in the other teat, three-fourths of a 'pinginn' shall be paid in each year, or a 'pinginn' and a half in one year. If she be a sheep of the value of three 'screpalls,' there is a 'screpall' to be paid for her lamb and her milk, i.e. two 'pinginns' and one-fourth of a 'pinginn' for the milk, and three-fourths of a 'pinginn' for the lamb; for the lamb is equal to a fourth of the milk.

If it be one teat that is deficient in her, and the feeding of the lamb is in the other teat, a 'pinginn' and the eighth of a 'pinginn' shall be paid for it every year, or two 'pinginns' and one-fourth of a 'pinginn' in one year.

The wool of the sheep while it is on her is like the fur of the beasts in general, though it is worth something when taken off her.

The goat has a tripartite division; i.e. one-third of its *value* is for its body, one-third for its expectation, and one-third for its milk and its kid; three fourths of this *third* for the milk, and one-fourth for the kid, i.e. two-thirds of a 'pinginn' for its kid, and a 'pinginn' and the third of a 'pinginn' for its milk. And it is a goat of the *value* of two 'screpalls,' for the goat does not exceed two 'screpalls' in *value*.

The hound is like the pig, and the goat is to be like the sheep, and the horse like the cow, as regards tail and fur and udder. Or, *according to others*; as regards the *mare*, if it be one teat that has been destroyed in the mare, it is body-fine according to the severity of the injury *that shall be paid* for it. If the feeding of her foal be in the other teat, there shall be compensation and sick-maintenance for it (*the injury*); and if it be not *in it*, there is one-third *due* for it. And if it be the foal of the year that has been destroyed, it is one-third of the *value* of the mare *that shall be paid* for it; for the milk is of no benefit after it (*the foal*). And if she has only body and expectation, or body and work, she is divided *as to value* into two parts; and if she has but body only, there shall be nothing for it, because it is not valuable as beef.

As to the hound; if it be its flesh that is deficient in it, it is to be returned, and a hound of the same nature *is to be given* in place of it. And if it be the litter of the year that is deficient in her, there shall be a tripartite division of her. And if it be a part of her teats that is deficient, the proportion of the teats that are deficient is the proportion of the expectation that shall be paid every year.

The ninth of the price of the hound *is to be given* for every whelp of her whelps; and the *ninth* of the price of the cat for every kitten of her kittens, until they separate from them (*are suckled*), and when they have separated, it is 'smacht'-fine *that shall be* for them until they are fit for work; and when they are, 'eric'-fine shall be *paid* for them according to the nature of their work.¹

The hen has a tripartite division, i.e. one-third for shall be according to the nature of the work they are set to do." That is, hunting or mousing.

[illegible]

Ան չե, մար բէ Կ Դժ ԻՐ ԵՐԹԱԾԱՇ ԿԻՐ, ԻՐ ԱԾԵՐ; օԿՐ
 0'D. 1978. մար է Դժ ՆԱ ԵԼԻԱԾՈՆԱ [ԻՐԻ ԻՐ ԵՐԹԱԾԱԾԻ ԿԻՐ, ԻՐ ԴՐԵԻՆՈՒՅԺ
 ԿԻՐ; ԴՐԻԱՆ Ա ԿՕՄԱԻՐ Ա ԿՕԼԼԱ, ԴՐԻԱՆ Ա ԿՕՄԱԻՐ ԱԼ, օԿՐ
 ԴՐԻԱՆ Ա ԿՕՄԱԻՐ ԴՒԼԵԻՆԻՇԻ]; օԿՐ մար ՆԻ ԴԱ Դժ ԻՐ ԵՐԹԱԾԱՇ,
 0'D. 1978. ԿԻՐ, չԻՐԵԲ Ե ԱՆ ԿԱԻՆՄԱԻՆՈՇ [ԴՈՆ ԱԼ ԻՐ ԵՐԹԱԾԱՇ] ԻԿԱՐ ԻՆՈ.

Տեօր թէրի բօճաճտիւր թրէ անթո, ու թրէ Ինժեճիւր
տրժա բն ; օսը ճառա թրէ օմբաւի, ու Բօ թրէ բօ թրաւա
նա Ենիւր Ինժեճ, օսը օրժըր, օսը Ենեւաւն.

O'D. 1979. Seoit as na haicintep laēt ocyr gnimparc rin, ocyr
da maō peoit as na beiē laēt no gnimparc iat, rob aiēgin
ocyr oēpur innitib; ocyr map peoit as na puil laēt na
gnimparc [po cetoir, ocyr aca ta railtineē iartain], yr
O'D. 1979²⁰ airpomey coimīāc air, [aēt man mapt eana aigillne, ocyr
máreaō, ceēraime rcupuil ar.

ὁ ἀρ υῆ ; .i. ὁ ἰννλαοῖ, ὁ ὁ τρε λαοῖ ; ὁ ματα πῦ
οἷτ περσπαῖλ ἂν μαρτ, οὐρ φορ ὁμο πῦ οἷτ περσπαῖλ
ἂν μαρτ.]

O'D. 1981. ^D₂₅ Cio do ^{dogni}gni deoraido do upraio [ocur upraio^D do
deoraido? ^D

C 2540 f.
(48.88 f. 45th)

.1. in θεωραιῶ φρεσιν: ἡ εὐαισθησία, διηγεμένη μετὰ τοῦ

her body, one-third for her clutch, and one-third for her expectation afterwards. The ninth part of the value of the hen *is given* for every chick of her chickens, as long as they are with her; but when they separate from her, it is half the value of their mother *that is given* for them, until the time of ~~laying~~ comes; and when the time of laying has come, the large hen and the pullet are of the same value; or indeed, *according to others*, the difference that is between the large cow and the small cow is the same *proportionate* difference that shall be between the pullet and the full-grown hen.

breeding? of V 82.

The goose, if it be its hatching that is deficient, is to be returned; and if it be the hatching of that year that is deficient, there shall be a tripartite division of her; one-third on account of her body, one-third on account of the clutch, and one-third on account of expectation; and if it be part of her clutch that is deficient, the proportion of the clutch that is deficient shall be paid for.

These are 'seds' that are injured through inadvertence, or through unnecessary profit; but if it were by design, 'dire'-fine should be *paid* for them according to the severity of the injury, and sick-maintenance, and honor-price.

These are 'seds' that are not recognized as having milk and *being capable of work*, and if they were 'seds' that may not have milk or *be capable of work*, there should be compensation and sick-maintenance for them; and if they be 'seds' that *actually* have not milk and *are not capable of work* at first, and have expectation afterwards, the arbitration of the neighbours is *to be had* respecting them, unless it be beef of 'cain aigillne,' and if it be, the fourth of a 'screpall' shall be *paid* for it.

A cow for the udder, i.e. an incalf cow, or a cow after calving, or if the beef is not worth eight 'screpalls,' or though beef be worth eight 'screpalls.'

What is it that makes a stranger of a native freeman and a native freeman of a stranger?

That is, an outlawed stranger: he is defined to be a per-

- THE BOOK OF AICILL. —
- C. 2541. *cf. V 185 note* cincta do denum, ocup noco netat in fine a cincta do richup
 10 oib tina na toicir, no co tucac los ap a cinaio do richup
 oib, .i. reit cumala do plait, ocup a reit mbliatona peirioi
 do [hic re] eclair, ocup a da cumail cairto cach a lete
 15 do na ceitir leitir iur ata comcairde; ocup o do berait
 amlaio rin, ir raser iat ap a cinctaib, no co tucac nech oib
 upgna rceine no bair tinaio do; no no co rcuiria a eoib i
 tior iur fine ap coibrialclaire. Ocup da tucac, noco roer
 O'D. 1982. iat [ap a cinctaibh] no co tucac in eutpuma cetna ap richup
 20 a cinaio oib ariur. Ocup cia re tuait, cio re eclair, cio re
 aer cairto do ne rogail, a uil ir na reit cumalait
 O'D. 1982. uil i laim plaita, no co tair a toclaitum; [ocup ma
 tairuig a toclaitum, a rogail cia iur noderia rogail
 C. 2541. ap a haile rin e, in re tuait, in re heglair]; [no re
 25 haor cairde] ocup mar re aer cairto, ir a uil irin da
 cumail cairto; ocup mar re eclair, ir a uil ir na reit
 mbliatonaib peirioi uil a laim eclaire, no na reit cumala
 ap a ron. Ocup cio re tuait do ne rogail (eclaire) noco
 30 teit ni da fuil ac eclair ino, uair nacl olisio tuait
 pennait. Noco nicann eclair ni re tuait, uair teit eclair
 O'D. 1982. i riadait tuait, [ocup] n[ocl]a teit tuait i riadait eclaire.

¹ *Shall have given in this way.*—Dr. O'Donovan remarks on this matter:—"When the outlaw was proclaimed by his family, they were obliged to give up into the hands of the different parties mentioned, certain funds for the payment of his future trespasses. They were then free themselves from the payment of any 'eric'-fines for his subsequent trespasses. These funds appear to have been:—1, seven 'cumhals' placed in the hands of the chief of the territory; 2, seven 'cumhals' in the hands of the church of the territory; and 3, two 'cumhals' in the hands of his neighbours with whom he had entered into 'cairde'-relations. The seven 'cumhals' in the hands of the chief of the territory should be first exhausted in payment of fines for his trespasses. Then, these being exhausted, it should be considered against whom he had trespassed, before any of the other reserved funds could be called upon. If it was against any of those with whom he had entered into 'cairde'-relations, the fine should be paid out of the two 'cumhals' placed in

son who frequently commits crimes, and his family cannot exonerate themselves from his crimes (by suing *him* for them) until they pay^a a price for exonerating themselves from his crimes, i.e. seven 'cumhals' to the chief, and seven 'cumhals' for his seven years of penance are paid to the church, and his two 'cumhals' for 'cairde'-relations are paid to each of the four parties with which he had mutual 'cairde'-relations; and when they (*the family*) shall have given in this way,¹ they shall be exempt from his crimes, until one of them gives him the use of a knife, or a handful of grain; or until he unyokes his horses in the land of a kinsman out of family-friendship. And if they give *him these*, they shall not be exempt from his crimes until they pay the same amount again for exonerating themselves from his crimes. And whether it be against laity, or against a church, or against 'cairde'-allies he committed trespass, it (*the fine*) shall be deducted from^b the seven 'cumhals' which are in the hands of the chief, until they are exhausted; and if they become exhausted, it is to be seen against whom he has committed trespass afterwards, whether against laity or against a church, or against 'cairde'-allies; and if it be against the 'cairde'-allies, it (*the fine*) shall be deducted^b from the two 'cumhals' of the 'cairde'-allies; and if it be against a church, it shall be deducted^b from the *fine* for seven years of penance which is in the hands of the church, or the seven 'cumhals' which are in lieu of it.² And if he should commit an ecclesiastical crime against the laity, nothing of what the church has *in her hands* shall be charged with it,^c for the laity are not entitled to penance. A church pays nothing to the laity, for *the law says*, "a church goes into the debts of the laity, but the laity do not go into the debts of a church."

their hands. And if he trespassed against a stranger church, the fine should be paid out of the seven 'cumhals' placed in the hands of the church of his native territory, which church was not called upon to pay fines for any trespass he may commit against the laity. If, after all these funds were exhausted, the outlaw returned to his native territory and received the countenance of any one native freeman of his kindred, which might be done by giving him the loan of a knife or a handful of corn, the whole family were bound to give a similar number of 'cumhals' into the hands of the parties before mentioned."

² In lieu of it. The MSS. are defective here.

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OF
AICILL.
* Ir. Give.

as they are called
(for them) *

^b Ir. It is to
go into.

^c Ir. Goes
into it.

share

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OF
AICILL.
O'D. 1982.

[Cio fodepa eo téit eclair i riachai¹ tuaitⁱ, ocu^r cona téit tuatⁱ i riachai^b eclairi? 1^r é in patⁱ fodepa: pet na oligto tuatⁱ ita i laith na heclairi .i. in pennait; ocu^r in comao be²ttar a denam na pen³toise, oia noepna po⁴gal⁵ pe heclair, i^r a oul a riachai^b eclara; ocu^r mar pe lu⁶ct cair⁷oe, i^r a oul i^r na cumalaib cair⁸oe iap⁹ gcaithe¹⁰ co¹¹ta tuaithe.]

1n mac do ju¹²ne ria noenum deora¹³o p¹⁴recair¹⁵ o i¹⁶ i¹⁷ a bith amail cach nouine nolig¹⁸te¹⁹ don pine. 1n mac do ju²⁰ne iap noenum deora²¹o p²²ecair²³ oe, a cin pop pine a ma²⁴thar .i. lan ria²⁵ deora²⁶o o²⁷a p²⁸etab²⁹ ri³⁰u³¹il³²i³³ bu³⁴ein in a cin³⁵taib, ocu³⁶r be³⁷ro a coir³⁸poiri.

C. 2542. 1^r ann i² comp³air⁴i r⁵lan he, r⁶lan do ca⁷o⁸ ouine a mar⁹bao, r¹⁰lan in in¹¹bao tu¹²ao na ne¹³ice rin po¹⁴ma¹⁵no[ar], ocu¹⁶r na r¹⁷uil¹⁸ 1⁵ r¹⁹ig i r²⁰ail²¹l tim²²air²³ce²⁴i, ocu²⁵r na r²⁶uil ar g²⁷ru²⁸un ouine air²⁹ce³⁰i, ocu³¹r na r³²uil p³³er bia³⁴ta air³⁵ce³⁶i. Ocu³⁷r ma³⁸ ta r³⁹ig i r⁴⁰ail⁴¹l tim⁴²air⁴³ce⁴⁴i, i⁴⁵ a cin oic do, ocu⁴⁶r n⁴⁷i r⁴⁸uil ar cu⁴⁹r na ar r⁵⁰ail⁵¹l ouine air⁵²ce⁵³i i⁵⁴rin cu⁵⁵o⁵⁶; ocu⁵⁷r ma⁵⁸ ro mar⁵⁹bao he, i⁶⁰ coir⁶¹poiri⁶² deora⁶³o be⁶⁴re⁶⁵na oic ann.

20 1^reo i² r³ail⁴l tim⁵air⁶ce⁷i do r⁸ig ann, cen a tim⁹air¹⁰ce¹¹u¹²in pe ouine air¹³ce¹⁴i, no cen a be¹⁵o¹⁶ ar g¹⁷ru¹⁸un air¹⁹ce²⁰i, no cen p²¹er bia²²ta air²³ce²⁴i.

Ma²⁵ ta ar g²⁶ru²⁷un ouine air²⁸ce²⁹i, i³⁰ a cin oic do, ocu³¹r a coir³²poiri³³ oic do; ocu³⁴r ma³⁵ ro mar³⁶bao he, i³⁷ coir³⁸poiri³⁹ deora⁴⁰o oic an⁴¹o. Ocu⁴²r 1^reo do n⁴³i deora⁴⁴o oe, a p⁴⁵er⁴⁶an⁴⁷o do oul u⁴⁸ao.

Ma⁴⁹ ta p⁵⁰er bia⁵¹ta air⁵²ce⁵³i a⁵⁴oi, i⁵⁵ a cin oic do po aie⁵⁶neo bia⁵⁷ta pe noenum cin⁵⁸ao no iap noenum cin⁵⁹ao. Lan riach i⁶⁰ in m⁶¹bia⁶²ao pe noenum cin⁶³ao, ocu⁶⁴r le⁶⁵o riach i⁶⁶ in

¹ He may be killed with impunity.—The third 'r⁵lan' in the Irish seems redundant. Though found in the MS., E. 3, 5, it is not in the corresponding passage in O'D. 1982, and C. 2543.

What is the reason that a church goes into the debts of the laity, and that the laity do not go into the debts of a church? The reason is: the church has in its hands a 'sed' which the laity have no title to, i.e. penance; and while the penance is being performed, if he has committed a trespass against a church, it (*the penalty*) is to go into the church debts, and if against persons who have^a 'cairde'-relations *with him*, it is to go as part of the two 'cumhals' of 'cairde'-relation, after the portion of the laity is spent.

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—

^a Ir. Q.

The son whom he had begotten before he had been made an outlaw is to be like every other lawful man of the family. *As to* the son whom he may have begotten after he had been made an outlaw, his liabilities shall be on the family of his mother, i.e. *they pay* the full debt of a stranger out of their own rightful 'seds' for his liabilities, and they obtain his body-fine.

The case in which a man^b may be killed with impunity, i.e. ^b Ir. Hc. every person is exempt from liability for killing him, is when these things before mentioned were given for him, and the king has not neglected to restrain him, and he is not on the land of any particular person, and there is no particular person who feeds him. But if the king has neglected to restrain him, and if he is not in the employment or hire of any particular person in the territory, he (*the king*) shall pay for his crime; and if he be killed, the body-fine of a stranger who has a 'bescna'-compact shall be paid for it.

Neglect of restraint on the part of the king means, that he did not restrain him to *the employment of* a particular person, or did not have him *living* on a particular land, or fed by a particular person.

If he be on the land of a particular person, he (*the person on whose land he is*) shall pay his liabilities, and shall obtain his body-fine; and if he be killed, it is the body-fine of a stranger that is to be paid for him. And what makes a stranger of him is, his land having gone from him.

If a particular person feeds him, he shall pay for his crime according to the nature of the feeding before or after committing the crimes. Full fine *is to be paid* for the feeding before committing crimes, and half fine for the feeding after

THE BOOK OF AICILL. mbiatharo iar noenam cinaro; ocur ietap in lan riac, ocur nocon ietap in leš riac, ap ip a cin padeipin iear ead ann ipin mbiatharo iar noenum cinaro.

Cio podera co nietaip iup in lan riac, ocur naš ietap iup in leiš riac? Ip e paš podera, a dualgyp inbleogain ietap in lan riach, ocur a dualgyp biata ietap in leš riach.

O'D. 1984. [Ma tapinac na peš cumala ita illaim rlaša do to-eaštem, ocur ni pail piš a pail tiunapce, ocur ni pail ap eip na ap pašail duine apuši ipin epuch é, ocur ni po biathupcar é duine nach paop ap cinarš a biš, annipin ip comprate rlan é, ocur ip rlan da cach duine a marbarš].

C. 2543. [Duine pin ocur a cintoa pop tpebairu, ocur do pinne pogail amuiš e iar pin; ocur tanpup dāpna a cina pop an ti aša paibe pe sup tpaipda; ocur ni pear nach aigi po pogail; ocur ip ipero puc eolup amad sup an ina paibe. No dono, ip peip peip po poglarš, ocur dāpna riac do peip do duarš amad ann pin e.

Cio deoparo tap epuš, no deoparš epuche, no ciš upparš aon epuche don ti poš ninnpab é; * uap dāma deoparo a peštar cuicrš po gab do laim e gona cintoa, noša nīcpa a cin in ti rap gabarš do laim é, ocur nochā ninnpaušpeš ap nech .i. upparš po gab do laim gona cintoa punn, ocur an ti po gab do laim é, lan riac an cina do vena do ic do; ocur nera pine ann na lepa, no ciš compocur; uap na deipnat deoparo ppeacair de, ip ina poša rum ata cio be tob aicerpup. Ocur ipe a poša rum pine dācpa, ocur ica lan riac iupin peichem toicheša, ocur toišgi lan riac cuca amuiš don ti po gabupcar do laim é gona cintoa.

¹ *Against himself.* That is, it would seem, against the man with whom he had recently lived.

² *Or a stranger within the border.*—The reading in the MS. Egerton, 88, 45, appears to be “deopra, three,” for which Professor O’Curry in his transcript, p. 2543, conjectured “deoparo, a stranger. If the true reading be “deopra,” the meaning would be a “stranger beyond three territories.”

³ *To shelter him.*—There is a defect in the MS. here, hence the passage is unintelligible.

committing crimes; and the full fine is paid, and the half fine is not paid, because it is for his own crime that everyone pays in the case for feeding *him* after committing crimes. THE BOOK
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—

What is the reason that the full fine is paid by him, and the half fine is not paid by him? The reason is, the full fine is paid on account of kindred, and the half fine is paid on account of feeding.

If the seven 'cumbals' in the hands of the chief happened to be exhausted, and the king has not neglected his restraint, and he (*the outlaw's son*) is not in the employment or hire of any particular person in the territory, and no person who is not exempt from crime in feeding him has fed him, then he may be killed with impunity, and any person is safe who kills him.

This is a person whose crimes were upon security, and he committed trespass outside afterwards; and they came to sue the person with whom he recently was, for his crime; and it is not known but that it was *while* with him he trespassed; and it was he that brought word out to the place where he was. Or else, the trespass was committed against himself,¹ and *it was* to demand debts for himself he went out on this occasion.

Whether he be a stranger outside the border, or a stranger within the border,² or a native freeman of the same territory as the person who undertook to *shelter* him;³ * * for if it was a stranger of another province that undertook to be accountable for him,* together with his crimes, the person by whom he was taken in hand, shall not pay for his crimes; and no one shall be sued for him,⁴ * * i.e. a native freeman he took in hand with his crimes here, and the person who took him in hand shall pay full fine for the crime he commits; and here family is nearer *relation* than bed, or it may be *neighbourhood*; and as they have not made an outlaw of him, he (*the person aggrieved*) has his choice which of them he will sue. And his choice is to sue the family, and they shall pay full fine to the plaintiff, and they shall recover full fine outside from the person who had taken him in hand with his crimes.

⁴ And no one shall be sued for him.—The MS. is again defective here. The passage is accordingly unintelligible.

91. of 384.17

* Ir. Took
him in hand.

equally near

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cf. V 236.20

Se ba su nuingsi for neč biačar fear nupposra tar crič
.1. cumal ban abač ro a lepuš ocur a comairlegar an-
upraiō na tic ro luiš cana, ocur curo a ceilē an uinge; i/
ačt ir gin coll cana patraic do bepar .1. ata ačt ano
5 gurab gan dena neič ir uprcuillte irin piasail ro patraic
do bepar rin for rin mbiača; ocur for, da nōerna fogail,
ata eipic na fogla uāa re rin.

cf. I 298.33

Do go nūngsi for neč biačur mac no ingin a ceile iar
nupposra .1. cethraime cumailē rin a leapugar ocur a
10 comairlegar ban ocur mac na murcaptha na tig ro luiš
cana, su naiti buōein euca; ocur muna aīōir, ropā
plan.

Do ocur cuiš repurail deš for nech biačar eirtec na-
treba. Inonn rin ocur a nī romainn, ačt cunte gail rug
15 cuiš tue ar airo runn: da repuball irin mboin, ocur
repuball irin tramarē.]

cf. p. 396 MS. note*.

Ocur munar.

.1. in daltā, ačt mar a dan oligēē co dan inoligēē
rucar he; ačt mara cōnač he, plan cen nī tic pur fein,
20 ocur enecclann tic re cennair, ocur re ēoirbelačair, ocur
do cač aen da mbiaō fogail enecclainni ina marbaō. A
biačhar ocur a eiruō ac denum a dāna inoligēē; ocur i
neemair a pinečairē rin, ocur damar na pāonairē, noco
biaō ni do cēčar de.

25 Mara eccōnač he, ocur in neemair a pinečairē, enec-
clann tic pur fein, ocur enecclann tic re cennair, ocur re
ēoirbelačair, ocur do cač aen da mbiaō fogail enecclainni
ina marbaō; ocur a biačar ocur a eirto for. Mara
beocneo ro perar air, ir cōirpōiri a beocnerōi tic re
30 pinechairē.

¹ For "fogail," of the MS. Dr. O'Donovan suggested "pōail," and translated accordingly.

Six cows with an ounce of silver is the penalty upon a person who shall diet a proclaimed man beyond the territory: i.e. this is a 'cumhal' of white proclamation, for supporting and advising a fugitive who does not come under the oath of 'cain'-law, and his partner's share of the ounce; but it is without violating the 'cain'-law of Patrick it is given, i.e. there is a condition that this *fine* is imposed upon the feeder when nothing that is forbidden in this rule of Patrick is committed; and moreover, if he (*the fugitive*) committed trespass, 'eric'-fine for the trespass is *due* from him in addition.

A cow with an ounce is the *fine* upon the person who feeds a son or daughter of another after being proclaimed, i.e. this is the fourth of a 'cumhal' for supporting and advising the women and sons of the foreigners who do not come under the oath of 'cain'-law, until they themselves, (*i.e. the parents*) visit them; but if they visit them, he (*the person who feeds them*) is exempt.

A cow and fifteen 'screpalls' is the *fine* upon the person who feeds a houseless person. This is the same as the foregoing, except that the share of the pledge of a king of a province is brought forward here; two 'screpalls' for the cow, and one 'screpall' for the 'samhaise'-heifer.

And teaching.

That is, the pupil, if he was brought from a lawful to an unlawful profession; but if he is a sensible adult, there is exemption from paying anything to himself, but honour-price is to be paid to *his* chiefs,^a and to *his* relations, and to every-
 one who would have a share¹ of the honour-price for his being killed. He is to be fed and clothed while learning his unlawful profession; and this is in the absence of his family, and if it were in their presence, there would be nothing *due* to either of them.

If he be a non-sensible person, and *if it be* in the absence of his family, honour-price shall be paid to himself, and honour-price shall be paid to *his* chiefs,^a and to *his* relations, and to everyone who would have a share of honour-price for his being killed; and, moreover, he is to be fed and clothed. If it be a life-wound that has been inflicted on him, the body-fine for his life-wound shall be paid to *his* family.

THE BOOK
OF
AICILL.

^aIr. Heads.

THE BOOK
OF
AICILL.

Ματα πρωταειρε α πινεσαιρε, ρλαν εαν νι οιε πυρ in πινε
 ann, ocup eneclann οιε πυριυμ; ocup ματα beocneo πο
 περαο αιρε, ιρ coipρτορι α beocneoi οιε πυριυμ; ocup ματα
 μαρβαο, ιρ α bpeit το πινεσαιρε. Cc biathao ocup α ειτεο
 ρορ ac denum α ρανα inολιζτϋ, ocup ρε pon comat ρε πο
 bai ac denam α ρανα inολιζτϋ in cach inao οib ριν.

Μαρ ο ραν ρλιγεε^{*} co ραν ρλιγεε^{*} ρucαo ηε, μαρα ευ-
 ρuma λο^ς in ρανα ο ρucαo ηε ocυρ λο^ς in ρανα ρο cum ι
 ρucαo, no cιo mo λο^ς in ρανα ο ρucαo, ιcαo in ταιι
 ρο ρucυρταρ λο^ς in ρανα ρα ρena ac an αιτι ο ρucαo; ocυρ
 ιρ cερραo co mβει^ε eneclann τον αιτι.

Μαρα μο λογ in θανα ευρ α πικαρ he, ικαρ in ταιτι
 πικυρταρ λογ in θανα το θεναρ ac in ναιτι ο πικαρ, οκυρ
 τοιβεσ α ιμαρηναρ μα conic, οκυρ μανα ευμαic, ιρ α του
 ne λαη.

C 1604. 0¹ 557

No ttingbaıl for cupu bel.

[illegible]

25 In clann do pine riap in achtagaō .i. ria cennach in
riap in achtagaō, ir a mbeith ina noeoratuib. In clann do pine
riap in achtagaō, ir a mbeith na nupparatuib, .i. iap cennach in
riap in achtagaō; ocur o biap inat aēa no muilino tpepant oilep
ac tuine, no o ceinteoēup, do ní uppaō de.

If it was in the presence of his family *he was taught*, there is exemption from paying anything to the family for it, but honour-price shall be paid to himself; and if it be a life-wound that has been inflicted on him, the body-fine for his life-wound shall be paid to himself; and if he be killed, it (*the fine for it*) shall be obtained by his family. He shall be also fed and clothed while learning his unlawful profession, and it (*the fine*) is proportioned to the length of time that he has been learning his unlawful profession in each case of these.

THE BOOK
OF
AICILL.
—

If he has been brought from a lawful profession to a lawful profession, if the price of *learning* the profession from which he had been taken, and the price of the profession to which he has been brought, are equal, or, though the price of the profession from which he was taken be greater, the teacher who has taken him shall pay the teacher from whom he was taken away the price of teaching the profession; and it is an opinion of *some lawyers* that the *former* teacher should have honour-price also.

If the price of the profession to which he has been brought is greater, the teacher who has taken him shall pay the teacher from whom he has been taken the price of learning the profession, and let him recover the difference* if he can, and if he cannot, it (*the fine*) shall fall to the ground.

* *Ir. Excess*

Or evading verbal engagements.

That is, the stipulating native freeman; if he has stipulated that the 'eric'-fine of a native freeman should be for himself and for his children, it shall be for himself and for his children. If he has stipulated that the 'eric'-fine of a native freeman *should be* for himself, and did not stipulate that it should be for his children; or if he stipulated that it should be for his children and did not stipulate that it should be for himself; whatever he has stipulated he shall have, whatever he has not stipulated, he shall not have.

The children whom he begot before the stipulation, i.e. before purchase of the land, shall be strangers. The children whom he begot after the stipulation, i.e. after the purchase of the land, shall be native freemen; and when a man has the site of a kiln or of a mill of rightful land, or when he shall purchase *such*, it makes a native freeman of him.

0/1984f.

THE BOOK
OF
ATHEL.

C. 1619.

1ր ար չաօր քրեւն: 1ր սրբաժ ւմարո ին յօրաժ քրեւն
բիւն.

Մարա չրաժ քեժա թօ [բ]աւաւն ա [բ]աւրաթ թօր ծուե նաժ
Լօման Կօմարթա, յօ մարա ծուե նաժ չրաժ քեժա թօ քաւաւն
5 ա քաւրաթ թօր Լօման Կօմարթա, Կուք քօւթ ծօ Կեժար ծօ;
նօ Կումաժ Կուք քօւթ ծօւժ մար Կեն, օքր ծա շրիան ծքր ին
քաւրաթ, օքր Կեն շրիան ծքր նա աղգաւալ, օքր ին աղգ-
աւալ ծօ Լեան թօ Կաւլ.

C. 1619 (Q)

O'D. 1987. Կարքրն ծլիշօ 1 Լեժ քօ քրեւաւն օքր քօ Կնօւաւն, [ջօւնիժ
10 չքրեւն] քր քաւրաթ յօ Կրթիւրթա քօւրաթ 1 Լեժ քօ Կնօւաւն
օքր քօ քրեւաւն. Մանա քաւլ Կարքրն ծլիշօ, յօ Կ
նաւաւն Կարթա; ջօւնիւ չքրեւն քր քաւրաթ, յօ Կրթիւրթ
քօւրաթ 1 Լեժ քօ աղգաւալ, Կեն Կօ թօւն Կարքրն ծլիշօ.

sic & lobar R

0/2351 (R)

Ընաւան ծօն Լօման Կօմարթա իմ ա քնքնաւն քօւն օքր
15 իմ քնքնաւն ա աղար; մի ծօ իմմ ա նաւքնաւն քօւն օքր
իմ նաւքնաւն ա աղար. Կաւլի ծօն Կօնաժ իմ ա քնքն-
աւն քօւն օքր իմ քնքնաւն ա աղար, օքր քեժմաւն
Կօ իմ ա նաւքնաւն քօւն օքր իմ նաւքնաւն ա աղար.

Կանար ա նգաւր ին մի աթա ծօն Եօժօնաժ իմ ա նաւքն-
20 աւն քօւն օքր իմ նաւքնաւն ա աղար?

C. 1619. 1ր ար չաօր: աժաւ իք Ե Կաւ Կեք ին քաւլի [աթա ծօ Կօնաժ
իմ ա քնքնաւն Կաւլեւն օքր իմ քնքնաւն ա աղար] ին

C. 1619. քեժմաւն աթա ծօ իմ ա նաւքնաւն [Կաւլեւն օքր իմ նա-
ւքնաւն ա աղար,] Կօրն յօ յօ քրեւ, Կար իք Ընաւան աթա ծօն

2 Եօժօնաժ իմ ա քնքնաւն քօւն օքր իմ քնքնաւն ա
C. 1619. աղար, Կեմաժ մի ծօ Կեժ ծօ իմ ա նաւքնաւն [Կաւլեւն օքր
իմ նաւքնաւն ա աղար] .1. Կեմաժ Կաւլ Կեք նա Ընաւան
քն.

1ն Կարթաւ Ընաւան Կաւլ ծօն Եօժօնաժ իմ ա քնքնաւն
30 քօւն օքր իմ քնքնաւն ա աղար, չրաժ քեժա թօ քաւաւն

¹ A minor.—“Լօման Կօմարթա,” is a minor who has lost his father.

² There is something omitted here. For “աղգաւալ” in this place, and in the next sentence, Dr. O'Donovan suggested “աղցն, restitution or compensa-
tion.”

This is derived from:—"The stranger moreover who purchases property is a native freeman."

THE BOOK
OF
AICILL.

If it be a *man of septenary grade* who gave his protection to one that is not a minor,¹ or if it be a person who is not of septenary grade that gave his protection to a minor, five 'seds' *are due* to either of them; or, *according to others*, it may be five 'seds' to both of them, and two-thirds *thereof* are for the protector, and one-third for the man entitled to the distress, and the distress is allowed to escape.²

^a Ir. *Is*
let into the
wood.

When law is offered with respect to plunderings and wounds, knowledge of protection or being told of protection takes effect respecting wounds and plunderings. If there is no offer of *submitting to law, knowledge of protection or being told of protection* has no effect; but with respect to distress, knowledge of protection or being told of protection takes effect, although there was no offer of law.

The minor remains^b a year *under exemption* respecting his own old offences and the old offences of his father; a month respecting his own recent offences and the recent offences of his *deceased* father. The sensible adult remains^c a quarter of a year *under exemption* respecting his own old offences and the old offences of his father, and a week respecting his own recent offences and the recent offences of his father.

^b Ir. *Has.*

Whence is derived the month which the minor has for his own recent offences and the recent offences of his father?

It is derived from this:—As the week which the sensible adult has for his own recent offences and the recent offences of his father is the one-twelfth of the quarter of a year which is *allowed* to him for his own old offences and the old offences of his father, it is right from this, that as it is a year the non-sensible person has for his own old offences and the old offences of his father, it is a month, i.e. the one-twelfth of that year,³ he should have for his own recent offences and the recent offences of his father.

As to the year's exemption which is *allowed* to the non-sensible person for his own old offences and the old offences

³ *The one-twelfth of that year.*—The text of this paragraph is corrupt in E, 3-5,—O'D. 1483,—and has been corrected from C. 1619.

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poeram for loman comarba ann; ocu^r i bail ata in mi ata
im a nuacintuib fein, poerum g^rai^ro re^cta pil anto^r; ocu^r
im a nuacintuib ata in mi do. 1 bail ata in p^rai^ri don
co^rna^c im a reⁱncintuib, tu^rbair^ro ep^rai^ris no p^ro^rgma^ri^r tu^c
5 tuine ap a^ro ann; i^r amlai^ro rin do bⁱao don ecc^rona^ch
in tu^rbair^ro ep^rai^ris no p^ro^rgma^ri^r, a^rama^ro i in tu^rbair^ro rin no
a^ri^rbep^rna^ris^ro.

In bail ata re^ctmair^r don co^rna^c, tu^rbair^ro ep^rai^ris no
p^ro^rgma^ri^r no a^ri^rbep^rna^ris anto for, ocu^r im a nuacintuib
10 ata in re^ctmair^r; ocu^r i^r amlai^ro do bⁱao don ecc^rona^c im
a nuacintuib, a^rama^ro i in tu^rbair^ro [rin] no a^ri^rbep^rna^ris^ro.

Cf. C. 1619.
O'D. 1989.

[No ina el^oo iap luighe po a^ro^rh ocath anna.

De^rb^rpo^rg^rell lai nach neme^ro do gait o g^rao^r re^cta eile
a re^cta^r ma^rgⁱn. Ocu^r in co^rib^re^r i^ra ina gait do g^rao^r re^cta
15 o p^ro^rg^rao^r, i^rre^ro ata do^rom, ocu^r co^rib^re^ri^r i pil de^rneclann
inn, ocu^r re^ctmair^r ma^rb^rta an g^rao^r for a no^rep^rao^r in
de^rb^rpo^rg^rell.

Ma^ra e^rai^rce no i^rfu^m ima^c in gait ina pa^rep coⁿa^ri^r
eile iat, i^ra a^ri^rc do^ru^m a pu^rg u^ao, ocu^r lai^ru^ri^re, ocu^r
2b le^ru^ri^re, ocu^r tu^ran u^ri^re, i^r na tu^ri e^ro^r re^cta^r o fi^ri in
de^rb^rpo^rg^rill leo; ocu^r gaba^ro a re^ro^r fein g^rneim a^ri^rgⁱna
do^ru^m.

Ma^ra e^rai^rce no p^rep in re^c coⁿa^ri^r eile ina no i^rfu^m e,
in co^rib^re^ri^r no i^rea^ro^rom ama^c ino gⁱn a fi^ri, g^ruab eo i^rch^ran
2c p^ri^r, ocu^r lan u^ri^re, ocu^r le^ru^ri^re ocu^r tu^ran u^ri^re i^r na tu^ri
re^cta^r; coⁿa^rme^ra o^rfe^r denma in de^rb^rpo^rg^rill in tu^ran na
p^ro hⁱca^ro na re^ro^r ama^c no in tu^ran p^ro hⁱca^ro. De^rb^rpo^rg^rell

¹ That they had gone another way.—That is; it would seem, that the man accused
and made to pay in the first instance, was not the actual thief.

of his father, a *man* of septenary grade has given his protection to the minor in the case; and where the month is *allowed* for his own new offences, the protection of a *man* of septenary grade is *given* here also; and *it is* for his new offences the month is *allowed* to him. Where the quarter of a year is *allowed* to the sensible adult for his old offences, *it was* the exemption of spring or autumn one pleaded then;* and it is so the exemption of spring or autumn would be *allowed* to the minor, if it was that exemption he pleaded. THE BOOK
OF
AICILL.
—
* Ir. Brought
forward.

Where there is a week *allowed* to the sensible adult, *it was* the exemption of spring or autumn he pleaded also, and the week is for his recent offences; and it is thus it (*the exemption*) would be *allowed* to the minor for his new offences, if it was that exemption he should plead.

Or in evading after taking an oath, “oath anma.”

A false oath respecting the stealing of an article of little value belonging to any ‘neimeth’-person from another of septenary grade, from a *place* outside a precinct. And the amount that is *due* to the *person* of septenary grade for the theft, when the theft takes place, is what is *due* to him, and the amount of honour-price which is *due* for it, and the seventh of death-fine of the grade against which the false oath was made.

If he had paid the *penalty* for the theft out sooner than it become known *that they* (*the seds*) *had gone* another way,¹ it (*the penalty*) is to be restored by him who took it from him, and full ‘dire’-fine, and half ‘dire’-fine, and one-third ‘dire’-fine for the three first ‘seds’ along with them from the man who took² the false oath; and his own ‘seds’ are * Ir. Of subject to a claim for compensation for him.

If the ‘sed’ had been known *to have gone* another way before he had paid *for* it, the amount which he should pay out for it without its being known, is what is paid to him, and full ‘dire’-fine, and half ‘dire’-fine, and one-third ‘dire’-fine for the three *first* ‘seds;’ so that it is worse for the man who made the false oath when the ‘seds’ were not paid out than when they were paid. This is *a case* of false swearing

¹ An 'adaltrach'-woman of contract.—This would appear to have been a woman not a first wife, but living as wife with a man, on certain conditions. Frequent mention of persons occupying this position is found in the Brehon Laws.

respecting theft, and if it were false swearing respecting bargain or contract, it is *a case of* compensation only.

THE BOOK
OF
AICILL.

Double and honour-price *are due* for the falsehood in a case of bargain or contract, or of pledge and hostage. And, according to oth rs, it is double only for falsehood in a case of bargain or contract; and seven 'cumhals' of 'smacht'-fine and his own full honour-price for false swearing respecting an article of much value against men of high degree; and half seven 'cumhals' of 'smacht'-fine and his own full honour-price for false swearing respecting an article of much value against men of low degree.

Another version: *as to* an article of little value taken from a place outside a precinct, one-seventh of honor price is due for it, to every one. Full testimony is required to prove that it was falsehood he swore respecting an article of little value outside a green; and half one-seventh of honour-price is due for saying "it is a lie he swore," without testimony.

If there be full testimony to impugn him from the case of an article of little value upwards, full honour-price is due to him for saying "it is a lie;" without testimony, it (the penalty) is half honour-price.

If it is respecting an article of little value stolen from a house, he is impugned, he has half honour-price for it; if he says "it is a lie," without testimony, it (the penalty) is one-fourth of honour-price.

Shelter to the family member for bad 'besena' compacts.

That is shelter to the man by his family, who uses language dangerous to 'besena'-relations.

The mother obtains the 'rath'-portion of the sons.

carries

children

Book. p. 55.

That is, if he be the husband of a first wife of contract, and the family is without sons, the property is to be divided in two. If there be sons, two-thirds go to the sons, and one-third to the family.

If he be a man living with* an adaltrach'-woman of contract,¹ and the family is without sons, one-third of the property goes to the man in this case, and two-thirds to the family; and if there are sons, it is to be divided in two.

*Ir. of.

THE BOOK
OF
AICILL.

Canar a ngabar in tpuan ata oipir aualtraigi ugnatoma,
 uair nach inoirann leban? 1r ar gabar, o pír cetmúin-
 tere ugnatoma; reireo imarphao ata do na macaib cet-
 múinotipe ugnatoma reč per cetmúinotipe ugnatoma; coir
 no deiríoe, cemao reireo imarphao do beic do macaib
 aualtraigi ugnatoma reč per aualtraigi ugnatoma.

Not text script. Cp. 8^a
 C. 1625.

[Cin cetmúinnitipi for macu 7pt.

1. Cetmúinnitipi ugnatoma, co macaib; ra tpuan a cinao
 for a macaib, aon tpuan for a fine.

O'D. 1993. 10 Dia mbera [māc] do cetmúinnitipi, ocup ruc mac orep eile
 iar pin, rannnat a cinao eopra; noé, ačc reiríoe oimpor-
 epao for mac na cetmúinnitipi; ocup 1r eiríoe berer dopom
 a fine. Ocup 1r e pirenaišer ar in imao cinao icur eechtar
 de po leic, manab inann mathair doib, ocup in reiríoe ata
 15 itep in leic ocup an tpuan; ocup bío amlaio pin eio inann
 mathair doib.] C continues unpunctuated

O'D. 1994f

Cp. 8^a
(C. 1627)

Maia per cetmúinnitipi poaal, ocup fine cen macu, tpu
 nomao oipir ann, ocup re nomao oipine. Cen macu pin;
 ocup ma tait mic, ceiríoe nomao do macaib, ocup cuic
 20 nomao oipine, leic ocup leic nomao oipine, leic cenmoa leic
 nomao do macaib.

Maia per aualtraigi poaal, ocup fine cen macu, 1r ra
 nomao oipir, ocup reic nomao oipine. Cen macu pin; ocup
 ma tait mic, 1r tpu nomao do macaib, ocup tpu nomao
 25 oipine.

Whence is derived the third which is *due* to the man living with the 'adaltrach'-woman of contract, as no book tells it? It is derived from *a comparison with the share of the husband of the first wife of contract*; there is a sixth more *given* to the sons of the first wife of contract than to the husband of the first wife of contract; it is right from this, that the sons of the 'adaltrach'-woman of contract should have a sixth more than the man who lives with the 'adaltrach'-woman of contract.

THE BOOK
OF
AICILL.
—

The liability of the first wife *is to be on her sons, &c.*

That is, the first wife of contract, with sons; two-thirds of her liability *are to be on her sons, one-third on her family.*

If she brought forth a son for a first husband *first*, and brought forth a son for another man afterwards, they (*the sons*) divide her liabilities in two between them, but *there is* an excess of one-sixth upon the son of the first husband; and this is taken by him off the family of *the mother*. And what exonerates *the family* from the whole of the liabilities is *what* each of them (*the sons*) pays separately, if their mother be not the same, and the sixth which is between the one-half and the one-third; and this is the case though their mother is the same.

If he be the husband of a first wife of abduction, and the family *be* without sons, three-ninths *are allotted* to the husband in this case, and six-ninths to the family. This is *when they are* without sons; but if there are sons, four-ninths *are thrown* upon the sons, and five-ninths upon the family, *i.e.* one-half, and a half-ninth upon the family, *and* one-half, except a half-ninth upon the sons.

If he be a man living with an 'adaltrach'-woman of abduction, and the family *be* without sons, two-ninths *are allotted* to the man, and seven-ninths to the family. This is *when they are* without sons; but if there be sons, it is three-ninths *that are allotted* to the sons, and three-ninths to the family, *and the remaining three-ninths to the man.*

*Teilaigi imda is teen do donan C 1427*THE BOOK
OF
AICILL.

Teilaigi imda do niter don dibao rirana pe tecmarin
rain clainoi pe raine nathar, no pe tecmarin raine ur-
naoma pe haen athair, cemao inano clann. 1r e pat ar
a noerntar rin, in eutpuma bepat mic cetmuinntir
5 urnaoma, corab a leð bepat pine; ocur in eutpuma
bepat pine, corab a leð bepat meic aoltraigi ur-
naoma; ocur in eutpuma bepat mic aoltraigi urnaoma,
1r a leð berur per aoltraigi urnaoma; ocur in eutpuma
berur per aoltraigi urnaoma, cur a leð bepat meic
10 aoltraigi poxail; in eutpuma bepat meic aoltraigi
poxail, cur a leð berur per aoltraigi poxail.

Se ranna do ventum don dibao, ocur ceitru ranna, ocur
oðt ranna, ocur nae ranna, ocur deið ranna, ocur aen
rann dec.

15 Ocur cað uair 1r pe ranna, ceitru ranna do macaib
cetmuinntir urnaoma, ocur da ranno ðrine, ocur ranno
ðrip aoltraigi urnaoma.

Cach uair 1r oðt ranna, ceitru ranna do macaib cet-
C. 1628. muinntir urnaoma, [ða] ranna ðrine, ocur da ranno do
20 macaib aoltraigi urnaoma.

Cach uair 1r nae ranna, 1r a mbið amail aoubpamar
romaino, aðt per eucat; cach uair 1r nae ranna, mac
aoltraigi in poxail eucat.

C. 1627. 8 Cach uair 1r aen rann dec, [ceitru] ranna ðib do macaib
25 cetmuinntir urnaoma, ocur da rann ðrine, ocur da
rann do macaib aoltraigi poxail, ocur rann ðrip poxail;
C. 1628. [ocur da rann do macaib aoltraigi urnaoma]. Ocur
C. 1628. ce tomaiter ni pe [per] cetmuinntir, no aoltraigi
9

¹*Six parts are made of the property.*—In C. 1627, &c., the divisions are said to be five, and seven, and eight, and nine, and eleven. The numerals, which are nearly all wrong in E. 3—5, O'D. 1486, are there correct throughout.

Many family distributions* are made of the property here by the accident of different children by different fathers, or by the accident of different contracts with the one father, though the children be the same. The reason this is done is, of the proportion of the property which the sons of the first wife of contract obtain, the family obtains the half; and of the proportion which the family obtains, the sons of the 'adaltrach'-woman of contract obtain the one-half; and of the proportion which the sons of the 'adaltrach'-woman of contract obtain, the man living with the 'adaltrach'-woman of contract obtains the half; and of the proportion which the man living with the 'adaltrach'-woman of contract obtains, the sons of the 'adaltrach'-woman of abduction obtain the half; and of the proportion which the sons of the 'adaltrach'-woman of abduction obtain, the man living with the 'adaltrach'-woman of abduction obtains the half.

THE BOOK
OF
AICILL.
* Ir. Families, or hearths.

Six parts are made of the property,¹ and four parts, and eight parts, and nine parts, and ten parts, and eleven parts.

And whenever it is *divided into* six parts,² four of these parts are given to the sons of the first wife of contract, and two parts to the family, and one part to the man living with the 'adaltrach'-woman of contract.

Whenever it is *divided into* eight parts, four parts go to the sons of the first wife of contract, two parts³ to the family, and two parts to the sons of the 'adaltrach'-woman of contract.

Whenever it is *divided into* nine parts, they are to be distributed as we have said before, but the man is to be included^b; whenever it is *divided into* nine parts, the son of the 'adaltrach'-woman of abduction is to be included.^b

^b Ir. With you.

Whenever it is *divided into* eleven parts, four parts of them go to the sons of the first wife of contract, and two parts to the family, and two parts to the sons of the 'adaltrach'-woman of abduction, and one part to the man living with the 'adaltrach'-woman of abduction, and two parts to the sons of the 'adaltrach'-woman of contract. And though a part be claimed by the husband of the first wife, or of the

adjudged to ?
(do-midethan)

² Six parts.—The text is here evidently wrong, as it is clear from what follows that there must have been a sevenfold division.

³ Two parts.—The MS. E. 3-5 here has "five parts," which is plainly wrong.

THE BOOK
OF
AICILL.

pin, ma tait meic ann, noco bepat naē ni. Ocur in eut-
puma ata do ēlaino poxal, bepat poxol tpuan a cotāē
uataib taitib a noligib ap pine beib ina aittin in poxal;
uair ip iur do ēuaro menma in uoair, cumaro mencu cina
5 cāē ina tibat ica compaino; uair in ti po bepat pann
mor don tibat po iepat pann mor don cinaro.

Ocur in eutpuma bepur poxal don ēlaino poxal, peēt
panna do venum de, ceitpi panna do macaib cetmuino-
tipe upnatoa, ocur da panno tpine, ocur pann tpir aot-
10 tpaigi upnatoa.

In clann do gentar pu, co mbeē coemaēta tobais in iur
pe oligeō co cento mup ap a aile, ip an noilpi tpir no
tpine; ocur an a poğa ata in paeat no na paeat. Ocur
da paeat, noco nupailenn oligeō orporeic a peic manāb
15 ail leo fein.

In clann do gentar iap an mup noco tpat ap upnatom
noligēig; ocur ip iat pin ip clano cetmuinotipe poxal ann,
no aottpaigi poxal.

In clano do gentar iap na taeētan ap upnatom nolig-
20 tigi, ip iat pin ip clano cetmuinotipe oligēigē, no aot-
tpaigi oligēigē.

Maḡa cin ocur tibat uil ano, ocur clann cotnaē ocur
clann ecotnaē, in tibat do tūl ipin cinaro.

Maḡa mo in cin ina in tibat, ip a ic don ēlaino cotnaē,
25 ocur icat in clann ecotnaē pu iaptoan; no dono ēena, co
na icair do gup, uair ip i a neccotnatoetu po poep iat
ap tūp.

Maḡa mo in cin ina in tibat, no maḡa tibat cen cinaro,
ip a compaino dōib etappu, ocur ip eutpuma bepat clann
30 cotnaē ocur clann ecotnaē eipic.

¹ *Seven parts.*—C. 1629. has eight parts, of which two are to be given to the
sons of the 'adaltrach'-woman of contract.

'adaltrach'-woman, ^{they} he shall get nothing if there be sons, ^{THE BOOK OF AICILL.} And as to the portion which is *due* to the children of the 'adaltrach'-woman of abduction, the abductor shall get a ^{1/3} ^{takes} third of their share from them, to avenge their illegal conduct upon the family for having been cognizant of the abduction; for the idea of the author of *this law* was this,* that the liabilities of all were more frequently divided than the property; for the person who should get a large share of the property should pay a large share of the liability.

* Ir. It was with this the mind of the author went.

And the portion of which the abduction deprives the children of the abduction is to be divided into seven parts,¹ of which four parts go to the sons of the first wife of contract, and two parts to the family, and one part to the man living with the 'adaltrach'-woman of contract.

The children that are begotten by them, while there is power to force the man to law, to the end of a month after it (*the abduction*), belong by right to the man or to the family; and it is in their choice whether they will sell or not sell them. And if they sell them *it is of choice*, for the law does not oblige them to sell them if they do not wish it themselves.

The children that are begotten after the month do not come under lawful contract; and these are styled "the children of a first wife of abduction" or "of an 'adaltrach'-woman of abduction."

As to the children that are begotten after she has come under lawful contract, it is they that are styled "the children of a first lawful wife," or "of a first lawful 'adaltrach'-woman."

If there be liability and property, and children *who are* sensible adults, and children *who are* infants, the property shall go in payment of^b the liability.

^b Ir. in.

If the liability exceed the property, it is to be paid by the children *who are* sensible adults, and the infant children shall pay them their share afterwards; or, indeed, *as some maintain*, they should never pay them, for it was their state of infancy that exempted them at first.

If the liability exceeds the property, or if it be property free from liability, they are to divide it equally between them, and the adult children and infant children obtain equal shares.

THE BOOK
OF
AICILL.
C. 1629.

41 148.4

Ἰνα τα μαε ann, noco beipento in ingen [nī to] vibað a
mathar no athar, aēt lann, ocur rann, ocur bregta; no
comato ðairis ocur eliora; no dono, comato na reuita to
compainno doib; ocur ir ar sabair eipen: pantoat ingenu
5 ppi macu.

C 1630 (2)

coimge R

Μα τατ ingena vi pur in per po marb hi, ocur ingena
vi pe per aile, cuitis a hachar, ocur leð cuir pine to breið
vingenab in pir o na marb hi, ocur leð cuir pine to breið
vingenab in pir aile; ocur tpebairpe orpo cen a bponoato
10 i nindeiðbirur, ocur im a arpē ðairib iar an pe.

Μα τατ ingena vi purin per o nato marb hi, ocur ni
puil ingena vi pe per aile, cuitis athar ocur leð cuir pine
to breið vingenaib in pir o nato marb hi.

Μα τατ ingena vi pur in per o nato marb hi, ocur meic
5 vi pur in per aile, in eutpuma po beaportumx Ar neimbeð
clainoi aici, copub eo bepaat na ingena.

C 1632 (2)

11 C 1163f.

ῤαιβτο vipi tuiðe, *nach do dia es a fortan 2*

1. ciu uaðaro, ciu rocharoe tainic ar aigro a aenur ipin
tulaið vala, do neoð na tainic i nellað na vaimē neið aile,
20 ocur na tainic po ðomur vaine upvoluta, ir in naenmato
rann pichit va eneclainn vo i comairpe ina pironaire.
coming & do denam R

Μαρα nelleð vaimē neið aile, noco nuil ni vo pein; ocur
ata in aenmato panto pichit va eneclainn vo tairēð na
vaimē.

25 Μαρ po ðomur vaine upvoluta tancatur, noco nuil ni
voibpium anto; ocur ata in naenmato rann pichit don ti po

1 *If there be a son.* This is given somewhat differently in O'D. 1996 & C. 1629.

2 *And security.* For "tpebairpe" O'D., 1996, reads "coimge."

If there be a son,¹ the daughter does not obtain any part of the property of her mother or father, except the blade of gold, and the silver thread, and the tartan cloth; or, *according to others*, it may be the sheep and the bag *she is to get*; or, indeed, *according to others*, they may divide equally the movable property; and this is derived from: "the daughters share with the sons."

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OF
AICILL.
—

If she has daughters by the husband with whom she died, and daughters by another husband, the share of her father, and half the share of the family shall be obtained by the daughters of the husband with whom she died, and half the share of the family shall be obtained by the daughters of the other husband; and security² *is to be given* by them not to ~~damage~~ it unnecessarily, and to return it after the time.

? give it away ??

If she has daughters by the husband with whom she died, and has not daughters by another husband, the share of the father and half the share of the family shall be taken by the daughters of the husband with whom she died.

If she has daughters by the husband with whom she died, and sons by the other husband, they shall obtain equal shares. If she has not had male children, the daughters shall take it (*the property*).

the amount he (?) will
take if she has no children
that is what the daughters take

They take the 'dire'-fine of the hill of meeting.

That is, whether one person, or many came to the hill of meeting, before him (*a privileged person who was*) alone, and did not come in the train of the company of another person, and did not come under the guidance of a certain person, the one and twentieth part of his honor-price is *due* to him for any quarrel in his presence.

(A transh. !)

If *he came* in the train of the company of another person, there is nothing *due* to himself; but the one and twentieth part of his honor-price is *due* to the chief of the company.

If they came under the guidance of a certain person,³ there is nothing *due* to themselves for it (*the offence*); but the one and twentieth part of honor-price is *due* to the person under

* The guidance of a certain person. The paragraph is thus given in C. 1633.
"If it was under the guidance of a certain person, nothing is due to any man of them, except the person under whose guidance they came, and the one and twentieth of his own honor-price is due to him."

C 1635 (a)
cf 460

THE BOOK OF AICILL.
—

tanacatar tomur, a leð do fein, ocur a leð do tairpeðab na
 5 ðaime; ocur comicart etarpu na tairpiz ðam po comairto
 no po leðairto. Ocur in eutpuma po roich do each tairpech
 ðaime, a leð do fein, ocur a leð do ðam; ocur cað æn do
 ðam na fail ann, ip a çuit do bpeit ðorum, uair ip e po
 bepat a çuitiz tpeaburpe. *trethdine d*

1n æn tiz no in næn aipeðt pin co naicpin no cen aicpin;
 no cen co pacais, ni paibi do tizi ðaime no ðimeian çpiçi
 etarpu^x ni na paicpeo co mbit aitiçiz ðoppo.

ni risar faicheth combeith aithge i leth riu d

10 Ma po bi do tizi ðaime no ðimeian çpiçi etarpu ni na
 paicpeo co mbit aitiçiz ðoppo, ocur maizen pin; ocur ma
 pacaro, ocur ip laip in pepann, no ma peðtar maizin, ocur
 atconðare, cio laip cen cob laip in pepann, ip a leð nomaro
 pann pichit.

15 Ma peðtar maizin, ocur ni pacaro, ocur ip laip in
 pepann, ip in nomaro pann na hænmato paining pichit.

Cað uair na pacaro, ocur nað laip in peparo, cio maizin
 cio peðtar maizin, noco nuil ni ann.

Comeipzi pin, ocur map fogail ip mo na comeipzi, in
 20 tainmpaino ða eneclaino fein ata von ti pur a noepnaro
 in fogail, copab e in tainmpaino pin bep von ti in noepnaro
 pationaire. Comeipzi pe inoilep; ocur cema oilep etarpu
 boðein, ocur o cenðarb, ocur o coibðelaðab, tpe purpuruo
 comapðarði eno in uair pin, noco moite ip oilep^a piao-
 25 naire.

o bucht C 1635

Má tpa purpuruo bi[o]bannur pa]mteetaz, amuil bu
 oilep etarpu fein ocur o cenðarb, ocur o coibðelaðab, ip
 amlaib do o luche na pationaire.

Ma po ba oilep von ðapa de ocur inoilep ða paile, plan
 30 von ti ðap bu oilep, ocur piach comeipzi on ti ðap bu

1 Pay it.—For "comicart" of the MS., Dr. O'Donovan suggested "compan-
 nart, they divide."

2 A nine and twentieth part of honor-price. C. 1633. has "the one and twentieth
 part."

whose guidance they came, one-half of it to himself, and one-half to the chiefs of the company; and the chiefs of companies pay it¹ among them equally or unequally *according to their rank*. And of the portion which comes to each chief of a company, one-half *belongs* to himself, and one-half to his company; and he takes the share of every one of his company who is not present, because it is he that should take *upon him* his (*the absent man's*) share of guarantee.

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OF
AICILL.
—

This is in one house or at one meeting when he (*the privileged person*) saw them, or did not see them; or though he did not see them, there was not such closeness of men or distance of land between them that he could not see so as to recognise them. ??

If there was such closeness of men or distance of land between them that he could not see so as to recognise them, and this *within* the precinct; and if he saw, and the land is his, or if it be outside the precinct, and he saw, whether the land be his or not, it (*the fine*) is half of a nine and twentieth part of honor-price.²

If it be outside the precinct, and he did not see, and the land is his, it (*the fine*), is the ninth part of the one and twentieth.

Whenever he did not see, and the land is not his, whether *within* precinct or outside precinct, there is nothing *due* to him in the case.

This is *in a case of* opposition, and if it be injury greater than opposition, the proportion of his own honor-price, which is *due* to the person to whom the injury was done, is the proportion that will be *due* to the person in whose presence it was done. *This is* opposition to an unlawful person; and though it should be lawful between themselves, and from chiefs, and from kinsmen, in consequence of a balancing of wounds at that time, it is not the more lawful in the presence.³

If it was in consequence of previous enmity *the offence was committed*, as it would be lawful between themselves, and from chiefs, and from kinsmen, it would be so from those in the presence.

If it was lawful to the one and unlawful to the other, the person to whom it was lawful is exempt, and fine for

³ *In the presence*.—For “α παρονταρ,” Dr. O'Donovan suggested “ὁ ὑαὺς παρονταρ”; and for “πα ιμπεταρς” of the next line “πειμπεταρς.”

THE BOOK OF AICILL. inolep; aēt mun buo e a pecra cupub va vičur ve vo punoe
in eipzi, ocup map eo, [ir lan vo].

C. 1635.

longer (in C 1632 (Q))

1n tercup, o vo žena aipnenn ocup ceilebrat irin tulais
vala, ata rectmaro nenclainve vo 1 comeipzi vo venum
5 inči co cenn mīp, mā vo pune iat map aen, no co cenn več-
maroi, mana vepna aēt nečtar ve.

C. 2537.

1635 (Q)
C 1166

fer frisinge d *leb- lebe d*
[Peap(er)fringz pečta piž, leba lečan la cogrann
uī. pūrde.

1. la ciallunugač eipc ap na uī. ninačā ap tuga biač
10 ōo. Sluinnter uāčā na neipe uī. tiži .i. aipneičter uāčā,
o neolač, na po hepač e ap uī. tiži žin biač vo. ōorli viā
buna bpižčar, vopet lam a lam.

Māp leba vāep ceile imorpo, ocup biačā iap nvenam
cinaič, ocup nepa leba ann na piž, žabčar cubur uāčā um
15 lan moipreipir ocup um uī. cumala, ocup um uī. lečpāčh-
aič; ocup ica leba lečpāč vīb amāč, ocup ica uī. cumala
ocup pe lečpāchaič pe piž. Ocup an tan tic cintoā pe
vližeo, ica lan pīāč pe piž, ocup žin mī pe leba.

etud C 2556

20 Māp biačā pīa nvenam china, ocup paopceilpine, ocup
a nuppačur, žabčar cuičur uaičīč pīn lan an aenpīp a
načāiž pečt; map vega a vōega, ip vōingzīč cach vōižinač vīa
pāile.¹

= im

C. 1636. Māp biačā iap nvenam china, ocup paopceilpine, ocup
a nuppačur, žabčar cuičur uāčāib uile pīn lan aenpīp. Č
25 naonopečt pīn; māp vega a vōega, [ip leč an cīna pop
cac peap].

Māp biačā pīa nvenam cīna, ocup vāepceilpine, ocup
a nuppačur, pič žo moipreipir opīa uile a naenpečt; ocup
māp vega a vōežaič, ip vōingzāib žac vōižinač. No, leč in

¹ His crimes are adjudged on the seven houses in which he gets beds.—Dr. O'Donovan has thus paraphrased this very obscure clause, which appears to mean literally, "Bed extends with the taking of seven seats;" that is probably, the giving a bed to a culprit renders the parties giving it liable, until he has been entertained thus in seven houses.

opposition *is got* from the person to whom it was unlawful; THE BOOK OF AICILL. unless his answer was that it was to defend himself he made the opposition, and if it was, he is exempt.

The bishop, when he has made offering and celebration on the hill of meeting, has the one-seventh of honor-price for opposition being made *to him* on it to the end of a month, if he has made both (*offering and celebration*), or to the end of ten days, if he made only one of them.

*As to a man who violates the king's laws, his crimes are adjudged on the seven houses in which he gets beds.*¹

That is, the 'eric'-fine is adjudged to be on the seven places where food was given to him. It is told by him that the seven houses did not refuse *him*; i.e., it is told by him, by the man who knew, that he was not refused in seven houses² without food *being given* to him. He incurs a fine, on whose family it (*the crime*) is proved; "hand has in charge from hand."

But if it be the bed of a 'daer'-tenant, and he was fed³ after committing crime, and "bed is nearer in the case than king," * In Feeding. it (*the 'eric'-fine*) shall be got equally from them³ to the amount of the full *fine* of seven persons, and seven 'cumhals', and seven half-fines; and the bed shall pay one-half fine of them out, and shall pay seven 'cumhals' and six half-fines to the king. And when the criminal submits to law, he shall pay full fine to the king, and there is nothing for bed.

If it was feeding before the commission of crime, and 'saer'-tenancy, and in 'urrudhus'-law, equal proportions are got from them for the full *fine* of the one man for a night's lodging; if in succession, it is *a case of*, "each last person protects the rest."

removes [liability] from

If it was feeding after commission of crime, and 'saer'-tenancy, and in 'urrudhus'-law, equal proportions are got from them all for the full *fine* of one man. This is altogether; if in succession, it is half the liability *that falls* on each man.

If it was feeding before commission of crime, and 'daer'-tenancy, and in 'urrudhus'-law, it (*the fine*) runs to seven persons, upon them all at once; and if it be in succession, "each last person protects," &c. Or, *according to some*, half

² *In seven houses.*—The text is defective here, and the meaning of the whole paragraph obscure.

³ *Equally from them.*—That is, levied on them in equal proportions.

* each even gam fiasfaight each eonul cen imcomet add C 1539

THE BOOK OF AICILL.
—
cina ar gae fear a eain; no, le^t an cina nama mar
a nupra^our. No ono cena, ci^o raepeil^orine ci^o raepeil^o-
pine, ci^o biathao r^ua noenam ci^o biathao i^ur noenam
cina, ci^o a eain ci^o a nupra^our, ci^o uae^a ci^o rachar^oe, go
5 ngabtar cuib^oer uae^ai^u uile um lan aen^oir a naen^oect,
mar a^o uer^o po: uair ci^o *oinbleoganaib t^ur a nina
cina^oa^o gabar cuib^oer uathai^u um lan cin^otaig.

nos de inbleogair
hi i nuidhe (?) cimbay
C 1636 (2)

Mar^oa biathao i^ur noenam cina, raepeil^orine, ocu^or a nup-
ra^our, r^ui^o go moir^oreir^oear op^ora uile a naen^oae^o; ocu^or mar^oa
10 de^oga a noe^oga^o, i^ur le^t an cina for gae fear.

Mar^oa biathao r^ua noenai^u cina, ci^o raepeil^orine ci^o
raepeil^orine, ocu^or a cana, r^ui^o go moir^oreir^oear op^ora uile
a naen^oae^o, ocu^or mar^oa de^oga a noe^oga^o, i^ur uing^oaib gae
de^og^oinae oia r^uaile.

15 Mar^oa biathao i^ur noenai^u cina, ci^o raepeil^orine ci^o
raepeil^orine, ocu^or a cana, i^ur r^ui^o go moir^oreir^oear op^ora
uile a naen^oae^o; ocu^or mar^oa de^oga a noe^oga^o, i^ur le^t in cina
for gae fear.

C^opeo do ni raonle^oga^o de, ocu^or c^opeo do ni up^ooga^o?
20 I^opeo do ni raonle^oga^o de, gan t^uaetai^u pe o^olige^o co^oru^oa
pine. I^opeo do g^oni up^ooga^o de, an t^uinbleog^oan i^ur ne^ora o^oa
roga^o.] ni na c^oinai^u co^om^oica^oi. i. na^o no^och a^ofu^oil co^oin^oa c^oin^oa^o u^oir
roba^oi^u 7 na a^oco^onaigh add C 1637

*
Oile^or^o co^omplectai^u

E 48^o (671470F)

C. 2506^o.
25 .1. a^oim ae in co^onae^o, ocu^or co^onae^o ae in necco^onae^o,
lu^oe^ot man^ouine ae in u^ora^ol, [r^ua^oth ocu^or ea^oga^oire ag in
co^oin]. Speim a^oim geib^oer cae ni oib rin i lei^t pe co^onaib.
Ce^othruim^oi ar r^ua^oe a^oim acon co^onae^o, ocu^or ce^othruim^oi ar
r^ua^oe to^oba, ocu^or ce^othruim^oi ar r^ua^oe t^ura^oe acon co^oin, ocu^or
ce^othruim^oi ar r^ua^oe ep^ocaire.

30 Mar^oa cu co t^ura^oe co ne^ocaire, cu lan o^olige^oe^o i^ureim, le^t

#* much more detailed.

the liability is on each man in 'cain'-law; or, *according to* THE BOOK OF AICILL. *others*, half the liability only if it be in 'urrudhus'-law. Or else, indeed, *according to others*, whether in 'saer'-tenancy or in 'daer'-tenancy, whether *it was* feeding before committing or feeding after committing crime, whether in 'cain'-law or in 'urrudhus'-law, whether one or many, equal proportions are got from them all for the full *fine* of one man at once, as this *law* says: "For though ~~it be for kinsmen, it goes for crimes,~~" equal proportions are got from them for the full *fine* of a guilty person.

If it was feeding after the commission of crime, *and* 'daer'-tenancy, and in 'urrudhus'-law, it (*the fine*) runs to seven persons, upon them all, at once; and if it be in succession, it is half the liability *that shall be* upon each man.

If it was feeding before the commission of crime, whether in 'saer'-tenancy or in 'daer'-tenancy, and in 'cain'-law, it (*the fine*) runs to seven persons, upon them all, at once; and if it was in succession, it is a *case of*, "each last person protects the rest."

If it was feeding after the commission of crime, whether in 'saer'-tenancy or in 'daer'-tenancy, and in 'cain'-law, it (*the fine*) runs to seven persons, upon them all, at once; and if in succession, it is half the liability *that shall be* on each man.

What makes a vagabond of him, and what makes *him* a proclaimed person? What makes a vagabond of him is, his non-observance of the 'corus-fine'-law. What makes a proclaimed person of him is, his nearest kinsman proclaiming him.

What is lawful respecting different sorts of dogs.

That is, the sensible adult has a weapon, the non-sensible person a guardian^a, the gentleman has servants, *and* the dog has time and notice. Each of these, as regards dogs, has the effect of a weapon *in the case of the sensible adult*. The sensible adult has one-fourth on account of a weapon, and one-fourth on account of profit, and the dog has one-fourth on account of time, and one-fourth on account of notice.

If it be a dog which has^b time and notice, it is a fully lawful

^a Ir. A sensible adult.

^b Ir. With.

THE BOOK OF AICILL. uaitē irin torbač co narim, cethruimēi uaitē irin torbač
cen arim, no irin nerbač co narim; irlan do in tērpach
cen arim.

Marā cu co tpač cen ērcaire, cu leč oligēčē hi; teora
cethruimēi uaitē irin torbač co narim, leč pīach uaitē irin
nerbač cen arim.

Marā cu cen tpač cen ērcaire he, ir lan pīač uao irin
torbač cu narim, teora cethruimēi uao irin torbač cen
arim, no irin nerbač cu narim, ocup cēruimēi uaitē irin
nerbač cen arim.

In cu for banlorz co rpubluing cen nomao a rpub-
lainsi, cu irein ir teora cethruimēi in oligēčē, ocup cē-
ruimēi oligēčē; tpač ocup očtmač uao irin tōrbač cu
narim, leč očtmač uao irin torbač cen arim.

In cu for banlorz (i. uair let oligēčē ar pēač ban-
lorz) co rpublons co nomao a rpubluing, ocup in cu
for tērglorz co fir lomnač irin caill*, ocup for eoču irin
mačaire, ocup in cu pīaoaiz techta, ocup in tapcoicō
tečta, ocup in conbuacail techta, ocup in cu arais do
nomao cleč on dōrup, [ocup ni cuaille epin cuāčōa], ocup
dōrnn pot in arais iap na rēiriz, ocup ni taeamācet a
beoil lap tige, [no conair cāemtečta], ocup in cu co tpač
co nērcaire, coin lan oligēčē uile na coin rin.

In cu argriter i nomao cleč on dōrup, ocup in cu pāeinōil,
ocup in cu co tpač cen ērcaire, coin leč oligēčē uile na
coin rin.

Coin do punpet pōgail pīa dāinōib anō rin; ocup dāma
dāine do nēič pōgail pīa conaib, cīa mao pē hēpba no pē
bec dēitēirup no bēič ac tūl ar amup in con he, ir amail
torbač he ac tīačtan uairōi.

Māna cāemnacair tūl on cōin lan in oligēčē can a

* go fir tarr re tairh a caill C 2510

dog, and there is half fine due from it for *injuring* the profitable worker who has a weapon, one-fourth from it for the profitable worker without a weapon, or for the idler who has a weapon; it is exempt as regards the idler without a weapon.

If it be a dog which has time but not notice, it is a half lawful dog; three-fourths fine are due from it for *injuring* the profitable worker who has a weapon, half fine from it for *injuring* the idler who is without a weapon.

If it be a dog which has neither time nor notice, there is full fine due from it for *injuring* the profitable worker who has^a a weapon, three-fourths fine from it for the profitable worker without a weapon, or for the idler who has^a a weapon, and one-fourth due from it for the idler without a weapon.

!! The dog that follows a woman, and that has an untested^b muzzle on it, is a dog that is three-quarters unlawful and one-fourth lawful; and there is one-third and one-eighth of fine due from it for *injuring* the profitable worker who has a weapon, one-half of one-eighth for the profitable worker without a weapon.

The dog that follows a woman, (i.e. for it is half lawful on account of following a woman), and that has on a tested muzzle, and the dog that follows on the red track of a stark naked man in the wood, and of horses in the plain, and the lawful hunting dog, and the lawful stag-hound, and the lawful shepherd's dog, and the dog that is tied to the ninth stake from the door, and not a withered hollow stake, and the length of the tie when contracted is a hand, and its (the dog's) mouth does not reach to the floor of the house, or to the thoroughfare, and the dog with time and notice, all these are fully lawful dogs.

The dog that is tied to the ninth stake from the door, and the straying dog, and the dog with time but without notice, these are all half lawful dogs.

These are dogs that did injury to persons; but if it were a person that did injury to dogs, whether it was in idleness or of little necessity he was going towards the dog, he is as a profitable worker in coming from it.

If he was not able to get away from the fully unlawful

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OF
AICILL.

^a Ir. With.

^b Ir. A muzzle without testing its muzzle.

on an
unbloody
back

above its ankle (c).

THE BOOK OF AICILL. marbaid, i rlan a marbaid. Mana caemnacair uil on coin lan oligthee can a marbaid, i r leé ina marbaid.

Mana caemnacair uil ón coin leé oligthee can a marbaid, i r ceóruiméi ina marbaid.

5 Mana caemnacair uil on coin aca ta teorá cethram-
éana oligib ocuy cethruiméi inoligib, can a marbaid, i r
cethruiméi ocuy oétmad ina marbaid.

Mana caemnacair uil on coin aca ta teorá cethruiméi
inoligib ocuy cethruiméi oligib, can a marbaid, i r oétmad
10 ina marbaid.

Mana caemnacair uil on conbuaéail techta can a
marbaid, i r leé ina marbaid, uair i r e a la a aoiag, ocuy
i r i aoiag a la.

Mana caemnacair uil on coin faenuil can a marbaid,
15 i r cethruiméi ina marbaid, uair i r e a lan a leé, ocuy i r e
a leé a cethruiméi.

C. 2509. [Maia caomrat] ron uil o caé coin uib rin uile can a
marbaid, [cio a lo cio a naioche], i r a lan uipe aicnta
budein in caé coin uib, uair noco beirno ní ra uipe o coin
20 bié co inoligib, aét maia i r moia uao i rin cinait do ni, cen-
moéa in cu faenuil; uair maia eirioe, beirno a leé r machto
uao bié ar faenuil.

O'D. 2226

^{foyle} Tri coin ^{O'D.} fogail fomnaithet (ant.)

1. fomnaithet, no uppoilithet na tri coin seo co na
25 uernaio fogail .i. foilighit, cu do ni foileim, cu con, cu na
cuilen, cu loirge, cu rir na gabann greim loirg.

Lan uipe do uernaithet i cinait na con hi rin; lan fiaé a
cet cinait in foilgeoa, maia rri uaine foglaio; maia rri
rubu, i r leé fiaé, ocuy greim cinait gabur in foilgib do.

30 In cu con on maia cetna, maia i namriri a cuilen imurpo

¹ Whether in the day or in the night.—The Irish for this is the conjectural reading of Dr. O'Donovan, for "cio i lan, cio i naiochin: whether for full fine or for compensation," which is found in the MS. E. 3, 5 (O'D. 1491).

dog without killing it, he is exempt *from liability* in killing it. If he could not have got away from the fully lawful dog without killing it, it is half *fine he incurs* for killing it. THE BOOK
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—

If he could not have got off from the half unlawful dog without killing it, it is one-fourth *fine he incurs* for killing it.

If he could not have got off from the dog which is three-fourths lawful and one-fourth unlawful, without killing it, it is one-fourth and one-eighth *fine he incurs* for killing it.

If he could not have got off from the dog which is three-fourths unlawful and one fourth lawful, without killing it, it is one-eighth *fine he incurs* for killing it.

If he could not have got away from the lawful shepherd's dog without killing it, it is one-half *he pays* for killing it, for its day is night, and its night is day.

If he could not have got away from the straying dog without killing it, it is one-fourth *he incurs* for killing it, for its full is a half, and its half is a fourth.

If they could have got away from each and all of these dogs without killing them, whether in the day or in the night¹, it is its own full natural 'dire'-*fine that is paid* for each dog of them, for it does not take away anything of its 'dire'-fine from a dog to be unlawful, (but there is more *due* from it for every trespass it commits), except the straying dog; for if it is he, *the fact of* his straying takes away half his 'smacht'-fine.

Three dog trespasses are checked.

That is, these three dogs are checked, or attended to so that they do not commit trespass, viz., the springing dog, *i.e.* a dog which makes a spring, a dog of dogs, *i.e.* a dog with whelps, and a ~~crouching~~ dog, *i.e.* a dog against which searching does not avail. *Tracing, searching*

Full 'dire'-fine is paid for the trespass of these dogs; full fine for the first trespass of the springing dog, if it has trespassed against a person; if against animals, it is half fine, and the spring has for it the effect of a trespass.

As to the dog with whelps likewise, if it be while she has^a * Ir. In time
of.

* *hardy fr. anfecht, anfecht* *is wild, savage?*

THE BOOK OF AICILL. foglaib, ní teit i naipem cinas do cuilain do bpreit, aet
riae po biébinéi uipre.

In cu loipgi imuppo, lan riae ina cet cinas riae, mar
fri tuine foglaib, mar fri rubu, ir aithgin; ar ní riae-
ailter lorg riu riae.

minaghe C2510

Spublaingí con minais, ocur epse con anaitnis, ocur epo
con anpaitis.*

minaidhscht "

Spublingí con minais; rpublaingí im a gob in éon do
ní minigeéte re henab ocur re huanaib, ocur re heip-
10 tpeétab in tise.

C. 2510.

auige .. anaithe " "

Epri con anpaité, eipri [leaba] leáir [oiaota]
ar fuilb in éon ná tabair aithe ar in muinotir fein reé
na comaitaib.

anaithe

Epo con anpaitis. i. co tabair congmip for in flait
15 reime ipin epo, i. a éuit do cupi epo per in coin ná petar
óapac inaí aile.

*i. con. folia
nu. folia.*

O beit amlas rín tall iat, ir inoligéé amacé cia na
beit tpaé ocur epcapre oppo amacé. Mana fuilic amlas
rín iat tall, ci oligéé amach iat, ir inoligéé iat tall, ar
20 fogla co leé cinas con cota-árais cuacé donn epin [i.] ir
cain podoiligter cin in éon do leuso i leé in ci po aipger-
tar he don epas epin cuachta, i. per bunas po aipger-
tar he ano rín, ocur apach co fir etallair tucurtar air,
ocur ir inas do ocur ná aipgeotir, im lan riae oie i
25 cinas in éon. No ir cain podoiligter, leé cinas in con ar
in ci po aipgeratar he don epas epin cuachta.*

Tuine nach per bunas pot aipgeratar he ann rín he,
ocur apac co fir etallair tue air, ocur po bi a tuicri co
tiapaitir aras de, ocur ruiuppo a tuicri leé de. Ocur cu
30 lan oligé ac fir bunas he, ocur cu leé oligé ac fir ar-
ais, ocur plan codnac; leé icait mar aen ná cinas;
teopa cethruimte uas ipin torbac cu naipm, leé o fir

* C2510;

her whelps she commits trespass, to have brought forth whelps is not taken into account in its trespasses, but a fine according to her viciousness *shall be imposed* upon her.

The ~~crouching~~ dog too *incurs* full fine for its first trespass, if it be against a person it trespassed, if against animals, it (*the fine*) is compensation; for ~~crouching~~ is not the rule for them.

A muzzle for the 'minaigh'-dog, and ~~eye-caps~~ for the 'anaithne'-dog, and a kennel for the 'anfaitigh'-dog.

A muzzle for the 'minaigh'-dog, *i.e.* a muzzle of leather is fastened on the snout of the dog that makes small attacks upon fowl and lambs and the pet animals of the house.

chains Eye-caps for the 'anfaitigh'-dog, *i.e.* eye-caps, a covering of leather is fastened over the eyes of the dog which does not know its own people from the neighbours.

A kennel for the 'anfaitigh'-dog; *i.e.* the dog's share of food is set before him in the kennel on the top of a rod, *i.e.* his mess is put into the kennel to the hound, which cannot be tied after another manner.

When they are so within, it is unlawful to let them out, though there should be time and notice of their being let out. If they are not so within, though they may be lawful out they are unlawful within, for "the trespasses of the dog are charged to him who had tied it to the withered hollow stake," *i.e.* well is it ~~ordained~~ that the trespass of the dog is to be put to the charge of the person who tied it to the withered hollow stake, *i.e.* it was the owner that tied it in this case, and the tying which he made upon it was bad, and he was aware of its defect*; and it is the same to him as if he had not tied it at all, with respect to paying full fine for the trespass of the dog. Or, well is it ordained that half the trespass of the dog is due from the person who tied it to the rotten hollow tree.

It was a person who was not the owner that tied it in this case, and he tied it, knowing of a defect in the tying, and it was his belief that it would have held the dog, and his belief takes one-half off him. And this is a fully lawful dog with an owner, and a half lawful dog with the man that tied it, and the sensible adult is exempt; they both pay half for the trespass; three-fourths fine is due from it for the profitable worker who has a weapon, half from the man who ties, and

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chains

tr. was?

*he shares up to one-half
the liabilities of dogs who
has tied them*

* If a tying
with know-
ledge of de-
fect, he put
upon it.

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OF
AICILL.

read u-esbach

apraig, ocup cethruimthe o pír con; leť uao ipín torbađ
cen arim no ipín nerbađ cu narim; cethruimti o cechtar
oe, cethruimti uao ipín torbađ cen arim, ocup aiepin o'pír
apraig a aenur.

? in con a
yoh, of 414. 19f.

5 Noco lugaite rmađt na oipe in comā biť inoigēđ, ađt
ip moiti uao ipín rogał do ní, cenmođa in cu paenoił,
uair ma eipum, ip leť poalıat a paenoił uao.

10 In cu paenoił; cethruimti ina marbađ ipín lo, mana
caemnacair etarpcapao pír čena; ocup ma cumaic, ip leť
piał uao; ocup ip e pín a lan piał rum, uair ip e a lan
píach a leť piał, ocup ip e a leť piał cethruimti.

15 Na uile con uile, cenmođa in cu lan oligēđ, mana
coemnađt in uaine a etarpcapao pír čena cen a marbađ,
ip leth píach inoiti ipín lo; ocup ma conic etarpcapao
pír čena, ip a lan píach buđein innoib.

In cu lan inoigēđ, rlan a marbađ ipín lo, mana coem-
nacair etarpcapao pír čena; ocup ma caemnacair, ip a
lan piał buđein ino.

20 Oligiđ cach cu uile in airoče im a leť piał buđein ino,
mana caemnacair a etarpcapao pír čena; ma conic, ip a
lan piał buđein ino. No dono, čena, ciro cu oligēđ ciro
cu inoigēđ, ciro a lo ciro i nairoče, mana caemnacair in uaine
etarpcapao pír čena cen marbađ, ip lan; ocup ma conic, ip
a lan piał buđein ino.

25 Treioi iur i naťpogtar im telcuro pírpanao, .i. eđaire,
ocup doipaire, ocup cu.

Coin na ngrao plađa puarlaictar oib trao uila i liđi,
ocup a cuibpeđ in trao leicfer in teđaire a heođu amađ.

i mbuailigh MS.
in liđi?

30 Coin na ngrao feine puarlaictar oib im trao tiachtana
bo(im i liđi) ocup a cuibpeđ fe turgabal gréine.

Cro pōderā conao pía in pe do conaib na ngrao plađa
na na ngrao feine? Ip e in pať pōderā, lia toruma

a fourth from the owner of the dog; half *is due* from it for the profitable worker without a weapon, or for the idler who has a weapon; one-fourth from either of them (*the owner and tier*); one-fourth from it for the profitable worker without a weapon, and ~~it was seen~~ by the tier only.

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AICILL.
—

this is paid !!

There is not less 'smacht'-fine or 'dire'-fine for its being unlawful, but there is more *due* from it for the trespass which it commits, except the straying dog, for if it be such, its straying takes away one-half from it.

As to the straying dog; there is but one-fourth fine for the killing of it in the day, if one cannot get away from it otherwise; but if he can, it (the penalty) is half fine from him; and that is its full fine, for its half fine is its full fine, and one-fourth is its half fine.

As to all dogs whatever, except the fully lawful dog, if the person could not get away from them without killing them, there is half fine for killing them in the day; and if one could get away from them, it is their own full fine that is paid for them.

As to the fully unlawful dog, there is exemption for killing it in the day, if one could not get away from it otherwise; and if he could, its own full-fine is paid for it.

Every dog whatever is lawful in the night as to its own half fine *being due* for it, if one cannot get away from it; if he can, its own full-fine is *due* for killing it. Or, indeed, according to others, whether it be a lawful dog or an unlawful dog, whether by day or by night, if the person could not get away from it without killing it, he is safe; and if he can, its own full fine is *due* for it.

Three are concerned in letting loose here, i.e. a horse-boy, a door-keeper, and a dog.

The dogs of the chieftain grades are let loose at the time of going to bed, and are tied at the time that the horse-boy lets out his horses.

The dogs of the 'feini'-grades are let loose at the time the cows come to their stalls, and are tied at the rising of the sun.

What is the reason that the time which is *allowed* to the dogs of the chieftain grades is longer than *that to those* of the 'feini' grades? The reason is, there is a greater con-

THE BOOK OF AICOLL. Ծաւնե օսւր թճաճի ար ամսր շիցի նա նշարօ քաճա նա ծօ
 Ծիցի նա նշարօ քսնե, օսւր օսր քարօ քա in քե ծա քօնաւ.

O buր քօնաճ ծօ քնա in քնմուլլեօ ծօ քքր քլան քս
 անօ, օսւր քաճ քօ քսնեօ ք քաճա քօր in քօնաճ.

5 Իարա քքօնաճ, քեճ աւիցին քօր in քօն, օսւր քեճ աւիցին
 քօր in քքօնաճ, օսւր քաճ քօ քսնեօ ք քաճա ծօ քքր, քարա
 քաճ ք քօւիճ քանն ծօ քքր. քքիւ քքքիւ քեճ աւիցինա քս
 ք քաճ in քքր քա քեճ քքր, քիւ ք քեճ քք քքաւ քիւ ք քեճ
 քք քքնաւ, քիւ ք ք քք քն քն քօ քք; օսւր նօք քքաւնն ք
 10 քաճ in քքր քա աւիցինա, քանա ք ք քք քն ք քեճ քք քքաւ;
 օսւր քար ք, քքիւ քքքիւ քեճ աւիցինա քար քքնօ ք քքաճ
 քաճ քք, քար քօ քքաճ քր քքաճ քքքն.

Ըիւ քքքր քօ քքքնն քքքիւ քեճ աւիցինա քս ք քաճ
 ք քքր քա քեճ քքր, քիւ ք քեճ քք քքաւ քիւ ք քեճ քք
 15 քքնաւ, քիւ քս քքքնաճ, քիւ քս քքքնաճ, օսւր քօ քա
 քքաւնն ք քաճ ք քար քա աւիցինա, քանա ք ք քք քն ք
 քեճ քք քքաւ? քր ք քք քքքր, քքքքք քք քս ք
 քքնաճ քնա քս ք քքքնաճ, օսւր քքր քքր ծօ քն քք
 քաճ քն քքր քաճ ք քքր քա քեճ քքր քնա քն քքր քաճ ք
 20 քար քա աւիցինա.

In քքաճ քս քլան քս ք քքնաճ քքա քեճ քքքր նօ քեճ
 աւիցին քր ք քքքնաճ.

In քքաճ քքր քաճ քր ք քքնաճ քքա in քաճ քքնա
 քր ք քքքնաճ; քար քաճ քքնաճքս ք քքա քքր in քքնաճ
 25 քր in քքքնաճ քս, քաճ քքքնաճ քս ք քքա քքր in քքնաճ ք
 քքքնաճ քս.

¹ The more lawful of the hound.—In C. 2516 this is reversed.

= 198. 16 f
 supra

course of people and hosts to the houses of the chieftain THE BOOK OF AICILL. grades than to the houses of the 'feini' grades, and it is right that a longer time should be *allowed* to their dogs.

When it is a sensible adult that incites *a dog*, the dog is always exempt, and a fine according to the nature of the case *shall be imposed* upon the sensible adult.

If it be a non-sensible person *that has incited the dog*, half compensation *is* upon the dog, and half compensation upon the non-sensible person, and a fine according to the nature of the case *by way* of 'dire'-fine, if he be a youth on whom a share of 'dire'-fine comes. A dog *which is* with a youth at the age of paying half 'dire'-fine, whether in regard of animals or in regard of persons, whether for its first offence or not, incurs *a penalty* of half compensation; and it does not incur it *when* with a youth at the age of paying compensation, unless it be its first offence in regard of animals; and if it is, it incurs *a penalty* of half compensation with respect to its owner, for it would incur it on its own account.

What is the reason that a dog *which is* with a youth at the age of paying half 'dire'-fine incurs *a penalty* of half compensation, whether with respect to animals or with respect to persons, whether it be a dog of first offence, or a dog of *confirmed* viciousness, and that it does not incur it *when* along with a youth at the age of paying compensation, unless it be its first offence with respect to animals? The reason is, a dog with a sensible adult was *deemed* more lawful by him (*the author of the law*) than a dog with a non-sensible person, and he considered the full-fine which a youth at the age of paying half 'dire'-fine pays nearer to the full-fine of a sensible adult than that which the youth at the age of paying compensation pays.

Whenever a dog would be exempt with a sensible adult, there is *a fine* of half sick-maintenance or half compensation upon it with a non-sensible person.

Whenever there is a fine upon it *when* with a sensible adult, the same fine is upon it with the non-sensible person; for the more sensible the inciter is the more unlawful the hound, *and* the less sensible the inciter is the more lawful the hound.¹

cf. 1st LIV 422 (1799)
2nd 298-9

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Lebar Aicle.

1. Oileir 1 muirbnechaid aris rianadā dāp nāe ton-
dāib.

1. cīo fēoit fīr fīne cīo fēoit fīr anpīne, cīo fēoit fīr
bercna cīo fēoit fīr neimbercna, o dō berctar tar nāe
5 tonnā mārā amuig iat, ocūr dūla dāenctoirg dār ā cenn,
īr ā nōilrī uilī dōn tī tūc ar iat.

10 Mār etīr nāe tonnā mārā ocūr tīr tūcārctār iat, īr
fēmeto ocūr uīrārāct fīr fīne dō rīagail rīu; uār īr rīu
atā fēmeto ocūr uīrārāct^x nā fīneāre^x dō rīagail
rīu [1.] rēt dō berār ā ācēnāib, ocūr ā armarīgib, ocūr ā
coīrīb cuārtoīll, ocūr ā rāebcoīrīb, ocūr ā tīg tēīnēo,
ocūr ītīr nāe tonōāib mārā ocūr tīrē. Ocūr mā nō bī
dāicbeīle nā hōīōīdā nī rīr nā tārīnīc ān arīārāct dīr
būnāīo, īr īnānō dō ocūr dō beīē fēīmeātō ān nō uīrār-
15 rāct nāmā.

Mārā fēmeto ocūr uīrārāct fīr fīne, īr ā nōilrī uilē
dōn tī tūc ar iat.

Mārā fēmeto nō uīrārāct fīr fīne, īr dīlēr ā dā tīrān
dōn tī tūc ar iat.

20 Mārā uīrārāct ar āīnē fīr fīne, īr dīlēr ā tīrīn dōn tī
tūc ar iat.

Mārā fēmeto ocūr uīrārāct fīr anpīne, īr dīlēr ā dā
tīrān dōn dūīnē tūc ar iat.

Mārā uīrārāct ar āīnē fīr anpīne, īr dā tīrān īn tīrīn,
25 nō ā lēē īn tīrīn, nō ā beīē cān nī.

Cānār ā ngābār dā tīrān īn tīrīn atā dīrīr anpīne nā
uīrārāct ar āīnē, uār nāē īnōīrēnn lēbār? 1^r ar
gābār o fīr fīne; uār 1 bāīl atā, ā nōīlēr ā dā tīrān dīrīr

1 'Fine'-man.—That is, a man of the same sept or subdivision of a tribe;
'anfine'-man, a man not of the same sept or subdivision.

* The refusal or permission.—This means a case in which the owner of the goods

cf. 1st LIV 422 (1799)

110th 2432 (R)

cf. fīneāre lēctā nā
tūcīte uilē R
cf. 298. 18

V 300. 14

In sea laws, one has a right to ^{the burden (dampness)} ~~what he has brought~~ THE BOOK OF AICILL.
over nine waves.

That is, whether *it be* the 'seds' of a 'fine'-man¹ or the 'seds' of an 'anfine'-man, whether *it be* the 'seds' of a person with whom he has a 'bescna'-compact, or the 'seds' of a person with whom he has not a 'bescna'-compact, when they are brought out from across nine waves of the sea by one who went specially for them, they are all the property of the person who has so brought them thence.

If he has fetched them from a place nearer^a to the land than nine waves of the sea, the refusal and permission² of the 'fine'-man are the rule respecting them; for the following are *all* ruled by the refusal and permission of the family, *viz.*, 'seds' that are recovered from oceans, and from battle fields, and from whirlpools, and from vortices, and from houses on fire, and from between nine waves of the sea and the land. And if it was owing to the danger of ~~consenting~~ ^{death of I 300. 15.} that the owner did not give the permission, *if then recovered*, it is the same to him as if there had been either refusal *by the owner to go himself*, or permission only *from him to the other to go*.

^a Ir. Between nine waves of the sea and land.

If there be refusal and permission from the 'fine'-man, they are all the property of the person who brought them out.

If there be refusal or permission from the 'fine'-man, two-thirds are the property of the person who brought them out.

If there be permission from the 'fine'-man *to another person to go* for his amusement, the third of them is the property of the person who brought them out.

If there be refusal and permission from an 'anfine'-man, two-thirds of them belong to the person who brought them out.

If there be permission for his amusement from an 'anfine'-man, two-thirds of the third, or half the third *belong to the person who brought them out*, or he is to have nothing.

Whence is it derived that two-thirds of the third are *due* in case of the permission of the 'anfine'-man for his amusement, as no book mentions it. It is inferred *from the rule regarding* the 'fine'-man; for, where it is *said*, when two-

refuses to risk his own life in recovering them, and gives permission to another to recover them if he could, and have them.

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 — fine ina pemeð no na uiraparæð, iŕ uilŕi a tŕian aŕa tŕip
 anŕine ina pemeð no na uiraparæð; coir no deirde, uair
 iŕ tŕian aŕa tŕip fine na uiraparæð ar aine, cemað da
 tŕian in tŕin do beid tŕip anŕine na uiraparæð ar aine.

f. O'Bar. 108

5 iŕ ar gabair a beid can ní; mað uiraparæð ar aine ŕip
 anŕine ac na bi uiraparæð ŕip coŕa, ni aile ciut iŕi la neð
 do beirear.

1ŕeo iŕ pemeð ocup iŕ uiraparæð ann, pemeð a ŕet ac
 ŕip bunaid, ocup in ŕep aile da uiraparæð de uil ar a cenn.

10 1ŕeo iŕ pemeð ann no uiraparæð neðtar de uib.

1ŕeo iŕ uiraparæð ar aine ann, uil do neoch ar ainech ar
 réin.

Uiler tochur do ŕip puiŕt.

O'S 1604f

f. V 474. 6
O'S 2293 (R)

1. iŕ uiler tŕip puiŕt a taŕla éuici co ŕuici cuic ŕeoir,
 15 ocup o ŕaðar taŕŕŕu, iŕ compainn baiŕci uilgēgē ar. II 204. 24

1n tan tainic ŕo tomur tuaiðe aipūi h1, ocup ni hinoti
 do ŕala h1, aét do ŕeit gaeð h1 a cŕich aile daŕ antheoin,
 ocup compainn baiŕce uilgēgē uirpē iŕin cŕich i taŕla
 h1. Ocup iŕ amlaid do niteŕ ŕin; in ŕet iŕ ŕepŕ inoti do
 20 ŕiŕ na tuaiðe, ocup ŕuilleð ŕiŕ co ŕoib tŕian na baiŕci
 ann; ocup a tŕian do éuaid, ocup a tŕian tŕip puiŕt; ocup
 tŕian in ŕeoir iŕ ŕepŕ ŕainic do ŕiŕ tuaiðe uad do ŕiŕ
 cuicŕo; ŕuilleð ŕiŕ co ŕoib cethŕuimēi coŕaé tuaiðe anŕo;
 ocup cethŕuimēi na cethŕamēan o ŕiŕ cuicŕo do ŕiŕ
 25 eirenn.

1n tŕian ŕo ŕoic do éuaid a compoinn doib etaŕŕu a

thirds are due to the 'fine'-man in *case of* his refusal or his permission, one-third is due to the 'anfine'-man in *case of* his refusal or his permission; it is right from this, that as it is one third that is *due* to a 'fine'-man in a *case of* permission for his amusement, there shall be two thirds of the third *due* to the 'anfine'-man in *case of* permission for his amusement.

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—

That he *who brings them out* shall have nothing is derived from this:—If there be permission for his amusement from the 'anfine'-man who has not the permission of the owner, the person who fetches *the property* deserves no share whatever.

"Refusal and permission" mean, that the owner refuses to go for his 'seds' himself, and the other gets his permission to go for them.

"Refusal or permission" means either of them.

"Permission for amusement" means that a person goes for the amusement of himself.

What is cast ashore is the property of the owner of the shore.

That is, whatever comes ashore^a is the property of the owner of the shore, as far as five 'seds,' and when it exceeds them, the partition of a lawful bark is *to be made* of it. ^{a Ir. To him.}

When it was coming towards a certain territory, and did not happen to reach^b it, but an adverse wind blew it into another territory, then^c the partition of a lawful bark is made of it in the territory into which it happened to be driven. And that is done thus:—the best 'sed' in her (*the wreck*) is given to the king of the territory, and it is to be added to until it (*his share*) amounts to the third of the value of the cargo of the bark; and one-third of it goes to the territory, and one-third to the owner of the shore; and one-third of the best 'sed' which came to the king of the territory is given by him to the king of the province; addition is to be made to it until it amounts to one-fourth of the share of the territory; and a fourth of the fourth is given by the king of the province to the king of Erin. ^{b Ir. Into. c Ir. And.}

The third which comes to the territory is to be divided by them equally among them to all who are able to perform

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coitceinoti do cað oen oib conic ruba ocup ruba, ocup
biathað ocup congbaíl ocup coimet locta na bairci.

1n tpuan po roicð tpu [tput]; noco nuil n1 uao do neoð,
aæt mana puil plaitð vaep[r]aitð aip, aæt in eutpuma beiper
α eclair bunaro α oualzur coað ppuði α manaið.

1p ano ata leð α pet uaiði ap cennaiðeæt do venum pia
von leið aili, in tan tainic po tomup tuiði aipði h1, ocup
ip inti do palα h1. Leð α pet uaiði von tuiði ap cen-
naiðeæt do venum pia von leð aile. Ocup noco nupailenō
16 vliðeð uipupi leð α pet uaiði oibpium no co nōepnat
cennaiðeæt pia; ocup nocu nupailenn vliðeð ap in tuiði
cennaiðeæt do venum pia no co tucα p1 leð α pet oib
an aipci; ocup o do bepa, ip vliðeð cenōaæta no venum
pia.

16 Cio pōðepα leð α pet uaiði ap cennaiðeæt itip? 1p e
pað pōðepα; ip p1p do ðuaro menma in uōap co mberōap-
ium oimapepao ipin leð pēapit nī ip mo ina leð va bepaat
in aipci.

1p ann ata pet ré pēpail uaiði, no pet pōpaci
20 uing1, in tan tainic po ðomup uine aipði h1, ocup nī na
[p]lepe lama pin pēin do palαiat, aæt α pēpann uine aile
na comocup; ocup pet ré pēpail do ap connat ocup
uipci do lecat o1, mapα pēiðia ocup iapann ocup palano
ata inoti; no pet pōpaci uing1, mapα eno gnae ocup
25 caipno; ocup epcup pīna no mela, ma ta pin no mīl
inoti.

Log pæthair, maō o ppoðab.

.1. Log pæðair do maō o ppoðab in mapα amūich do
bepa he.

¹ An 'escup' of wine. In Cormac's Glossary, edited by Whitley Stokes, LL.D.,
p. 67, "Epscop Fina" is explained to mean a vessel for measuring wine among
the merchants of the Norsemen and Franks. The two derivations suggested by
the author appear incorrect. The learned editor's conjecture that "escop fina"

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buabail / DA1609

service of offence and defence, and feeding and maintaining THE BOOK OF AICILL. and keeping the crew of the bark.

As to the third, which comes to the owner of the shore ; nothing is given away by him to any one, unless there is a chief of 'daer'-stock tenancy over him, except the portion which the church of his family^a gets as her share of a thing found by her tenant of church-land.

^a Ir. Original church.

The case in which half her 'seds' is taken away from her (*the ship*) on condition of trafficking with her for the other half, is when she came bound for a certain territory, and it is into it she happened to be driven. Half her 'seds' is to be given by her to the territory on condition of trafficking with her for the other half. And the law does not compel her to give half her 'seds' to them, until they engage to traffic with her ; and the law does not compel the people of the territory to traffic with her, until she engages to give half her 'seds' to them gratis, and when she has given them, it is lawful to traffic with her.

What is the reason that half her 'seds' is at all given away by her for trafficking with her ? The reason is ; the idea of the author of the law was that they would gain more by the half they sold than the value of the half they would give for nothing.

The case in which a 'sed' of the value of six 'screpalls' is due from her, or a 'sed' which is worth an ounce of silver, is where she came consigned to a certain person, and it was not into his land they happened to be driven, but into the land of another person in his vicinity ; and he (*the other person*) is entitled to a 'sed' of the value of six 'screpalls' for allowing her firewood and water, if it be hides and iron and salt that are in her ; or to a 'sed' worth an ounce of silver, if it be foreign nuts and gables ; and to an 'escup'-vessel of wine¹ or of honey, if wine or honey be in her.

(buffalo) horns

Reward of labour, if from currents, &c.

That is, the reward of his labour is given to him (*the rescuer*) if he has brought it from the currents of the sea outside.

was probably the true reading, a conjecture founded on analogous forms in Cornish, Gothic, &c., is proved correct by the reading in the text.

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Μαρά τοῦρ ῥροῦα ῥῖρ υἱρ, α ἐθηρμῖτῖ ταρ νὰς
νοῖβα; α τριαν αρ τὰ οῖβα δε; λεῖ ο ἕα ῥιν κο ῥια ιν τῖρ
ῥιν ιρ νεῖα το μῖρ; α τὰ τριαν μαο ἀνηραιο; ιν τριαν
αἰε ιρ πορ εἰν μαρά.

8 Ῥο ῥῖρ τοῖδε ἐθεοῖα ἐεζατ εῖβατ ῥε ἡορ τῖρε α τοῦρ,
νο ταρ νοε τοννα μαρά ἀναλ, εἰο α τοῦρ εἰο α ταβαῖρ.

Μαρά τοῦρ ιν τριαν ῥιν, α ἐθηρμῖτῖ αρ ἀεν ἐεζατ,
α λεῖ αρ α το, α τῖρ ἐθηρμῖτῖ αρ α τῖρ, υἱε αρ α ἐ-
θηρ.

10 Μαρά ταβαῖρ ιτῖρ νοε τονναῖβ μαρά οῦρ τῖρ, ῥεμεο
οῦρ υἱῖραδῖτ οῦρ ῥινεῖαιρε το ῥιαγαῖλ ῥῖρ ιν τριαν.

Μαρά ταβαῖρ ιν ῥροῦα ῥιν ῥεἰν, α τριαν αρ α τῖρ, οῦρ
α τὰ τριαν αρ α ῥέ, υἱε αρ α νὰς.

cf. V 332.

Μαρά τοῦρ ῥροῦα ῥαἰε ῥεο υἱρε, α ἐθηρμῖτῖ αρ
15 τῖρ οῖβαῖβ, α λεῖ αρ α ῥέ, α τῖρ ἐθηρμῖτῖ αρ α νοε, υἱε
αρ α το δε. Ἐ τοχορ ῥαἰν.

Μαρά ταβαῖρ ιν ῥροῦα ῥιν ῥεἰν, α τριαν αρ α το, α
λεῖ αρ α τῖρ, α τὰ τριαν αρ α ἐθηρ, υἱε αρ α ῥέ.

Μαρά τοῦρ ῥροῦα μαρζαβαῖλ, ινανο οῦρ ταβαῖρ
20 ῥροῦα γλαἰν; α τριαν αρ τῖρ οῖβα, α τὰ τριαν αρ α ῥέ, υἱε
αρ α νὰς. Ἐ τοῖορ ῥιν.

Μαρά ταβαῖρ ιν ῥροῦα ῥιν ῥεἰν, α λεῖ αρ α το, α τὰ
τριαν αρ α τῖρ, υἱε αρ α ἐθηρ κο λεῖ.

λεῖ εἰδ τοῖαιρ ινα ταβαῖρ, ἐννοῦα ιν ταβαῖρ ῥροῦα
25 γλαἰν; οῦρ ιν ταινῖρῖν τοι ἀα ινα τοῦρ, νο ινα ταβαῖρ

1 Or a fetching. The following is Dr. O'Donovan's note on this obscure passage:—

"If any valuable property has been carried away by a freshwater stream in time of flood over nine townlands, and then cast on the bank, the owner of the land on which it is cast is entitled to one-fourth thereof. If it be carried over twelve townlands, the owner of the land on which it is cast is entitled to one-third thereof. If it has been carried to any further distance, the man on whose land it is found shall have one-half. If it has been carried by the stream to the townland next to

If it be a thing cast up by a freshwater stream, one-fourth THE BOOK OF AICILL. of it is *due* to the owner of the land on which it has been cast, when it has been carried over nine lands; one-third of it when over twelve lands; half of it from that until it reaches that land which is nearest to the sea; two-thirds of it if then; the other third is ruled by the law of the sea.

Four times fifty cubits from the margin of the land have been fixed for a thing cast up, or from over nine waves, whether for a thing cast up or a fetching.¹

If that third is *due* for a thing cast up, its fourth is *due* for one fifty cubits, its half for twice fifty, its three-fourths for thrice fifty, and the whole third for four times fifty.

If it be fetching from between nine waves of the sea and the land, "refusal" and "permission" and "family" is the rule for the third.

If it be a carrying by that stream itself, its third is *due* for three townlands, its two-thirds for six, the whole for nine.

If it be a thing cast up by a salt and fresh stream, its fourth is *due* for three lands, its half for six, its three-fourths for nine, the whole for twelve. This is for a thing cast up.

If it be a carrying by that stream itself, its third is *due* for two lands, its half for three, its two-thirds for four, the whole for six.

If it be a thing cast up by a stream of an arm of the sea, it is the same as carrying by a freshwater stream; its third is *due* for three lands, its two-thirds for six, the whole for nine. This is for a thing cast up.

If it be a carrying by that very stream, its half is *due* for two lands, its two-thirds for three, the whole for four and a half.

Half of every thing cast up is *due* for its carrying, except the carrying by a freshwater stream; and the proportion that is for its casting ashore, or for its being carried by the sea, the owner of that townland shall have the two-thirds; but if it has been carried into the sea the whole of it is forfeited to the proprietor of the shore. The space of four times fifty cubits from the brink of the land or high-water mark, has been determined by law as the distance to which goods carried into the sea are considered as lawful 'jetsam'; and goods cast ashore by the sea, or brought by any person from a distance of nine waves, are adjudged to be the property of the owner of the shore, or of the person who rescues them."

THE BOOK OF AIOHLL. ԾՈ ղՐՈՇԱԻԲ ԵՈՐԱԲ Ե ԻՆ ԵԱՆՆՊՐԱՅՆՈՒ ԳԻՆ ԵՐ ԻՆԱ ԾՈՇՐ,
 ————— ՈՒ ԻՆԱ ՇԱԲԱՐԷ Ա ԲԱԲԱԼԼ ԻՆ ԵՐՐՈՇԱ ԳԻՆ; ՕՍՐ ՈՒ ԲԱԲԱԼԼ
 ՄԱ ԲՕՕՐԼԻ, .i. ՈՒ ԲԱԲԱԼԼ ԻՄԻ ԵՏ, ՄԱՐՈՒԱ ԲՕՒԼԱ ԳՐԱՇ ՈՒ ԱՐ,
 ՍԱՐ ԲՕՒԼԱՐ ԳՐՈՇԱ ՕՍՐ ՈՒ ԲՕՒԼԱՐ ԲԱԲԱԼԼ.

Ճ ՄԱՐԱ ԻՆԱՆՈ ՔԵՐ ԳՐԱՇԻ ՕՍՐ ՔԵՐ ԵՐԵ, ԻՐ ՆԱ ԲՕՃԱ ԱԵԱ ԻՆ
 ԵԱՅԻՅ ԳՐԱՇԻ ԵԱՐ ԾՈ, ՈՒ ԻՆ ԵԱՅԻՅ ԵՐԵ. ԻՐ ԱՐ ՃԱԲԱՐ, ԵՈՆ-
 ԵՇԵՇԱ ՃՈՄԱ ՈՒ ԵՐԵ.

ՄԱՐԱ ԳԱՆ ՔԵՐ ԳՐԱՇԻ ՕՍՐ ՔԵՐ ԵՐԵ, ԵԱՅԻՅ ԳՐԱՇԻ ՕՍՐ
 ԵԱՅԻՅ ԵՐԵ ԾՈ ՔԵՐ ԳՐԱՇԻ.

10 ՄԱՐԵՈՒԼԵ ԳԻՆ, ՈՒ ԻՐ ԵՅՈՒԼԵ ՆԱՇ ԵԱՄՃԵՆՆ ԵԱՇՏԱՆ
 ԱՐ Ա ՍԱԼՃԱՐ Ա ՆԻՐ ՔԵՆ, ՍԱՐ ՆԱ ԵԱՄՃԻՐԻ ՆԱ ԵՅՈՒԼԵ
 ԵԱՇՏԱՆ ԱՐ Ա ՍԱԼՃԱՐ Ա ՆԻՐ ՔԵՆ, ՈՇՈ ԵԱ ՈՒ ԱՐԵԱ; ՍԱՐ
 ԵՐՈ ԲԱԵԱ ԵՐ ՔԵՐ ԵԱՆԱՐՈ Ա ԵՈՒՅԼԵՆՄԱՆ Ա ՔԵՇ, ՕՍՐ ՕՇ ԵՇ-
 ՔԵՐ ԲՕՄԵ ԻԱՐ ԻՆ ՆԱՐԱ ՔԵՇ ԵՆ ԵՐՈ ԲԱԵԱ ԻՆ ՔԵՇ ԱԼԵ, ՈՇՈ
 15 ՆԱԼ ԵԱՅԻՅ ԳՐԱՇԻ, ՆԱ ԾՈՇԱՐ, ՆԱ ԵԱԲԱՐԵԱ ՍԱՐ ԵՐԵԻԲ, ՄԱՆԱ
 ԲԱԵ Ա ԼԵՐ ԵԱԲԱՐԵ, ՕՍՐ ՄԱ ԲԱԵ Ա ԼԵՐ ԵԱԲԱՐԵ, ԻՐ Ա ԲԱՅ-
 ԱԼԵ ՔԵ ԵԱԲԱՐԵ ԳԻՆԵ ՈՒ ԱՆՔԻՆԵ.

ԵԱՅԻՅ ԳՐԱՇԻ ԻՐ ՆԱ ՄԱՐԵՈՒԼԻԲ ԾՈ ՃՐԵՐ, ԵՐՈ Ա ԵՐԻՇ ԵՐՈ Ա
 ՔԵՇԵՐ ԵՐԻՇ, ԵՐՈ Ա ԵԱՐԵ ՄՅԵԼԵԱ ԵՐՈ Ա ՔԵՇԵՐ ԵԱՐԵ
 20 ՄՅԵԼԵԱ; ՈՒ ԵՐԵՇ ԱՐ ԵԱՐԵՐՈ ՃԱԵԱՐԵ; ՕՍՐ ՈՒ ԵՐԵ, ԻՐ ԵԱՅԻՅ
 ԵՈԲԱՅՃ ԵՐԵԻԲ.

Վ 330. 7f.

ԵԱՅԻՅ ԳՐԱՇԻ Ա ԵՇՇԱԲ ՕՍՐ Ա ՆԱԻՆԻԲ ՆԱՐԱ ԾՈ ՃՐԵՐ, ՈՒ
 ԵՈՄԱՐ ԵԱՅԻՅՃ ԱՐԵԱՐԵ, ԱՇՏ ՄԱՆԱԲ Ե Ա ՔՐԵՐԱ ԻՆ ՆԱՐ
 ԵՈՄԱՐ ԱԵ ԵԱՇՏԱՆ ՆԱ ԵՅ ԾՈ ԵՐ ԵՐ; ՕՍՐ ՄԱՐԵ Ա ՔՐԵՐԱ, Ա
 25 ԻՄՅԵՆՈՒՄ ԾՈ ԵՈՄԱՐ ԱԵ ԵԱՇՏԱՆ ՆԱ ԵՅՃ ՈՒ ԵՐ. ՄԱՐ
 ԱՄԼԱՐՈ ԳՐԱՇ ԵՐ ՕՍՐ Ա ԱՅԻՐ ԾՈ ԵՄ Ա ԵՅՃ, ԻՐ Ա ԻՄՅԵՆՈՒՄ
 ԾՈ ԵՐ ՆԱՇ ԱԵ ԵԼՈՒ ՈՒ ԵՐ, ՕՍՐ ԵՆ ՆԱՇ ՈՒ ԾՈ ԱՐ. ՄԱՐ
 ԱՄԼԱՐՈ ԳՐԱՇԻ ԵՐ ՕՍՐ Ա ԵՒ ՔԵ ԵՇՇ, ՕՍՐ ՆԻՐ ԱՐԵՐԵՐՆԱՅՃ
 ՆԱՇ ԱԵ ԵԼՈՒ ՈՒ ԵՐ, Ա ԻՄՅԵՆՈՒՄ ՆՈՆ ԵՐ ԲԱՐԱՐ ԵՐ ԵՐ ՆԱՇ = ԵՈՄԱՐ
 30 ԱԵ ԵԼՈՒ ՈՒ ԵՐ, ԵԱՅԻՅ ԵՈԲԱՅՃ ԱՐԵԱ.

cf 338. v

ՈՇՈՆ ԲԱԼ ՈՒ ԾՈ ՆԱ ԵՅՈՒԼԻԲ Ի ԵԱՐԵ ՄՅԵԼԵԱ, ՕՍՐ

streams is the proportion that shall be *due* for its casting THE BOOK OF AICILL. ashore, or its conveyance by the carriage of that stream; and it is no carriage, if it has been lessened, i.e., it is not a carriage at all, if the stream has detached anything from it, for streams detach *something* and carriage does not detach.

If the finder, and the owner of the land be the same, he has a choice whether it is a finder's share or a land share he shall have. It is derived from, "Equally lawful are deed or lands."

If the finder, and the owner of the land be different, the finder shall have the finder's share and the land share.

These are dead chattels, or they are live chattels which could not escape by means of their own strength, for if the live chattels were able to escape by means of their own strength, there would be nothing for *rescuing* them; for however long the owner may be following after his 'seds,' and *when* he sees them before him ~~the second~~ time, though he may not see them another time, there is no finding share, or *share* for casting ashore, or carrying *due* from him for them, unless he stood in need of carriage, and if he required carriage, it is to be ruled by "the carriage of family-man or stranger."

A finding share is always *given* for the dead chattels, whether in the territory or outside the territory, whether within grazing range or outside grazing range; or *if* they be in the keeping of a thief; and when they are, there is a levying share *due* out of them.

There is a finding share *due* for bees and 'daer'-persons always, or, *in the case of the 'daer'-person*, it may be a detaining share, unless the answer of the 'daer'-person is that he was going to his *master's* house; and if this be his answer, let him prove that it was going to his *master's* house he was. If he was found with his face towards his *master's* house, he is to prove that it was not absconding he was, and *if he does*, there shall be nothing for *arresting* him. If he was found with his back towards the house, and if he did not plead that it was not absconding he was, the person who found him is to prove that it was absconding he was, and *if he succeeds in the proof*, he shall have an arresting share for him.^a a Ir. Them.

There is nothing *due* for the live chattels within grazing

THE BOOK OF AICILL. cuiuiz tobaiḡ eiptib pečtap cuairto ingelṭa. No ʔono
čena, iṛ cuiuiz tobaiḡ eiptib a cuairto ingelṭa ačt co mbeir
ap taircio ḡataiṛe; ocup o beir, iṛ cuiuiz tobaiḡ eiptib
pečtap cuairto ingelṭa, ačt napab amlaiṛ beir ocup a
5 nauḡaro ap a teč; ocup map amlaiṛ, ačt mapā einṛoti co
ticipaitir, noco nuil ni eiptib. Ma cunnatabairt in tic-
paitir no na ticipaitir, iṛ leč cuiuiz tobaiḡ eiptib. Mapā
einṛoti na ticipaitir, iṛ cuiuiz tobaiḡ comlan eiptib.

Mapā beotiṭe conic a ḡait bursein, iṛ cuiuiz tobaiḡ eip-
 10 tib ʔo ḡep. In ʔuine ʔaep, iṛ a cin ʔic ʔa tiḡepna no co
 nḡaba neč aile na reilb he ap ʔaiḡin ačtawḡi; ocup o
 ḡebur, iṛ a cin ʔic ʔo.

Cin bech.

.1. ceip iṛin caečaro, ʔa cip iṛin mapbato; ocup inṛiṛto
 15 Lebap in cip ina čaečaro, ocup ni hinṛiṛenn ʔa cip iṛin
 mapbač; ačt amail iṛ ʔa cutpuma na heipci ata o ʔuine
 i caečaro in ʔuine ata uato [ina mapbač], coip no ʔeipṛe,
 cema ʔa cutpuma na eipci ata o beč ina čaečaro, cema ʔo
 ʔo beirh ina mapbač.

20 Saič pip ʔo mil iṛin puiliuḡarč, cuiceo na pačha na
 cnoičbeim, a ʔeopa cethpumič i na ban beim pačaiḡ peič
 ʔo pačč, no na ḡlap, no na at, no na ʔepḡ; map aen no
 ʔeoa ʔib uil ant, iṛ cuiceo co leč cuicito; cuiceo nama
 na ban beim aicinta.

25 Ceip iṛin cpoli mbair co neiṛipmṛibi baill, ocup mana
 puil eiṛipmṛibe baill, iṛ cip cenmoča pečtmaro; a ʔa ṛpian
 na cpoliḡ cumale; a ṛpian na inanṛaiḡ ré pet; cutpuma
 peipṛo ann no pečtmaro cona tabairt pip iṛin ininṛaiḡ
 pečt pet.

but there is a detaining share *due* out of them outside grazing-range. Or, indeed, *according to others*, there is a detaining share *due* out of them within grazing-range if they are *found* in the keeping of a thief; and when they are *so found*, there is a detaining share *due* out of them outside grazing-range, but so as they are not with their face towards the house; and if so,¹ and if it be certain that they would come *home*, there is nothing *due* for *securing* them. If it be doubtful whether they would come or would not come, there is half a detaining share *due* for them. If it be certain that they would not come, there is a full detaining share for *securing* them.

If they be live chattels (*i.e. slaves*) that can "steal themselves," there is always an arresting share *due* for them. The crime of the 'daer'-person is to be paid for by his master until another person takes him into his possession for the purpose of making an agreement *with him*; and when he has so taken him, his crime is to be paid for by him (*the latter*).

Injuries in the case of bees.

That is, a hive *is the fine* for the blinding, and two hives for the killing of a person; and a book mentions the hive for the blinding, and it does not mention two hives for the killing; but as there is twice the 'eric'-fine *due* from a person for killing a person that there is for blinding him, it is right from this, that it is twice the 'eric'-fine which is *due* from a bee for blinding him that should be *due* for killing him.

A man's full meal of honey *is the fine* for drawing blood; a fifth of the full meal for an injury which leaves a lump,^a three-fourths of it for a white blow which leaves a sinew in pain, or green, or swollen, or red; if it be one or two of these injuries that are present, it (*the penalty*) is one-fifth with half one-fifth; one-fifth only for his natural white wound.

A hive *is the fine* for the death-maim necessitating^b the removal of a limb, but if there be no removal of a limb, it (*the fine*) is a hive, less one-seventh; two-thirds of it for a 'cumhal'-maim; one-third of it for a tent-wound of six 'seds'; one-sixth or one-seventh part *is* to be added to it for the tent-wound of seven 'seds.'

¹ And if so.—That is, if they have their faces towards their house.

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Օ՜ ռա՛ եւճա՛ւք ա՛տա ի՛ն ի՛ր ռա՛ տա՛ւոյ՛ն.

Գրեք իսկ օրն յայնչի իր յն ձեռնի։ **Մաք** յո արքն ին
տնոն ին ձե՛ ձ ԵԿԱ ԵԵԺԵԾ, յո ԵԵ քերժան ԵՆԵ՛ժ արքն յո ԵԵ
քարիւղիւցձ, իր ԵԵքրմա յն քա՛ճ ԵԵքր ԵԵ ԵՆԵ՛ժ ԵԵ ԵԵ
ք ԵԵ ԵԵքր ԵԵքր; օ ԵԵ քրն ԵԵքձ ԵԵ ԵԵքրն ին ձե՛ քր ին
ԵԵքրն.

Μαρ ας ρεϣ̣αι̣ν̣ β̣αν̣ β̣ει̣με̣ α̣ρ̣ ι̣ν̣ τ̣ου̣ι̣νε̣ ρ̣ο̣ μα̣ρ̣β̣υ̣ρ̣τα̣ρ̣
 ι̣ν̣ β̣ε̣ϣ̣, ι̣ρ̣ α̣ μ̣β̣ι̣ϣ̣ αι̣γι̣τ̣ο̣ ι̣ν̣ αι̣γι̣ϣ̣.

10 Μαρά αε περζῶνι ενοχέιμε αρ ιν τῶινε πο μαρβυρταρ
 10 ρε ιν βεζ, ιρ cetheopa cuicw do dul ρε λαρ, ocup cuicew dic.

Μαρ αε περὶ αὐτὸν βανθεῖμε παρὰ τὸ πρὸ παρ' ἐξ, ὃς γὰρ,
 ὃς αὐτὸς, ὃς ὁπρὸς, ἢ τῷ αὐτῷ ὃς τοῦ περὶ λαοῦ, οὐκ ὅτι αὐτῷ
 ὃς.

15 μαρ ας περ̄ταιν αιη νο θεσα τωβ, ~~πε λετ̄~~ ευιειο το του
 πε λαρ, ουαρ ευιειο τωι.

Օճաճեճաճիճ աճաճիճ իճ ճաճաճիճ, ճեճսճ ճաճաճիճ իճ ճաճաճիճ.

20 20
 Երո իար օ յնա թե՛աւ իր յնա յոճաւ, օսըր օ յնա յոճաւ իր յնա թե՛աւ? Մա յօ լաւիւրտար յօ մա յօ մարմարտար ին
 25 25
 թե՛ ին յօ, լիւրտարտ անո? Ին յաւնարաւոր յեղեր ին յեր
 առա օ թե՛աւ օ լաւիւրտար ին յաւն, յօ ին յօ լիւրտարտ առա յառ յառ
 մարմարտ օ լիւրտարտ աւնտա ին յաւն, լիւրտ օ ին յաւն
 30 30
 մարտար ին յաւն օ լիւրտարտ աւնտա ին յաւն ին յօ լիւրտ օ
 թե՛ ին յա լաւիւրտար օ յնա մարմարտ. Լե՛ յա լիւրտ ին յա մարմարտ
 [ին յա լաւիւրտար], յօ յնա լիւրտ լիւրտ յօ յօ լիւրտարտ լիւրտ; մա
 35 35
 լիւրտ լիւրտարտ լիւրտ, իր Լե՛ լիւրտարտ Լե՛ յա լիւրտ, մար
 յօ լիւրտ լիւրտ; յօ Լե՛ լիւրտարտ Լե՛ յա Լե՛, մար յօ լիւրտ
 40 40
 լիւրտ. Օ յա լիւրտ ին յա լիւրտ լիւրտ; յա լիւրտ ին
 յա լիւրտ լիւրտ լիւրտ; լիւրտ լիւրտ յօ լիւրտարտ լիւրտ լիւրտ, լիւրտ յա լիւրտ ին
 45 45
 յա լիւրտ լիւրտ լիւրտ.

From the owners of the bees these *finés* are due for the persons.

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—

What shall be due from the persons for the bees? If the person has killed the bee while blinding him, or inflicting a wound on him until it reaches bleeding, a proportion of the full meal of *honey equal* to the 'eric'-fine for the wound shall be remitted in the case; the remainder is to be paid by the owner of the bee to the person *injured*.

If the person killed the bee while inflicting a white wound upon him, they (*the fines*) shall be set off against each other.^a

^a Ir. Face
to face.

If the person killed the bee while inflicting a lump-wound on him, four-fifths of the *fine* shall be remitted, and one-fifth paid.

If it was while inflicting a white wound which left a sinew under pain, or green, or swollen, or red, *he killed the bee*, three-fifths of the *fine* are to be remitted, and two-fifths paid.

If it was while inflicting one or two of them (*the wounds*) *he killed the bee*, half one-fifth is to be remitted, and one-fifth paid. X

From the owners of the bees these *finés* are due for the persons, and from the persons for the bees.

What shall be due from the owners of the bees for the animals *injured*, and from the owners of the animals for the bees? If the bee has blinded or killed the animal, what shall be the *fine* for it? The proportion which the hive that is due from the owners of the bees bears to the *fine* for their blinding the person, or which the two hives that are due for their killing him bear to the natural body-fine of the person, is the proportion which the full natural 'dire'-fine of the animal shall bear to that *fine* which shall be due from the bee for blinding or killing it (*the animal*). One-half of what is due for killing it is due for blinding it, or inflicting a death-maim which necessitates the removal of a limb; if there be no removal of a limb, it (*the fine*) is one-half, less half one-fifth, if it be a quadruple animal; or one-half, less the half of one-half, if it be an animal of double. Two-thirds of this are due for a 'cumhal'-maim; one-third for a tent-wound of six 'seds'; and an equivalent of a sixth or seventh part is to be added to it for a tent-wound of seven 'seds,' over and above what shall be due for the tent-wound of six 'seds.'

^b Ir. With.

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Cpet biar o beč i fuiliugað in fuib? In tainmpainne
gabur in trair do mil ata o beč i fuiliugað ipin ceiraiğ
ata uao ina marbað, corub é in tainmpainnoi rin gabur in
epic caeðoa no marbða in fuib in ní biar ó beč ina fuili-
ugað .i. ceðeopa cuicir in tainmpainnoi na enoicbeim, a tri
cuicir na ban beim pacair feið po raeð, no na glar, no na
at, no na derg.

Mar aen no deoa uib, ip da cuicir co leð cuicir. Da
cuicir nanmpainnoi ina ban beim aicenta.

10 O na bečair ata rin ip na robair. Cpet biar o robair
ip na bechair? Ma po marburta in rob in beč ica
caeðað, no ica marbað, no ic perðain cneidi air no co pa
fuiliugað, ip curpma raeða deipic na cneidi do uil pe
lar, ocur a fuil aro o ða rin amach uic do tigeina in beid
15 pe tigeina in fuib.

Mar ac perðain fuiliğði ar in rob po marburta pe in
bech, ip a mbith ağıð in ağıð .i. fuiliugað in fuib ocur
marbað in beid; no dono ðena, in deiðbir atá tiri fuili-
ugað in uaine ocur fuiliugað in fuib corub e in deiðbir
20 rin icter o tigeina in fuib pe tigeina in beich.

Mar ac perðain enoicbeime air, ip cethruimði cuicir do
uil pe lar, ip cuicir uic, in deiðbir.

Mar ac perðain bain beime pacair feið po raeð, no
glar, no at, no derg, ip a tri cuicir do uil pe lar, ip da
25 cuicir uic ipin deiðbir.

Mar ac perðain ain no deoa uib, ip da cuicir cu leit
do uil pe lar, ip da cuicir co leð uic ipin deiðbir.

Mar ac perðain banbeim aicenta air, ip cuicir do uil
pe lar, ocur [ceiðri] cuicir uic ipin deiðbir.

¹ *Two-fifths and a half.*—The MS. E. 3, 5 here reads "two-fifths of a fifth," which is manifestly wrong. Accordingly Dr. O'Donovan substituted "cu léic, and a half" for "cuicir, of a fifth."

² *And four-fifths.*—The Irish for four has here been put in as an emendation needed to make sense.

What shall be *due* from a bee for making the animal bleed? The proportion which the full meal of honey that is *due* from a bee for making a person bleed bears to the hive that is *due* from it for killing him, is the proportion which the 'eric'-fine for blinding or killing the animal bears to that which will be *due* from a bee for making it bleed, i.e. four-fifths is the proportion for its lump-wound, three-fifths for its white wound which leaves a sinew in pain, or green, or swollen, or red.

If it be one or two of them *that are inflicted*, it (*the fine*) is two-fifths and half one-fifth. Two-fifths is the proportion for a natural white wound.

From the *owners of the bees* these *finer* are *due* for the animals. What shall be *due* from the *owners of animals* for the bees? If the animal killed the bee while *in the act of* blinding it, or killing it, or inflicting a wound upon it until it reaches bleeding, a proportion of the 'eric'-fine for the wound equal to a full meal of honey shall be remitted, and the remainder shall be paid by the owner of the bee to the owner of the animal.

If it was while *in the act of* causing the animal to bleed it (*the animal*) killed the bee, they i.e. the bleeding of the animal and the killing of the bee, shall be *set off* against each other; or else, indeed, *according to others*, the difference which is between causing a person to bleed and causing an animal to bleed is the difference that shall be paid by the owner of the animal to the owner of the bee.

If it was while inflicting a lump-wound on it *the bee was killed*, four-fifths shall be remitted, and one-fifth, the difference, paid.

If it was while inflicting a white wound which left a sinew in pain, or green, or swollen, or red, *the bee was killed*, three-fifths shall be remitted, and two-fifths, for the difference, paid.

If *the bee was killed* while inflicting one or two of them (*the wounds*), two-fifths and a half¹ shall be remitted, and two-fifths and a half, for the difference, paid.

If *the bee was killed* while inflicting a natural white wound on it (*the animal*), one fifth shall be remitted, and four-fifths,² for the difference, paid.

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Μα πο βάταρ γαρ῏α῏α ιμ῏α αηη, πο μα πο βάταρ βει῏
ιμ῏α, ιρ εραν῏εϋρ ῏ο ῏εϋρ ce ιη γαρ῏α ο η῏ερηα῏ο ιη πογαίλ ;
οcυρ ο ρα ριη῏ραιτερ, α῏ε μα πο βάταρ ρελβα ιμ῏α ιρην
γαρ῏α ιρην, ιρ εραν῏εϋρ ῏ο ῏εϋρ ορρη co ριη῏ταρ ιη τρελβ
5 ο η῏ερηα῏ο ιη πογαίλ ; οcυρ ο ρα ριη῏ραιτερ, α῏ε μα πο
βάταρ [cepa] ιμ῏α ιρην τρελβ ριη, ιρ εραν῏εϋρ ορρη co
ριη῏ταρ ιη ειρ αιρ῏ι ο η῏ερηα῏ο ιη πογαίλ. Οcυρ ιρ e ρα῏
αρ α η῏ερηα῏ο ριη, ηαραβ ῏ρο῏ ειρ ι ηιηα῏ο ρει῏ceapach,
οcυρ ηαραβ ρει῏ciρ ι ηιηα῏ο ῏ρο῏cepa῏e ; α῏ε cυρ῏b ι ιη ειρ
10 ο η῏ερηα῏ο ιη πογαίλ ῏ε῏ ιρην ciηα῏῏.

Μαρ τρι cοmpραιι πο τρι αηρ῏ς ρειρ῏ι ιη῏ει῏βιρ῏ι ρο
μαρ῏b ιη ῏υιηe ιη βε῏, ραι῏ ριρ ῏ο μιλ αρ ρον αιη῏γιηα, ιρ
ce῏῏ρι ρα῏α αρ ρον ῏ιρe.

Μαρ τρια αηρ῏ς ρειρ῏ι ρει῏῏βιρ῏ι, ραι῏ ριρ ῏ο μιλ αρ ρον
15 αιη῏γιηα, οcυρ ῏α ραι῏ αρ ρον ῏ιρe.

Μαρ τρια ιη῏ει῏βιρe ῏ορ῏βα, ραι῏ ηαμα αρ ρον ηαιη῏-
γιηα.

Ο βε῏αι῏b υρραι῏῏ ατα ριη ι η῏υιηe ; α λε῏ ο βε῏αι῏b ῏εοραι῏῏ ;
α ce῏ηρ῏ιμ῏῏ι ο βε῏αι῏b μ῏ρceαρ῏῏ι ; ηoco ηυίλ ηι ο βε῏αι῏b
20 ῏αιρ, ηο co ρια ο῏ηρ῏ρ ηο αιη῏γιη, οcυρ ο ρο ρια. Ο βε῏αι῏b
υρραι῏῏ ατα ριη ιη ῏υιηe ; α ce῏῏ρι ρε῏῏μα῏ο ο βε῏αι῏b
῏εοραι῏῏ ; ῏α ρε῏῏μα῏ο οcυρ ιη ce῏ηρ῏ιμα ραη῏῏ ῏ec ο βε῏αι῏b
μ῏ρceαρ῏῏ι ; ηoco ηυίλ ηί ο βε῏αι῏b ῏αιρ, ηο co ρια ο῏ηρ῏ρ
ηο αι῏῏γιη, οcυρ ο ρα ρια. Ο βε῏αι῏b υρραι῏῏ ατα ριη ιη
25 ῏οιη ; α λε῏ ο βε῏αι῏b ῏εοραι῏῏ ; α ce῏ηρ῏ιμ῏e ο βε῏αι῏b μ῏ρ-
῏αιρ῏῏ι ; οcυρ ηoco ηυίλ ηι ο βε῏αι῏b ῏αιρ ηο co ρια ο῏ηρ῏ρ
ηο αιη῏γιη, οcυρ ο ρο ρια. Ο βε῏αι῏b υρραι῏῏ ατα ριη ιη

¹ *Many hives.* The Irish word for hives has been put in on conjecture, as necessary to complete the sense.

If there were many gardens, or if there were many bees, THE BOOK OF AICILL.
lots are to be cast *to discover* from which garden the injury was done; and when it shall have been discovered, if there were many possessions in that garden, lots are to be cast on them till the *particular* possession be discovered from which the injury was done; and when it shall have been discovered, if there were many hives¹ in that possession, lots are *to be cast* upon them until the particular hive from which the injury was done shall have been discovered. And the reason why this is done is, that a bad hive may not be *given* in place of a good hive, or that a good hive may not be *given* in place of a bad hive; but that the *very* hive from which the injury was done may go for the injury.

If it was intentionally or inadvertently in unlawful anger the person killed the bee, a man's full meal of honey *shall be given* as compensation, and four full meals as 'dire'-fine.

If it was inadvertently in lawful anger *he killed the bee*, a man's full meal of honey *is given* as compensation, and two full meals as 'dire'-fine.

If it was through unnecessary ~~profit~~ *he killed the bee*, only a full meal *of honey is given* as compensation.

This is *due* from the bees of a native freeman for a person; the half thereof from the bees of a stranger; a fourth of it from the bees of a foreigner; there is nothing *due* from the bees of a 'daer'-person, until it reaches sick maintenance or compensation, or, *according to others*, even when it does. From the bees of a native freeman this is *due* for a person; four-sevenths thereof from the bees of a stranger; two-sevenths and one-fourteenth from the bees of a foreigner; there is nothing *due* from the bees of a 'daer'-person, until it reaches sick maintenance or compensation, or, *according to others*, even when it does. From the bees of a native freeman this is *due* for a cow; the half thereof from the bees of a stranger; a fourth of it from the bees of a foreigner; and there is nothing from the bees of a 'daer'-person until it reaches sick maintenance or compensation, or, *according to others*, even when it does. From the

THE BOOK OF AICILL. ech; ա Լեօ օ ԲեճաՅ Դեօրա՛ծ; ա ԵօԺրայմի՛ Օ ԲեճաՅ մար-
 ճարճի; օսր ոօօ ուՄ ի՛ն Օ ԲեճաՅ Դայր ոօ օօրա օճրար ոօ
 աժիցին, օսր օրա րա. Օ ԲեճաՅ սրրա՛ծ աօ րին; ա ԵօԺ-
 րայմի՛ Օ ԲեճաՅ Դեօրա՛ծ; Լեօ օսր րեճտաօ Օ ԲեճաՅ մար-
 5 ճարճի; օրտ Լեօ օ ԲեճաՅ Դայր.

Ըն ԵօԺրա.

1. մար Ե ԵսնտաԲարտ ին նսաԺաՅ յօ նաԺ սաճաՅ Դօ
 րիցնօ ին մարԲա՛ծ, Իր րօճա նա րելԲաԺ արա ԵարմիլԼեր աօ
 ին Երանօճօր Դօ ճնատ ոօ ին աժիցին յօրա՛տ; օսր մաօ ԻԵ Ե
 10 րօճա ին Երանօճօր, Իր Երաննօճօր Դօ ճօր ԵօԺրայմ, օօ րօրտար ին
 Եօրճայր օրրօ ոօ նա Եօրճայր; օսր մա Դօ րօԺայր օրրօ,
 մա Եաժ րելԲա իմօ Եսն, Իր Երանօճօր Դօ ճօր ար Եաճ րելԲաճ
 ԴօՅ օօ րօրտար ին րելԲաճ ԴօՅ ար Ե Եօրճայր; Իր Երանօճօր Դօ
 [ճօր] ար Եաճ միլ րօ Լե՛ծ ին րելԲ րին, Եր րօրտար ին միլ Երմի
 15 Դօ րիցն ին րօճաՅ; օսր Լան րօ Եսնօ ին միլ րին ԵմաԺ
 Եսն. Օսր Դա մաօ րօրտ Լեօ աժիցին Դօ Եսն Երանօճօր
 յօր.

Մար Ե Ե րօճա ին աժիցին Դօ Եսն Երանօճօր յօր, մար
 Եսն սիԼե աօ ին միլ ԵօԺր օսր ԵօԺրա՛ճ ին միլ րօ մար-
 20 Բա՛ծ Եսն, Իր Երանօճօր Դօ ճօր Եր րօրտար Եա ԴօՅ Դա րօ ին
 աժիցին Դօ ԵմաԺ; օսր ին Ե ԴօՅ Դա րաճնիԼ յօ Եսն աժիցին
 ԵմաԺ; օսր ին Երմ օ Եաճ Երճ, Եսնօճա ին Եսրմա րօ
 րօրրօ Դա ճրելԲ Եսնօն.

Մանա սիլ Ես նօճ ԴօՅ յօր միլ ԵօԺր ոօ ԵօԺրա՛ճ ին
 15 միլ րօ մարԲա՛ծ Եսն, յօ Եսն սիԼե աժիցին ԵմաԺ; օսր Դօնատ
 րեճտաօ Դօ իմ Դսն, օսր Եսն րաօնա իմ Դօն, օսր Դա
 րաօն իմ ԵԺ.

¹ The proportion which would fall on his own property. That is, the other owners pay him the compensation he made in the first instance, except his own portion of it.

bees of a native freeman this is *due* for a horse; half thereof from the bees of a stranger; a fourth of it from the bees of a foreigner; and there is nothing *due* from the bees of a 'daer'-person until it reaches sick maintenance or compensation, or, *according to others*, even when it does. From the bees of a native freeman this is *due*; a fourth thereof from the bees of a stranger; a half and a seventh from the bees of a foreigner; an exact half from the bees of a 'daer'-person.

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—

Injuries in the case of cattle.

That is, if it be doubtful whether it was by them or not by them the killing was committed, the owners who are sued for them have their choice whether they will cast lots or pay compensation; and if the casting of lots be their choice, lots shall be cast between them, that it may be known whether it (*the lot*) falls upon them or falls not; and if it falls upon them, if there be many possessions, lots shall be cast on each proprietor of them, until it is known on which proprietor of them it falls; and lots shall be cast upon each animal separately of that *particular* possession, until the particular animal that did the injury is known; and full *fine* according to the nature of that animal *shall be paid* out for it. And should they prefer to pay compensation without casting lots at all, *they may do so*.

If it be their choice to pay the compensation without casting lots at all, if they have each^a an animal of the same age and quality as the animal that was killed on the occasion,^b lots are to be cast that it may be known by which of them the compensation is to be paid out; and he upon whom it has fallen shall pay the compensation out; and the 'eric'-fine *shall be paid* by each of them *to him*, except the proportion which would fall on his own property.¹

^a Ir. *All*.

^b Ir. *In it*.

If none of them has an animal of the same age and quality as the animal that was killed on the occasion, they all *conjointly* pay the compensation out; and they make seven parts of it *when it is* for a person, and five parts *when* for a cow, and two parts *when* for a horse.

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Marā cinoti conat uatāib do piznet in marbāb, ocup
comat he poḡa na pelbač in naitḡin ; mat pērp leir in
peichemūin toicheḡa in cranḡēur, ȳ cranḡēur do tabairt
do. Ocup cemat he poḡa in peičēman in aitḡin, mar e a
5 poḡa na pelbač in cranḡēur, ȳ cranḡēor do berat.

Cač uair ȳ e a poḡa in cranḡēur, noco neicen cranḡēur
ta ȳr in uatib no nač uatib ; ačt cranḡēur do čur ap
cač pelbač, co pērtar in pelbač tob ar a torčair ; cran-
ḡēur do čur ar cač mil pō leič ana pelb ȳn, cu pērtar in
10 mil airiči do pizne poḡail ; ocup ȳ nī po aicnet in mil ȳn
tic amach ant. No, mat pērp leo aitḡin tic [cen]
cranḡēor ȳr, mat ḡōib arāen in aitḡin ann. Matḡ don
peichemūin toicheḡa aitḡin inoč tic ȳr, uair marā mil
cetcinḡač beič po puačtnaiḡ ȳr, noco biat ačt aḡul por
15 toburoḡo do. Matḡ do na pelbačāib aitḡin inoč do
ḡabail uatib, uair marā mil bičbineč po puačtnaiḡ uatū,
po icfair ȳr ȳr pe taeb naitḡina.

Cač uair ȳ comḡeoin leo arāen in aitḡin tic, ḡenat
pēčt panna ȳ im ḡuine, ocup cuic panna im boin, ocup ta
20 panto im each.

Marā inoille laīn, ocup leiči, ocup aitḡina, ocup im
ḡuine, pēčt panna ar ȳr ; teacht co hinḡilliḡ lečē im ȳr
panna^{ib} aile, ocup comicāt etarȳu ; teat inoilli laīn
ocup inoilli lečē co inoille aitḡina im an pēčtmat pann,
25 ocup comicāt etarȳu.

Marā inoilli laīn ocup inoille lečē pūil ann, icat inoilli
laīn ȳr panna ar ar ȳr, ocup teat co inoilli lečē im
ceičȳr pantoib, ocup comicāt etarȳu.

¹ If it be cattle of full. The manuscript is very defective or corrupt here, and it is not easy to ascertain what sort of cattle is meant by the terms "cattle of full," &c.

omission
supply fr. 336 8

If it be certain that it was by them the killing was committed, it should be the choice of the owners *to pay* the compensation; if the plaintiff prefers the casting of lots, the casting of lots shall be given him. And though the choice of the plaintiff should be the compensation, if the choice of the owners be the casting of lots, they shall have the casting of lots.

Whenever the lot-casting is their choice, it is not necessary to cast lots to know whether it was by them or not by them *the injury was done*; but lots shall be cast upon each owner, that it may be known on which owner of them it falls; lots shall be cast upon each animal separately in his herd, till the particular animal of *them* that did *the* injury is ascertained; and a fine* shall be paid out according to the nature of that animal. Or, if they prefer paying compensation without casting lots at all, *to have* the compensation is good for them both. *It is* good for the plaintiff that full compensation be paid to him, for if it were an animal of first offence that committed the injury, there would be *nothing* but its going in satisfaction *for the injury done* to him. *It is* good for the owners that full compensation be accepted from them, for if it was a wicked beast of theirs that committed the injury, they should pay 'dire'-fine together with compensation.

Whenever they are both mutually satisfied that the compensation should be paid, they make seven parts of it *when* for a person, and five parts *when* for a cow, and two parts *when* for a horse.

If it be cattle of full,¹ and of half, and of compensation *that are concerned*, and for *injuring* a person, seven divisions *are made* at first; *the cattle of full pay three parts*, they come *into shares* with cattle of half for other three parts, and they pay equally between them; the cattle of full and the cattle of half come *into shares* with the cattle of compensation for the seventh part, and they pay equally between them.

If it be cattle of full and cattle of half that are in question, the cattle of full pay three parts out of it at first, and come *into shares* with the cattle of half for *the other* four divisions, and they pay equally between them.

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Μαρά ινωίλλι λαίν οσυρ ινωίλλι αιθγινα uil ann, ικατ
ινωίλλι λαίν ρε ρεῖτματο αρ αρ τυρ, οσυρ τεκατ co ινωίλλι
αιθγινα im an ρεῖτματο ρανν, οσυρ comicat εταρρυ.

= Mil. of 340. 18f.

wmy ↑

Μαρά ινωίλλι λεῖε οσυρ αιθγινα ann, ceiṭru ραννα το
5 denum don αιθγιν; ικατ ινωίλλι λεῖι τρι ρανθα αρ αρ τυρ,
οσυρ τεκατ co ινωίλλι αιθγινα im an ρεῖτματο ρανν, οσυρ
comicat εταρρυ.

Μαρά ινωίλλι λαίν, οσυρ λεῖε, οσυρ αιθγινα, im boin, euic
ραννα το denum don αιθγιν ann; ικατ ινωίλλι λαίν θα
10 ραινθ αρ αρ τυρ, οσυρ τεκατ co ινωίλλιβ λεῖε im θα
ρανθαib αιλε, οσυρ comicat εταρρυ; τεκατ ινωίλλι λαίν
οσυρ ινωίλλι λεῖε cu ινωίλλιβ αιθγινα im in cuiceo ρανθ,
οσυρ comicat εταρρυ.

338. 12f.

Μάρα ινωίλλι λαίν οσυρ ινωίλλι λεῖε, ικατ ινωίλλι λεῖι θα
15 ραινθ αρ αρ τυρ, οσυρ τεκατ co ινωίλλιβ αιθγινα im in
τρερ ρανθ, οσυρ comicat εταρρυ.

338. 12f.

Μαρά ινωίλλι λαίν, οσυρ λεῖι, οσυρ αιθγινα, im ech,
θα ραινθ θαen ραινθ οib ριν; ικατ ινωίλλι λαίν ceṭruimṭi
αρ αρ τυρ; οσυρ τεκατ ινωίλλι λαίν co ινωίλλιβ αιθγινα
20 im λεῖ, οσυρ comicat εταρρυ.

Μαρά ινωίλλι λαίν οσυρ ινωίλλι αιθγινα uil ann, ικατ
ινωίλλι λαίν in λεῖ ατα αρ ρκαῖ οiru αρρ αρ τυρ, οσυρ
τεκατ co ινωίλλιβ αιθγινα im in λεῖ ατα αρ ρκαῖ αιθγινα,
οσυρ comicat εταρρυ.

25 Μάρα ινωίλλι λεῖε, οσυρ αιθγινα uil ανθ, τρι ρανθα το
denum don αιθγιν ανθ; ικατ ινωίλλι λεῖι τριαν αρ αρ τυρ,
οσυρ τεκατ co ινωίλλιβ αιθγινα im θα τριαν, οσυρ comicat
εταρρυ.

¹ Four parts are to be made of the compensation. The MS., E. 3, 5, is either defective or corrupt here, as while stating that four divisions are made of the compensation in this special case, it speaks immediately after of a seventh part, as if the division had been seven-fold.

If it be cattle of full and cattle of compensation that are THE BOOK OF AICILL. in question, the cattle of full pay six-sevenths out of it at first, and they come *into shares* with the cattle of compensation for the *remaining* seventh part, and they pay equally between them.

If it be cattle of half and of compensation *that are* in question, four parts are to be made of the compensation¹; the cattle of half pay three parts out of it at first, and they come *into shares* with the cattle of compensation for the seventh part, and they pay equally between them.

If it be cattle of full, and of half, and of compensation *that are in question*, for *injury* to a cow, five parts are to be made of the compensation then; the cattle of full pay two parts out of it at first, and they come *into shares* with the cattle of half for other two parts, and they pay equally between them; the cattle of full and the cattle of half come *into shares* with the cattle of compensation for the *remaining* fifth part, and they pay equally between them.

If it be cattle of full and cattle of half *that are in question*, the cattle of half pay two parts out of it at first, and they come *into shares* with the cattle of compensation for the third part, and they pay equally between them.

If it be cattle of full, and of half, and of compensation *that are in question*, for *injury* to a horse, two parts are to be made of one part of them; the cattle of full pay one-fourth out of it at first; and the cattle of full come *into shares* with the cattle of compensation for *another half part*, and they pay *it* equally between them.

If it be cattle of full and cattle of compensation that are in question, the cattle of full pay the half which is for 'dire'-fine out of it at first, and they come *into shares* with the cattle of compensation for the half which is for compensation, and they pay equally between them.

If it be cattle of half, and of compensation, that are in question, three parts are to be made of the compensation in the case; the cattle of half pay one-third out of it at first, and they come *into shares* with the cattle of compensation for two-thirds, and they pay equally between them.

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— Anmanno a fuil dūri ocup aithgin rin; ocup mara an-
manno imda rin rmacht ocup aithgin, aēt ma tait ceitū
cuthumair na aithgina do rmacēt, ir aratu tpeoit ceāp-
da; mara cuthumair a rmacēta ocup an aithgin, ir aratu
tpeoit diabulda.

Marā mo a rmacēt ana in aithgin, ocup ni fuilēt ceitū
cuthumair na haithgina do rmacēt ano, no mara mo anait
ceitū cuthumair na haithgina uil ann, in tainmpainde
geiber in aithgin [1] rmacēt ocup an aithgin, corub ē in
tainmpainde hirin ber acut ar inuillib aithgina; ocup a
fuil ano o ēa rin amad a roino ar do; a leē vic dūnuillib
lāin ar ar tur; tecaite inuilli lāin co hinuillib leiēi im leē,
ocup comicāt etarpu. Tecaite inuilli lāin ocup inuilli
leiēi co hinuillib aithgina im in raiino ata ar peaē aith-
gina, ocup comicāt etarpu.

Ma ta felbaē bo imda ann, ocup felbaē aen bo; ma
peaē a dēir per na mbo imda na leicpea i cuibduir cuici
per na haen bo, ocup tarḡaro per na haen bo tādētān a
cuibduir, (ocup) noco nupailenn oligēō ar per na mbo imda
a lecoo a cuibduir ēuici, manab ail do buōēin; aēt icao
per na aen bo cuthuma pe per na mbo imda.

Ma leiciō per na mbo imda a cuibduir ēuici per na
haen bo, inṡpeogāt let co bpeitēamān dā fir cūnoar icpait.
Ireo a dēir bpeitēam: noco nicanān per na haen bo aēt
cuthuma pe haen boin a comaicinta ac fir na mbo imda.

Marā inuile lāin, ocup leiēi, ocup aithgina, ac marbaō
in arcon anraicē, ceitū ranna do venum don aithgin ann;
ceithumitēi ocup oētmaro vic dūnuillib lāin ar ar tur, ocup
tecaite inuilli lāin co hinuillib leiēi im ceithumitēi ocup im

¹ 'Anraith' poet.—'Anruth, nomen secundi gradus poetarum.'—Cormac's Glossary.

These are animals for which there is 'dire'-fine and compensation; and if they be animals for which there is 'smacht'-fine and compensation, if the 'smacht'-fine be four times the amount of the compensation, they are disposed of like 'seds' of quadruple;^a if their 'smacht'-fine and their compensation be equal, they are disposed of like 'seds' of double.

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many/

^a Ir. They are gradations of 'seds' of quadruple.

If their 'smacht'-fine be greater than the compensation, and the 'smacht'-fine is not four times the compensation in the case, or if more than four times the compensation is in question, the proportion which the compensation bears to the 'smacht'-fine and the compensation, is the proportion to be paid^b for cattle of compensation; and what there is from that out is to be divided in two; the cattle of full pay half out of it at first; and the cattle of full come into shares with cattle of half for the other half, and they pay equally between them. Cattle of full and cattle of half come into shares with cattle of compensation for the part which is for compensation, and they pay equally between them.

^b Ir. With thee.

If there be an owner of many cows, and an owner of one cow; if what the owner of the many cows says is, that he will not permit the owner of the one cow to come into shares with him, and the owner of the one cow offers to come into shares with him, and the law does not compel the owner of the many cows to allow him to come into shares with him, unless he likes it himself; but the owner of the one cow shall pay as much as the owner of the many cows.

If the owner of the many cows permits the owner of the one cow to come into shares with him, they shall proceed^c to a Brehon to know how they shall pay. What the Brehon says is:—"The owner of one cow pays only a portion equal to that of any one cow of the same nature with her which the owner of the many cows has."

^c Ir. Go with you.

If it be a case of cattle of full, and of half, and of compensation together, killing the chained dog of the 'anraith'-peet,¹ the compensation in the case is to be divided into four parts; the cattle of full pay the fourth and the eighth out of it at first, and the cattle of full come into shares with the cattle of half for one-

22

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OF
AICILL.

oċtmao, ocup im comícat etarpu, Tecait inoille lain.
ocup inoille leċe co inoillib aithgína im an cethraman
ata ar rcaċ aithgína, ocup comícat etarpu.

3
Mara inoile lain ocup inoillí leċe, ícat inoille lain
5 cethruimċí ocup oċtmao ar ar tur, ocup tecait co inoillib
leċe im leíċ ocup im reċtmaċ, ocup comícat etarpu.

for .uili. mael

Mara inoillí lain ocup aithgína uil ann, ícat inoillí láin
teopa cethruimċí ar ar tur, ocup tecait co inoillib aith-
gína im in cethruimċí ata ar rcaċ aithgína, ocup comícat
10 etarpu.

Mara inoile leċe, ocup aithgína uil ann, cuic panna do
denam don naithgín ann; ícat inoile leċe trí panna ar ar
tur, ocup tecait co inoillib aithgína im do pannaib, ocup
comícat etarpu.

cf. O'Don. 1293

15 Oilep i norbreċaib.

1. geibio gneim ime ocup epcapre pe pep neolaċ cruċí
ocup reċtar cruċí do gnep, cío ar porpnot cío ar
ppimnot, cío glan cío paláċ ppimnot, can ní ino co bar,
na íar mbar.

20 Nocu geibenn gneim ime na epcapre ppi pep naneolaċ
cruċí na reċtar cruċhe do gnep, ar ppimnot na ar por-
pnot, mara paláċ ppimnot, cío glan cío paláċ porpnot; no
por ppimnot air buċein, cío paláċ cío glan; geibio im-
uppo por porpnot, mara glan ppimnot; ocup ma do ċuair
25 por porpnot, ocup glan ppimnot, pep teite oí not ar reir
imteċta, plan acċ ní eple ainim de, plan he co bar, ocup
trian ino íar mbar.

fourth and one-eighth, and they pay *it* equally between them. THE BOOK OF AICILL.
 The cattle of full and the cattle of half come *into shares* with the cattle of compensation for the one-fourth which is for compensation, and they pay *it* equally between them.

If it be cattle of full and cattle of half *that are in question*, the cattle of full pay one-fourth and one-eighth out of it at first, and they come *into shares* with the cattle of half for one-half and one-eighth, and they pay *it* equally between them.

If it be cattle of full and *cattle* of compensation, that are in question,* the cattle of full pay three-fourths out of it at first, and they come *into shares* with the cattle of restitution for the fourth which is for compensation, and they pay *it* equally between them. * Ir. In it.

If it be cattle of half, and of compensation, that are in question,* the compensation is to be divided into five parts then; the cattle of half pay three parts out of it at first, and they come *into shares* with the cattle of compensation for two parts, and they pay equally between them.

What is lawful in deer judgments.

That is, fence and notice always take effect against a person having a knowledge of the territory and of the *parts* outside of the territory, whether upon a bye-road or a high-road, whether the high-road be clean or dirty, *and* there is no fine^b for it until death, or after death.

^b Ir. Thing.

Neither fence nor notice takes effect at any time against a man who has no knowledge of the territory or of the *parts* outside of the territory, upon a high-road or upon a bye-road, if the high-road be dirty, whether the bye-road be clean or dirty; nor upon the high-road itself, whether dirty or clean; it takes effect, however, upon a bye-road, if the high-road be clean; and if he went upon the bye-road, the high-road being clean (*i.e. if a man goes off the road through fatigue in travelling*), *there is exemption for injuries to him*, but so as his life be not lost—exemption until death, but there is *only* one-third *penalty* for him after death.

* *The sword must be exactly like
 a steel sword? Translating as sword must be (or dar?) set
 compare to some.*

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 AICILL.

Aneolaë in ouine pur ar foglao ano, ocur ime ocur er-
 caire uil ann; ocur reired into a oualgur aneolur, ocur
 reired aile a oualgur nemcluinrin na ercaire; conao
 trian in lan oure la aithgin on cui-
 ãig eteëta, no trian na aithgina on cuiãig cuëaire
 teëta.

*

Ac bail ata, atbail peon, trian oure ar anpaët; eplio
 uao annrin. Trian oure irin naumoupaato do pine teët
 oar ime a ceile, manab oar pet conaire no ceime. Manab
 10 oar pet conaire .i. in prumrot no ceime, baile i ceimniãenn
 caë irin n[ë]aie, uair noco neplenn uao ano rin. Ime cen
 ercaire uil ann, ocur aneolaë in ouine pur ar foglao ann;
 ocur leë into cu barr a oualgur aneolair, cona oar trian
 into iar mbar. Ocur noco gabar in trian tuar into, aët a
 15 gabar on reireë ra; aët aithail ata in reireë runo iar
 mbar a oualgur a aneolair, coir ce na beë reired aile into
 a oualgur nemcloirtechta na hercaire; conao amlaro
 rin ir trian iar mbar. Trian in lan oure ro imurro on
 bir aipnil, no oar trian in leë oure on cuiãig cuëaire
 20 eteëta, no oar trian na aithgina on cuëaire teëta; lan
 oure pe taeb aithgina on bir aipnil a paie, cen ime cen
 ercaire, ero im boin ero im eë. Cen ercaire, ocur ma ta
 ime, ir leë oure la aithgin; ma taë mar den, ime ocur
 ercaire, ir lan.

*ime cuë
 q. 452.1*

sing.

25 Mara bir aipnil iou paie ocur oupaio, ceëruimëi oure
 pe taeb aithgina ann im ouine, ocur trian oure pe taeb
 aithgina im boin, ocur oar trian oure pe taeb aithgina

¹ *If it was not in his direct path. That is, such is the rule if the fence be not in
 his direct path, i.e. because his death is not the direct, immediate result of the pit-
 fall; i.e. he was himself guilty of contributory negligence.*

In this case the person who was injured has no knowledge THE BOOK OF AICILL. of the territory, and it is a case of "fence and notice": and there is one-sixth 'dire'-fine for him through his want of knowledge, and another sixth on account of not having heard the notice; so that there is one-third for him after death. *There is one-third of the full 'dire'-fine with compensation from the owner of the unlawful pitfall, or one-third of the compensation from the hunter who owns the lawful pitfall.^a*

Where it is said "~~he died~~, one-third of 'dire'-fine for illegality;" ~~he died of it then~~. One-third of 'dire'-fine is *due* for the illegality which he committed *in coming over the fence of his neighbour, if it was not in his direct path or in his way. If it was not in his direct path,¹ i.e. in the chief road or path where all walk in the green, for he does not die from it then. There is a fence but no notice in the case then, and the person who was injured had no knowledge of the territory, and there is one-half 'dire'-fine for him until death, on account of his want of knowledge, so that two-thirds are paid for him after death. And the third above mentioned is not found in it (the book), but is inferred from this sixth; for, as there is the sixth here after death on account of his want of knowledge, it is right that there should be another sixth on account of his not having heard the notice; so that in this way it (the 'dire'-fine) is one-third after death. Now, one-third of this 'dire'-fine is paid for the set-spear, or two-thirds of the half 'dire'-fine for the pitfall of the unlawful hunter, or two-thirds of compensation for the pitfall of the lawful hunter; full 'dire'-fine with compensation for the set-spear in a green, without a fence, without notice, whether for injury to a cow or for a horse. This is when there is no^b notice, and if there be a fence, it (the penalty) is half 'dire'-fine with compensation; if there be both, a fence and notice, it is a case of exemption.*

If it be a case of a set-spear between a green and a wild place, one-fourth of 'dire'-fine with compensation is due in the case for injury to a person, and one-third of 'dire'-fine with compensation for a cow, and two-thirds of 'dire'-fine

^a Ir. The pitfall of the lawful hunter.

all wrong.

penalty

in that case

^b Ir. Without.

THE BOOK 1m eč. Cen ime cen ercaire rin, ocyr ma ta ime, 1p leč
OF
AIGILL. cacha painoi; ma tait map aen, ime ocyr ercairi, irlan.

Mapa bir airuil 1 pleib no 1 noiraino, ceſpaimči na
ceſpaimči oiri la taeb naitſina ano im ouine, trian in
5 trian oire pe taeb naitſina ano im boin, ocyr da trian in
da trian oiri pe taeb naitſina ann im eč. Cen ime cen
ercaire atá rin; ocyr ma ta ime, 1p leč cača painoi; ma
tait map aen, ime ocyr ercaire, irlan. Leč oiri la taeb
naitſina on cuičig cučaire tečta 1 paiche, cen ime cen
10 ercairi, ciro im boin, ciro im eč, ciro im ouine. Ma tait
map aen, ime ocyr ercaire, irlan.

Mapa cuičhe cučaire tečta 1 pleib no 1 noiraino, ceſ-
paimči naitſina ann im ouine, ocyr trian naitſina im
boin, ocyr da trian naitſina ann im eč, cen ime cen
15 ercaire; ocyr ma ta ime, 1p leč cača painoi; ma tait map
aen, ime ocyr ercaire, irlan.

Aitſin on cuičig cučaire tečta 1 paiche, cen ime cen
ercaire, ciro im boin, ciro im ouine, ciro im eč. Cen ime cen
ercaire rin. Ma ta ime, 1p leč cacha painoe; ma tait
20 map aen, ime ocyr ercairi, irlan.

Mapa cuičig cučaire tečta 1 oiri pači ocyr oiraino,
ceſpaimči aitſina ano im ouine, ocyr trian naitſina im
eač. Cen ime cen ercairi ata rin; ocyr ma ta ime, 1p leč
cača painoe. Ma tait map aen, ime ocyr ercairi, irlan.

25 Mapa cuičig cučaire tečta 1 pleib no noiraino, ceſpaimči
na ceſpaimči aitſina im ouine ann, ocyr trian in trian
naitſina ann im boin, ocyr da trian in da trian im eč.

with compensation for a horse. This is the case when there is neither a fence nor notice, but if there be a fence, it (the penalty) is half of each before mentioned portion; if there be both, a fence and notice, there is exemption.

If it be a case of a set-spear in a mountain or in a wild place, there is a penalty of one-fourth of the one-fourth of 'dire'-fine with compensation for injury to a person in the case, one-third of the third of 'dire'-fine with compensation for a cow, and two-thirds of the two-thirds of 'dire'-fine with compensation for a horse. This is the rule when there is neither fence nor notice; but if there be a fence, it (the penalty) is half of each portion; if there be both, a fence and notice, there is exemption. Half 'dire'-fine with compensation is payable for the pitfall of the unlawful hunter in a green, without a fence without notice, whether for injury to a cow, or for a horse, or for a person. If there be both, a fence and notice, there is exemption.

If it be a pitfall of an unlawful hunter in a mountain or in a wild place, one-fourth of compensation is due for injury to a person in the case, and one-third of compensation for a cow, and two-thirds of compensation for a horse, when there is neither fence nor notice;^a but if there be a fence, it (the penalty) is half of each portion; if there be both, a fence and notice, there is exemption.

^a Ir. Without fence, without notice.

Compensation is due from the pitfall of the lawful hunter in a green, without fence or notice, whether for injury to a cow, or for a person, or for a horse. This is when there is neither fence nor notice. If there be a fence, it is half of each division; if there be both, a fence and notice, there is exemption.

If it be a pitfall of a lawful hunter between a green and a wild place, there is one-fourth of compensation payable for injury to a person in the case, and one-third of compensation for injury to a horse. This is when there is neither fence nor notice; but, if there be a fence, it (the penalty) is half of each portion before mentioned. If there be both, a fence and notice, there is exemption.

If it be a pitfall of a lawful hunter in a mountain or wild place, a fourth of the fourth of compensation is due then for a person injured, and a third of the third of compensation for a cow, and two-thirds of the two-thirds for a horse.

THE BOOK OF ARCHIL. Cen ime cen ercaipir atā rin; ir mā tā ime ocup ercaipre, 17 lan; uair nocu neicen imme cun cūcāipir tēcā 1 rleib no 1 nōiraino. Ocup ir ē aen inatō 1 ngeibenn grēim ercaipre 1 neemair imme; uair zeibis grēim ime 1 neemair ercaipre, 5 ocup nī zeibenn ercaipre 1 neemair ime.

‘Oo gabar in lan uil uatēib 1 pācī; ocup noco nagabar in lan uil uatēib uil, itir pācēcī ocup tōiraino, nō 1 rleib, nō 1 nōiraino atā, aēc ā gabaril on cuiēi cūcāipir tēcācā.

Canar ā ngabar tēora cēpūimēi tōir atā on bīr aipnīl 10 itir pācēcī ocup tōiraino im tūine? Ir ar gabair, on cuiēi cūcāipre tēcācā 1 pācī; uair tūi cumalā tōire ocup cumal atēgīnā atā uatēi itir pācī im tūine, ir ē ā cēpūimēi rin in cumal atā uatēi itir pācī ocup tōiraino im tūine; coir nō tōirōe, uair ir lan tōir uil on bīr aipnīl ā pācī 16 im tūine, cemāc cēpūimēi tōir tō beic ātō itir pācī ocup tōiraino im tūine.

Canar ā ngabar in tūian tōir uil on bīr aipnīl itir pācī ocup tōiraino im boin? Ir ar gabair, on cuiēi tēcācā tāl 1 pācī; uair tā bā tōir ocup bō atēgīnā atā uatēi 20 tāl 1 pācī im boin. Ir ē ā tūian rin in bō atēgīnā atā uatēi itir pācī ocup tōiraino im boin; coir nō tōirōe, uair ir lan atā o bīr aipnīl 1 pācī in bō, cemāc tūian tō beic ātō itir pācī ocup tōiraino im boin.

Canar ā ngabar in tā tūian tōir atā o bīr aipnīl itir 25 pācī ocup tōiraino im ēc? Ir ar gabair, on cuiēi cūcāipir

¹ But if there be a fence and notice.—The Irish for “a fence and” must have been introduced into the MS. by the mistake of a copyist, as appears from the next clause.

This is *the case* when there is neither fence nor notice; but if there be a fence and notice,¹ there is exemption; for a fence is not necessary in the case of the lawful hunter in a mountain or a wild place. And it is the only instance in which notice takes effect without a fence; for a fence takes effect without notice, but notice does not take effect without a fence.

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—

The full *fine* which is *due* from them in a green is found in *law books*; but the full *fine* which is *due* from them all, between a green and a wild-place, or in a mountain, or in a wild-place, is not found, but is inferred from the pitfall of the unlawful hunter.

Whence is it derived that three-quarters of 'dire'-fine are *due* from the owner of the set-spear when between a green and a wild-place for *injury* to a person? It is derived from the rule respecting the pitfall of an unlawful hunter in a green; for it is three 'cumhals' of 'dire'-fine, and one 'cumhal' of compensation that are *due* from the owner of it in a green for *injury* to a person, the fourth of that is the 'cumhal' which is *due* from it when between a green and a wild-place for *injury* to a person; it is right from this, that as it is full 'dire'-fine that is *due* from the owner of the set-spear in a green for *injury* to a person, it is the fourth of 'dire'-fine that should be *due* from it between a green and a wild-place for *injury* to a person.

Whence is it derived that the third of 'dire'-fine is *due* from the owner of the set-spear when between a green and a wild-place for *injury* to a cow? It is derived from the rule respecting the unlawful pitfall within the green; for it is two cows of 'dire'-fine and one cow of compensation that are *due* on account of it when within the green. The third of that is the cow of compensation that is *due* on account of it when between a green and a wild-place for *injury* to a cow; it is right therefore, that as full *fine* is *due* from the owner of the set-spear in a green for *injury* to a cow, it is a third of it that should be *due* from the owner of it (the set-spear) when between a green and a wild-place for *injury* to a cow.

Whence are derived the two-thirds of 'dire'-fine that are *due* from the owner of the set-spear when between a green and a wild-place for *injury* to a horse? They are derived from

THE BOOK OF AICILL. etechta t'all a faiči, uair capall aithgina ocyr capall
 diabla ata uaiči tall 1 faiči im eč; a da tpuan rin in
 capall aithgina ata uaiči iur faiči ocyr tpuanno im eč;
 coir no tpeirpe, uair lan tpu ata on bir airnol 1 faiči im
 eč, cema d'a tpuan tpu do beič uao iur faiči ocyr tpuanno
 im each.

Ma pa uaine aile po čuiputar in uaine tpuell a airnol,
 ačt ma e in tpuo a tubairt pep bunaro pur a tpuell po
 inuillpum he, no inao ip comoligteč pur, ip a comic tpuib
 10 ineich olegar ann.

Ma pa oligteču in tpuo ar inuillpum iná in tpuo a
 tubaro pur, in eutpuma pcurip a oligteč tpuum de eutpud
 de pcurip pcurip.

Ma puc in piao leip in cep no in cuiči ar a inao, ip lan
 C. 1643. 15 po aicneč in inao in po milleo [in cuiči] tic ino; no,
 cumao lan po aicneč in inao in po poglač.

Da čuiči cučairu ačpexčar; cučairu tečta ocyr cuč-
 airu etechta.

In cučaire tečta; n čic čuici ačt in piao žairmeap,
 C. 1642. 20 ocyr tic rin on tpač co paila. Ma ipin [čuiči] cučairu

C. 1642. tečta po poglač [purin opp], ip inann ocyr do neč in mil
 céet cintoč im aithgin. No dono cema, co pcuripao mepačt
 a cučaire leč de, amail pcurip mepačt a hepma leč
 don eč, ocyr coonač do n1 a tapcuo map aen.

C. 1642. 25 In cuičig [cučaire] etechta; ip eutpuma čic čuici in piao
 žairmer ocyr in piao na žairmenn.

Ma ac tiačtan ar amur na cuičhe tečta po pogail in
 piao, ip inann ocyr po poglač inoti.

¹ In which it was damaged. This seems to mean, the place in which the trap was placed when it was damaged, i.e. broken or removed by the deer.

the rule respecting the pitfall of the unlawful hunter within the green, for it is a horse of restitution and a horse of double that are paid by the owner of it when within the green for injury to a steed; the two-thirds of these is the horse of restitution that is due from the owner of it when between a green and a wild-place, for injury to a steed; hence it is right, that as there is full 'dire'-fine from the owner of the set-spear in a green for injury to a steed, two-thirds of 'dire'-fine should be paid by the owner of it when between a green and a wild-place, for injury to a steed.

If it was another person the man sent to set his trap, and if he set it in the place where the owner desired him to set it, or in an equally lawful place, they (*the owner and setter*) shall pay equally what is incurred on account of it.

If the place where he set *the trap* is more lawful than the place where he was told to *set it*, the portion of *fine* which its *more lawful position*^a takes off him is taken off himself^a *Ir. Law only.*

If the deer has carried off the stock or the trap out of its place, full *fine* is to be paid for it according to the nature of the place in which the trap was injured; or, *according to others*, it may be full *fine* according to the nature of the place in which it was damaged.¹

Two traps of hunters are taken into consideration; *those of the lawful hunter, and of the unlawful hunter.*

As to the lawful hunter; there comes not to him but the deer which he rouses, and it comes from one time to another. If it was in the pitfall of the lawful hunter the injury was done by the deer, it is the same as if an animal of first trespass did it, as regards compensation. Or indeed, according to others, the excitement of being hunted takes half off it, just as the excitement of its being ridden takes half off the horse, when^b it is a sensible adult that excites both.

^bIr. And.

As to the pitfall of the unlawful hunter; the deer which he rouses and the deer which he does not rouse come equally to him.

If it is in coming towards the lawful pitfall the deer has done the injury, it is the same as if he had done the injury in it (*the pitfall*).

THE BOOK OF AICILL. Mar ac tiaeṣṣain ap amur na cuiṣi eṣeṣṣa, ipaer per na cuiṣe ap a cintuib, no co raib na cuiṣe; ocur o biaṣ, ip lan po aiened na cuiṣe oic ano.

C. 1643. In uine tainic do ǵait in pīāḁa ap in cuiṣiḡ, ip lan oṣip
5 na cuiṣe cia poḡlaḁ in [pīao no in] cuiṣec pīr; ocur oia-
blaḁ poḁa inoṣaici, ocur enecclann oic do pe per na
cuiṣe.

foḡlaidh C. 1643

C. 1643. Mar ap tarann po poḡlaḁ [in pīao] aṣṣ ma tar[ṣ]ur he,
ip inano ocur do neiḁ mil leṣ cintoach ap inḡilṣ, im leṣ oic,
10 ocur mepaṣṣ a taranno pēuiper leṣ de. Mana tarur ṣip,
ip lan can in oic ano.

C. 1644 (B). V 456.21
162.27.
C. 1966.

Andorun oipe tpeib oipe.

1. aen enecclann dec aithreḡṣṣar ann; enecclann oṣip in
ṣiḡe, ocur enecclann oṣip in tpeoit, ocur enecclann oṣip nā
15 lepṣa, ocur enecclann don ṣi oar eirced in lepḁ, ocur ene-
clann do caḁ tairēḁ do na pēṣṣ tairēḁaib ṣam ip uairṣi
tainic ap ṣampraḁ ap amur in ṣiḡi; ocur in naenmaḁ pānn
pichit do caḁ enecclann oib oṣip in ṣiḡi, cenmoṣa per in
tpeoit, ocur pēar in pēoit ocur per na lepṣa; ocur lepḁ
20 oilep uil aici ann, uair mun buḁ eḁ do biaḁ nī uao. Ocur ip
ap ḡabair; in naenmaḁ pānn pichit caḁ enecclann oib oṣip
in ṣiḡe. Deṣṣ de pēṣ ḡabla ap muin oṣip do caḁ tairṣpēb, .i.
bpeithemnaḡṣṣer pēṣ do ḡablaḡaḁ poṣ muin a enecclann
don ṣi pīr in toltanaḁ biṣ ina tpeb; in pīn in aenmaḁ
25 pānn pichit enecclann o caḁ pīr oibpūm oṣip in ṣiḡi, cen-
moṣa per in tpeoit. Ip ap ḡabair a beir co moṣpēpēar
ina tuṣopḡṣain enoac enḡe, [.i.] arpen/enecclann caḁa pīam- [art]

na C. 1645 (B.)

Sic.

ma tuṣopḡṣain ennoic
enḡe Q. [C. 1644]

¹ A beast of half trespass.—C. 1643 has “a beast of first trespass.”

² And that of the owner of the ‘sed.’—C. 1644 reads here, “uair maḁ eirpē oṣip
ḡor do a pēṣ do ǵait uao cin co raib nī uao; for if it be he, it is enough for
him that his ‘sed’ has been stolen from him, without anything being paid by him.”

³ And that of the owner of the ‘sed.’—The Irish for this phrase in the MS. must
have been repeated by a mistake of some copyist. It contradicts line 25 of page
460, and seems to have no meaning.

⁴ A blameless theft.—That is, it would appear a theft for which the owner of the
house was not in any way to blame.

4. 164. 25

If it is in coming towards the unlawful pitfall *he did the injury*, the owner of the pitfall is exempt from *liability* for its trespasses, until it is in his pitfall; and when it is, full *fine* according to the nature of the pitfall shall be paid for it. THE BOOK
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As to the person who came to steal the deer out of the pitfall, the owner of the pitfall is exempt from *liability*, though the deer or the pitfall should injure him; and double the worth of the flesh, and honor-price, are to be paid by him to the owner of the pitfall.

If it is while being chased the deer did the injury, and if it be caught, it is the same as if a beast of half trespass¹ while grazing had done it, as regards paying half *fine*, and the excitement of its being chased takes half off it. If it be not caught at all, there is exemption from paying anything for it.

The 'dire'-fine for *stealing from* a house is a difficult 'dire'-fine.

That is, eleven honor-prices are considered in it, *viz.*, honor-price to the owner of the house, and honor-price to the owner of the 'sed', and honor-price to the owner of the bed, and honor-price to the person to whom the bed was *given*, and honor-price to each chief of the seven noblest chiefs of companies who came on a visit to the house; and the one and twentieth part of each honor-price of them *is due* to the owner of the house, except *he be* the owner of the 'sed,'² and *that of* the owner of the 'sed,'³ and *that of* the owner of the bed; and it is *his own bed* that he has in this case, for if it were not there would be part^a of the honor-price *due* from him. And ^a*Ir. A thing.* hence is derived; "the one-and-twentieth part of each honor-price of them *is due* to the owner of the house." There is taken from him (*the thief*) a 'sed-gabhla'-heifer in addition to 'dire'-fine for each person willing to remain in his (*the owner's*) house, i.e. there is adjudged to the person who is willing to remain^b with him in his house, a 'sed-gabhla'-heifer, along ^b*Ir. To be.* with his honor-price; and this is the one-and-twentieth part of his honor-price from each man of them to the owner of the house, except the owner of the 'sed.' Its being *extended* to seven persons is inferred from its being a blameless theft,^c i.e., the honor-price of each chief person that is in the ban-

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^x fona. vii. cumalait

C. 1644.

f. 406

peirran ar a mrocairto co ruici moirpeirer; ocur ma tait
ní ír lía ná rin do tairéaib daim ar in daimru, ír tairé-
tain doib^x ron reēt neneclainne^x ocur rairnoit eapru po
comairtoí no po leīē airtoí. [Ocur] in eutpuma daim ná
5 fuil⁵ don po roich do each daine oib ron, a leē do buōein,
ocur a leē dā daim; ocur do neoē ná fuil dā daim ina
parpato, ír eirium berir a cuiriz, dāiz ír e po icpat a cuiriz
trebtoire.

f. 164.

C. 1645. 10. 1. min or mino do greā, [cuirter co tēora para pu-
baill bī] 7rē. *mind ar mind do greā C. 1645*

C. 1645. 15. Cio fōdera co fuil in aenmaō rann rīchit dā eneclainn
o caē rir oib ron rōir in tīzī cenmoēa fer in tēoit? .1. a
dualgur rir in tīzī ata ní doibrium; [ocur] ír eo fōdera in
15 aenmaō rann rīchit dā eneclainn o caē rir oib rōir in
tīzī; ocur nocon a dualgur rir in tīzī ata ní rōir in tēoit,
aētmā a dualgur a tēoit buōein; ocur íreo fōdera can
ní uao rōir in tīzī.

C. 1645. 20. Ocur lēpat rir no eirceō do clīamain, no tu r[r]uātrūē,
no do daine airūē; ocur mun buō eō, noco bīao ní ano aē-
tmā do rōir .1. rōir in tīzī, ocur rōir ná lēptā, no rōir in
tēoit.

C. 1647 (a)

Ní bī caīēē nach cuirtech.

.1. in pet coitcenn foraintoí; rlan don daine a cuir fein
25 do caīēm de, cio pe deitbiruair cio pe inoitbiruair, cīa po
bī in fer aile 1 baile 1 roirpo im cocap cen co raibī; aēē
aitghin ineich ír efbaoāē tpe ná roino a hie do rir in fer
aile. Aēē ná caīēā cuiriz in rir aile, ocur dā caīēā, ír

¹ If thy horses are removed from the hill of meeting, &c.—This is Dr. O'Donovan's revised translation of this very obscure phrase.—Vide "Senchus Mor," vol. i., p. 165.

² Or of the owner of the 'sed.'—C. 1645 has some more paragraphs relating to this subject, which appear to be misplaced. They are rather fragmentary, and from defects in the MS. are very obscure.

quet-house until it reaches seven persons shall be paid; and if there are more than this *number* of chiefs of companies at the banquet, they come under the seventh of honor-price, and they divide it between them equally or unequally. And *as to* the part that is for the company; of that which comes to each of them, the half is for himself, and the half for his company; and as to the person who has no company with him, it is he that shall have their share, for it is he that would pay their share of the house 'dire'-fine.

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Or indeed, *according to some* it is *extended* only to three persons; and this is inferred from; "If thy horses are removed from the hill of meeting,¹ it is put to the three best chiefs of the pavilion," &c.

What is the reason that the one-and-twentieth part of his honor-price is *due* to the owner of the house from each man of these except the owner of the *stolen* 'sed'? That is, it is in right of the owner of the house that anything is *due* to them; and this is the reason that the one-and-twentieth part of his honor-price is *due* from each man of them to the owner of the house; but it is not in right of the owner of the house that anything is *due* to the owner of the *stolen* 'sed', but in right of his own 'sed'; and this is the reason why nothing is *due* from him to the owner of the house.

And that bed *above referred to* was given to a son-in-law, or to a soldier, or to a particular person; and if it were not, there would be nothing *due* for it except to two persons, viz., to the owner of the house, and to the owner of the bed, or, *according to others*, to the owner of the 'sed'.²

~~No one should be a spender who is not a sharer.~~

That is, *as to* the common easily divisible 'sed'; a person is exempt in spending his own share of it, whether with necessity or without necessity, whether the joint-owner^a was at a place where he could have come to him to consult him or whether he was not; but the compensation for whatever is deficient in consequence of dividing it is to be paid by him to the joint-owner.^a He must not, however, spend the share of the joint-owner,^a and should he spend it, it is to

^a Ir. *The other man.*

THE BOOK OF AICHEL. α αἰνυε υἱο co lan քիճան չաւի, աճ mun bu Ծուռե լիցիւր
 5 քիբե՛ ռո չաճան ռա ճիւլե he; օսւր մար ԵՍ, քլան ռո α եւի՛
 աւի քե քե in քիւչ.

1n քեւ ԵՍԵԵՆՆ ռօքանոյ; քլան ռոն Ծուռե α ճիւլ քեւ ռո
 5 ԵՍԵՆՆ ռե քե ռեւիճիւր, օսւր ու քաւի in քեւ աւե 1 ԵՍԵՆՆ 1
 C. 1648. քոյրեւ im ԵՍԵՆՆ; [no ԵՍ քո ԵՍ, օսւր քո քիաքաւ ռե, քլ քլան
 ռո]; աճ աւից in քեւ քլ քիաքաւ ռե քիա քա քոյրեւ ռե ռո
 քիւր in քեւ աւե, ԵՍ քիճ չաւե.

Մար քե in քեւիւր քո ԵՍԵՆՆ քե in քեւ, ԵՍ քո ԵՍ
 10 in քեւ աւե 1 ԵՍԵՆՆ 1 քոյրեւ im ԵՍԵՆՆ ԵՍ քո քոյրեւ, no ԵՍ քե
 ռեւիճիւր, մա քո ԵՍ in քեւ աւե 1 ԵՍԵՆՆ 1 քոյրեւ im ԵՍԵՆՆ,
 օսւր ու քեւ, քլ աւից in քեւ քլ քիաքաւ ռե քիա քա քոյրեւ
 ռե ռո, co lan քիճան չաւի քիւր in քեւ աւե. օսւր ուր ԵՍԵՆՆ
 15 ԵՍԵՆՆ in քիւ [աւե] ann քիւ; օսւր մա քո ԵՍԵՆՆ, քլ α αἰնու
 ԵՍԵՆՆ co lan քիճան չաւի.

1ք ԵՍ քեւ ԵՍԵՆՆ ռօքանոյ ann, ռեւե ռո եւիւլ in
 ռո մարեւիւլ, no ԵՍ մար քա մեւիւլ log α քոյրեւ.

1ք ԵՍ քեւ ԵՍԵՆՆ ռօքանոյ ann, ԵՍ եւիւլ no ԵՍ
 մարեւիւլ քլ մեւիւլ log α քոյրեւ.

C 1653 (a). 0. 2002. (E)
 C 1730 (H)

20 1n քեւիւր քա՛ մօքաւե՛. *acrandach H*
acrandach E
annnach cach cutruma 2

.1. մար ԵՍ ԵՍԵՆՆ ռօ քա in in քեւ, աճ մա քա ռե
 ռե քլ mo ԵՍ քա ճիւլ, քլ in քեւ ԵՍԵՆՆ քլ.

Մար ԵՍԵՆՆ α ԵՍԵՆՆ, քլ ԵՍԵՆՆ ռօ ԵՍ ԵՍԵՆՆ,
 no քլ քոյրեւ քլ ռո.

25 Մար ԵՍԵՆՆ օսւր մար քա in in քեւ, աճ մար mo ԵՍԵՆՆ
 in ԵՍԵՆՆ, no մա ԵՍԵՆՆ քե ԵՍԵՆՆ in մար, քլ ann ԵՍԵՆՆ ԵՍԵՆՆ

be paid by him with full fines for theft, unless he is a person who is entitled to take a forced exaction from his tenant; and if he is, he is exempt in having it during the time of the forced exaction.

As to the common not easily divisible 'sed,' a person is exempt in disposing of his own share of it, in case of necessity, when the joint-owner^a was not at a place where he could have consulted him; or though he was, and was consulted, he (*the spender*) is safe; but he must make compensation to the joint-owner^a for whatever is deficient in consequence of the sharing of it, without fine for theft.

* Ir. *The other man.*

If, however, it was without necessity he spent it, whether the joint owner^a was at a place where he could have consulted him, or whether he was not, or though *he did so* of necessity, if the joint-owner^a was at a place where he could have consulted him, and if he did not *consult him*, he shall make good to the joint-owner^a whatever is deficient in consequence of the dividing of it, with full fines for theft. And he did not spend the share of the other man in that case; and if he spent *it*, it should be repaid by him, with full fine for theft.

A common easily divisible 'sed' means, two live chattels or dead chattels, or one dead *chattel* the value of which is not lessened by its being divided.

A common chattel not easily divisible means, one live chattel, or one dead chattel the value of which would be lessened by its being divided.

Everyone who has the great share pays the 'eric'-fine.

That is, if two persons of equal rank are concerned about the 'sed,' and if there be one of them who has a larger share *of it* than the other, he pays the 'eric'-fine for it.

If their shares in it be equal, lots are to be cast between them, or it is to be divided in two.

If it be a chief and a member *of a tribe* that are concerned about the 'sed', and if the share of the chief is greater than or equal to the share of the member, the 'eric'-fine is

THE BOOK can cranodcup. Mapa mo curt in memair, ir cranodcup
OF
AIOILL. etarru.

MS. 484. C. 1388
asirre A E

Ca deiðbir etarru rin ocup in bail ata: in ti dia mbi
caine in cethra, ir é inepen ní ar dia raile. Itri lanam-
5 ain ata in pet and rin, ocup ar comluga lanamnair etarru
ino ti dib dāna teipci in cenel inoile rin in eipic uat ar.
cen cranodcup. Sunn inurpo itri cenn ocup memar ata
in pet and; ocup oropuairlī ata don ċino, cemað mo curt
in memair irin pet na curt in cino, ir cranodcup etarru.
10 No mapa cuthuma a curt mar aen, in eipic on ċino ar can
cranodcup.

MS. 899f. (10 p. 470 infra)
C 350 (108 1998)
D f. 130v

Ghailius D

sachtairgh D

Ogðiler cað nanpeðtar.

cen taloinneð cen aithni D

1. plān in gatare do marbað can plainojuo can aithne,
can caemaðtu artaite in uair denma na poðla; ocup rlan
can caemaðtu artaite in uair denma na poðla; ocup rlan

C C. 1649. 15 cað uaine marbðtar in a pūct. [Ma ta caomaðtan
pateaiðti, ir do trian nupana ir rlan e bodein, ocup lan
pūct irin ti po marbað in a pūct.] Inoiteam artaite
pūct ċuici ann rin; no mapa inoiteam marbða pūct
ċuici, ma po bi caemaðtu artaite cen co poibi, ir co
20 trian rlan he bodein, ocup lan pūct no leð pūct irin ti
po marbað in a pūct.

In uair denma na poðla rin; ocup ma peðtar uair den-
ma na poðla, cio pun marbða cio pun artaite, ir co trian
nupana rlan he bodein, ocup leð pūct irin ti po marbað
25 in a pūct. In uair denma na poðla rin; ocup ma peðtar
uair denma na poðla, aðt ma tarar gait in a laith, ir
amuil gataioi he in uair denma na poðla, po aieneð in in-
oiteam pūct ċuici, cio inoiteam marbða cio inoiteam
artaite.

¹ Lots are to be cast between them.—O'D. 2008 and C. 1654 add two paragraphs here, which appear to be out of place.

² On account of every person killed in his guise. The Irish words translated "in his guise," do not imply a third party supposed to have been the thief, but the thief himself not taken in the fact but believed by the slayer to have committed the theft.

to be paid by him without casting lots. If the share of the member be greater, lots are to be cast between them.¹

What is the difference between these cases, and where it is said; "the person who has fewest cattle is he who pays out of it to the other"? The 'sed' is between a related pair in that case, and it is to equalize the connexion between them that the person who has fewest of this species of cattle pays 'eric'-fine for them without casting lots. Here, however, the 'sed' is between a chief and a member; and it is on account of the rank of the chief, that, although the member's share in the 'sed' is greater than that of the chief, lots are to be cast between them. Or if the share of both be equal, the 'eric'-fine is due from the chief without casting lots.

The life of every law-breaker is fully forfeited.

That is, it is lawful to kill the thief without name, who is not known,* when there is no power of arresting him at the time of committing the trespass; and he (*the slayer*) is exempt on account of every person killed in his guise.² If there is power to arrest him, he is exempt as far as one-third of the excess on account of the man himself, and there is full fine on account of the person killed in his guise. It was his (*the slayer's*) intention to have arrested him^b in that case; or if it had been his intention to kill him, whether he were able to arrest him or not, he is exempt as far as one-third on account of the man himself, but he pays full fine or half fine on account of the person killed in his guise.

This was at the time of committing the trespass; but if it were at a time different from that of committing the trespass, whether he intended to kill him or to arrest him, he is exempt as far as one-third of the excess on account of the man himself, but there is half fine due on account of the person who was killed in his guise. This was at the time of committing the trespass; and if it were at a time different from that of committing the trespass, and if the stolen property^c was found in his possession,^a he is considered as a thief at the time of committing the trespass, and the fine shall be according to the intention that was brought to him, whether intention of killing or intention of arresting.

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// C 230 // Old.

naming himself

^a Ir. Without knowing.

"in death of him" O'flaherty 179.

^b Ir. An intention of arresting him was brought to him.

^c Ir. Theft.
^a Ir. Hand.

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Μαρά ρεῖταρ υαιρ τονμα να ποῖλα, οευρ νί ταπαρ ζαιτ
in α λαίμ, εῖο ρυν μαρβθα εῖο ρυν αρταῖτι ρυατο εῖοι, ιρ
co τριαν ιρλαν ηε, οευρ lan ριαῖ ιριν τι ρο μαρβαῖο να
ριῖτ.

5 Μά ταρur ζαιτ in α λαίμ, ιρ comαρουζαῖο ιτιρ υιρι να
ζαιτι ταρur in α λαίμ οευρ in ρα τριαν coιρρoιρι uιλ ινο;
οευρ εῖο be τῖb ac α mbe ιμαρεραιo ιατο ρε ῥεile.

cf. C1005 fíach mairid cairde f. mairid cairde.

Μυα ταρur ζαιτ in α λαίμ, ιρ comαρουζαῖο ιτιρ ριαῖ
μαιzne no ιμραιo[ne] να ζαιτι οευρ in ρα τριαν coιρρ-
10 οιρι; οευρ εῖο be τῖb ac α mbe in ιμαρεραιo ιατο ρε
ῥεile.

imraithne E
imraithne A
ionraithi D 899

vestha E 8, D 890

Μά ταρur ανιm ανo βυδείn, α ιmθενum ρο in ζαιτ ριρ α
ταινιc, οευρ comαρουζαῖο ιτιρ ριαῖ mαιzne no ιμραιo[ne]
να ζαιτι ριρ ι ταινιc, οευρ in ρα τριαν coιρρoιρι uιλ ινο-
15 ριum; οευρ εῖο be τῖb ac α mbe in ιμαρεραιo ιατο ρε
ῥεile.

Μανα ταρur ανum ανo βυδείn, acτ ματα ρερ comζνιμα
αιci, α ιmθενum ρο in ζαιτ ριρ ι ταινιc; οευρ comαρουζαῖο
ιτιρ ριαῖ mαιzne no ιμραιo[ne] να ζαιτι ριρ ι ταινιc, οευρ
20 in ρα τριαν coιρρoιρι uιλ ανn; οευρ εῖο be τῖb ac α mbe in
ιμαρεραιo ιατο ρε cheile.

- C. 1650. Μανα uιλ ρερ comζνιμα αιci ιτιρ, [οευρ nι ταρur ανιm
ανo βυδείn], ερανoευρ ρο ευρ εταρu co ρερταρ in ζαιτ
C. 1650. ριρ ι ταινιc; οευρ [o ρο ρερταρ], comαρουζαῖο ιτιρ ριαῖ
C. 1650. 25 mαιzne no ιμραιo[ne] να ζαιτι ρο ροῖαιρ αιρ, οευρ in ρα
τριαν coιρρoιρι uιλ ινοριum; οευρ εῖο be τῖb acα mbe in
ιμαρεραιo ιατο ρε ῥεile.

Μά ρε ρρεερα in ζαταρoε co να ραῖατο ιρ in baile α ραιbe,

¹ Has the excess. That is, has incurred the greater fines.

² From. For 'ιρ' of the text, C. 1650, reads 'ρεch,' beyond.

If it were at a time different from that of committing the trespass, and *if* the stolen property^a was not found in his possession,^b whether he intended to kill him or to arrest him, it is as far as one-third he is exempt, but the full fine *is payable* for the person killed in his guise.

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* Ir. Theft.

^b Ir. Hand.

If the stolen property^a has been found in his possession,^b there is a balance to be struck between the 'dire'-fine for the stolen property^a which was found in his possession^b and the two-thirds of body-fine which is *due* for it (*the injury to the thief*); and whichever of them has the excess¹ pays *the difference* to the other.

If the stolen property^a has not been found in his possession,^b there is a balance to be struck between the fine for precinct or the intention of stealing, and the two-thirds of body-fine; and whichever of them has the excess pays *the difference* to the other.

cf. 470. 8.

If he has himself been found still alive, he shall prove the *particular* theft for which he came, and a balance shall be struck between the fine for precinct or the intention of the theft for which he came, and the two-thirds of body-fine which is *payable* to him; and whichever of them has the excess pays *the difference* to the other.

If he has not been himself found alive, but if he has an accomplice, he (*the latter*) is to prove the *particular* theft for which he had come; and a balance shall be struck between the fine for precinct or the intention of the theft for which he came, and the two-thirds of body-fine which is *payable* for it; and whichever of them has the excess pays *the difference* to the other.

If he has not an accomplice, and was not himself found alive, lots shall be cast between them that the theft for which he had come may be known; and when it is known, a balance shall be struck between the fine for precinct or the intention of the theft which has fallen on him *by lot*, and the two-thirds of the body-fine which is *due* to him; and whichever of them has the excess pays *the difference* to the other.

If it be the answer of the thief that he would not have gone from² the place where he was, he has to prove that he

THE BOOK OF AIGILL. 17 α ιμθενυμ το co να παῖαο αρ ιη βαίε ι ποίβι, ocuy τα
 τριαν coιρπουρι τοι ιηο.

Μαρ ε α ηρερα co να παῖαο ρεοῖ ιη clαῖ no ρεοῖ ιη
 copαιo ι7 ηερα το, α ιμθενυμ τον τι ροβι ιηα δεῖαο co
 5 να ποίβε caemaḗτα αρταιῖι αιει; ocuy^xηlan can ní ιηο, uayp
 aχt ειτῖο το ποίνε. *a dilai uile 02901*

17 το ιηlan ιη γαταιῖε το μαρβαο, τον ουιηε πορ α ταιηε
 το γαιτ, no ολιγερ ειρηε ι7ιη ηγαιτ.

Μάρ ε ιη ουιηε πορ να ταιηε το γαιτ, no να ολιγιο ειρηε
 10 ι7ιη ηγαιτ, ι7 lan coιρπουρε ιη α μαρβαῖ, ce βειῖ caemaḗτα
 αρταιῖι cen co be. No, cumαο ηηlan το caḗ ουιηε αμαρβαο,
 O'D.2001. ιοιρ ουιηε πορ α ταιηε [το γαιτ], ocuy ουιηε πορ να
 ταιηε.

17 αηο ιηlan ουιηε το μαρβαο α ριῖτ ιη γαταιῖε, ιη ταν
 15 ατceρ he ac γαιτ να ρετ, no ηριῖ α ρλιῖτ να ηαιοιρβε οαρ
 α ειρε. *hardhairbi 02901*

Μuna ραcαρ he α γαιτ να ρετ, no maηα ηριῖ ρλιῖτ να
 αιοιρβε οαρ α ειρι, ι7 lan coιρπουρι ιη α μαρβαο, ce βειῖ
 caemaḗτα α αρταιῖι cen co ποίβι.

20 1η ουιηε ταιηε ορερῖαιη cηειοι πορ copp, ηlan α μαρβαο
 cen αιῖηε cen ηηλοιηοι, cen caemaḗτα αρταιῖι ιη uayp oenma
 να ρογλα, ocuy ηlan caḗ aen μαρβταρ ιη α ριῖτ. Μα τα
 caemaḗτα αρταιῖι, ι7 co τριαν ιηlan he buoειη, ocuy leḗ
 ριαḗ ι7ιη τι ηο μαρβαῖ. 1ηοειῖem αρταιῖι ρucaο ḗuiηι
 25 αηο ηιη, ocuy μαρα ιηοειῖem μαρβῖα, ce be cen co be
 caemaḗτα αρταιῖι, ι7 co τριαν ιηlan he buoειη, ocuy leḗ
 ριαḗ ι7ιη τι ηο μαρβαο ιη α ριῖτ.

1η uayp oenma να ρογλα ηιη; ocuy maο ρεῖτταιρ uayp

¹ For it was but 'ailgid'-trespass he committed. For the Irish of this, C. 1651,
 reads "ι7 ac τειτche ηο bui, it was running away he was." *swales 0'8901*

would not have gone from the place in which he was, and THE BOOK
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if he does so, two-thirds of body-fine are to be paid for it
(the charge).

If it be his answer that he would not have gone beyond the fence or beyond the stone wall nearest to him, it is to be proved by the person who was pursuing* him that he had not the power of arresting him; and he is free from paying anything for him, because it was but "~~citgid~~" trespass he committed.¹ *Ir. After.
see footnote

The person who is exempt from liability for killing the thief is he from whom he came to thieve, or who is entitled to 'eric'-fine for the theft.

If he (the slayer) be the person to whom he did not come to thieve, or to whom 'eric'-fine is not due for the theft, full body-fine is due from him for killing him, whether there was or was not power to arrest him. Or, according to others, it may be lawful for any person to kill him, whether the person to whom he came to thieve, or the person to whom he did not come to thieve.

It is then there is exemption for killing a person in the guise of the thief, when he is seen stealing the 'seds', or when the track of the particular thing stolen was found after him. *breach?*

If he was not seen stealing the 'seds', or if the track of the particular thing stolen was not found after him, there shall be paid full body-fine for killing him, whether there was or was not power to arrest him.

The person who came to inflict a wound upon the body may be safely killed when unknown and without a name, and when there was not power to arrest him at the time of committing the trespass, and there is exemption for everyone killed in his guise. If there be power to arrest him, there is exemption to the slayer as far as one-third for himself (the man slain), and there is half fine due for the person who was killed in his guise. An intention of arresting him was brought to him in that case, but if it had been an intention of killing him, whether there was power to arrest or not, he (the slayer) is exempt as far as one-third for the man himself, but half fine is due for the person killed in his guise.

This was at the time of committing the trespass; but if

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cf 136.16 supra

cf. Crisis 12, Df 13 & 1
(gloss also!)

20

cf. Jr. R. p. 70

1 *Is to be one-half.* That is, when the person assailed returns the blow, only one-half of 'eric' fine is due for killing him; a man who kills another in a mistake pays only half 'eric'-fine.

² The consequence of sick maintenance is sued and provided. There is a good

* cited also C 1423 w. gloss *urgnam* .i. nasal fognam

it were at a time different from that of committing the trespass, whether there was brought to him an intention of arresting him or of killing him, he is exempt as far as one-third *on account of the man himself*, but half fine *is due* for the person killed in his guise.

What is the reason that there is but half fine for the person who was killed in the guise of the person who had come to inflict a wound upon the body, and that there is full fine for the person killed in the thief's guise? The reason is; it was deemed by the author *of the law* a more lawful and justifiable and a more pardonable offence^a to kill a person in the guise of one who came to inflict a wound upon the body, than to kill a person in the guise of one who came to steal the 'seds'.

^a Ir. A mistake of necessity.

What is the reason that there are two-thirds of body-fine for the person who came to inflict a wound upon the body and that there is but half fine for the person who was killed in his guise? The reason is; *there was* retaliation as regards the former man, and mistake as regards the latter man; and the nature of the retaliation is to be one-third, and the nature of the mistake is to be one-half.¹

The consequence of sick maintenance is sued and provided, &c.

it may be made the subj. of a prosecution unless he be recommended in the proper place
O'J 2003 O'Jr. I 79.
C 1655. 1882 1300

Whether it is intentionally or through inadvertence, whether through idleness or for unnecessary profit the wounds are inflicted, the 'smacht'-fine for failure of providing sick maintenance extends to full body-fine for the intentional wound when inflicted in anger; for the negligence is intention.

To a native freeman the 'smacht'-fine for failure is due in full, and the half of it to a stranger, and the fourth of it to a foreigner; but there is no 'smacht'-fine for failure due to a 'daer'-person, neither is it due from him unless he be a 'daer'-person who possesses five raths of hundreds; and if he be, he is to be as the ~~native~~ foreigner as regards one-fourth due to him, and as regards one-fourth due from him.

Prose, cf. 131.1

It is to a worthy person who does good with his property that the 'smacht'-fine for failure is due, and also to an

been translated. They appear also to belong to a different "recension," and could not well be interpolated here.

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ocur deirinnhais do ní maíť da toťťur; ocur noco nuil in
oinhais na deirinhais na denann maíť da toťťur; ocur
noco nuil loť othpura aťť in loť othpura 17 luťa bogabap
1. libap .1. in cumal, ocur a cethruimťi uaťab do liatť; na
5 teopa cethruimťi aile, dena reťť ranna oi; ceitřu ranna
oib 7pup mama moa a aenap, da ranno do biuo, ocur rann
7pup oca tocaib, amail ata o 7paoaib peine.

C. 1656.

* [Ina cpoliđi bair ata in cumal rin, ocur a da 7pian in a
cpoliđi cumale, a 7pian in a innohais ui reot; ocur cut-
10 rumur 7pupio ino ocur reťťmať co na tabairt 7pup oim-
porepait 7pup innohais reťť reoit rech in innohais re
reoit.] 7

Al meť 7peta in cpoli bair, bo mop cať naitťi co cenn
nas naitťe. Al meť 7peta, da ba mopa caťa 7pupio co
15 cenn teopa naitťe dec co leť aitťi. Al meť nain, bo mop
caťa 7pupio co cenn reťť naitťi 7pupio.

Al meť 7peta in cpoli cumale, bo mop cať naitťi co
cenn 7pup naitťi; a meť 7peta, da ba mopa caťa 7pupio co
cenn nas naitťi. Al meť nain, bo mop caťa 7pupio co cenn
20 oťť naitťi nrec.

Al meť 7peta in innohais 7pup reťť, bo mop cať naitťi co
cenn 7pup naitťi; a meť 7peta, da ba mopa caťa 7pupio co
cenn ceitřu naitťi co leť aitťi; a meť nain, bo mop caťa
7pupio co cenn nas naitťi.

25 Al meť 7peta i innohais reťť reťť, bo mop cať naitťi
co cenn 7pup naitťi co leť; a meť 7peta, da ba mopa caťa
7pupio co cenn cut naitťi co cethruimťi aitťi; a meť nain,
bo mop caťa 7pupio co cenn nas naitťi co leť.

¹ The man who acts as his nurse-tender.—That is, the man who is employed to lift him up and lay him down.

² This 'cumhal' is for a death-maim.—Some remarks as to the differences between the wounds and maims here referred to may be found in C. 304 (H. 3-18, p. 167).

unworthy person who does good with his property; but there is nothing *due* to the worthy or to the unworthy person who does not do good with his property; and there is no allowance for sick maintenance *made to them* except the smallest sick maintenance which is found in a book, viz, the 'cumhal,' and one-fourth of it *is paid* by them to the physician; *as to* the other three-fourths, make of them^a seven parts; four parts thereof *are given* to the man who supplies his place, two parts *are* for food, and one *goes* to the man who acts as his nurse-tender,¹ as it is from the Feini grades.

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Ir. Of it.

This 'cumhal' is for his death-maim,² and two-thirds of it are for his 'cumhal'-maim, a third of it for a tent-wound of six 'seds'; and a proportion of a sixth or a seventh is to be given for the tent-wound of seven 'seds' more than for the tent-wound of six 'seds'.

For the failure of three things *in case* of a death-maim, *the penalty* is a great cow every night to the end of nine nights. For the failure of two things, *it is* two great cows every third *night* to the end of thirteen nights and a half. For the failure of one thing, *it is* a great cow every third *night* to the end of seven and twenty nights.

For the failure of three things *in case* of a 'cumhal'-maim, *the penalty* is a great cow every night to the end of six nights; for the failure of two things, *it is* two large cows every third *night* to the end of nineteen nights. For the failure of one thing, *it is* a large cow every third *night* to the end of eighteen nights.

For the failure of three things *in the case* of a tent-wound of six 'seds', *the penalty* is a great cow every night to the end of three nights; for the failure of two things, *it is* two great cows every third *night* to the end of four nights and a half night; for the failure of one thing, *it is* a great cow every third *night* to the end of nine nights.

For the failure of three things *in the case* of a tent-wound of seven 'seds', *the penalty* is a great cow every night till the end of three nights and a half; for the failure of two things, *it is* two great cows every third *night* to the end of five nights and a fourth of a night; for the failure of one thing, *it is* a great cow every third *night* to the end of nine nights and a half.

Eriu 12,
cf. Br. Ins. § 2

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C. 1658.

Smaċt meċa ro anuap; ocur log na tincirín ro rir: dá
reċt cumal cpoliġi caċ miz, ocur caċ eppuic, [ocur each
ruaċ, ocur each ollaman, ocur each aircinviġ, ocur in
aírech porġaill ír fearín] co na comġraoib.

5 Seċt cumala co leċ cpoli caċ aírech airt ocur caich ber
airioiu, in tairé porġaill meċonaċ, no in tairé porġaill ír
C. 1658. tairé; ceiċrí cumala [cpoliġe] cac aipeċ ōera ocur tairí;
teora cumala cpoliġi caċ boaireċ ocur caċ ocaireċ; ōa
cumail cpoli caċ fír miorbaíċ; cumal cpoli caċ fíleceao
10 ocur caċ moġa ōair.

Log a mbio ocur a leġa rín, ocur a fír mama moċ, ocur
a fír ocaib ōocuib i tincirín.

1n ōa reċt cumala aubrumap o cianuib, ben re ba ōib
inora ar ōiċell leġa no ar accobair rairioi; ocur noco
15 ōiċell ōo liaġ i baíl ar na ōliġiċ ní cen co beirċo ní ar.
Atait oċt mba ōec ro ōo acuo anirín; tabair oċt mba
ōec ōib ōfír mama moċ a aenur; atait oċt mba ōec aile
acut anōreiu; tabair iat rein ōo liaġ ocur ōfír ocaib
ōocuib, ocur ōo bíá; conao ceiċrí ba ocur ramairc euit
20 eēċtair ōe, ocur nae mba ōo bíuo a aenur.

Na re ba ro benair ar o cianuib ar ōiċell leġa no ar
acobair rairioi, ōena reċt ranna ōib anora, ceiċrí ranna
ōfír mama moċ, ocur ōa rairio ōo bíuo, ocur rann ōfír
ocaib ōocuib.

25 Cio ōoŋera ceiċrí reċtmaio ōfír mama moċ anora, ocur
na ōoibi áċt leċ ōo o cianuib? Ír e ōaċ ōoŋera; liaġ
acut im a comraio o cianuib, ocur ní uil anora; áċt in
tairmraioi i raib i leiċ rir o ċianuib ír eo aċa anora,
ocur in tair[n]raioi a ōoibi ŋer ocaib ōocuib o ċianuib
30 i cethruimċi ír eo aċa anora.

¹ For concealment from the physician. What was the nature of the concealment, or fraud attempted to be practised on the physician, it is impossible to define.

The above are the 'smacht'-fines for failure; and the following are the allowances for attendance:—twice seven 'cumhals' for the maim of every king, and every bishop, and every professor, and every chief poet, and every 'airchin-nech'-person, and every best 'aire-forgill' chief, and for every one who is of the same grade with them.^a

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Seven 'cumhals' are allowed for the maim of every 'aire-ard'-chief and of everyone who is higher, *i.e.*, the middle 'aire-forgill'-chief, or the lower 'aire-forgill'-chief; four 'cumhals' for the maim of every 'aire-desa'-chief and 'aire-tuise'-chief; three 'cumhals' for the maim of every 'bo-aire'-chief and every 'og-aire'-chief; two 'cumhals' for the maim of every 'fer-midbaidh'-person; a 'cumhal' for the maim of every 'fieseach'-person and every 'daer'-workman.

^a Ir. *With
their co-
grades.*

These are the allowances for food and a physician, and for a substitute, and for a man to act as nurse-tender.

From the twice seven 'cumhals' which we mentioned a while ago, take now six cows for concealment from the physician¹ or for facility of division; (and it is no concealment from the physician, where he is entitled to nothing, that he should get nothing out of it). You have then twice eighteen cows: give eighteen cows of them to the substitute alone; you have then eighteen other cows *remaining*: divide these among^b the physician, the nurse-tender, and the *procuring* of food; so that four cows and a 'samhaise'-heifer is the share of each of them, and nine cows are for food alone.

^b Ir. *Give
these to.*

Of the six cows which you deducted a while ago for concealment from the physician or for facility of division, make now seven divisions, four divisions for the substitute, and two divisions for food, and one division for the nurse-tender.

What is the reason *that* four sevenths are due to the substitute here, while he had but one-half in the former case? The reason is; you had the physician in equal shares with him in the former case, and here he is not so; but the proportion which was *allowed* for him in the former case^c is that which is *allowed* here, and the proportion which the nurse-tender had in the former case^c in a fourth is that which he has here.

^c Ir. *A
while ago.*

THE BOOK OF AICILL. Re coirpportu tomatere cuitig leḡa o ruḡaib co na com-
 C. 1660. ḡraoib, ocup do ḡraoib flaḡa, ocup do loḡ oḡrua ieta. Cio be oib ip luḡa, coirpportu na cneioi na loḡ oḡrua, ip
 5 ru totmatere o ḡraoib reine, ocup do loḡ in oḡrua [ieta]
 Ro buo leḡ, po buo tpuan, po buo cethruimḡi.

Cuitig leḡa eiruib po ru; po buo leḡ o ruḡaib co na com-
 ḡraoib, po ba tpuan o ḡraoib flaḡa, po bu cethruimḡi o
 ḡraoib reine.

Ceṡru ba ocup ramairc cuitig leḡa a epoliḡi bai, o
 10 ruḡaib co na comḡraoib; tpu ba a epoli cumailc, bo ocup
 ramairc a inannruḡ re ret, bo ocup oḡt rcupail dec a
 inannruaig reḡt ret.

Tpu ba cuitig leḡa a epoliḡi bai, o ḡraoib flaḡa; ra
 ba a epoli cumailc, bo a hinannruaig re ret, bo ocup
 15 raire ceṡru rcupail a inannruaig reḡt ré.

Ṗa ba ocup colpaḡ re rcupail cuitig leḡa a epoli bai,
 o boairechaib ocup o ocaireḡaib; bo ocup ramairc a epo-
 liḡ cumailc, oḡt rcupail dec a inannruaig re ret, rcu-
 pall ap rihit a inannruaig reḡt ret.

20 Bo ocup ramairc cuitig leḡa a epoliḡi bai, o rcuair
 mibair; bo a epoli cumailc, ra rcupail dec a inann-
 ruiaig re ret, ceṡru rcupail dec a inannruaig reḡt ret.

Oḡt rcupail dec cuitig leḡa a epoliḡi bai, o rlepaḡaib
 ocup o moḡaib raera; ocup ra rcupail dec a epoli cumailc,
 25 re rcupail a inannruaig re ret, reḡt rcupail a inannruaig
 reḡt ret.

Cio poḡera rmaḡt meḡa tpeḡa ano, ocup tincipin ceth-
 arua? Ip e paḡ poḡera; cio moḡ do retuib ḡataitceḡ o

According to body-fine is calculated the physician's share THE BOOK OF AICILL. from kings and their co-grades, and from the chieftain grades, and it is paid out of the allowance for sick maintenance. Whichever of them is smaller, the body-fine for the wound or the allowance for sick maintenance, it is thereby it is calculated what the 'Feini' grades pay,* and it is paid out of the allowance for sick maintenance. It may be one-half, it may be one-third, it may be one-fourth.

* *Ir. From the 'Feini' grades.*

The physician's share from these following; it is one-half from kings and their co-grades, it is one-third from chieftain grades, and it is one-fourth from 'Feini' grades.

Four cows and a 'samhaisc'-heifer is the share of the physician for a death-maim, from kings and their co-grades; three cows for a 'cumhal'-maim, a cow and a 'samhaisc'-heifer for a tent-wound of six 'seds,' a cow and eighteen 'screpalls' for a tent-wound of seven 'seds.'

Three cows is the share of the physician for a death-maim, from the chieftain grades; two cows for a 'cumhal'-maim, a cow for a tent-wound of six 'seds,' a cow and a 'dairt'-heifer *of the value* of four 'screpalls' for a tent-wound of seven 'seds.'

Two cows and a 'colpach'-heifer *of the value* of six 'screpalls' is the physician's share for a death-maim, from 'bo-aire'-chiefs and 'ogaire'-chiefs; a cow and a 'samhaisc'-heifer for a 'cumhal'-maim, eighteen 'screpalls' for a tent-wound of six 'seds,' twenty-one 'screpalls' for a tent-wound of seven 'seds.'

A cow and a 'samhaisc'-heifer is the physician's share for a death-maim from 'fer-midbaidh'-persons; a cow for a 'cumhal'-maim, twelve 'screpalls' for a tent-wound of six 'seds,' fourteen 'screpalls' for a tent-wound of seven 'seds.'

Eighteen 'screpalls' is the physician's share for a death-wound from 'flescach'-persons and from 'daer'-workmen; and twelve 'screpalls' from a 'cumhal'-maim, six screpalls for a tent-wound of six 'seds,' seven 'screpalls' for a tent-wound of seven 'seds.'

What is the reason that the 'smacht'-fine for failure is triple, and the attendance quadruple? The reason is; however great may be the *number* of 'seds' stolen from a

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 5 *duine in aenaēt, noco nuil aēt lán duiu ocup leē dūpe ocup*
trian duiu α tri cet petuib dūb, ocup cept aithgin caēa
peoit o ēa rin amac; ocup ip amlaib rin ata; eia beib aip-
naile imoa i tincirin, noco nuil rmaēt meēa aēt α tri
epnailib dūb.

Cio potera per mama mo do beē i leē pe tincirin,
 ocup naē mo na meē bīo na leēa? 1r e paē potera; ce na
 5 *gataigēa da cleib i o duine i naenaēt, cleib bec ocup*
cleib mor, cema mo pe hic naithgina in cleib mor, ni
10 mo pe ic rmaēta na eneclainni ina in cleib bec. 1r am-
laib rin ata per mama mo; cema mo ina tincirin, noco
mo in α meē ina meē bīo no lea no pir oca tocuib.

Cach riachac dogo. *ψ V 390. 11. 6. 12,*

1. ip lair in ti riachagther ann α poēa do pe per per-
 15 *ēana na eneib, in e peap ocaib tocaib do bepa, no in ne α*
log; ocup ip ē rin aen inao ata α poēa do. ψ 480. 13

C. 1664. [1]r boino do ringbail. 1r boino ap na ringabap.
 Obaimpea mo ringbail, ap in per amuib, .i. ap in per por
 ap perao in eneo. Obaimpea cun na ringeba, ap in per tall
 20 *po perurpar hi.*

C. 1664. Drienaitep trian duiu [.i.] ēirunitep [trian] neneclainni
 anto ap in cet aroēi, ocup bo do rmaēt.

C. 1809. 3pa rin po dlig α bpeib amac por polac nothpura, ocup
 anunn [go nuigi α ēē] tapgur do α tincirin, ocup meirpi do

25 *ta tairerin; bo do rmaēt ann ap in cet aroēi, ocup trian*
 C. 1809. *neneclainni; ocup in tainmpainoi peibep [do rmaēt meēa]*
dogum ap cach naioēi o rin amac, copob e in tainmpainoi
rin peibep do da treinib na heneclainni.

¹ *The person on whom he has inflicted the wound.*—For the reading in the text which appears to mean, "the person who inflicted the wound," Dr. O'Donovan conjectured, "per por ap perao in eneo," as seemingly required by the sense.

² *I give you notice to keep off.* This part of the article is given somewhat differently in C. 1664, and C. 1809. It seems to consist of glossed fragments.

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 C. 1809

person at the same time, there is only full 'dire'-fine and half 'dire'-fine and one-third of 'dire'-fine *due* for the three first 'seds' of them, and just compensation for every 'sed' from that out; and it is the same *with respect to attendance*; though there are many divisions of attendance, there is no 'smacht'-fine for failure except in three divisions of them.

What is the reason that the substitute is *calculated* at one-half as to attendance, and *that* there is no more *due for failure as regards him* than for failure as regards food or a physician? The reason is; though two animals should be stolen from a person at the same time, a small animal and a large animal, though there is more to be paid as compensation for the large animal,^a there is not more to be paid as 'smacht'-fine or honor-price than for the small animal. It is thus *it is as regards* the substitute; though more *is allowed* for his attendance, there is not more for failure as regards him^b than for failure as regards the food or the physician or the nurse-tender.

^a Ir. *Though the large animal be greater, as to paying compensation.*
^b Ir. *His failure.*

Every defendant^c *has* his choice.

^c Ir. Debtor.

That is, the person who is sued in the case has his choice with respect to the person on whom he has inflicted the wound,¹ whether he will give him a nurse-tender, or the price of one; and this is the only instance in which he has his choice.

"I give you notice to keep off."² "I insist I will not be kept off." "I refuse to be kept off," says the man outside, *i.e.* says the man on whom the wound was inflicted. "I refuse that you be not kept off," says the man within who inflicted it.

One-third fine is paid, *i.e.*, one-third of honor-price is paid for it the first night, and a cow as 'smacht'-fine.

This is *one of* a grade who was entitled to be carried out into sick-maintenance, and it was over at his *own* house he was offered to be attended, and this offer was of disadvantage to him; there is a cow as 'smacht'-fine for it for the first night, and one-third of honor-price; and the proportion of 'smacht'-fine for failure which runs for him for every night from that out, is the proportion which runs for him of the *other* two-thirds of the honor-price.

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No dono, cena, na bu meipti a tairerpin do itir. Opet ro
veipidein? Innotpaz pe pet ro perao ano, ocup meš
tpeoa uil ann; bo do pmačt ano ap in cet aroči, ocup tpiat
tpin neneclainni, ocup in tainmpainoi peičer do da tpeiniob
in tpin neneclainni.

Per. Cröl. §
C 1665. O'D. 2378

Điri let tpe do fine; no polac o fine po fič ppi
cřo upcaillte.

.1. tpi 1 let meč ip tpe do biu ocup do liaiz, ip ap eip-
mčep a čuit don ppi fine ip per ocaib tocaib.

C. 1665. /o [No polac o fine po fič ppi cřo upcaillti.

f 478. 16

.1. no a pulanz o fine in ti po puačtinaizetap ppi,
ciamao gpač buo upcaillti uma bpeič amac e por polac noč-
pura; ocup ip e pin aon inao ata a poža tpi peratana na
cneoe in a loizidečt tpi ocaib tocaib do hera, no in per
ocaib tocaib uac bučein.]

O buo tpe compaiti, no tpe anpot peipgi inoiečbiu per-
faičep na cneoa, ip cutpuma ata log na tincipin o cač
vaine uile itir paep ocup oap, cřo 1 torbač cřo 1 nerbač;
ocup o na paepaib tpi anpot peipgi oečbiu 1 torbač ocup
nerbač; ocup o na paepaib [uile] tpi anpot cen peipgi 1
torbač; ocup o uppač tpi na epa 1 nerbač; ocup o
uppač 1 torbač tpi inoiečbiu torba.

C. 1662. [Čpēt biap ó paopaib 1 nanpot peipge oečbiu? .1. pečt-
mao ocup cutpuma pečtmao let tpi na cneoe co hap 1

¹ *Idler*; "epbac" seems to mean a mere gazer or looker-on, who had no business
at the place.

Or else, indeed, *according to others, this is the case*, when the offer is of no disadvantage to him at all. What then? *It was* a tent-wound of six 'seds' *that was inflicted in the case, and there is a failure of three things therein: a cow for 'smacht'-fine is paid for it on the first night, and a third of the third of honor-price, and the proportion which runs for him of the two-thirds of the third of honor-price.*

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'Dire'-fine of half 'dire'-fine to the family; or support from the family who injured him though prohibited.

That is, it is out of the 'dire'-fine respecting what is due for food, and to the physician, that his share is paid to the man of the family who acts^a as nurse-tender.

^a Ir. Is.

Or support from the family who injured him though prohibited.

That is, or he is to be supported by the family of the person who attacked him, though he may be of a grade which it is prohibited to bring out into sick maintenance; and this is the only instance in which the person who inflicts a wound has his choice whether he will give the price of the nurse-tender, or whether a nurse-tender *shall be given* by himself.

When it is intentionally, or inadvertently in unlawful anger the wounds are inflicted, the allowance for attendance is the same from each and every person both free and bond, whether for a profitable worker or for an idler; and *it is the same* from the freemen for wounds inflicted inadvertently in lawful anger upon profitable workers and idlers; and from all the freemen for those inflicted inadvertently without anger upon profitable workers; and from a native-freeman for wounds inflicted upon an idler who was present in idleness; and from a native freeman for wounds inflicted upon a profitable worker in a case of unnecessary profit.

What shall be due from 'daer'-persons for wounding inadvertently in lawful anger? i.e. a seventh, and a portion equal to the seventh of half 'dire'-fine for the wound to death in

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 20 տորձա՞ օսւր 1 ներքա՞; շէ՛րքը բըճտաւո՞ յաւիշո՞ւն 1 շէ՛տար
 ղե՛ յար մեար, ւո՞ 1 տորձա՞ ւո՞ 1 ներձա՞; սա՛ր ուո՞ ոքսի
 ղե՛ծելի [տորձա՛] ո՞ քրձա՛ ղո ճըք՝ օ՛ իար բար, ա՛ւ մա՞
 1ր խճա՛ 1րո՛ բըք ղո՛ծելի ո՞ 1րո՛ բըք ղո՛ծելի.]

6 Ըրէ՛տ իար՝ օ՛ յաքա՛ իար՝ աքո՛ւ շո՛ բըք ղե՛ծելի 1
 տորձա՞ օսւր 1 ներձա՞; Տը՛տա՞ օ՛քսա՛ օ՛ իար,
 բը՛տա՞ օսւր օսւրա՛ բը՛տա՞ ղո՛ բը՛տա՞ լե՛ տրի,
 օսւր օրօ՛ 1 ուո՛քսա՛ ղո՛ քոքա՛քսա՛ 1 տորձա՛ բը՛ քրձա՞;
 10 շէ՛րքը բը՛տա՞ օւիշո՞ւն յար մեար 1 շէ՛տար ղե, ւո՞ 1 տոր-
 ձա՞, ւո՞ 1 ներձա՞.

Օտրա՛ր օւո՛ւն օ՛ սրա՞ 1 ներձա՞ իար՝ յա՛ քրձա՞; քօրա՛
 C. 1663. շէ՛րքսիմի՛ օ՛քսա՛ օ՛ քօրա՞ 1 ներձա՞ իար՝ յա՛ քրձա՞; [քա՛]
 բը՛տա՞ օսւր ղո՛ շէ՛րքսիմի՛ ղա՛ն ղե՛ օ՛քսա՛ օ՛ մարձա՛-
 ի՛ 1 ներձա՞ իար՝ յա՛ քրձա՞. Տը՛տա՞ օսւր օսւրա՛ բը՛տա՞
 15 լե՛ տրի յա՛ շէ՛րք, օսւր օրօ՛ 1 ուո՛քսա՛ ղո՛ քոքա՛քսա՛, օ՛
 C. 1663. իար 1 տորձա՞ բը՛ քրձա՞; [քօրք] բը՛տա՞ օւիշո՞ւն յար
 մեար 1 շէ՛տար ղե, ւո՞ 1 տորձա՛, ւո՞ 1 ներձա՞.

Օտրա՛ր օւո՛ւն օ՛ սրա՞ 1 տորձա՞ իար՝ յա՛ ղո՛ծելիք
 տորձա՛ օսւր լե՛ օտրա՛ սա՛ 1 ներձա՛; շէ՛րքսիմի՛ բը՛տա՞
 20 օ՛քսա՛ օ՛ քօրա՞ 1 տորձա՞ իար՝ յա՛ ղո՛ծելիք տորձա՛; ղա՛
 բը՛տա՞ սա՛ 1րո՛ քրձա՞; ղա՛ բը՛տա՞ օսւր ղո՛ շէ՛րքսիմի՛
 ղա՛ն ղե՛ օ՛ մարձա՛ ի՛ 1 տորձա՞ իար՝ յա՛ ղո՛ծելիք
 տորձա՛; բը՛տա՞ օսւր ղո՛ ղե՛տա՞ ղա՛ն բի՛ւտ սա՛ 1րո՛
 քրձա՞.

25 Տը՛տա՞ օտրա՛ օ՛ ղաք 1 տորձա՞ իար՝ յա՛ ղո՛ծելիք
 C. 1663. տորձա՛. [1ո՛ օսւրա՛ ղա՛ն ղե՛ սա՞ 1 ներձա՞; ո՞ ուո՛, ղո՛
 օսւրա՛ իար՝ 1 ներձա՞ քր՝ քրձա՞ քրձա՞ քրձա՞ քրձա՞ 1 տորձա՞

¹ *Three-fourths of sick-maintenance.*—C. 1663 and 1808 have here "three-sevenths."

² *Four-sevenths.*—O'D. 1527 has here "seven-sevenths," which appears a mistake.

³ *For unnecessary profit.*—That is, in cases where the man injured was not obliged to be present, but his being present was profitable to him.

the case of^a a profitable worker and an idler; four-sevenths of compensation for either after death, whether for a profitable worker or an idler; for there is no difference of profitable worker or idler any time when there is anger, only there is less for the lawful anger than for the unlawful anger.

What shall be *due* from 'daer'-persons, *in case of wounds inflicted* inadvertently without lawful anger, for profitable workers and idlers? A seventh of sick-maintenance till death, a seventh and the equivalent of a seventh of the seventh of half 'dire'-fine, (and it is in sick-maintenance it increases for a profitable worker more than for an idler); four-sevenths of compensation after death for either of them, whether for a profitable worker or for an idler.

Full sick-maintenance is *due* from a native freeman for an idler *injured* through his idleness; three-fourths of sick-maintenance¹ from a stranger for an idler *injured* through his idleness; two-sevenths and the one-fourteenth of sick-maintenance from a foreigner for an idler *injured* through his idleness. *There is* one-seventh and a portion equal to one-seventh of half 'dire'-fine for the wound till death for a profitable worker more than for an idler, (and it was in sick-maintenance it was increased); four-sevenths² of compensation after death for either a profitable worker or an idler.

Full sick-maintenance is *due* from a native-freeman for a profitable worker *injured* for unnecessary profit,³ and half sick-maintenance from him for an idler; four-sevenths of sick-maintenance from a stranger for a profitable worker *injured* for unnecessary profit; two-sevenths from him for the idler; two-sevenths and one-fourteenth from a foreigner for a profitable worker *injured* for unnecessary profit; one-seventh and one-twenty-eighth *are due* from him for the idler.

One-seventh of sick maintenance is *due* from a 'daer'-person for a profitable worker *injured* for unnecessary profit. The fourteenth part is *to be paid* by him for an idler *injured*; or else, *according to others*, the proportion which is *paid* for an idler *injured* in idleness is what

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-aid C 1663

ṭṛia inoēḃir ṭorḃaro; ocup in eutpuma biar i ṭorḃaro
ṭṛia inoēḃir ṭorḃa, ḡarab e a leḥ ber i neppaḥ ṭṛia
inoēḃir ṭorḃa.]

C 1666 (d)

Ni gona cimro manub lat.

5.1. in cimro ir oirpeḥ biar. Stan don ti i paibe laim he
a marḃaḥ; ocup plan don ti po cunḡain leir, mana coem-
nacair in ti i roibi he a marḃaro; ocup ma conic, ir pīaḥ
biar ecoir on ti po^{cunḡain} leir; ir a bpeir fin ṭṛine in
cimeḃa. *conḡustain d*

10 Marā necmair ino ti i paib i laim he po marḃ neḥ aile
he cen dooin do, ir leḥ enecclann oic iurin ti i roib i laim
he, ocup leḥ enecclann ocup leḥ coirpṭoiri oic do pe fine in
cimeḃa; no dono, comaro plan i leḥ iurum he, oiaḡ ir pi
in aigro po bail doṛum tucaro air, in marḃaro.

15 Mār a ngell pe pīaḥab po bi he, aḥṭ mar e ino ti a roib
i laim he do marḃ he, ir coirpṭoiri ocup enecclann oic do pe
fine, ocup na peir iur roibi oic oia fine; no maro pēpp Leo
can nī doib ocup can nī uaiḃ, ir Leo a poḡa.

C 1667.20 Ma po cunḡain neḥ aile leir aca marḃaro, ir coirpṭoiri
ocup enecclann oic [pe fine] doib mar aen a cuibṭoir, no o
ceḥṭar de i necuibṭoir, ocup na peir iur roibi oic oia
fine; no maro pēpp Leo can nī doib ocup can nī uaiḃ, ir
Leo a poḡa. Ocup in eutpuma po icṫar in ti po cunḡain
leir pe fine in cimeḃa, ir a ic do iurin ti i roib i laim he.

C. 1667. 25 Mar i necmair in ti i roib i laim he, po marḃ neaḥ aile
he can doonugro, [coirpṭoiri ocup] enecclann oic do iurin
ti i paib laim he, ocup coirpṭoiri ocup enecclann oic do pe
fine in cimeḃa; ocup na peir iur roibi oic don fine; ocup

shall be *paid* for a profitable worker injured in a case of unnecessary profit; and of the proportion which is *due* for a profitable worker in a case of unnecessary profit, the half shall be *due* for the idler injured in a case of unnecessary profit.

Thou shalt not kill a captive unless he be thine.

That is, the captive who is condemned to death. It is lawful for the person who had him in custody^a to kill him; and the person who assisted him is exempt, if the person in whose custody he was, were not able to kill him; but if he was, fine for an unjust death is *due* from the person who assisted him; this is obtained by the family of the captive.

If it was in the absence of the person in whose custody he was, and without his leave, another person killed him, he (*the slayer*) shall pay half honor-price to him in whose custody he was, and shall pay half honor-price and half body-fine to the family of the captive; or indeed, *according to others*, he may be exempt on account of him, for it is the fate intended for him that was brought on him, *viz.*, death.

If it was in pledge for debts he was *in custody*, and if it was the person who had him in custody that killed him, he has to pay ~~body-fine~~^{return of ransom} and honor-price to his family, and the debts for which he had been ~~in custody~~^{actually} are to be paid by his family; or if they prefer to get nothing and pay nothing,^b they have their choice.

If another person assisted him in killing him, body-fine and honor-price are to be paid by them both conjointly or by each separately to his family, and the debts for which he had been *in custody* are to be paid by his family; or if they prefer to get nothing and pay nothing,^b they have their choice. And the part which the person who assisted should pay to the family of the captive is to be paid by him to the person with whom he (*the person slain*) had been in custody.

If it was in the absence of the person by whom he was kept in custody, and without leave from him, another killed him, he (*the slayer*) shall pay body-fine and honor-price to the person in whose custody he had been, and shall pay body-fine and honor-price to the family of the captive; and the debts for which he had been *in custody* are to be paid by

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^a Ir. Hand.

Kohler: Shakespeare p. 2

corresponds him (the captor)

Bachr. p. 631.

Kohler: Shakespeare p. 57

^b Ir. Nothing to them and nothing from them.

he

THE BOOK OF AICHEL. maro pəpə leo can nī doib ocup can nī uačib, 1p leo a poža. Ocup cač nī po icpač in ti po marb he pə pine, 1p a ic do purin ti i poib i laim he; ocup 1p cəpəpə, c1o mo in ni puri mbəč he, coməo a ic dopum, uap1p e puc a gəl1 uəo; 5 ocup in cutpuma po icpač in duine ut imāč pə pine, 1p a ic uəopom anopə.

C1668 (A) C2284

4. O'D 909.

No puatəch po tapupin.

- .1. Slan in tərpač do gəba1l aenāčt cəchə bləonə pə vətčb1pup, ocup də ngəbə in pəčt tanap1ti, 1p enec1ann, 10 ocup də ngəbə in tər pəčt, 1p enec1ann ocup d1p1 ocup a1təg1n. Ocup dəmač pə in vətčb1pup do gəbəo po cəto1p he, do b1āč p1āč ərpuž in vətčb1p1 uəo, .1. [enec1ann] d1p1 ocup a1təg1n.

C. 1668.

- [Slan] a gəba1l do cəpə točup in p1p p1ne, ocup n1 p1ul C. 1669. 15 pəin inā cəpə točup; no vopəpəpəo točupə in p1p p1ne ocup n1 p1ul pəin inā pəpəpəo točupə.

1nā po gəbup1apup do cəpə [t]očup in p1p p1ne, ocup atə pəin inā cəpə [t]očup, no vopəpəpəo točupə in p1p p1ne, ocup atə pəin inā pəpəpəo točupə, 1p p1āč ərpuž in vətčb1p1 20 uəo.

- 1p e apət 1p1an [in tər pəch] a gəba1l co p1u1 t1u1an C. 1668 19. lož enēč in g1pəo d1ə ngəbəp he, no in g1pəo gəbup; c1o bəo v1b bur lužə, copəb e gəbəp əno, āčt nā gəbə iməp- c1pəo tapup; ocup də ngəbə, 1p p1āč ərpuž in vətčb1p1, 25 [ocup lan p1āch g1p1] uəo. Ocup 1p əno atə p1n do gəba1l [co t1u1an lož enēch], in tan po v1lēč in cutpuma p1n C. 1669. və, no n1 1p mo inap; ocup m1pə lužə inā p1n in n1 po v1lēč və, ocup də ngəbə, 1p p1āč ərpuž in vətčb1p1 uəo. C. 1669.

¹ It is lawful.—O'D, 1529 has here "can without," which does not make sense.

the family; and if they prefer to get nothing and pay nothing^a they have their choice. And whatever the person who killed him should pay to the family, he shall pay to the person with whom he had been in custody; and it is the opinion of *lawyers* that, though that for which he had been *in-custody* was greater than the 'eric'-fine for killing him, it should be paid by him (*the slayer*), because it was he that took his pledge from him; and the portion which that person should pay out to the family is to be paid by him now.

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* Ir. Not-
ing to them
and nothing
from them. *clearly*

Or carrying off under compact.

That is, it is lawful in case of necessity to take an *addi-tional levy* once every year, but if it be taken the second time, honor-price is *due*, and if it be taken the third time, honor-price and 'dire'-fine and an equivalent shall be *paid for it*. And if it had been taken without necessity the first time, there would be *due* for it the fine for an unnecessary exaction, i.e. honor-price 'dire'-fine and restitution.

It is lawful¹ for him to take it from the *proper-wealth* of the family man when^b *he* is not himself in *the enjoyment* of his *proper-wealth*; or from the excess of wealth of the family man, when^b *he* is not in excess of wealth himself.

If he has taken it from the *proper* wealth of the family man, when^b he is himself in *the enjoyment* of his proper wealth, or from the excess of wealth of the family man, himself having excess of wealth, it is a fine for an unnecessary exaction *that is due* from him.

The extent to which there is exemption for taking a forced exaction is to the third of the honor-price of the grade of the person from whom it is taken, or of the grade of the person who takes it; whichever of them is the smaller is to be taken, *but* he takes not anything over and above it; and if he takes it, it is the fine for an unnecessary forced exaction, and full fine for theft *that are due* from him. And it is then this is to be taken to *the extent* of a third of honor-price, when so much was due of him, or more than it; and if what was due of him was less than that, and if he takes it (*the forced exaction*), the fine for an unnecessary forced exaction is *due* from him.

provided

cf. O'D 910f

THE BOOK OF AICILL. Slan a gabail do cuic fep na gailpine, ocyr do taebpine gailpine, ocyr do cač pine buðein.

Slan a gabail do čul co poið comlin pine na pečt fep noč ar uo ano, ocyr noco olegar a gabail tapir.

5 Comlin pine na pečt pine rin: ocyr rlan a gabail do čab co pia cuic fep iar^x nimcein^x pialura por cač leč.
imchanugud O'D 911

C. 1670. [Slan a gabail iar nimchian pialura ar gač leč, cen co poið coimlin na pečt fep deš ann do cač pine ino ti buðein.]

10 Slan a gabail do goiruib, ocyr do clemnaib, ocyr doiruib, ocyr do buimuib, ocyr do comaltuib, ocyr do cairuib caemcluča, ocyr dairulliuo pine ocyr aipine uile.

C. 1670 [Ir oib ir rlan in teipreč do gabail, do clemnaib, ocyr do comaltuib, ocyr do combraičuib, ocyr do cul, ocyr do 15 tairuib, ocyr iar fuit, ocyr do cuigir na gailpine, ocyr do gailpine tairuib, no co pia coimlin pečt fir deš iar fuit ann; ocyr o biar, na gailbeč pine oib da ceile, ačt gailbeč gač pine ino ti buðein, uair gailpine gač pine ino ti buðein, ocyr tairuib gač pine ino ti buðein.]

20 Slan a gabail, cio i naičib, cio i necmair, ačt na gabtar tap rapugao a paothaire; ocyr da ngabtar, ir pial eirpiz inoiečbiru uao .i. pial gaoi .i. enecclann ocyr oiru ocyr aithgin.

¹ The 'taebh-fine'-division.—The MS. E. 3, 5, (O'D. 1530) has here "gailpine ocyr do cač pine," which are not in the corresponding place in C. 1669, and which appear to render the passage unmeaning. For some of the divisions of the

It is lawful to take it from the five men of the 'geilfine'-division, and from the 'taebhfine'-division¹ of the 'geil-fine' division, and of every 'fine'-division itself. THE BOOK
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It is lawful to take it from the 'culfine'-division and the 'taebhfine'-division until the whole seventeen men of the family are included,* but it is not lawful to take it beyond that. * Ir. In il.

That is the number of the family consisting of the seven 'fine'-divisions; and it is lawful to take it from the 'taebhfine'-division till it reaches five men in distant relationship on each side.

It is lawful to take it from distant relatives on each side, though the full number of the seventeen men may not be extant of each family-division of the person himself. acc. to the distance of
" " "

It is lawful to take it from gossips, and from sons-in-law, and from foster-fathers, and from foster-mothers, and from foster-brothers, and from mutual friends, and from all the best of the family and the people not of the family. property ??

It is from these persons it is safe to take the forced exaction, viz., from people-in-law, and from foster-brothers, and from kinsmen of the 'culfine'-division and 'taebhfine'-division, and to the whole extent of the seventeen men, and from the five persons of the 'geilfine'-division, and from the 'geilfine'-division of the 'taebh-fine'-relations, until it reaches the whole seventeen men completely; and when this is reached, let not one family of them take from the other, but let each family take the person himself, for the person himself is a 'geilfine'-relation of each family, and the person himself is a 'taibh-fine'-relation of each family.

It is lawful to take it either in a person's presence or in his absence, but so as it is not taken by violence in his presence; and should it be so taken, there would be for it a fine for unnecessary forced exaction, i.e. the fine for theft,² i.e. honor-price and 'dire'-fine and restitution.

¹ "fine" or family, vid. supra. page 380. "The word "taebh-fine" means literally "side-family," and the word "cul-fine," means "back-family."

² Fine for theft.—The words "píac gearr" are an underlined gloss on the word "eneclann ocup rípe".

THE BOOK OF AICILL. Cere—cio do gena in ti gebur in ternač? Denao apač ocup tporcau, ocup gabau aethgabail im aethgin co na leč-gabal diabulca; ocup each uair aircio in aethgin uao aircio in lečgabau diabalca; no dono čena, ce na aircio
 5 in aethgin uao cuna aircio i lečgabau diabalca, uair ir eiric poſla hi .i. dais ir elao do pormačt; ocup ir ann ir-lan a gabail co trian loſ eneč, in tan ir mo na peič na trian loſ eneč no ir eutruma rir. Mara luſa na peič, noco teit dar eutruma riach.

10 Mara pet aca ta lačt no gnimrao po gabau irin eprač, C. 1670. ir-lan in cet cuicte i comloguo [če]; ocup aethgin lačta ocup gnimrao ar in cuicči tanairte, co na topačtan pein a porba na cuicči rin; ocup mana toirpet, ineoč ir peoit cethrapoa oib ir tairſilli do pič riu ar da laičib dec;
 15 ocup ineoč ir peoit diabulca, ir tairſilli do pič riu ar tpeiri, o dečmaro amach.

Mara peoit ac na puil lačt na gnimrao po gabau irin eprač, ir-lan in cet tpeire oib i comluſa, co na topačtan pein a porba na tpeiri rin; ocup maine toirpet, ineoč ir
 20 peoit cethrapoa oib, ir tairſilli do pič riu ar da laičib dec o dečmaro; ocup ineoč ir diabalca oib, ir tairſilli do pič riu ar tpeiri.

Mara peoit rmačta no eneclainni po gabau irin nep-rach, ir eutruma rir aethgina do pič leo ar cač laiči
 25 nacentca, corab ar tri laiči do poič eutruma r a colla leir amach.

Č etpocairi in epruſ, a eneclainni i compič pe tairſille;

¹ One-third of compensation.—For “aethgina” of the text, C. 1672, reads “na colla, of the body.”

Question—What shall the person do who takes the forced exaction? Let him give notice and fast, and let him take distress for compensation with double half-seizure; and whenever he returns the compensation from him he returns *also* the double half-seizure; or, indeed, *according to others*, when he does not return the compensation he returns not the double half-seizure, for it is 'eric'-fine for trespass, i.e., because it is evasion that increased it; and the case in which it is lawful to take it as far as one-third of honor-price is, when the debts are greater than one-third of honor-price or equal to it. If the debts be less, it does not go beyond the proportion of debts.

If it be animals that have milk or *are capable of work* that were taken in the forced exaction, the first five days of them are free in case of set off; and compensation for the milk and for the work *shall be made* on the second five days, with the return of themselves (*the animals*) at the end of those five days; and if they are not returned, such of them as are quadruple animals shall have additional interest accumulate^a on them for twelve days; and *as regards* such of them as are animals of double, additional interest shall accumulate on them for three days, from ten days forth.

If it be animals which neither have milk nor *are capable of work* that were taken in the forced exaction, the first three days of them are free in case of set off, when they are themselves returned at the end of those three days; but if they be not returned, *as to* such of them as are quadruple animals, additional-interest shall accumulate^a on them for twelve days, from ten days forth^a; and *as to* such of them as are *animals of double*, additional interest shall accumulate^a on them for three days.

If it be animals of 'smacht'-fine or honor-price that were taken in the forced exaction, an equivalent of one-third of compensation¹ accumulates on them for every natural day, so that it is in three days the equivalent of the animal^b would become due^c to him *from whom it has been taken*.

The severity of the forced exaction is, that the honor-price and the interest accumulate for the same time; its leniency,

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^a Ir. Run.

^b Ir. Body.

^c Ir. Would
reach.

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α τροκαιρε ιμυρρο, ιν ρε αρ α ρειτ̃εnn α ταιργιλλι, κυρὺβ
α τιαβλαδ̃ na ρε ριν ρειτ̃ερ α eneclann.

cf. I/38.29

1n bail atá, ιμυρρο; ταιρειτ ρεena ρειρ, ταιρειτ ρλεξ̃α
τρειρ, ταιργιτ elaiuim cuic̃i, ταιργιτ ρειτ̃ δε̃em̃aro, αρε
comloig̃e ριν acu ο αιλινο-oenm̃aro do ρειρ ιαρmbρε̃ταιρ,
ocur biaro uioi iei ρε ταeb.^x

^x re i comloig̃e de reir
ambrẽti aile denm̃ar̃h
7 liaĩñh uic̃h̃i uir na
ndiaigh C.1672

1 cor no 1 cuñop̃aro tucão ano ριν ιατ; ocur ρamão 1
neppãd̃ no gab̃ẽa ιατ, ρo buo auuo ρo aicnẽd̃ ρeoĩt co ñgnim-
pão no ceñ gñim̃pão; ocur ρamão 1 nãch̃gabail ρo gab̃ẽa
10 ιατ, ρo biaro añaro op̃pu ρo aicnẽo nepp̃aim no nem̃nepp̃aim.

C.1677 (2). 1604. O'p̃557f.

Ατατ α τρι δορλιατ ταιργιλλι 1 ραλλ̃:om co ar̃ge.

.1. eap̃e no nollac̃ .1. ιρ̃lan ãẽt co top̃a ιρ̃ na lãit̃ib ριν
hi, ocur manã top̃a, ιρ̃ ταιργιλλι do ρι̃ẽ ρua o ριν amãch̃.

more in A

Αιρ̃lecão co am̃p̃ip̃.

15 .1. in ταιρ̃lic̃uo co am̃p̃ip̃ ep̃p̃ũs no hog̃maip̃. 1ρ̃lan ãẽt
co top̃a ιρ̃in ló deĩuiñach̃ dõon ep̃pãd̃ no dõon nog̃maip̃ he;
ocur manã top̃a, ιρ̃ ταιργιλλι do ρι̃ẽ ρua o ριν amãd̃.
O'D. 558. Ocur ciñõeo aig̃i ap̃ũẽi [ατα] op̃pũo ano ριν, uair̃ mane
bẽĩẽ, ce be uair̃ uib do nẽẽpãr α tim̃gaip̃e ιpẽo õleg̃aip̃ α
20 naip̃ic̃; uair̃ in ñi põp̃p̃ na ρuip̃m̃ĩẽpãr aig̃i, ιρ̃ ẽ aig̃i α tim̃-
gaip̃e.

cf. I/146.5f

|| C.1386.

25 Δει̃ẽbĩp̃ ιtip̃ añpãit̃ẽiup̃ na hona ocur añp̃ip̃ in ap̃lic̃ẽ.
Añpãit̃ẽiup̃ na oña, ñi ρ̃it̃ip̃ in ρe do tiãẽt̃ain, ocur ñi ιtip̃
co m̃bẽit̃ip̃ ρẽĩẽ ap̃; [añp̃ip̃ añ ap̃lic̃ẽi, ρo ρ̃it̃ip̃ in ρe do
C. 1668. tiãẽt̃ain, ocur ñi ρ̃it̃ip̃ co m̃bẽõap̃ ρẽĩẽ ap̃]; no dõno, ceña,
C. 1668. ρo ιtip̃ in ρe do tiãẽt̃ain [1 cẽẽtãp̃õẽ.]

¹ *Knives spend.*—For “ταip̃ic̃,” C. 1672 reads “cẽĩgẽt̃.” The quotation
seems to be a fragment of some old poem.

² *After judgment.*—For “ιαρmbρε̃ταιρ,” C. 1672, has “αρ̃mb̃rẽt̃.”

³ *Neglect of a loan.*—“Oin” and “αιρ̃lecão” both mean a loan:—the former,
the loan of any thing without charge, for a definite time, but for which, if not
turned at the end of that time, interest was charged; the latter means the loan
any thing on hire, for a specified time.

however is, that for whatsoever time the additional interest accumulates, the honor-price accumulates for double that time. THE BOOK OF AICILL.

Where, however, it is said, "knives spend¹ one night, spears spend three, swords spend five, shields spend ten," this is the time of set off ~~during which they require to be proved~~ according to after-judgment,² and there shall be a period of paying besides.

In cases of bargain or contract they were given in this instance; and if it were in a forced exaction they had been seized, there would be a stay on them according as they were 'seds' capable of work or not capable of work;³ and if it were as distress they had been taken, there would be a stay on them according to their nature of necessary or non-necessary articles. *Ir. With work, or without work.

There are three things which require interest for neglect of a loan³ given until a definite day.

That is, to Christmas or Easter, i.e., he (*the borrower*) is exempt provided he returns it on these days, and if he does not return it, interest shall accumulate on it from that out.

A loan for a time.

That is, the loan till the time of Spring or Autumn. He (*the borrower*) is exempt, but so as he returns it on the last day of spring or of autumn; and if he returns it not, interest shall accumulate on it⁴ from that out. And in this case there is a certain time fixed for returning it, for if there were not, at whatever time it (*the thing lent*) may be asked for, it ought to be returned; for as to the thing respecting which no time has been fixed, its being asked for determines⁵ the time. *Ir. Is.

There is a difference between the inadvertence of the loan and ignorance of the lending. Inadvertence of the loan is, when he (*the borrower*) does not know that the time has arrived, and does not know that interest⁶ would accumulate upon him for overlooking it; or, according to others, ignorance of the lending is: he (*the borrower*) knew that the time had arrived, but he did not know that interest⁶ would accumulate^a upon him; or indeed, according to others, he knew that the time had arrived in either case. *Ir. Debits.

^a On it.—For "puu, on them," O'D. 558 reads "puu, on it."

* C 1673 (B) w. heading: *Meath slóigíoth brath*
 O'S. 1612 " " *Coscrad nad aclaig jol.*

THE BOOK OF ADICIL. — C. 1668. [Anraicear na hona .i. no ruitir in ne do tiaéttain, ocuip nī ruitir co mbeoiri reit aip. Anraip in aiplicio; no ruitir in ne do tiaéttain], ocuip do ruitir co mbeoiri reit aip, ocuip nī ruitir ca reit do biaio aip.

* 5 Copegar raeclann ploiged.

.1. rmaétt aip daepceilī gnaio reine in nemoul ino, ocuip i tiaéttain aip; tiablaio ngnimraio aip raepeceilīb gnaio reine i nemoul ino, ocuip eneclann a tiaéttain aip.

Maia gnaio plaéa co na daepceilīb tainic aip, no cio iat
 10 na ceilī tainic aip, maia epum a dubairt rīu, iḡ eneclann
 die ann, ocuip compainio rmaétt aip co na bi pep cpaī aip;
 a leé do ruz in cuicio, a leé ailī do roino i tpi, a tpiān
 don ruz iḡ nepu rpaī do ruz in cuicio, a tpiān do ruz na
 tpaīé uil oppurum tpi, ocuip a tpiān do na plaéaib ocuip
 15 do na etarplaéaib uilet etarpu aip meoio.

Maia gnaio plaéa ocuip aen éile tainic aip, eneclann die
 ano por; ocuip in cutpuma no iepaio in ceile co mbeé na
 céleo uil ann, copob eo iepa, ocuip a fuil ann o éa rin
 amaé die doipum. Ocuip in compainio ceina aip a leé do
 20 ruz in cuicio, ocuip in leé aile do roino i tpi.

C. 1675. Maip iat na ceilīda pein tainic aip can deoin doipum, [in]

C. 1675. rmaétt no eneclann [uil] ano, [iḡ a ic doib]; ocuip compainio
 rmaétt aip cana oc na bi pep cpaī aip; a tpiān do ruz in
 cuicio, ocuip a tpiān don gnaio plaéa aip a ceile tainic aip,
 25 ocuip a tpiān aile do roino i tpi: a tpiān do ruz na tpaīé

¹ He did not know what debts would accumulate upon him.—This seems to mean, that he did not know the rate of interest.

² Where there is no owner of property.—For "co, of the text," C. 1675 reads "ac."

³ Where there is no owner of property.—For "oc na bi," of the text, C. 1675 reads "oc a mbi, where there is."

Inadvertence of the loan: *i.e.*, he knew that the time had arrived, but he did not know that debts would accumulate^a upon him. Ignorance of the lending; *i.e.*, he knew that the time had arrived, and he knew that debts would accumulate^a upon him, but he did not know what debts would accumulate^a upon him.¹

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AICILL.
—
a Ir. Be.

A chief may enforce a hosting.

That is, *there is* a 'smacht'-fine upon a 'daer'-tenant of the 'feini' grade for not going to it (*the hosting*), and for coming away from it; *there is* double work upon the 'saer'-tenants of the 'feini' grade for not going to it, and *they pay* honor-price for coming away from it.

If it be a *man of* chieftain grade with his 'daer'-tenants that came away from it (*the hosting*), or if it be the tenants that came away from it, if ordered by him (*the chief*), honor-price shall be paid for it, and it is to be divided like the 'smacht'-fine for *violating* the 'cain'-law where there is no owner of property:² half of it *goes* to the king of the province, and the other half is divided into three parts; of which one-third *goes* to the king who is nearest to the king of the province in upward gradation,^b one-third to the king of the territory who is over those below, and one-third to the chiefs and intermediate chiefs who are between them in the middle.

b Ir. Upward.

If it was a *man of* chieftain grade, and one tenant that came away from it (*the hosting*), honor-price is to be paid for it (*the desertion*) also; and the share which the tenant should pay, if all the tenants had been *concerned* in the case, is what he is to pay *now*, and the remainder is to be paid by him (*the person of chieftain grade*). And the same division is made of the half for the king of the province, and the other half is divided into three parts.

If it was the tenants themselves that came away from it (*the hosting*) without his (*the chief's*) leave, the 'smacht'-fine or the honor-price which is *due* for it are to be paid by them; and the division of the 'smacht'-fine for *violating* the 'cain'-law is to be made of it where there is no owner of property;³ one-third of it *goes* to the king of the province, and one-third to the *man of* chieftain grade whose tenants came away, and the other third is to be divided into three parts; one-third of which *goes* to the king of the district

THE BOOK *uīl* oṗṗurum aṗ, oṗṗ a ṗṗian ṗo na ṗlaṗaib oṗṗ ṗo na
OF
ACHILL, eṗṗṗlaṗaib *uīl* eṗṗṗu aṗ meṗon.

Որպեսզանք լսե՛ք բաժե՛տ օգնե՛լանք ար, ըստ
 օրհանոցի ու ճշմարիտ աստուծոյ, զի քանի որ ինչ որ
 քեզ ինչպէս օգնե՛լանք, նոյնպէս քեզ ինչպէս
 օգնե՛լանք, նոյնպէս քեզ ինչպէս օգնե՛լանք զի քանի որ
 ինչ որ քեզ ինչպէս օգնե՛լանք, նոյնպէս քեզ ինչպէս
 օգնե՛լանք:

Ըստի սարկ արագէտ լետար անո, ր ձ լե քօ ալեոթ ին տի
լետար; օսար զա՛ն ր Եսեւլանո, ր ձ լե քօ ալեոթ ին տի քար
1 լետար.

C. 1674. Οὐ ποτερά συνάτῃ μο ἀρ να ἡραταῖβ πλαῖα [σεν
 οὐλ ἱρην ρλοῖξιθ] να ἀρ να ἡραταῖβ ρεῖνε? ἱρ ε ραῖ
 ποτερά; μο ἱρ τυρβηροσ ρον τυρλοῖγεσ νο ρον ρυνατο να
 ἡρατο πλαῖα να εσμαιρ ἱνατ να ἡρατο ρεῖνε, οσυρ μο
 16 ρεαῖρ α λερ ἱατ, οσυρ κοῖρ εἰαματ μο νο βεῖτθ ορρο.

(more in A).

Cio podesa conato mo orpo i tiačtain ar ina neamvoul
 mo? I r e pač podesa; aibeile von pug a paebail amaič
 a epaič neambepena ina nemvoul leip amach po četoir.

20 Cach uair ipmaðt rin, 17 þo aioneð in tí ícar ; cað uair
17 eneclann, 17 þo aioneð in tí þiri nictar.

Ma lučt rmačta ocup eneclainni tainic ap, ačpegtar
cuihoy etarpu rbe, .i. in lučt ip mo lan oic na imar-
cpaitoi; ocup tecaat a cuihoy ap amuy in ločta buy luža
lan, ocup comicat etarpu.

25 Μαρά λυτέ ρμαῆτα οοур διαβαλτα гнιμραιο, оοур еne-
claiнни оοур διαβαλτα гнιμραιο, ταιиic ap, нoco нaῆpeгtap
cuiбoep eтaпpи, aῆт caḑ тoи тic a лaннa ap a aḑaḑ бyдoи ;
uap aḑpeгtap cuiбoep итpи λυτέ ρμαῆτα οοур eneclaiнни;

who is over them, and one-third to the chiefs and interme- THE BOOK OF AICILL.
diate chiefs who are in the middle between them. a Ir. Of

If persons incurring^a 'smacht'-fine and honor-price came away from it (*the hosting*), they are not to be taken conjointly, but each of them is to pay his full share for himself. Persons incurring^a 'smacht'-fine and honor-price, or persons incurring^a double of either of those, are not to be taken conjointly.

Whenever it is 'smacht'-fine that is paid, it shall be paid according to the rank of the person who pays it; and whenever honor-price is *paid*, it shall be paid according to the rank of the person to whom it is paid.

What is the reason that there is a greater *fine* upon the chieftain grades for not going to the hosting than upon the 'feini'-grades? The reason is; the hosting or the fort-making suffers a greater loss from the absence of the chieftain grades than *from that* of the 'feini' grades, and they are more needed, and it is right that there should be a greater *fine* upon them.

What is the reason that there is a greater *fine* imposed upon them for coming away from it (*the hosting*) than for not going into it? The reason of it is; it is more dangerous for the king to be deserted outside in an enemy's territory^b than that they (*the tenants, &c.*) should not go out with him at first. b Ir. A non-besona' territory.

Whenever that *penalty* is 'smacht'-fine, it is *regulated* according to the rank of the person who pays it; whenever it is honor-price *that is due*, it is *regulated* according to the rank of the person to whom it is paid.

If it be persons incurring^a 'smacht'-fine and honor-price that came away from it (*the hosting*), equalization is considered between them, i.e., they who have the greater full *fine* pay the excess; and they come into shares with the persons who have less full *fine*, and they pay equally between them.

If it be persons incurring^a 'smacht'-fine and double-work, and honor-price and double-work, that came away from it (*the hosting*), equalization is not taken into account between them, but each of them pays his full *share* on his own account; for equalization is taken into account between persons from whom 'smacht'-fine and honor-price are *due*;

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ocur noco natpɛɣtar itir luɕt ɣmaɕta ocur ɔiabalta
ɣnɔmpaɔ, no itir luɕt enecɭaɔnɔi ocur ɔiabalta ɣnɔmpaɔ,
aɕt caɕ ɔib ɔic a lana ap a ɣɣaɔ bɔɔɔɔn.

Paɭl ɔono cen imcomet cimeɔa.

C. 1676. 5 .1. In cimɔ, aɕt ma po aɕtaɣ cuiɔpɛɕ aɣaɕi aɣ, [ocur]
ma pɛ in cuiɔpɛɕ ɣɔn tucɔ aɣ, no cuiɔpɛɕ ɣɔ ɔɭɭɔɭɭi
anaɣ, no ɣɔ comɔɭɭɔɕɛ ɣɣ, cen ɣɣ etallaiɣ cuiɔpɣ ɔib,
ɣɭan ɔon ti i ɣaib i laim e ca na elɔɔ aɣ he.

Ma po aɕtaɣ in cuiɔpɛɕ aɣaɕi, ocur tuc in cuiɔpɛɕ ɣɔ
10 aɣ, co ɣɣ etallaiɣ, no cuiɔpɛɕ ɣɔ ɣɭɭu anaɣ, cen ɣɣ
etallaiɣ, ocur po bi a tuiɣi co tuiɣaɔ aɣtaɔ ɔe, ɣɔ leɕ
ɣiaɕ in cinaɔ ɣɣ i ɣaibi ɔic ɔon ti i ɣaibi laim he, ocur
leɕ ɣiaɕ caɕ cinaɔ ɔo ɣena no co ti pɛ ɔɭɭɔɕ.

Manap cuiɔpɣ itir he, no ce po cuiɔpɣ, maɣa cuiɔpɛɕ
15 co ɣɣ etallaiɣ tuc aɣ, ocur po bu cɔnɔti leiɣ na tuiɣaɔ
ɔe a aɣtaɔ, ɣɔ lan ɣiaɕ in cinaɔ ɣɣ a ɣaibi ɔic ɔon ti i
ɣaibi laim he, ocur lan ɣiaɕ caɕ cinaɔ ɔo ɔena no co ti pɛ
ɔɭɭɔɕ.

Ma po aɕtaɣɕɔ cuiɔpɛɕ aɣaɕi aɣ, ocur nɔ tucapɣaɣum
20 in cuiɔpɛɕ ɣɔn aɣ, no cɔa tucapɣaɣ, ma po cɔnɔti leiɣ co na
tuiɣaɔ a aɣtaɔ ɔe, ɔaɔ lan ɣiaɕ in cinaɔ imap ɣabaɔ,
ocur lan ɣiaɕ caɕ cinaɔ ɔo ɔena no co ti pɛ ɔɭɭɔɕ.

C. 1677. Manap aɕtaɣɕɔ cuiɔpɛɕ aɣaɕi aɣ itir, aɕt a cuiɔpɛɕ
ɕena, ci be cuiɔpɛɕ uɭe ɔo beɣa aɣ in ti i ɣaibi laim he,
25 o na bia ɣɣ etallaiɣ aɔi, ocur o buɣ ɣɔ a tuiɣi co tuiɣ-
aɔ a aɣtaɔ ɔe, ɣlan ɔo ce na elɔɔ aɣ he.

Manap epbaɔ ɣɣ a cuiɔpɛɕ itir, aɕt a comet ɕena, ɣlan
ɔoɣum ce helai aɣ he, o ɔa ɣena a comet cen ɔiɕell. No

but it is not taken into account between persons from whom THE BOOK OF AICILL. 'smacht'-fine and double-work, or honor-price and double-work are due, but each of them pays his own full *share* on his own account.

Neglect indeed in not guarding a captive.

That is, *as to the captive*, if a particular fetter was agreed to be put upon him, and if it was that fetter that was put upon him, or a fetter more lawful than it, or equally lawful with it, without knowledge of defect in any fetter of them, the person in whose custody^a he was is exempt even Ir. Hand. though he should escape from it.

If the particular fetter was agreed on, and if he (*the keeper*) put that fetter upon him, being aware of a defect *in it*, or a worse^b fetter than it, not being aware of any defect *in it*, and Ir. Lower. it was his belief that it would restrain him, he in whose custody^a he was pays half the fine for the offence for which he was *in custody*, and half the fine for every offence which he shall commit until he submits^c to law. Ir. Comes.

If he (*the keeper*) did not fetter him at all, or though he did fetter *him*, if it was a fetter of whose defect he was aware he put on him, and he was certain that it would not restrain him, he in whose custody^a he was shall pay full fine for the offence for which he was *in custody*, and full fine for every offence which he commits until he submits to law.

If it was agreed to put a certain fetter upon him, and if he did not put that fetter upon him, or though he did put it, if he was certain that it would not restrain him, he shall pay the full-fine for the offence for which he was arrested, and the full fine for every offence which he commits until he submits to law.

If no particular fetter was agreed to be put upon him, but only that he should be fettered; whatever fetter the person with whom he was in custody^a puts upon him, provided he is not aware of its being defective, and it is his belief that it will restrain him, he is exempt though he (*the captive*) should effect his escape.

If he was not ordered to fetter him at all, but to keep him, he (*the keeper*) is exempt though he (*the captive*) should escape, provided he keeps him without neglect. Or, indeed,
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 dono čena, comaro lan pīač in cinaro nūr i pīaibī uic do, ocup
 lan pīač cač cinaro do čena co ti pē ōligēō; uair nocu
 comet ōligetec he mā po elā ar he, uair i ēo a dubaro
 nūr a coimet, ocup nocu namail coimet he mā po elā ar he.

dgthch/Q (C1677)

5 Cio pōdēpa lan pīač i rin pail pēa, ocup co nā pūil ačt
 aithgin i ē nā pailaib aile? I ē pāč pōdēpa; beo [oile]
 cenic a gair buein in uine, ocup oaiti in ōligiō ar in ti
 do pūne pail ime; ocup coir cemar lan pīač ar.

C. 1677. [Mānā po ačtāg cuibpēč aipite ar itir, ačt a coimet,
 10 i amail cimio cin ečtugaro cuibpūg aipithe ē, im a pīaibī
 do. No dono, co nā buo luga leir no ačtugaro cuibpūg
 aipiti; uair a dubairt nūr a coimet.

Cio pōdēpa co nā pūil ačt leč pīach i rin aithne po, ocup
 co pūil lan pīach i rin naithe eile? I ē in pāč pōdēpa;
 15 in aithne i rin inut eile nočō tēit ar a hīnāt i co mbeipenn
 neč eile, ocup pail do pūgne uimpi, ocup coir cemar moite
 innte. In aithne po imorpo, hī buein pucupar (no pūp-
 gat) ann hī, ocup coir cemar lugaite innte.]

In aithne noco tēit ar a hīnāt hī co mbeipenn uine hī,
 20 ocup pail do pūgnit impi, ocup coir ciamar moiti innti.

C1678(Q)

Pail dono do connab cen imcomet cač ecuinō.

.1. in coonač dar epbar in teconač do coimet pē pē
 naen uaire, i lan pīač uar in cač cinaro pēpait bēpa
 C. 678. ocup pīeagā, [cip ocup clochā], alla ocup pēiminoā, pūib
 25 ocup ōpōrāōā, ocup aer biobunair nā epib ar co pīr a
 mbiobunair; i ē ic pīn don ti dar epbar a coimet, cia
 tarup amuib pīn, cen co tarēup; no dono čena, i can

¹ *Neglect in keeping it.*—The words in parenthesis in the Irish are an interlined
 aliter reading by another hand.

² *Out of its place.*—From this and other passages of a like kind, it would
 appear that the imprisonment here referred to was not in a regular gaol, but was a
 sort of *libera custodia*.

according to others, he is to pay the full fine of the offence THE BOOK OF AICILL. for which he was *detained*, and full fine for every offence which he may commit, until he submits to law; for it is not a lawful keeping if he escaped, because he was ordered to keep him, and it is not like keeping if he escaped.

What is the reason *that there is full fine for this neglect*, and that there is only compensation in other cases of neglect? The reason is; a man is a live chattel that can "steal itself," and *it is to punish the person who neglected to guard him*, for his illegality; and it is right that full fine should be *imposed upon him*.

If no particular fetter has been agreed to be put upon him, but that he be kept, he is as a captive without specification as to any particular fetter, in respect of exemption. Or indeed, according to others, there would not be less *due for neglect in this case* than for *neglect in the case of specification of a particular fetter*; for he was ordered to keep him (*the captive*.)

What is the reason that there is only half-fine *due for neglect of this charge*, and that there is full fine for *neglect of the other charge*? The reason is; the charge in the other instance would not go from its place until another should remove it, and neglect took place with respect to it, and it is right that there should be more for it. This charge, however, removed itself, or stole itself, and it is right that there should be less *fine for neglect in keeping it*.¹

This charge *i.e., dead chattels*, would not go out of its place² unless some person took it away, and neglect took place respecting it, and it is right there should be greater *fine for this case*.

Neglect indeed by sensible adults in not minding the non-sensible.

That is, the sensible adult who was ordered to mind a non-sensible person for the space of one hour, shall pay*full fine for every injury which spikes and spears, stocks and stones, cliffs and precipices, animals and strangers, and the enemies of the territory, he (*the sensible adult*) being aware of their enmity, shall inflict upon him; that *fine* shall be paid by the person who was ordered to mind him, whether it (~~the injury~~) *Tr. Is from him.

THE BOOK OF AIOULL. ταρραῖταιν αμυιῖ ατα ριν ριε ρορμ; οκυρ μα ταρῖυρ
αμυιῖ ηε, εο να ιεαρμ νι ανο.

Μα ταρῖιταρ νι δε αμυιῖ, οκυρ νι ταρῖιταρ ηε υιλε, ιν
ταινμπαινοι ρον λαν ριαῖ να ταρῖιταρ αμυιῖ, εοροβ ε ιν
5 ταινμπαινοι ριν ρον λαν ριαχ ιεαρν.

Μαρ αμαῖ ρο ροζαῖ ιν τεεορναῖ, αῖτ μαρα βιῖβιμεῖ
ηε, μα ρο ιτιρrom α βιῖβινῖ αιρ, ρο μα ρο ινοιρεο ρο, ιρ
λαν ρο αιερεο α βιῖβινῖ ριε ανο. Μανα ιτιρρμ α βιῖ-
βινῖ ιτιρ, ιρ λαν ρο αιερεο αιρι ριε αν.

10 Leṣ ριαῖ ρορ α αιτι οκυρ ρορ α μυιμε; οκυρ ιν εαῖ εηεο
ρερραιτ ηερα οκυρ ρλεγα, αλλα οκυρ ρρειμεννα, ρυιβ οκυρ
ρεορατα, οκυρ αερ βιρβαναιρ να εριῖ, εο ριρ βιρβαναιρ
ορρο. 1ρ α ιε ριν ρα αιτι οκυρ ρα βυιμε, εια ταρμρ ιμυιῖ ηε
εεη εο ταρμρ; ρο ροηο ῖενα, ιρ εαν ταρραῖταιν αμαῖῖ ατα
C. 1679, ριν; οκυρ [μα] ταρμρ ιμαῖῖ ηε, ζειβιο ζρειμ ραρ α
εεορμ.

4C 1003

Μαρ αμαῖ ρο ροζαῖ ιν ραλτα α εετ ειν εομραιτι, ρο
νεοῖ ι ροιῖ ~~ῖνεελαν~~ ειριε ριε ρον αιτι α ρυαλζυρ εετ ειναο;
οκυρ υιλιατι α ειναο ρο εο ρερνα α αῖῖυρ ρορ α αθαιρ;
20 οκυρ ο ρο ζενα α αῖῖυρ ρορ α αθαιρ, α ειντα βιῖβινῖ εο
ραιλλ ριε ρον αιτι, οκυρ α ειντα βιῖβινῖ εεη ραιλλ ριε ρα
αθαιρ.

Αῖῖεηυρ ειναο ρε ναιρ ριαλτρν ριν, οκυρ ροεο ναῖῖυρ αιρι;
οκυρ ραματ αῖῖυρ αιρι, ρο βοτ ραερ ιν ταιτι αρ α ειναο.

1 *Whether it occurred outside.*—The words ‘ταρμρ,’ or ‘ταρῖυρ,’ and the other forms from the same root have been rendered by Dr. O’Donovan here and in a few subsequent instances, ‘occurred,’ or ‘happened.’ Elsewhere they are rendered by ‘was obtained,’ ‘seized,’ ‘recovered,’ &c., meanings which appear to suit the present place very well. The sense would then be “whether it (*the fine*) was recovered outside (*i.e., from the parties who actually did the injury*) or not.” It has not been thought advisable, however, to alter Dr. O’Donovan’s translation.

See note

was forthcoming fr. a third party (ie the injurer)?
occurred outside^a the territory or did not occur; or indeed, THE BOOK OF AICILL. according to others, it is when it did not happen outside this is to be paid by him; and if it happens outside, he shall pay nothing for it.

If any part of it (*the injury*) happened outside, and if it did not all happen *there*, the proportion of the full fine for the part of it that did not happen outside, is the proportion of the full fine which he shall pay.

If it was outside *the territory* the non-sensible person committed the injury, and if he be a vicious person, if he (*the guardian*) knew of his viciousness, or had been told of it, he (*the guardian*) shall pay full fine, according to the nature of the viciousness, for it. If he did not know of his viciousness at all, he is to pay full fine according to his age.

against a 3rd party

On his foster-father and on his foster-mother half fine is imposed on his account; and for every wound which spikes or spears, cliffs or precipices, animals or strangers, or the enemies of the territory when their enmity is known, shall inflict upon him. This fine is to be paid by his foster-father and his foster-mother, whether it (*the injury*) happened outside or not; or indeed, according to others, it is when it has not happened outside this is paid; and if² it ~~has happened outside, a claim~~ takes effect for them.

if forthcoming fr outside, it

If the foster-son has committed his first intentional offence outside *the territory*, 'eric'-fine shall be paid by the foster-father for such as would incur honor-price, on account of the first offence; he pays also for all his offences, until he returns him to his father; and when he has returned him to his father, his offences of viciousness arising from^a neglect are to be paid for by the foster-father, and his offences of viciousness without neglect, shall be paid by his father.

^a Ir. With.

This was a case of returning a foster-son for his offences before the age at which the fosterage is completed, and not returning after^b attaining that age; and if it had been returning after^b that age, the foster-father would be exempt from liability for his offences.

^b Ir. Of.

^a And if.—For 'ma,' the reading in O'D., 1536 (E. 3-5, p. 57), is 'ni' which does not appear to make sense.

- THE BOOK OF AICILL. Cio podesa co puil lan fiač ar in coṭnač ɔar epbat in
 5 ɔeccoṭnač ɔo coimet pe pe naen uairu, ocyr na puil ačɔ
 — leč fiač ar a aiti, ocyr ar a buime? 1r é pač podesa;
 uɣra ɔon ti ɔar epbat a comet pe pe naen uaire, na ɔa
 5 aiti ocyr ɔa buime a comet ɔo ɣper; ocyr coir ce na beč
 C. 1680. lan[ɣiač] ar in ti ɔar epbat a comet pe pe naen uaire, o na
 ɔerna a comet co ɔliɣčēč; ɔoilɣi ɔa aiti ocyr ɔa buime a
 C. 1680. comet imurpo, ocyr coir cemaɔ lu [oppo]; no, 1r comlu-
 ɣɔo lanamnair čena ɣa ɣir in naiti ocyr in ɔalɔa, can
 10 ni 1r mo uao na leč.

Ma po ail co aep ɔialɔu, ocyr po ic a cet cin com-
 parai, 1r ɣrian coirpɔiri na cet eneiɔi compari po pɔpɔ
 aip ɔo bɣeič ɔon aiti, cio aici cio ɣar noul uao po pɔpɔ
 aip hi.

- 15 Manar oil co aep ɔialɔu, ocyr n1r ic a cet cin compari,
 C. 1680. ačɔ mar aici po pɔp[αč] eneo aip, 1r ɣrian comlan ɔo
 bɣeič ɔo; mar ar noul uao, noco beipeno nač ni.

Manir ail co haep ɔialɔu, ocyr po ic a cet cin com-
 parai, in ɣainmɣainɔi ɔon pe po ailɣɔar cyru b e in ɣainm-
 20 ɣainɔe ɣin beipɣ, cio aici, cio ɣar noul uao po pɔpɔ
 eneo aip. Ocyr mar i cet eneo po pɔpɔ aip a marbat, 1r
 ɣrian coirpɔiri in cɔoli baiɣ ɔo bɣeič ɔo; no ɔono čena,
 cɔ na beč n1 ɔo ɣir, uair nocu namail eneiɔi leiɣ in baɣ-
 uɣɔo.

2 continues on p. 512

(leaves are misbound)

What is the reason that there is full fine imposed upon the sensible adult who was ordered to mind the non-sensible person for the space of one hour, and that there is only half fine imposed upon his foster-father and his foster-mother? The reason of it is; it is easier for the person who was ordered to mind him for the space of one hour to do so than for his foster-father and foster-mother to mind him always; and it is right that there should be full fine imposed upon the person who was ordered to mind him for the space of one hour, when he did not mind him properly; but it is more difficult for his foster-father and his foster-mother to mind him, and it is right that there should be less fine imposed upon them; or, according to others, it is an adjustment of social connexion that exists between the foster-father and the foster-son, so that there is no more than half fine required from him.

If he fostered him to the completion of the age of fosterage, and paid for his first intentional offence, the one-third of the body-fine for the first wound intentionally inflicted on him shall be obtained by the foster-father, whether it was inflicted on him while with him, or after he had gone from him.

If he did not foster him to the age of completing the fosterage, and did not pay for his first intentional offence, and if it was while with him (*the foster-father*) a wound was inflicted upon him, he (*the foster-father*) shall obtain the full third of the fine; if it be after he has left him, he obtains nothing.

If he did not foster him to the age of completing the fosterage, and paid for his first intentional offence, the share of the fine which he gets is proportional to the time during which he fostered him, whether a wound was inflicted upon him while with him, or after he has left him. And if the first wound inflicted on him killed him,* it is one-third of body-fine for a death-maim that shall be obtained by him (*the foster-father*); or else, according to others, nothing shall be due to him at all, for putting him to death is not like inflicting a wound upon him. in his opinion

* Ir. Be his killing.

*o'Bar. 1508 side (?) talmaide no talmaide
con imchoimet*

THE BOOK
OF
AICHEL.
C. 1708.

[Talmardech cin imchoimet.

1. in duine da ro herbað in talmardech do ðoinnet ne naen uaire, leð riad caða cneide feprait bea ocyr flegá, cyp ocyr cloða, ocyr alla ocyr oremanna, ruip ocyr deoparo ocyr aep biððannair na criðe co fir a mbiððannair oppa; ocyr ceðruime in leð reið rin ar fellad po ba aca reilleceðt. Inano ocyr peçtmað in lair; ip a ic rin don ti dar herbað a coimet in tan nar pet a terarigan gan comrac fir; ocyr da petað a terarigan gan comrac fir, in cutpuma po biao i nemðoinnet a hecoðnais eile, gupab eð biao uað in a nemðoinnetorom.

Ma çarpaiçar rin amuið, iplan dorum; mana çarpaiçar, ip a ic doran.

Mar amad po poçail in talmardech, in cutpuma po icado-rom i cinad a hecoðnais eile, gupab he a leð icar in a cinad rom, in tan nar pet a terarigan gan comrac fir; ocyr da petað, in cutpuma po icadorom a cinad hecoðnais eile, gupab eð icar in a cinad rom.

20 Ceðraiñe por a ari ocyr por a ðuime in talmarde cað cneide fepait bea ocyr flegá, cyp ocyr cloða, ruip ocyr deoparo, alla ocyr oremanna ocyr aep biððannair co fir a mbiððannair air, ocyr in tan nar pet a terarigan gan comrac fir; ocyr do petoar a terarigan gan comrac fir, in cutpuma po biao uaði i nemðoinnet in dalta eile gupab 25 eð biao uaði in a nemðoinnetorun. Ceðraiñe na ceðraiñe rin ar in fellad po ba aca reilleceðt. Inann ocyr in reireð rano deç in lair; ocyr ce çarpaiçar rin amuið, ip a ic dorum, uair o biao lanamanra ocyr duine nað lanam-

= o'Bar. 1508

¹ An epileptic lunatic.—In C. 2,895 "talmaide" is explained, "a man who has epilepsy, or St. Paul's disease, i.e., the falling sickness."

² If this occurred outside.—Vide note, page 502.

For leaving an epileptic lunatic¹ unguarded.

CCF p. 68

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OF
AICILL

That is, the person to whom orders were given to keep the epileptic lunatic for the space of one hour, *shall pay* half fine for every wound which spikes and spears, stocks and stones, and cliffs and precipices, beasts and strangers, and the hostile people of the territory, if their hostility is known, shall inflict upon him; and one-fourth of that half fine is *imposed* upon a spectator who was looking on at him. It is equal to one-eighth of the whole; this is to be paid by the person to whom orders were given to keep him, when he was not able to save him without fighting with him; and if he should be able to save him without fighting with him, then the same *fine* that would be *imposed* on him for not keeping any other non-sensible person shall be *imposed* on him for not keeping him.

If this occurred outside² *the territory*, he is exempt; if it did not so occur, it (*the fine*) is to be paid by him (*the keeper*).

If it was outside *the territory* the epileptic lunatic committed the injury, *whatever be* the proportion of *fine* which he (*the keeper*) should pay for the crime of another non-sensible person, it is half thereof he shall pay for his (*the epileptic lunatic's*) crime, when he was not able to save him without fighting with him, and if he were, he shall pay the same fine for his crime that he would pay for the crime of another non-sensible person.

A fourth of *the full fine* is *imposed* upon the foster-father and the foster-mother of the epileptic lunatic for every wound which spikes and spears, stocks and stones, beasts and strangers, cliffs and precipices, and hostile people, if their hostility be known, shall inflict on him, and when they (*the foster-parents*) could not save him without fighting with him; and if they could save him without fighting with him, they shall pay the same proportion of *fine* for not keeping him, as for not keeping their foster-son. A fourth of that fourth is *imposed* on the spectator who was looking on at him. It is equal to one-sixteenth part of the whole; and though this occurs outside *the territory*, it (*the fine*) is to be paid by him, for when a person with whom there is a social relation,

THE BOOK OF AICHEL.
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ΑΝΘΡΑ ΑΣ ΘΕΝΑΝ ΡΟΞΙΛΑ ΡΥΡ ΙΝ ΤΙ ΙΥ ΙΑΝΑΝΑΝΘΑ, ΝΟΘΑ
ΝΑΙΤΡΕΞΑΡ ΕΥΙΘΩΙΡ ΕΤΥΡΡΥ, ΑΕΤ ΕΑΘ ΟΙΒ ΟΟ ΙΕ Α ΙΑΝ ΑΡ
ΑΓΙΟ ΒΥΘΕΙΝ.

Μαρ αμαε πο ποζαι Ιν ταλμαθεε, Ιν ευρυμα πο
5 ιεραδρυμ 1 ειναιθ Ιν θαλα αιε, ζυραθ ηε α λεε ικαιτ Ινα
ειναιθ ρυμ Ιν ταν ναρ ρεο α τεραργαιν ζαν κομπαε ρυρ;
οκυρ θα ρεθαιρ α τεραργαιν ζαν κομπαε ρυρ, Ιν ευρυμα
πο ιεραιθιρ α ειναιθ αν θαλα αιε, ζυραθ εθ ικαιτ Ιν α
ειναιθ ρυμ.

10 Ουθ ποθερα κο να ρυλ αετ λεε ριαε αρ Ιν ουινε θαρ ηερ-
βαθ Ιν ταλμαθεε το κομμετ ρε ρε ναεν υαιρε ρυνο, οκυρ
κο ρυλ Ιαν ριαε αρ Ιν ουινε θαρ ηερβαθ Ιν ηεκοθηαε το
κομμετ ρε ρε ναεν υαιρε ευαρ? 1ρ ε Ιν ραε ποθερα; αρ α
Ιαρναζε οκυρ αρ α αιμειλε Ιν ουινε ρυνο ρεαε αν ουινε
15 ευαρ; οκυρ νι ευμηανζ α τεραργαιν ζαν κομπαε ρυρ; οκυρ
θα εαεμπαθ, ρο βιαθ Ιαν ριαε ανο ρυνο, αμαλ ατα ευαρ.

Ουθ ποθερα κο να ρυλ αετ εεϋραιμε αρ αιτι οκυρ αρ βυιμε
Ιν ταλμαθε ρυνο, οκυρ κο ρυλ λεε ριαε αρ α αιτι οκυρ αρ
α βυιμε Ιν εκοθηαε ευαρ? 1ρ 1 Ιν ραε ποθερα; αρ α
20 Ιαρναζε οκυρ αρ αιμειλε Ιν ουινε ρυνο ρεε αν ουινε
ευαρ, οκυρ νι ευμηανζ α τεραργαιν ζαν κομπαε ρυρ; οκυρ
θα εαεμπαθαιρ, ρο βια Ιαν ριαε ανο ρυνο αμαλ ατα ευαρ.
Νο ρονο, κο να βεε α Ιαρναζε νο α εϋελθαζε νο α αι-
βειλε το αιτρεξαο το αιτι να το βυιμε ιτιρ 1 λεε ρυρ, αετ νο
25 λεε ριαε ποϋραρυμ ρυνο αμαλ ατα πορ α αιτι οκυρ πορ α
βυιμε Ιν εκοθηαε ευαρ, αετ αρ θοιλζι α κομμεθα ενα.]

? ηυα??

and a person with whom there is not a social relation, do an injury to one with whom there is a social relation, there is no equal participation of *liability* taken into account between them, but each shall pay his full *fine* on his own account.

If it was outside *the territory* the epileptic lunatic did the injury, *whatever be* the proportion of *fine* which they (*the foster parents*) should pay for the crime of the other foster-son, it is half thereof they would pay for his crime when they could not save him without fighting with him; but if they could save him without fighting with him, they would pay the same proportion of *fine* for his crime, as they would for the crime of the other foster-son.

What is the reason that there is but half-fine *imposed* on the person who was ordered to keep the epileptic lunatic for the space of one hour here, and that full fine is to be *paid* by the man who was ordered to keep the non-sensible person for the space of one hour above? The reason is; on account of the furiousness and dangerous nature of the person here, compared with the person above *referred to*; and he could not be saved without fighting with him; and if he could, there would be full fine due for it (*the neglect*) here, as there is above.

What is the reason that there is only one-fourth of the *fine* upon the foster-father and foster-mother of the epileptic lunatic here, and that there is half-fine upon his foster-father and his foster-mother, *i.e.*, of the non-sensible person above? The reason of it is; owing to the furiousness and dangerous nature of the person here *referred to*, compared with the person above; and they cannot save him without fighting with him; but if they could, there would be full fine due for neglecting him here, as there is *in the case* above *referred to*. Or indeed, *according to others*, his furiousness, fiercer-ness, or dangerous nature, is not to be taken into account at all for his foster-father and foster-mother in respect to him, but half-fine would be on them here, as it is on the foster-father and foster-mother of the non-sensible person *in the case* above, and on account of the difficulty of keeping him generally.

q. 0. 521

C. 1688 (a)

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OF
AIOILL.Բա՛ւ զոնօ զօ Կաւմե՛ճարօ զոն տուօմե՛տ Կա՛ր
իւրի՛ւ. *write a*

1. Մա ըօ սրօԿար ին տարալ զա Լա՛ճ մանձուօն զսլա
ամա՛հ, օԿար ա զսԿարտ ըս ալմ զօ Կրե՛ճ Լեօ, օԿար շուԿար
5 արմ զօնօ; մա՛նա զե՛ճարսրմ ամա՛ճ տար, ըօ Կա շուԿար,
մա՛նա ըսԿարտ արմ Լեօ, իր Լան ըա՛ճ Կա՛ճ Կնեօ՛ւ Բարսի՛ւ Կր
օԿար Կլօճա, օԿար ալլա օԿար ըսր, օԿար Կար Կո՛ճանար ար-
սրմ տու՛ճ օԿար տրա ըա նեմԿե՛ճարմ ի՛նա Բարսա՛ւ զօ
10 զօնԿարմ ըս, տրա նեմԿե՛ճ արմ Կս, Կա ըօ Կարս Բար
ան.

5 Կա?

Մա զսԿարտ արմ զօնօ, օԿար ըս զսԿարտ ըս ալմ զօ
տաԿարտ Լեօ զա Կօմե՛տ, Լե՛ճ ըա՛ճ Կա՛ճ Կնեօ՛ւ Բարսա՛ւ Կար
օԿար ըլե՛ճ, Կր օԿար Կլօճա, ալլա օԿար Կրեմնե՛նա, ըսր
օԿար Կար Կո՛ճանար ար զօ զօնԿարմ.

15 Մա՛նա զսԿարմ արմ տար զօնօ, ըօ Կա, մա՛նա զսԿարտ
ըս ա տաԿարտ Լեօ, իր Լան զօնԿարմ, Կճ Կօ նե՛ճտ Բար ամա՛ճ
անրե՛; սար զարԿօ զարմ արմ զօրմ 1 Լե՛ճ ըս Կօնա՛ն
Կարս, օԿար Կալ տօրԿա՛ Կօ ըալմ Կարմ, օԿար Կալ
տօրԿա՛ Կոն արմ Կարս; օԿար Կարտ արմ իր ԿրԿա՛ճ
20 սա՛ւ 1 Լե՛ճ ըս Կօնա՛ն.

Մա ըօ շուԿար Լար ամա՛ճ, օԿար ըօ Բարսա՛ւ ըս Կալմ, Կ
Բարս ին ըս Կե՛ճարմ ըօ ինԿե՛ճարմ, ըօ ըս ԿրԿա ըօ ըս
Կե՛ճարմ ըօ Բարսա՛ւ ըս. 1ր Լե՛ճ ըա՛ճ Կա՛ճ Բօճա զօ
Կարս ըս տրա նեմԿե՛ճարմ ըա Բարսա՛ւ զօ զօնԿարմ.

25 Մա ըս Կե՛ճարմ զօ Կա, իր Լան Կա; մար ըս ինԿե՛-
ճարմ, իր Լան ըա՛ճ իրն ԿրԿա՛ճ, ըօ իրն Կե՛ճ Կե՛ճարմ.

1ր Կօ իր Կե՛ճարմ ան, զսլա զարսա՛ւ ըս՛ ըա՛նԿա-
տար ա Լար, օԿար ԿօնԿարտար Կե՛ճա. 1ր Կօ իր ինԿե՛ճարմ
զօնօ, զսլա զարսա՛ւ ին նե՛ճ ըա ըա՛նԿար ա Լար.

1 Little necessity.—C. 1689 adds here, "Necessity happening to them, means to go to seek a thing required and which they could not do without."

Neglect indeed by attendants in not guarding persons of dignity.

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That is, if the chief ordered his servants to go out, and told them to bring arms with them, and gave them arms; if they did not go out at all, or, though they went, if they did not bring arms with them, it is full fine they (*the servants*) shall pay for every wound which spikes and spears, stocks and stones, and cliffs and beasts, and the hostile people of the territory inflict upon him out-side, and through their not being with him, or through their not having arms, though they may be there (*in attendance*) themselves.

If he gave them arms, and did not tell them to bring arms with them to guard him, half-fine for every wound which spikes and spears, stocks and stones, cliffs and precipices, beasts and hostile people inflict upon him shall be paid by them.

If he did not give them arms at all, or though he gave them, unless he told them to bring them with them, they are exempt, provided that they have gone out themselves on the occasion; for it (*their presence*) has the effect of arms as regards the fine due to him in respect of injuries by dogs, and he is regarded as a profitable worker with a weapon, and they are regarded as profitable workers without weapons; and the share of weapons is wanting to them in respect of dogs.

If they went out with him, and separated from him outside, it is to be considered whether it was of necessity or without necessity, or through idleness or of little necessity they separated from him. Half-fine for every injury that is done to him through their not being with him is to be paid by them.

If it was through necessity it happened, they are exempt; if it was without necessity, they pay full fine for the absence through idleness, or for the little necessity.¹

Little necessity means,² that they went to seek a thing of which they stood in need, but which they could have done without. Non-necessity for them means² that they went to seek a thing of which they did not stand in need.

Ir. Is.

1681(a)
p. 169

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Paul dono do peichemnaib lecau a napais do ~~depa~~
darp a cenn.

1. ma do pine in peichem toicheua deine toicheua ap in
mbrobaw, (ocur ip eo ip deine toicheua ann, pe aipiti do
5 tabairt ap na piasib, ocur dul do da nacara per in pe rin),
ocur cinoti leip nap oligteb dul da nacara in uair rin, ip
cuic peoit ino ocur enecann, ocur oilri a pias.

Ma robu a tuicri cor oligteb dul da nacara in uair rin,
ip cuic peoit uao ocur oilri a pias, ocur noco nuil enec-
10 lann.

Ma rubu cinoti leip cur oligteb, ip cuic peoit uao i
trowcat tap oligeb.

Ma do poine in peichem toicheua deine toicheua pur
in tpebuire, (ocur ip eo ip deine toicheua ann dul do
15 dacara ap in tpebuiri, periu po leic in brobuio elot), ocur
cinoti aici nap oligteb dul da nacara in uair rin, ip cuic
peoit uao ocur enecann ocur oilri a pias do nemacara air
do zper.

Ma rubu cinoti leip cur oligteb, ip cuic peoit uao
20 ocur oilri a pias, ocur noco nuil enecann. Ma rubu
cinoti leip cor oligteb, ip cuic peoit uao i trowcat tap
oligeb.

Ma da pine in tpebuiri deine toicheua ap in mbrobuiro,
(ip eo ip deine toicheua di dul wiri dacara ap in mbrobuiro
25 periu tainic in peichem toicheua da acra ri), ocur a cinoti
aici nap olig dul da nacara in uair rin, ip cuic peoit uao
ocur enecann ocur oilri a pias do nemacara air do zper
a ualzur a patachair.

Ma robu a tuicri cor olig dul da nacara in uair rin, ip
30 cuic peoit uao, ocur oilri na pias do nemacara wiri air, ocur
noco nuil enecann.

Ma rubu cinoti leip cur oligeb, ip cuic peoit uao i
trowcat tap oligeb, ocur na peich pur i roibi sic tap a

Moreover it is negligence for debtors to allow their bond (surety) to be 'stripped' for them

~~Neglect indeed by debtors in violating the contract~~ ^{THE BOOK OF AICILL} which was made for them.

That is, if the plaintiff brought a suit with severity^a against the defendant, (and a suit with severity^a means that a certain time was given for *paying* the debts, and that he went to demand them before that time), and he is certain that it was not lawful to proceed to sue for them at that time, five 'seds' and honor-price and the forfeiture of his debt are *the penalty* for it.

If it was his belief that it was lawful to proceed to sue for it at that time, five 'seds' and the forfeiture of his debt are *due* from him, but there is no honor-price *due*.

If he was certain that it was lawful for him to sue, five 'seds' for fasting against law is *the penalty* from him.

If the plaintiff brought a suit with severity^a against the surety, (and a suit with severity^a means that he went to demand his debt of the surety before the debtor had absconded), and he was certain that it was not lawful to proceed to sue for it at that time, five 'seds' and honor-price and the forfeiture of the right of ever suing for his debt are *due* from him.

If he was certain that it was lawful to *sue for it at that time*, five 'seds' and the forfeiture of his debt, are *due* from him; but honor-price is not *due*. Or, according to others, if he was certain that it was lawful, five 'seds' for fasting against law are *due* from him.

If a surety brings a suit with severity^a against a debtor, (suit with severity^a means that he went to *sue* the debtor before the creditor had come to *sue* himself), and he was certain that he had no right to go to demand it at that time, five 'seds' are *due* from him, and honor-price and the forfeiture of the right of ever suing him for the debt in right of his suretyship.

If it was his belief that he was entitled to go and *sue for it* at that time, *the penalty due* from him is five 'seds' and the forfeiture of the right of ever suing him for the debt, and honor-price is not *due*.

If he was certain that he was entitled to *sue for it then*, five 'seds' are *due* from him for fasting against law, but the

^a Ir. *Seve- over-suretyship*
rity of
sueing. *i.e. premature*

cf. Bashr. p. 35

THE BOOK OF AICILL. cenn pe feichemáin toicheoá; ocur tarḡsur ḡligeḡ in caḡ
inao ḡibḡin; uap mane tapreḡá, po baḡⁿ in ti loingep nao
oisí 1 peip ḡo tpoḡcaḡⁿ in pep ḡáll ann.

Ma ḡo ḡuáio in peichem toicheoá ḡacpa ap in mbḡobuáḡ⁵
ina uoi ice coip, ocur po leic in bḡobuáḡ elot, ocur robo
cinḡti leip cor ḡleḡt na peiḡ ḡe in uap ḡin, ip cuic peoit
uáio ocur enecclann ocur ḡiablaḡ ḡiaḡ, ocur cumál peḡt-
C. 1681. maio maḡbaḡ, [ocur ḡublaḡ mbḡo, mana tarḡsur bḡaḡ ḡo;
ocur ma tarḡsur bḡaḡ ḡo, nḡ ḡuil cumál peḡtmaḡ maḡbḡa,
1ḡ na ḡublaḡ mbḡḡ].

Mana tarḡsur ḡligeḡ, ocur caḡ inao na poḡḡ enecclann
comlan a ḡualḡur nemtabaḡá na ḡiaḡ, ip a [ḡ]uilluo a
ḡualḡur nemtabaḡá in bḡo, co poib enecclann comlan
ann.

15 Ma poib a ḡuáip co naḡ ḡleḡt na peiḡ in uap ḡin, ip
C. 1682. cuic peoit uáio, [ocur ḡublaḡ na ḡiaḡh], ocur peḡtmaḡ
C. 1682. maḡbḡá, [ocur ḡublaḡ mbḡḡ], ocur noco nuil enecclann.
Robo cinḡti leip co naḡ ḡleḡt na peiḡ in uap ḡin iḡip, ip
cuic peoit ipin nemḡinḡipin.

20 Ma ḡo ḡuáio in peicem toicheoá ḡacpa ap in tpebuiḡi
co coip ap a aiḡli ḡin, ocur po leic elot, ocur cinḡti leip
cor ḡleḡt na peic ḡe, .i. ḡic no ḡo tobaḡ, ip cuic peoit uáio,
ocur ḡiablaḡ ḡiaḡ, ocur ḡiablaḡ mbḡo, ocur noco nuil
enecclann.

25 Ma ḡubu cinḡti leip co naḡ ḡleḡt ḡe in uap ḡin iḡip
iaḡ, ip cuic peoit uáio ina neimḡinḡipin.

Ma ḡo ḡuáio in tpebuiḡe ḡacpa ap in mbḡobuáḡ ina uoi
ice coip, ocur po leic in bḡobuáḡ elot, ocur cinḡti leip cor
ḡleḡt na peiḡ in uap ḡin ḡe, ip cuic peoit uáio, ocur ene-
30 clann, ocur na peiḡ ḡur 1 poib ḡic ḡap a cenn, ocur noco
nuil ḡiablaḡ ḡiaḡ, uap noco ne cunḡḡep.¹

¹ *The man within.* This term for the most part signifies the debtor, or defendant in a suit. The term "man outside," means generally the creditor, or plaintiff in a suit.

debts for which he was surety are to be paid for him to the creditor; and he offered to submit to law in each case of these; for if he had not so offered, the man within¹ in this case would be like "the person who refuses seeing its lawful right to fasting."

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enters & does not grant

If the creditor went to ^{proceed against} sue the debtor at the proper time for payment, and the debtor has absconded, and he was certain that the debts were then due of him, ^(of the creditor) the fine due from him is five 'seds' and honor-price, and double of the debts, and a 'cumhal' of one-seventh for killing, and double food, if food has not been offered to him; and if food has been offered to him, there is no 'cumhal' of one-seventh for killing, or double food.

Bechr. p. 39

[Bechr. p. 39⁴ for duty of feeding a debtor who has come to enforce a debt.]

If law has not been offered, and wherever complete honor-price does not accrue in right of the debts having been withheld, it (the honor-price) is to be added to in right of the food having been withheld, until it amounts to complete honor-price.

If it was his belief that the debts were not then due of him, five 'seds' are due from him, and double the debts, and one-seventh for killing, and double food, but honor-price is not due. If he was certain that the debts were not due of him at that time at all, it (the fine) is five 'seds' for not having tendered them.

If the creditor went to sue the surety rightly afterwards, and he (the surety) has absconded, and he was certain that the debts were due from him, i.e., that he was bound to pay or to levy them, five 'seds' are due from him, and double the debts, and double food, but honor-price is not due. ^(from the surety as opposed to the debtor)

Bechr. p. 51 (nothing is this in older texts).

If he was certain that they (the debts) were not due of him at that time at all, and they were nevertheless, it (the fine) is five 'seds' from him for not having tendered them.

If the surety went to ^{proceed against} sue the debtor at the proper time for payment, and the debtor, ^{has} absconded, and he (the debtor) was certain that the debts were then due from him, it (the fine) is five 'seds' from him, and honor-price, ^(of the surety) and the debts for which he (the surety) had been security are to be paid for him, but there is no double of debts, because it is not that he seeks.

Tribune here = truth

Bechr. p. 46

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Der steht in keinem Zusammenhang mit dem alten Recht' Laro ont
d. Verjährung der Bestimmungen; cf. § 341. 13., § 224. 25.

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1684 **Ma** robi a tawirin co nar olečt na peič de in uair rin,
ir cuic reoit uao, ocup na peič nir i roibi roic rap a cenro,
ocup noco nuil diablađ pīač, ocup noco nuil enecłann.

C. 1682. **Ma** rubu cinnoti leir nar olečt na peič de in uair rin,
ir cuic reoit ina neimtinicirin; ocup ni tapřur oligeđ don
fir amuič i ninao roib rin; ocup ra tapřđa, robu in ti
tporicep rap tairicirin pīara in per amuič ann.

1686 **Ir** ann ata, teit por ra leič lan eiric don peichem
toicheđa, in tan do čuair in peichem toicheđa rapra ar in
C. 1686. ¹⁶ mbrobuir ina uiri [ice] coir, ocup po leic in brobuir elo, ocup
cinnoti leir co nar olečt na peič de in uair rin, ocup
do čuair rapra ar in tpebuiri ar a ačli rin, ocup po leic
in tpebuiri elođ; ir lan eiric o cečtar de roib don peiche-
man toicheđa.

1686 **Ir** ann ata, teit por ra leič lan eiric don brobuir, in tan
do pine in peichem toicheđa deine toicheđa [air], ocup do
pine in tpeabuiri deine toicheđa air; lan eiric o cečtar
de roib don brobuir.

20 **Ir** ann ata, teit por ra leič lan eiric don tpeabuiri,
in tan do pine in peichem toicheđa deine toicheđa air,
ocup do čuair in tpebuiri ar a ačli rin rapra ar in
mbrobuir ina uiri ice coir, ocup po leic in brobuir elo,
lan eiric o cečtar de roib don tpebuiri.

25 **Ma**ra acra bopblačair do pine in peichem toicheđa ar
in mbrobuir, ocup ir eo ir acra bopblačair ann, bič ac
acra pīač air, ocup cinnoti aic nar olig ni de, ir cuic reoit
uao, ocup enecłann, ocup pīač po ni do nimet.

Ma robi a tawir cor olig, ir cuic reoit uao, ocup pīač
30 po ni do nimet, ocup noco nuil enecłann.

Ma rubu cinnoti leir cor oligeđ, ir cuic reoit uao i
tporca rap oligeđ.

Mara acra bopblačair do pine in peicheh toicheđa ar

¹ *The man outside.* That is the creditor, or plaintiff in a suit.

² *Was certain.*—For 'nar' C. 1686, reads 'no.'

If it was his belief that the debts were not then due from him, it (*the fine*) is five 'seds' from him, and the debts for which he (*the surety*) was *security* are to be paid for him, but there is no double of debts and there is no honor-price.

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If he was certain that the debts were not due from him at that time, it (*the fine*) is five 'seds' for not having tendered them; and there was no offer of law to the man outside¹ in any instance of these; and if it had been offered, the man outside would then be *like* "the person who fasts after tender of his right."

It is then it is a *case of* "full 'eric'-fine goes upon both sides to the creditor," when the creditor went to sue the debtor at the proper time for payment, and the debtor absconded, and he (*the debtor*) at the same time was certain² that the debts were then due from him, and he (*the creditor*) went afterwards to sue the surety, and the surety *also* absconded; there is full 'eric'-fine *due* from each of them to the creditor.

It is then it is a *case of* "full 'eric'-fine goes on both sides to the debtor," when the creditor has brought a suit of *severity* against him, and the surety has brought a suit of *severity* against him; full 'eric'-fine *is due* from each of them to the debtor.

It is then it is a *case of* "full 'eric'-fine goes on both sides to the surety," when the creditor brought a suit of *severity* against him, and the surety went after this to sue the debtor at the proper time for payment, and the debtor absconded; full 'eric'-fine *is due* from each of them to the surety.

If it was an unjust suit the creditor brought against the debtor, (and "unjust suit" means to demand a debt of him, when he (*the creditor*) was certain that nothing was due from him), five 'seds' are *due* from him and honor-price, and fine according to the length he has gone.

If it was his belief that he (*the defendant*) owed him a *debt*, five 'seds' are *due* from him, and fine according to the length he has proceeded, but there is no honor-price.

If he was certain that he (*the defendant*) owed it, five 'seds' are *due* from him for fasting beyond law.

If it was an unjust suit the plaintiff brought against the

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in tpebuiri, ocup ipeao ip acpa bopblačair ann bič vo ac
acpa tpebuirēčta air ocup einoti aici na vechao pe laim,
ip cuic peoit uao ocup enecclann, ocup pīāč po ni vo
nimet.

5 Ma robī a tuicri co paibi, ip cuic peoit uao, ocup pīāč
po nī vo nimet, ocup nī uil enecclann.

Ma pubu einoti leir co poibi, ip cuic peoit uao a tpo-
curo tap vližē.

Ma pa acpa bopblačair vo pine in tpebuiri ap in mbro-
10 bui, ocup ip eo ip acpa bopblačair ann bič vo ac acpa
tpebuire air, ocup a einoti aici na vechao air, ip cuic
peoit uao, ocup enecclann, ocup ni uil pīach po nī vo
nimet.

15 Ma robī a tuicri cor vliž, ip cuic peoit uao, ocup ni
uil enecclann, ocup ni uil pīāč po ni vo nimet.

Ma pubu einoti leir cu paibi air, ip cuic peoit uao i
tproccao tap vližē.

C1688 Tapcyp vližeo in each inao oib; uair maine tapcēa, po
bao a va ninvližeo aižiō i naižiō.

C1697

20 Muilluo con.

1. ma pa coonač vo pine in inmuilleo, iplan cu ao,
ocup pīāč po aicno a pača ap in coonač, ocup ip e in pīāč
pin; lan pīach ina inmuilluo po cpo inuolpīo i pīēč
cpuro inuolpīg; leč pīāč ina inmuilluo po cpo inuolpīg i
25 pīēč cpuro vīlpīg; aižin ina inmuilluo po cpo neich
aile i pīēč a cpuro booein; ocup ma pa in aile po gaburcyp,
iplan pep in inmuillu, ocup eipic po bičbinčī pop in coin
.i. leč pīāč po bičbinčē pop in coin, ocup cpurpīo mepačt a
hinmuillu in leč aile vē.

q. V 492. b

30 Ma pa gabaltaro in cu, ocup po vailižeo pīao vo, ocup

surety *in the case*, (and unjust suit in the case means to sue THE BOOK OF AICILL. him as having gone security when he *(the defendant)* is certain that he did not go security *for him*), five 'seds' are *due* from him and honor-price, and fine according to the length he has proceeded.

If it was his belief that he *(the defendant)* was *his surety*, five 'seds' are *due* from him, and fine according to the extent he has proceeded, but honor-price is not *due*.

If he was certain that he *(the defendant)* was *his surety*, five 'seds' are *due* from him for fasting beyond law.

If it was an unjust suit the surety brought against the defendant, (and unjust suit means his seeking securityship of him though he was certain he had not gone *security* for him), five 'seds' are *due* from him, and honor-price, but there is not a fine according to the extent he has proceeded.

If it was his belief that he was entitled *so to sue him*, five 'seds' are *due*, but honor-price is not *due*, and there is not a fine according to the extent to which he has proceeded.

If he was certain that he *(the defendant)* was his security, it *(the fine)* is five 'seds' for fasting beyond law.

Law was offered in each case of these; for if it had not been offered, there would be two illegalities face to face.

Setting on a dog.

That is, if it is a sensible adult that incited it, the dog is exempt in the case, and *there is* a fine according to the nature of the motive upon the sensible adult, and these are the fines;^a full fine for inciting it in pursuit^b of cattle which he had no right to pursue, knowing them to be such;^c half-fine for inciting it in pursuit of cattle which he had no right to pursue, thinking that he had the right;^d compensation for inciting it in pursuit of the cattle of another person thinking them his own; but if he incited it in pursuit of his own cattle, and if it *(the dog)* has seized the cattle of another, the man who has incited it in the pursuit is exempt, and 'eric'-fine according to its viciousness is imposed upon the dog, i.e., half-fine according to its wickedness is imposed upon the dog, and the excitement of its being set on takes the other half off it.

If the dog be a hunter, and a deer was singled out for it,

^a Ir. This is the fine.

^b Ir. after.

^c Ir. Cattle of an unlawful person, in the shape of cattle of an unlawful person.

^d Ir. Cattle of an unlawful person in the shape of cattle of a lawful person.

THE BOOK OF AICILL. 17 e in fiað po ðeiligeð do po ʒab, 17lan in cu ann, ocur
 18 fiað po aicneð a ʒaða ap in coðnacð.

Maʒa ʒabaltauð in cu, ocur po ðeiligeð ni do, ocur ni
 he in ní po ðeiligeð do po ʒab, 17lan ʒep inmuilleði ann,
 C. 1697. 5 ocur lan fiað po aicneð a biðbiniði ap in coin, [i. leð fiað
 po a biðbiniði ap in coin, ocur ʒcuipio meʒpaðt a hin-
 muille in leð eile ti.]

C. 1697. Maʒa ʒabaltauð in cu, ocur ni ðeiligeð ni do, [no] maʒa
 ðu nað ʒabaltauð hi, ce ʒa ðeiligeð cen cop ðeiligeð ni ti,
 C. 1697. 10 17lan in cu ann; [ocur] fiað po aicneð a ʒaða ap in coðnacð.
 Ocur 17 e in ʒiaç 17in; lan fiað ina inmuilleð po epot in-
 uilʒig i ʒiðt epuið inuileʒig, no po epot inuileʒig ina ʒiðt
 boðein, no po epot inuileʒig ocur epot inuileʒig aile po ʒa-
 buʒtauð; leð fiað ina muilleuð po epot inuileʒig i ʒiðt epuið
 uileʒig, no po epot uileʒig ocur epot inuileʒig po ʒabuʒtauð.
 Aicðgin ina inmuilleð po epot neið ai i ʒiðt a epuið
 ʒein, no po epot ʒein ocur epot neicð aile po ʒabuʒtauð.

from here to 522.19
 || 196.20 - 198.15

C. 2515, &c. [Maʒa maç a ʒaiʒ iça leð tiʒe do ʒinne in tinmuilleð,
 ceðʒaime tiʒe ocur oðʒuʒ comlan ʒu ʒap a toʒbað ʒin
 20 comʒni; ocur ma ta comʒni, 17 ceðʒaime tiʒe ocur leð
 oðʒuʒ.

Ceðʒu ʒeçmað oðʒuʒ ʒu ʒap a neapʒað ʒin comʒnim,
 ocur ma ta comʒnim, 17 ða ʒeçmað ceðʒaime tiʒe ʒe

¹ For *injuring an idler*. The Irish for this paragraph is printed as it was
 transcribed and lengthened out by Professor O'Curry.

² If there is no participation: i.e., if the idler had no share in the act.

and it was the deer which was singled out for it that it caught, the dog is exempt, and *there is* a fine according to the nature of the motive upon the sensible adult *who set it on*. THE BOOK
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If the dog be a hunter, and a *particular thing (animal)* was singled out for it *to pursue*, and it was not the thing that was singled out for it it caught, the man who set it on is exempt, and a full fine according to the nature of its wickedness *is imposed* upon the dog, i.e., half-fine for its wickedness on the dog, and the excitement of its being set on takes the other half off it.

If the dog be a hunter, and no *particular thing* was singled out for it, or if it be a dog which is not a hunter, whether anything (*animal*) was or was not singled out for it, the dog is then exempt; and *there is* a fine according to the nature of the motive upon the sensible adult. And these are the fines: full fine for inciting it in pursuit of cattle which he had no right to pursue, knowing them to be such,^a or in the pursuit of cattle which he had no right to pursue, as such,^b or at cattle which he had no right to pursue, and it was other cattle which he had no right to pursue it has taken; half-fine *is imposed* for setting it in pursuit of cattle which he had no right to pursue, thinking that he had the right, or in the pursuit of cattle which he had a right to pursue, if it was cattle which he had no right to pursue, it (*the dog*) seized. Compensation *is to be made* for setting it at the cattle of another person, thinking them his own cattle, or at his own cattle, if it was the cattle of another person it has seized.

^a Ir. Cattle of an unlawful person in the shape of cattle of an unlawful person.

^b Ir. In their own shape.

If it was a youth at the age of paying half 'dire'-fine that caused the incitement, a fourth of 'dire'-fine and complete sick-maintenance until death, *is the fine* for *injuring* a profitable worker, if there is no participation;^c but if there is participation, it (*the fine*) is one-fourth of 'dire'-fine and half sick-maintenance.

^c Ir. Without participation.

Four-sevenths of sick-maintenance until death *are paid* for *injuring* an idler,¹ if there is no participation,² and if there is participation, it is two-sevenths of 'dire'-fine, with com-

THE BOOK τὰς αἰχῆνι αὐτῶν τοῦ τοῦ, οὐδ' αὖτορ αὐτῶν οὐδ' αὖτορ,
OF ἡν κομῶν; οὐκ ἔστιν αὖτορ κομῶν, ἢ αὖτορ τοῦ οὐκ
— ἔστιν αὖτορ.

Մարա մա՛ս և ուր ր՛ա աւհցնա յօ քննե ևն ևնմուլեօ,
 5 յօ ր՛եճտաօ օճրաք զս Բար և տօրքաճ զն Եօմցնիմ; օւր
 մա տա Եօմցնիմ, և ր՛եճտաճ. ր՛եճտաօ օճրաք զս Բար և
 նարքաճ զն Եօմցնիմ; օւր մա տա Եօմցնիմ և րն Եճրաք
 քանն յճ; Եճր ր՛եճտաօ աւհցնա ևս րն Բար և Եճիտար
 թե, Եւ՛ և տօրքաճ Եւ՛ և նարքաճ, զն Եօմցնիմ; օւր մա տա
 10 Եօմցնիմ, և յօ ր՛եճտաճ.

Ca cina a poich lan pačā na mac zu očpur no ačgin,
 cō im cuaille cō im inmuilleo, con reuire cu no cuaille
 leč in lāin rin toč, ocup nī moate pop coin na pop cuaille,
 ačt a leč ačgin pein a torpač, ocup cethraime a
 15 nerpač?

20 Gaibe gremi leſ aithgin in cu ceo cintach aſ mac a nair
 ica leſ tſipe, ciſ a leſ pe robu ciſ a leſ pe wáine; ocur ni
 gaſ ciſ ſiu gin gur ſiu; ocur ni gaſ aſ mac a nair ica
 aithgina, aſt a leſ pe robu nama. Ocur ſr ap ſaierſ in
 war mic do lan coſnaſa poſera ſin, cona plan cu uile.

No yr ann geirir gpreim a leŵ ffrî waine, in ean yr ffrî
leŵ aethgin, ocur ni he no gab inŵ, gŵ ōligar a gabail, a
leŵ aethgin. No gaibe gpreim leŵ aethgina ciŵ a leŵ pe
waine, as mac a nair ica leŵ wape; ocur ni gaw as mac a
nair ica aethgina, aŵ a leŵ pe pobair namā, amail na beir
ein inmuillir; oir neara ōo lan coŵnaŵ in lan icar mac a

1 For an idler without participation, There is evidently a defect in the MS. here
perfectly clear, just wrongly punctuated by Editor!

compensation for either of them *that is due*, whether for *injuring* THE BOOK OF AICILL.
 a profitable worker or an idler who had no share in the deed;*
 but if there is participation, it is one-fourth of 'dire'-fine
that shall be paid, and half compensation. * Ir. Without participation.

If it was a youth at the age of paying compensation that
 caused the incitement, *he shall pay* two-sevenths of sick
 maintenance till death for a profitable worker without par-
 ticipation; and if there is participation, it is one-seventh of
 the seventh of sick-maintenance till death; for an idler with-
 out participation,¹*** and if there is participation;*** it is
 the one-fourteenth part of four-sevenths of compensation after
 death for either of them, whether for a profitable worker or
 an idler, without participation; and if there be participation,
 it (*the fine*) is two sevenths.

In what crimes wherein the full fine for motive, of the
youths, extends to sick maintenance or compensation,
whether respecting a stake or respecting the incitement of
a dog, does the dog or the stake take off the half of that
full liability from them, and there is not more imposed
upon the dog or upon the stake, than its own half compen-
sation for a profitable worker, and one-fourth for an idler?

The dog of first crime gives a claim^b for half compensation
when with a youth at the age of paying half 'dire'-fine,
whether with respect to beasts or with respect to persons;
and it does not give a claim, whether it is worth it (half
compensation) or not; and it does not give a claim when
with a youth at the age of paying compensation, except
with respect to beasts only. And the reason of this is, that
~~the second youth was seen by fully sensible adults, so that~~

^b Ir. Takes effect.

*on account of the second
 boys being near to full
 adulthood*

Or, *according to others*, it is then it gives a claim with
 respect to a person, when it is worth half compensation,
 and half compensation was not accepted, though he ought
 to accept it. Or, *according to others*, it (*the dog*) gives
 the claim of half compensation even with respect to a person,
when it is with a youth at the age of paying half 'dire'-fine;
 but it gives it not, when with a youth at the age of paying
 compensation, except with respect to beasts only, as if it had
 not been incited; for the full fine which a youth pays at the

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 nair ica leč vire na in lan icur mac anair ica ačgina,
 oir gač cođnačtu a mbia per inmuillro ir vličre cu,
 ocur gač eđcođniata a ambia per inmuillro ir inođličre
 cu.

5 Cio be eđcođnač uile po inmuilleo in coin gačaltau,
 ocur per rin rein po pođlač, ir riach po aicne pača ar
 in eđcođnač, ačt nı berur cu če .i. leč ačhgin for coin i
 tořbač ocur a rob, ocur cečřame očřura no ačgina a
 neapbač.

10 Munab řirin po pođlač in cú, ir lan na mic ann,
 ocur leč riach po bičbinchi for in coin ; ocur řřure mer-
 pačt inmuillro leč aile vi.

Munap řurřorřato na mic vo itir, ir leč ačhgin for
 coin annrin a tořbač ocur a řop, ocur cečřame ačgina
 15 no očřuir i neapbač ; ocur riach a pača for na macab o
 řrin amach.

Ğabaltauř řin uile, cio ađ cođnač cio ađ ečcođnač.

Slan imorřo, in cu nač řabaltauř ađ cođnač, cia po
 heapbač řin řur heapbač, ocur riach a pača o řrin
 20 amach for cođnač. No vno, cio be ečcođnač uile po inmu-
 iller in cu nač řabaltauř, cia po heřbač cin řur heřbač,
 ir leč ačgin for coin annrin i tořbač ocur a rob, ocur
 cečřime ačhgina no očřuir i neřpač ; ocur riach a pača
 o řrin amach forř an eřpač.

25 Ocur gač cin ir comřate ađ na macab, in cečřame
 nač icřa cú no cuaille ime ir řor mic řet, ocur nı řet ir
 na pođlaib eirř[er] aile, ačt a vıl ře lar.

¹ Upon the non-sensible person. The Irish here is 'an eřpač,' 'the idler,' the sense however seems to require 'an ečcođnač' 'the non-sensible person.'

age of paying half 'dire'-fine is nearer to the full *fine* of a THE BOOK OF AICILL. sensible adult than the full *fine* which the youth at the age of paying compensation pays, for the more sensible the inciter is the more lawful the dog, and the less sensible the inciter is the more unlawful the dog.

Whatever non-sensible person incited the dog of chase, and it committed trespass against that very person, there is a fine according to the motive upon the non-sensible person, except the part of it which the dog bears i.e., half compensation *is paid* by the owner of the dog for *injury* to a profitable worker or a beast, and one-fourth of sick-maintenance or of compensation for *injury* to an idler.

If it was not against him the dog committed the trespass, the youth^a is exempt in the case, and half fine according to ^a Ir. Youths. its viciousness *is imposed* upon the dog; and the excitement of being set on takes the other half off it.

If the youths did not incite it (*the dog of chase*) at all, it is half compensation *that shall be due* from the owner of the dog in that case for *injury* to a profitable worker and a beast, and one-fourth of compensation or of sick-maintenance for *injury* to an idler; and a fine according to the motive *is imposed* upon the youths from that out.

These are all dogs of chase, whether *they be* with a sensible adult or with a non-sensible person.

But the hound which is not a dog of chase is exempt *when* with a sensible adult, whether it was ordered or not ordered, and a fine according to his motive *is imposed* upon the sensible adult from that out. Or else, *according to others*, whatever non-sensible person incites the hound that is not a dog of chase, whether it was ordered or not ordered, it is half compensation *that shall be paid* by the owner of the dog in that case for a profitable worker and a beast, and one-fourth of compensation or of sick maintenance for an idler; and a fine according to his motive *is imposed* upon the non-sensible person¹ from that out.

And *in every intentional crime on the part of the youths*, the fourth which the owner of the dog or of the stake would pay falls upon the youths; and it does not fall *upon them* in the other 'eitgedh'-trespasses, but falls to the ground.

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Մար չափաւաճե in eu, օսւր քօ յեւեւիճի յօ, օսւր քօ չափար-
տար, իրլան eu ann, օսւր քիւճ ա քաճա ար in օտոնաճ.

Մար ար յաւցին արքեճա իր լան քիւճ. Մար ար յաւցին
երբա, իր Լեճ քիւճ. Մար ար յաւցին արքեճա միլ քսոնքաճաճ,
ի քաւիլ inոճեճիք տօրքա um աւիցին.

Մարա չափաւաճ in eu, օսւր քօ յեւեւիճի յօ, օսւր նի հե քօ
չափարտար, իրլան in օտոնաճ ann, օսւր քիւճ քօ իճեճուեւ ար
in օոն, օսւր քցարք մերքաճա ա հոնմուլիւ Լեճ մուլիւ յօ.

Մարա չափաւաճ an eu, օսւր ուր յեւեւիճի յօ, no օս քօ
10 յեւեւիճ, մանաճ օսաւաւաճ an eu, իրլան eu ann, օսւր քիւճ
քաճա ար an օտոնաճ.

Ա հաւտոնուք քիւր na օոն քսց nech աւե an eu լար յօ
արքաճա մարք յօ քրօճ an քիւր քարք.

Մար inմուլիւ օքրաւի an օտոնաճ, լան ուրքեւա քեւիճե
15 քե տաճ օքրա քօ քար, քիճ ա տօրքաճ քիճ ա ներքաճ քիճ ա
քօճ; օսւր լան օքրքօքք քե տաճ աւիցինա իր na յաւե, իար
մքար; օսւր լան ուրք քիւր na քեօտաւ իար մքար, օսւր
աւիցին.

Մար inմուլիւ քրք an օտոնաճ, օքրար ճօմլան քօ քար
20 ա ներքաճ, օսւր Լեճ ուրք na քեւիճե; օսւր օքրար օմլան ա
տօրքաճ օսւր ա քօճ, օսւր Լեճ օքրքօքք իար մքար, քիճ ա
տօրքաճ քիճ ա ներքաճ, Լա տաճ աւիցինա; օսւր Լեճ ուրք Լա
հաւիցին իար մքար իր na քետաւ.

Մար inմուլիւ inոնոճեճիք տօրքա an օտոնաճ, օքրար

² The man who brings it.—The MS. is defective here.

If the hound is a dog of chase, and it (*the prey*) was singled out for it, and it seized *the prey*, the dog is exempt in the case, and a fine according to his motive *is imposed* on the sensible adult.

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If it was for the purpose of killing *he incited the dog*, it (*the penalty*) is full fine. If it was for the purpose of sport, it (*the penalty*) is half fine. If it was for the purpose of killing a particular animal, it is like a case of ~~unnecessary profit~~ with respect to compensation.

If the hound is a dog of chase, and it (*an animal*) was singled out for it, and it was not it (*that particular animal*) seized, the sensible adult is exempt in the case, and a fine according to its viciousness *is imposed* upon the hound, and the excitement of its being set on takes one-half off it.

If the hound is a dog of chase, and it (*the particular animal*) was not singled out for it, or even if it was singled out, unless the hound is a dog of chase, the hound is exempt in the case, and a fine according to his motive *is imposed* upon the sensible adult.

With the knowledge of the owner of the hound another brought the hound with him to kill a beef of the cattle of the man who brings it ¹

If it was an intentional incitement by ^a the sensible adult, ^{Tr. of.} *he shall pay* full 'dire'-fine for the wound *inflicted* besides sick-maintenance till death, whether for a profitable worker or an idler or a beast; and full body-fine besides compensation for persons, after death; and full 'dire'-fine and compensation for the 'seds' after death.

If it was an incitement through idleness (*sport*) on the part of the sensible adult, *he shall pay* full sick-maintenance till death for *injury* to an idler, and half 'dire'-fine for the wound *inflicted*; and complete sick-maintenance for a profitable worker and a beast, and half body-fine after death, whether for *injury* to a profitable worker or an idler, besides compensation; and half 'dire'-fine with compensation after death for the 'seds.'

If it was an incitement for unnecessary profit *that was made* by ^a the sensible adult, *the penalty* is complete sick-

THE BOOK comlan a torbač ocup a pob, ocup leč očpur a nepruč.
OF
AICHL. So bar rin, ocup na panna ceona daitigin iar mbar.

Žač baile iplan eu az cođnač atait peich pair az ežco-
nač, žač baile atait peich pair az cođnač atait na peič
5 ceona pair az ežcođnach, no peich ip mo anar.]

Copc da piao.

1. mapa cođnač do pine in copc do piao tria compaiti,
ocup cinoti co pairpeta he, ip ačgin ann ocup diablač
ocup enecclann. Mapa cunnatabairt i pairpeta no na
10 pairpeta, ip leč ačgin ocup leč diablač ocup leč enec-
lann. Mapa cinoti co na pairpeta, iplan a čorc.

Map tria erba, ocup cinoti co pairpeta, ip ačgin ocup
leč diablač. Mapa cunnatabairt i pairpeta no na pair-
peta, ip leč ačgin ocup cethruimti diablač. Mapa
15 cinoti co na pairpeta, iplan a čorc.

Map tria inweičbiru torba, ocup cinoti co pairpeta, ip
ačgin. Mapa cunnatabairt in pairpeta no na pairpeta,
ip leč ačgin. Mapa cinoti co na pairpeta, iplan a čorc.

Mapa mac in aer ica leč triu do pine in copc do piao
20 triu compaiti, ocup cinoti co pairpeta he, ip ačgin ann,
ocup leč diablač, ocup leč enecclann. Mapa cunnatabairt,
ip leč ačgin, ocup cethruimti enecclanne, ocup ceč-

C.1699 (A).

fairfutha &

maintenance till death for *injury* to a profitable worker and a beast, and half sick-maintenance for *injury* to an idler. This is until death *ensues*, and the same divisions of compensation are made after death.

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Wherever a hound is exempt *when* with a sensible adult, it is subject to fines* *when* with a non-sensible person; and wherever it is subject to fines* *when* with a sensible adult, it is subject to the same fines *when* with a non-sensible adult, or to greater fines than they.

* Ir. Fines
are upon it.

To check it from its deer.

That is, if it be a sensible adult that intentionally checked it (*the dog*) from a deer, and it was certain that it (*the deer*) would have been caught, it is compensation and double and honor-price *he has to pay* for it. If it be doubtful whether it would have been caught or not, it is half compensation and half double and half honor-price *he has to pay* for it. If it be certain that it would not have been caught, it is safe to check it.

If it was through idleness *he checked the dog*, and it was certain that it (*the deer*) would have been caught, it is compensation and half double *he has to pay*. If it were doubtful whether it would have been caught or not, it (*the penalty*) is half compensation, and one quarter of double. If it be certain that it would not have been caught, it is safe to check it.

If it was for ~~unnecessary~~ profit *he checked the dog*, and it was certain that it (*the deer*) would have been caught, it (*the penalty*) is compensation. If it were doubtful whether it would have been caught or would not have been caught, it (*the penalty*) is half compensation. If it be certain that it would not have been caught, it is safe to check it.

If it was a youth at the age of paying half 'dire'-fine that caused the check to *the pursuit of a deer* intentionally, and it was certain that it would have been caught, it (*the penalty*) is compensation, and half double, and half honor-price. If it were doubtful *whether the deer would have been caught*, it (*the penalty*) is half compensation, and one-fourth of honor-price, and one-fourth of double. If it be certain that it

would not have been caught, it is safe to check it (*the hound*).

If it was for unnecessary profit, and it was certain it (*the deer*) would have been caught, it (*the penalty*) is three-fourths of compensation in the case. If it were doubtful whether it would have been caught or would not have been caught, it (*the penalty*) is one-fourth and one-eighth. If it be certain that it would not have been caught, it is safe to check it (*the hound*).

If it was a youth at the age of paying compensation, that intentionally caused the check to *the pursuit* of a deer, and it was certain that it would have been caught, it (*the penalty*) is compensation. If it were doubtful whether it would have been caught or would not have been caught, it (*the penalty*) is half compensation.

If it was through idleness, and it was certain that it (*the deer*) would have been caught, it (*the penalty*) is three-fourths¹ of compensation. If it were doubtful whether it would have been caught or would not have been caught, it (*the penalty*) is one-fourth and one-eighth. If it be certain that it would not have been caught, it is safe to check it (*the hound*).

If it was for unnecessary profit *the check was caused*, and it was certain that it (*the deer*) would have been caught, it (*the penalty*) is half compensation for it. If it were doubtful whether it would have been caught or would not have been caught, it is one-fourth compensation *he pays* for it. If it be certain that it would not have been caught, it is safe to check it (*the hound*).

What is the reason *that there is* diminution of this compensation at all, and that it is said in the other place: "compensation is not lessened when there is any portion of 'dire'-fine accompanying it"? The reason is; the compensation in that case relates to a thing which a person undoubtedly possessed at another time, and of which his hand had been emptied; and it is right that there should be no diminution of the compensation after a portion of the 'dire'-fine has been paid him. Here, however, though it is established that a person should have this compensation *for the deer*, yet it is not known for

* Ir. That was a compensation which a person had.

* of C.2247 *aronaoh cuimtech comaitiugh .i. a beith aigl i naonach 7 a*
e. , ar is mac soirchi each mac mna iatitén isna húb aithnir ei

THE BOOK OF AICILL. coir ce na beð vobuor uirne; ocup ir ar gabair a vobuor,
 cað cuinntabairt pirað[ið] tria comairt coirctir, a triu
 ir aithgin do comairn po cormail.

C. 1694. Cuirm lium; [lemnachta la cae].

5 .1. mar pur na neidib inoirer leabap po cae it iat, ocup
 ní ra penait, ir lan do can ní uat aet aithgin.

Mar pur na neidib inoirer leabap po cae it iat, ocup
 po pennurtar, no mar pe neidib aile nað inoirenn leabap,
 ce po pennurtar, cen cor pennurtar, ir lan pirað gairt oie
 10 and.

Spannde liud lat a luðarð.

.1. na huile cenn ocup coibdeiað po bi i piraonair na
 mna ac á bpeit daen fir po ðail, no ar eoð i maðair, no i
 luing no neðar for uir, ir artaiti orpo o ða pe ceitru
 15 nuair pichit imach, ocup nocon fuil enecclann oie pu.

Cach oen vob na pabir ar air no co naraiti orpo no
 co pabat pe pe noechmaro i naritit, ocup enecclann oie
 pu; no dono, o ra biat oen no doea vob i naritit ineoð
 oama vob in taruairm do donum, com artaiti orpu uile o
 * 20 ða ceitru uaire pichit imach; uair ir aenach cuirmteð
 comairtiti hi, ocup geibio spreim upuairm o biat i nariti-
 tuor.

Aethligib.

fullen (?) &

.1. in huilligiu; aet ma ðangatar na cneð pur pe pe mu-
 25 baile, ocup ni mo in cneð veirinað ina in cet cneð, plan
 C. 1695. aet biat ocup liað [o fir pirtana na cneoi]. ocup leiger
 veolaig o liað.

¹ *Beer with me; new-milk with a cat.*—C. 1694 adds an explanation of these
 clauses, which would seem to belong to the next article. The words are said to

certain whether he could have *caught* it or not, and it is right that there should be a diminution of it *according to the probability of his not having caught it*; and its diminution is inferred from, "*In every doubtful chase checked by design, its 'dire'-fine and its compensation are to be similarly divided.*"

THE BOOK
OF
AICILL.
—

Beer with me; new-milk with a cat.¹

That is, if it was for the things which the book mentions he consumed them, and *if* he did not deny it, he is exempt from *paying* anything except compensation.

If it was for the things which the book mentions they were consumed, and *if* he denied it, or if it was for other things which the book does not mention, whether he denied it or did not deny it, full fine for theft is to be paid in the case.

Grainne eloped with thee, O Lughaidh.

That is, every chief and relative who was present when the woman was taken by a^a man into a wood, or *with him* upon a horse in a plain, or in a ship or in a boat upon the water, is held to have consented^b *unless he objects* within twenty-four hours, and honor-price is not to be paid them, *unless they object*.

^a Ir. *One.*

^b Ir. *It is binding on them.*

Every one of them who was not present is not held to have consented until he^c has been cognizant of it for the space of ten days, and honor-price is to be paid to them; or indeed, *according to others*, when one or two of them who are competent to make the contract of marriage are cognizant of it, it is binding on them all from twenty-four hours out; for, it is a case of "an alehouse or a fair are an acknowledgment," and it (*their consent*) has the effect of a contract when they are cognizant of it.

^c Ir. *They.*

Consequences. ? *Relapses*

That is, the bleeding; but if the wounds broke out afresh^d during the testing-time, and the last wound is not greater than the first wound, the man who inflicted the wound is exempt, but *he must supply* food and a physician, and the cure *must be gratis* by the physician.

^d Ir. *Came against him.*

have been spoken by Cormac Ua Cuinn to Lughaidh, son of the King of Connaught, or according to others, by Cairbre Lipheachair, son of Cormac, when defending his foster-brother.

cf C 233.

THE BOOK
OF
AICILL.

Maṛa mo in cneo deirinaḁ ina cet cneo, fuilleo pe
coirpṛoipe na cet cneioi co roib coirpṛoipi na cneioi deir-
enḁe ann; ocup fuilleo pe loḡ oṛpura na cet cneioi co roib
loḡ oṛpura na cneioe deirēnḁe ann; ocup fuilleo loḡiṛeḁta
5¹⁰ do liaḡ. Tre fuirpṛeo aicbeili na cneioe bunaid, na
cneioe reimteḁtaḡi, tainic fir ann rin iat, ocup ni tre
fuirpṛeo oṛoḁleḡir co fir no can fir do liaḡ. Maṛ tre
fuirpṛeo oṛoḁleḡir co fir do liaḡ, noca nūil pe niubailē
oḁṛpṛeo fir, aḁt a ic do liaḡ do ḡneṛ, amail po pṛeo o
C. 1496. 10 laim [budoin].

Maṛ tre fuirpṛeo oṛoḁleḡir cen fir do liaḡ, aḁt maṛ
pe pe niubailē tancatap fir iat, iṛ eipic oic do liaḡ ann
po aicneḁ mṛoiaḡ teḁta no eṛeḁta, co tṛebuiru no cen tṛe-
buiru; maṛ iap pe niubailē, iṛlan.

C 1496
C 1816 (1496)
C 233

15 ḁio bliatāin.co

Ro tṛi,
Fṛi tṛen deopoc cino;
X Con toirci dṛunn
Trachtat bepla bind;
20 Oen ant fṛi deopoc laime,
Do na bi iapraḡ,
Arberap fṛi deopoc coir
Tṛeimṛi fṛi bliatāin.

C 1814

Nae mṛ fṛi deopoc in cūip olḁena; ocup in tainm-
25 pṛainoi dimapṛeo atā do deopoc cino no coir in duine
peḁ deopoc in cūip olḁena, corab e in tainmṛainoi rin
dimapṛeo ber de deopoc cino no coir in pṛib peḁ
deopoc a cūip olḁena.

¹ For the full testing of the head.—This seems to mean, that if the skull has been fractured, it will take three years to test whether the physician has made a good care of it or not.

* C 233. conuiseḁi do fuinḁ trachtat fuic bepla bind .i. intṛ comacaiḡis
de sin tracht for se bepla bind no [a]ibind leis bodein, no bepla antinn
uader uader.

If the wound be greater than it had been at first,^a addition is to be made to the body-fine for the first wound till it amounts to the body-fine of the last wound; and addition is to be made to the allowance for the sick-maintenance of the first wound till it amounts to the sick-maintenance of the second wound; and an additional fee *is to be given* to the physician. It was in consequence of the dangerous nature of the original wound, the previous wound, that it broke out afresh^b in this case, and it was not in consequence of bad curing, with the knowledge or without the knowledge of the physician. *But* if it had been in consequence of bad curing, with the knowledge of the physician, there is no testing time to be taken into consideration, but it (*the penalty*) is always to be paid by the physician, just as if he had inflicted it (*the wound*) with his own hand.

If it was in consequence of bad curing, without the knowledge of the physician, and if it was within the testing-time they (*the wounds*) broke out afresh^b, 'eric'-fine is to be paid by the physician according to his character of lawful or unlawful physician, whether he has taken security or not^c; if it be after testing-time, he is exempt.

THE BOOK
OF
AICILL.

* Ir. If the last wound be greater than the first wound.

^b Ir. Came against him.

* Ir. With security or without security.

There is a year.

*There is a year thrice,
For the full testing of the head ;¹
As teaches concerning it²
A tract of the sweet Berla-speech ;
One year for the testing of the hand,
After which there is no demand ;
There is said to be for the testing of the leg,
A short period along with a year.*

3 months

Nine months *is the time* for testing the body generally; and the proportion in which the testing-time for the head or for the leg of a human being exceeds the testing-time for his body generally, is the proportion in which the testing-time for the head or for the leg of an animal exceeds the testing time for its body generally.

² *As it is taught concerning it.*—For "con τοῖσι τῶν ἄνθρωπων" of the text, C. 1696 has "con τοῖσι τοῖς ἄνθρωποις;" for "τῶν ἄνθρωπων;" and for "αἰσθητῶν," "αἰσθητῶν."

This text is put together by the Editor from the separate brocards, each accompanied by its gloss.

THE BOOK
OF
AICELL.

Cia roic enecclann?

.1. Cairi in enecclann ro inoraigter ip na enoraib?

Slíct eitgeð aipilgter:

Althgin inoraic oðpur.

5 Tairum eip coicertar,

Cia olig uaine uail

Di cað rogail inoraibire

Ro peðar ppar.

Teora eipci aipletep;

10 Althgin oð ina nagar, *með ind aragar (augl.)*

Sceo coip coirpoire cominoraic;

Ocup eneclos,

1ar plectaib pæp pepar, *semlar*

Ino in arail

15 Oiparap/ina banbeim bup;

Oipgter aipen epenar

1 enocbeim col.

Cono æn inoraig cað glar

Inoraig gairg.

20 Co ceðramðain enecclann

Pepðar pola tpe porg;

Piaðab tpuun tairilbire

Cað ninoraig að.

Alilo oðpur iapraig;

25 Enecclann co leð, *-dip*

1n cað cpolig eipar;

Cono coip coirpoire

Concertar cað nae.

OLL pceo eipic aithgina

30 N1 tuiparar de;

~~Muna~~ oepntar/oinað

Oime deiðbir;

Alct nað troig tuargabar

Gen trocawre ti.

35 Slíct eitgeð aipilgter .i. enaluaipen aipneip na eipci ro bepar ipin cinaro.

¹ The kinds of 'eitgeð'-crime are enumerated.—These fragments, which follow consecutively in the MS., without distinction in the writing as to text or gloss, have been arranged here in a sort of metrical order, as they appear to the editors to have

cf. O'D 905

Who gets honor-price?

THE BOOK
OF
AICILL.

That is, what is the honor-price that is sought for the wounds?

The kinds of 'eitgedh'-crime are enumerated:¹*regalated*

Sick-maintenance is a worthy compensation.

Repeat quickly the right rule,

As to what a person is entitled to

For every unlawful^a injury

That is on him inflicted.

Three 'eric'-fines are counselled;

^a Ir. Unnecessary.

There is paid full compensation,

regulated, laid down

And fair honest body-fine;

And honor-price is paid,

After noble examples,

One end to another;

Just payment for the white blow;

Just 'airer'-fine is exacted

For the foul lump-blow.

So it is one that sues for every

Green fierce wound.

At a fourth of honor-price *is valued*

All blood shed through anger;

Fines of one-third are incurred

assayed

For each tent-needing wound.

Sick-maintenance involves after fines;

Honor-price and a half

For each ~~maim~~ which refestors;

So that it is proper body-fine

That is adjudged for every one.

The great 'eric'-fine and that for compensation,

Are not to be avoided;

If defence be not made for one

Whom necessity protects;

So as they have not taken up wretches

To whom no mercy is due.

The kinds of 'eitgedh'-crime are enumerated, i.e., the 'eric'-fines that are paid for the offence are enumerated.

formed portions of an ancient poem embodying law maxims. If this view be correct, they furnish incidental evidence of the great antiquity of parts at least of the text of the Book of Aicill.

Sick-maintenance is a worthy compensation, i.e., I deem it right to perform sick-maintenance when there is a wound, wherever there is only compensation due for a case of unnecessary profit. THE BOOK OF AICILL.

Repeat quickly the right rule, as to what a person is entitled to for every unlawful injury that is on him inflicted, i.e., tell quickly according to the right rule which thou hast, what a person is entitled to receive for every injury inflicted on him.

Three 'eric'-fines are counselled; there is paid full compensation, and fair honest body-fine, i.e., there are specified for the 'eric'-fine these three things, viz., food and a physician and a substitute; and full compensation and 'recus'-compensation are imposed, and the body-fine which is due honestly *is bound* according to justice.

And honor-price is paid after noble examples, i.e., honor-price ~~is to be~~ *to be to him acc. to worth* paid him honestly when he declares the indignity that has been put upon him.

One end to another, i.e., the end of the 'eric'-fine for the end of the injury.

Just payment for the white blow, i.e., it is justly ordained that the end of the honor-price is paid for the white blow.

Just mulct is paid for the foul lump-blow, i.e., the mulct is justly fixed at the seventh of honor-price to make amends for the lump-blow which it is unlawful to inflict upon a person.

So that it is one that sues for every green fierce wound, i.e., it is just that it is the same portion of honor-price that is sued for every indignity, or for every injury inflicted through anger. *Ir. Length.*

At a fourth of honor-price is valued all blood shed through anger, i.e., at a fourth of honor-price is estimated the shedding of a person's blood through continuance of anger.

Fines of one-third are incurred for each tent-needing wound, i.e., the fine which is imposed for the wounds which require a tent, is one-third of honor-price in each tent-wound of them. *assigned*

Sick-maintenance involves after fines; honor-price and a half for every maim which refeaters, i.e., these are the additional after payments that are due in the case of the noble relief of sick-maintenance, viz., half honor-price for the 'cumhal'-maim; full honor-price is paid for each maim that refeaters, i.e., the full amount of his honor-price is decreed to one after a proper manner in the case of a death-maim inflicted upon him.

So that it is proper body-fine that is adjudged for every one, i.e., so that every honor-price which we mentioned is adjudged for each wound besides their body-fine according to justice.

The great 'eric'-fine and that for compensation are not to be avoided, i.e., the 'recus'-compensation, and no deduction of it is made, but compensation is to be paid besides the great 'eric'-fine, i.e., sick-maintenance or fine for failure unless performed, if it be not performed.

If defence be not made for one whom necessity protects, i.e., unless necessity existed to protect him when he destroys the body, i.e., he who brings destruction upon the body of a person. *Unless justification prevents him (not dinach')*

So as they have not taken up wretches, to whom no mercy is due, i.e., there is to be no mercy to the criminals respecting these 'eric'-fines; but where they take up wretches who escape the payment in consequence of their poverty.

C. 1703 (6)

THE BOOK
OF
AICHEL.

Puatach Diémaric.

cf. II 124. 30

C. 1703

1. in bean puataí; áit mar ar eicin puacá imach h1,
eneclann tic pua fein ann, ocur eneclann tic pe cennab
ocur pe coibdelachab, po aicneó a coibdelachair pua; ocur
coirpóir tic inoti, cio be oirdeó, gnaí no ingnaí, tair amas
h1; [ció galap ció do coirpóir, ir coirpóir ocur eneclann
tic pe fine; ocur munab marb itir h1, ir eneclann
tic pe buoin, ocur eneclann tic pe fine.

Mar tall do cuar ina gnair ar eicin no ar elot, mara
marb tall h1, mar don coirpóir ir marb h1, ir coirpóir
ocur eneclann tic pe fine; ocur mar da galap eile, ir lan.]

Ma da deoin puacá amach h1, plan can n1 tic pua fein,
ocur eneclann tic pe cennab ocur pe coibdelachab, ocur
coirpóir tic inoti; cio be oirdeó gnaí no ingnaí tair
imach h1, pef in m1r ocur pe pe in m1r, ir coirpóir ocur
eneclann tic pe fine.

In clann do gentar pua imach pef in m1r, ocur pe pe in
m1r, a n1lir orine mathar; ocur damar a1l doib pecat,
ocur mar a1l doib, na pecat; ocur da narpecat, noco
C. 1703. n1nra1lno oligto oppo a peic co tuctar [a lan] los a
mbraigt doib dar a cenn; ocur o no beréar, ir iat ir
clann cetm1nóir upnatom a ann, no aualerach1 up-
natom a.

Ocur caí uair ir ar eicin puacá imach h1, ir a poíá na
p1necháir a1a in pecrat no na pecrat iat; ocur da nar-
pecat, upaleo oligto ar in athair a cennach.

Mar da deoin puacá imach h1, ir a poíá in athair a1a
in cennach a1a no na cennach a1a; ocur da narpennach a1a,

¹ Within—That is in her own native place.

² Obligates the father.—C. 1704 reads "ar a n1lircháir" for "ar in
athair."

Abduction without leave.

THE BOOK
OF
AICILL.
—

That is, *as regards* the abducted woman; if she was taken away by force, honor-price is to be paid to herself then, and honor-price is to be paid to her chiefs and her relatives, according to the nature of their relationship to her; and body-fine is to be paid for her, whatever kind of death, usual or unusual, overtakes her outside; whether *it be of* disease or of childbearing *she died*, body-fine and honor-price are to be paid to the family; and if she has not died, honor-price is to be paid to herself, and honor-price is to be paid to the family.

If it was within¹ she was cohabited with by violence or by evasion, if she has died within, if it was of the childbearing she died, body-fine and honor-price are to be paid to the family; and if it was of another disease *she died*, there is exemption.

If it was with her consent she was taken away, there is exemption from paying anything to herself, but honor-price is to be paid to her chiefs and to her relations, and body-fine is to be paid for her; whatever death, usual or unusual, overtakes her outside, before a month or within the space of a month, body-fine and honor-price are to be paid to her family.

The children that are begotten by her outside before the month, or within the space of a month, belong by right to the family of the mother; and if they like they sell them, and if they like they do not sell them; and if they sell them, the law does not oblige them to sell them until the full price of their lives has been given them for them; and when it has been given, they are *considered as* the children of a first wife of contract, or of an 'adaltrach'-woman of contract.

And whenever it is by force she was taken away, the family have their choice whether they will sell them (*her children*) or not sell them; and if they sell them, the law obliges the father² to buy them.

If it was with her consent she was taken away, the father has his choice whether he will buy them (*her children*) or not buy them; and if he will buy them, the law obliges the family

* Q. (C1704) is a *suigiuighadh* in *techtar atkehor mac sula y sanaisle samhada nara(?)*

of C2232. & C1146

C2050 *mac sula mic sandaidh (!)* .i. an *fer graidh*

THE BOOK OF AICILL. *urailio oligeo ar in pinechairi a reic nyr; ocuy da tuetar do in arpeio iat, urailio oligeo ar a lepugeo, daiß ny rochor do.*

*quotation fr Maclellan
a suidi: C1146*

No dono ßena, cio ar air cio ar eicin pucaro amach hi,
5 cu nupailenn oligeo ar in athair a cennoaß. Ocuy ny ar
gabar eirioe .i. maõ baitepeß nach tuailing a toirpeio ocuy
rolaing a cinaro, ny arpuoi ny teßta a cor macpula ocuy
panairi.* ↖

10 Clæt maõ ßena, caß uair ny ar eicin pucaro amach hi,
ciamaõ e poßa in athar a cennach, noco nupailio oligeo
ar in pine a reic nyr, aß munub ail doib buoem.

first A.

C. 1704. In clann do gentar iarran mpy, ocuy co tprat ar up-
nairon nroligtiß, ny iat [riße] ny clann ceomunntipe poxail
ann, no aßaltpaißi poxail, ocuy ny oib pcurip poxail tpran
C. 1704. 15 [a coßaß].

ma? L

C. 1704. [Mar ar eicin pucaro amach hi, ocuy ar maißi pe pine
no ßob coibßi, rmaßt ceomunntipe, no aßaltpaiße oic
ria, ocuy rmaßt aßaltpaiße oic uaißi mana tprtar po
coraib; ocuy ttecar po coraib cona icann naß ni, ocuy
20 rmaßt ceomunntipe no aßaltpaiße oic pia.

Mar da ßeoin pucaro hi, cio ar maißi cin cob ar maißi
pe pine poßa coibße: no mar ar eicin, ocuy ni har maißi
pe pine poßa coibße; rmaßt aßaltpaiße oic pia, ocuy
rmaßt aßaltpaiße oic uaiße, mana tprtar po coraib;
25 ocuy [ma] ttecar po coraib, cona hicunn naß ni, [ocuy]
rmaßt aßaltpaiße oic pia.

Manar gab coibße itip amuiß, ocuy ar maißi pe pein no

¹ Or pay for her offences.—The MS. here has 'pol,' which Dr. O'Donovan lengthened out into 'polaing;' 'poluë' is the reading of C. 1704.

² It is then.—For 'arpuoi' of the MS., Dr. O'Donovan suggested 'arpuoi;' the reading in C. 1704 is 'puigugao,' and for 'a cor'—'aßcor.'

of the mother to sell them to him; and if they be given to him gratis, the law obliges him to educate them, because it is a good contract for him.

THE BOOK
OF
AICILL.

Or else, indeed, according to others, whether it was with her consent or without her consent she had been taken away, the law obliges the father to buy them. And that is inferred from this: "That is, if she be a prostitute who is not able to provide for her own necessities or pay for her offences,¹ it is then² it is lawful to return the ~~similar and the dissimilar.~~"

upon & the secret sons?

But nevertheless, whenever it was by force she was taken away, though the father may choose to buy them (*the children*), the law does not oblige the family of the mother to sell them to him, unless it be their own pleasure.

The children that are begotten after the month, and until they come into a lawful contract, are considered as the children of a first wife of abduction, or of an 'adaltrach'-woman of abduction, and it is from them the abduction takes away one-third³ of their share.

If it was by force she was carried away, and for the good of her family she accepted a 'coibche'-wedding-gift, the 'smacht'-fine of a first wife, or of an 'adaltrach'-woman is to be paid to her, and the 'smacht'-fine of an 'adaltrach'-woman is to be paid by her, if her contracts be not opposed; and if her contracts be opposed, she pays nothing, and the 'smacht'-fine of a first wife or of an 'adaltrach'-woman is to be paid to her.

If it was with her consent she was carried off, whether it was for the good of her family or not, she accepted a 'coibche'-wedding-gift; or if it was by force she was carried off, and it was not for the good of her family she accepted a 'coibche'-wedding-gift; the 'smacht'-fine of an 'adaltrach'-woman shall be paid to her, and the 'smacht'-fine of an 'adaltrach'-woman shall be paid by her, if her contracts be not opposed; and if her contracts be opposed, she pays nothing, and the 'smacht'-fine of an adaltrach is to be paid to her.

If she did not accept any 'coibche'-wedding-gift at all outside, and for her own good or *that* of her family,

³ Takes away one third.—The copy of the "Book of Aicill" preserved among the MSS., E. 3-5, in T.C.D. Library, ends here.

THE BOOK
OF
AICILL
C. 1141.

pe fine, coirpóire a eneiðí tíc mīa, amail ro hīcraítea pe
tuine nađ lanamanna; ocur ip a rođa na fine aca in
compar ro bui [imuch] hī, in ben in ap ron aiteina a
gnimprao bíar dóib, no in a tultí a gnimprao fīr ocur
5 gan fer do tult inā gnimprao. Ocur ip ceprao co
mbetir apāen dóib, .i. ben ap ron aiteina a gnimprao,
ocur a tultí a gnimprao fīr, ocur gan fer do tult inā
gnimprao, no co tīrat apāon pe oliged. Noco nruil
aitpegađ rođla lāin no lete no tairte no cepraman
10 eutpru amail cađ lanamain oligti, no co rīa rogail 1
nairpeltigter enecclann, ocur ó ró rīa rogail, a peđao
cia rīrī nōenuo rogail; ađt mar in fer, nođo nōenun nađ
nī; mar pe neđ eile, ip a íc don fīr, amail ícur in
gataið cīntu na feot ngaiti gein bīt aice amuīđ.

15 Mar da deoin pucaro a feoit fein uaiti amuīđ, ciđ
ap air ciđ ap éicīn pucaro amad hī, iylan gan nī tíc pe pen
ann, ocur leđ tīpe, ocur leđ enecclann tíc pe fine ip na
petab, ocur ip é rīn aen inao ipīn bepla a ruil tīpe a
feoit fein o tuine do neođ eile ocur pe fein ap air.

20 Mar ap eicīn pucaro amad hī, ocur ap eicīn pucaro a
feoit uaiti amuīđ, ip aitein ocur lan enecclann ocur lan
tīpe tíc pé fein ann, ocur enecclann tíc pe fine.

Mar da deoin pucaro amach hī, ocur ap eicīn pucaro a
feoit uaiti amuīđ, enecclann tíc pe fine ann, ocur aitein
25 ocur lan tīpe ocur lan enecclann tíc rīarī péin. Ocur
tođur eapapcapach uil aice annrīn co nōenum maitepa
de; ocur mara tođur nemetapapcapad uil aice, no ciđ

¹ *Separable property*: Dr. O'Donovan's opinion was that this meant any kind of property which one could sell to another, or dispose of in any way; and that

the body-fine for her wound shall be paid her, as it would be paid to a person not in social connexion; and it is in the choice of her family whether they will have a woman *to work for them* as long as she was outside, as compensation for her work, or whether she will participate in^a the work of the man, and the man will not participate in^a her work. And it is an opinion of *lawyers* that they (*the family*) should have both, i.e., a woman by way of compensation for her work, and her participating in the work of the man, without the man's participating in her work, until both submit^b to law. There is no consideration of full trespass or of half, or of a 'dairt'-heifer or of one-fourth between them, as in every lawful social connexion until it amounts to an injury for which honor-price is paid, and when it amounts to *this* injury, it is to be considered to whom the injury was done; and if it be to the man, she pays nothing; if it be to another person, it (*the fine*) is to be paid for by the man, as the thief pays for the trespasses of the stolen 'seds' while he has them outside.

THE BOOK
OF
AICILL.
—

^a Ir. Go
into.

^b Ir. Come.

If it was with her consent her own 'seds' were taken from her outside, whether it was with her own consent, or forcibly she had been carried out, it is safe not to pay anything to herself in the case, but half 'dire'-fine and half honor-price shall be paid to her family for the 'seds'; and this is the only place in the 'Berla'-laws where 'dire'-fine for his own 'seds' is due from a person to another, he himself being present.

If it was by violence she was carried out, and by violence her 'seds' were taken from her outside, compensation and full honor-price and full 'dire'-fine are to be paid to herself in the case, and honor-price is to be paid to her family.

If it was with her consent she had been carried out, and by force her 'seds' were taken from her outside, honor-price is to be paid to her family in the case, and compensation and full 'dire'-fine and full honor-price are to be paid to herself. And it is separable property^c she has in this

inseparable property, on the other hand, meant what could not be given away to another or disposed of, such as genius, personal beauty, or any other natural endowment or acquired art, which a person could not take away from himself and give to another. It appears rather, that separable property was the *peculium* of the individual, while inseparable property was that which belonged to the tribe or family in common.

THE BOOK TOĊUR ETAPPEAPTAĊ, MUNA DENA MAIĊ DĊ, NOĊA NUIL NACH NĪ
OF
ACHILL. DI AĊT AĊGIN CEPĊ.

Maṛ da deoin pucaro psoit na pine uaiċi amuiġ, ciċ ar
ar ciċ ar eicin pucaro amach hi, plan ġan nĪ oic piri ann ;
5 ocur aċġin, ocur lan oipe, ocur lan eneclann oic pe pine.

Maṛ ar eicin pucaro amach hi, ocur ar eicin pucaro psoit
na pine uaiċi amuiġ, iṛ eneclann oic piri ocur aċġin,
ocur lan oipe, ocur lan eneclann oic pe pine.

Maṛ da deoin pucaro amach hi, ocur ar eicin pucaro
10 psoit na pine uaiċi amuiġ, aċġin ocur oipe ocur eneclann
oic piri in pine ann ; ocur leċ eneclann oic piri, maṛa
tochur etappeaptaċ uil aice co nbenum maiċiura de.
Maṛa toċur nemetappeaptaċ uil aici, no ciċ toċur etap-
peaptaċ, maine deni maiċ de, noċo nfuil naċ nĪ oī.]

case, and she does good with it; but if it be inseparable THE BOOK
OF
AICILL. property she has, or though it be separable property, unless she does good with it, there is nothing *due* to her but just compensation.

If it was with her consent the 'seds' of the family were taken from her outside, whether it was with her consent or forcibly she had been carried out, it is safe not to pay her anything in the case; and compensation, and full 'dire'-fine, and full honor-price are to be paid to the family.

If it was by force she had been carried out, and by force the 'seds' of the family had been taken from her outside, then honor-price is to be paid to herself; and compensation, and full 'dire'-fine, and full honor-price *are* to be paid to the family.

If it was with her consent she had been carried out, and by force the 'seds' of the family were taken from her outside, compensation and 'dire'-fine and honor-price *are* to be paid to the family in the case; and half honor-price *is* to be paid to herself, if it is separable property she has, and does good with it. If it be inseparable property she has, or though it be separable property, unless she does good with it, there is nothing *due* to her but just compensation.

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Book of Aicill, pages 85-86.

The following remarks as to the authorship of the original Book of Aicill are given in C. 895.

No, comað e Cormac do neith é uile, ocuṛ gomað e Cenotaelao do beṛuo glunṛnatho ṛiluoṛta ṛai; ocuṛ uoirnepeṛt aṛ:

Leṛhbṛeṛ neitṛio, ṛath go li,
Cormac ũa Cuino ṛoppaṛni;
In leṛ eile iapmotha,
Cenotaelao mac Oilella.

ba ṛeṛṛa oipeṛa ṛṛa cenotaelao mac Oilella. iap na ṛgoltao iṛin ḗath iṛ aṛo do ṛugne uuil ṛopeaṛð.

Pages 204-205.

The substance of this article is thus given in C. 939, &c.

Mā ṛo ḗuinoṛṛi ṛi in biaṛð, ocuṛ ni tucaṛo uo, ocuṛ uap leino iṛ e a ṛeṛ ṛo gob in in mbiaṛo aṛoṛo, ocuṛ iṛ é ṛaṛ aṛna tucaṛo uo coṛogluaiṛṛeṛ inṛi, coṛṛoṛiṛe ocuṛ eneclann iṛ in lenum .i. ṛṛine a athaṛ; ocuṛ aithṛin inoṛiṛi, ocuṛ cumal ṛṛine mathaṛ, ocuṛ coibḗe ocuṛ eneclann uon mna .i. aṛ ṛaṛ māṛbḗa in leinoṛ nama ṛin; ocuṛ māṛ aṛ ṛaṛ a māṛbḗa māṛ aen, in ben ocuṛ in lenṛ, iṛ coṛṛoṛiṛe comlan inoṛtiṛ aṛaen.

Māṛ aṛ uaiṛin māṛbḗa in uapaoe, iṛ coṛṛoṛiṛe inoṛiṛe, ocuṛ aithṛin aṛaile.

Māṛ aṛ uaiṛin eṛba, ocuṛ iṛ e eṛba ṛo ba aice a beṛṛ iea ḗluiche .i. leṛ coṛṛoṛiṛe iṛin lenum, ocuṛ aithṛin inoṛiṛe, ocuṛ let cumala ṛṛine mathaṛ, ocuṛ coibḗe uic

cf. also C 191b, 1707 (2386 p 156f.)

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Or, according to others, it was Cormac that made (*composed*) the whole of it, and it was Cendfaeladh that put the poet's glosses upon it; and a proof thereof is :

Half the judgments of 'Etgedh,' cause of fame,
Cormac, grandson of Conn, composed ;
The other Half afterwards,
Cendfaeladh, son of Oilell.

Cendfaeladh, son of Oilell, was indeed a remarkable person. After he (*i.e. his head*) had been split in the battle, it was then he composed the 'Duil Roscadh,' *i.e. the Book of Commentaries*.

If she asked for the food, and it was not given her, and methinks it was her husband that refused the food in this case, and the reason why it was not given her was that abortion might be brought about, body-fine, and honor-price *shall be paid* for the child, *i.e.* to the family of the father; and compensation *shall be paid* for her, and a 'cumhal' to the family of the mother, and a 'coibeche'-wedding-gift and honor-price to the woman; that is, this was *when the food was refused* for the purpose of killing the child only; and if it was *refused* for the purpose of killing both the woman and the child, it is full body-fine *that shall be paid* for each of them.

If it was for the purpose of killing one of them, it (*the penalty*) is body-fine for her, and compensation for the other.

If it was for the purpose of sport, and the sport she had was to be at play with her, half 'dire'-fine is *due* for *killing* the child, and compensation to her, and half a 'cumhal' to the family of the mother, and a 'coibeche'-wedding gift *is to be*

APPENDIX. *pur* in *mnai*, *mapa* beo [1]. Ocur ni [a] leŝ *pur* in *lenam*
C. 1917. po bai *erba* anorein, ocur da mað eo, po bo *erba* cola
cluiŝe, ocur lan *riach* anto.

cf. I 180.6

C. 1917. Map ar *ŝaig*in *ŝrečda*[eta] no *ŝpuar* po *gobao* im in
mbiað, *ir* amail inoŝbir *ŝorba* im aithgin ino; cumal
ŝfine aŝhar anto, cumal ŝfine *mathar*, coibðe *vic* *pur* in
mnai.

O *lanamunða* aŝa *rin*, ocur map o *ŝuine* nað *lanamunða*,
ir manð he ocur *ren*, aŝt, ŝan coibðe o *ŝuine* nach *lanamunða*,
uair *ŝligo* *erlan* 7pt.

C. 1918. Munar *ŝuinviŝ* *ri* in *biað*, ocur *ir* e *pað* ar *nar* *cuinviŝ*
co *toŝluarŝer* *uimri* .i. ar *pað* *marbða* in *leinim*, .i. [*ir*
coirpoire ocur *eneclann* uairi *irin* *lenab*,] ocur a *ic* *pe*
fine aŝhar; ocur cumal *vic* *pe* *fine* *mathar*, ocur coibðe
ocur *eneclann* da *rip* *buoin*.

Map ar *ŝaig*in *erba*, ocur *ir* e *erba* po bai aice, a beð
aŝa cluiŝe, ocur ni *heŝba* i leŝ *pur* in *lenam* ainhin. .i.
leŝ coirpoire uairi *irin* *lenam* ŝfine aŝhar, ocur coibðe
ocur leŝ cumal *vic* *pe* *fine* *mathar*, ocur *eneclann* da
rip *buoin*. Ocur noch a leŝ *pur* in *lenam* po bui a
erba ainhin; ocur *ŝamar* eo po bað *erba* cola cluiŝi
ocur lan *riach*.

C. 1918. Map ar *ŝaig*in *erlaŝ* no *nair*e na po *chuinviŝ* *ri* in
biað, [*ir* aŝail] inoŝbir *ŝorba* im aithgin; cumal ŝfine
aŝhar, ocur *rečtmað* *cumale* ŝfine *mathar*, ocur coibðe
ocur *eneclann* uairi da *rip* *buoin*: uair "ŝligo *erlane*
urpoera, *rlan* *urpoera* no *poŝeige*" .i. *rlan* *ŝurpoera* im in
nathcuinviŝ, no *poŝeige* im in ni *rin*.

¹ Asking again. For "im in *nathcuinviŝ*" of C. 939, C. 1918, reads "*im-nathcuinviŝ*."

paid to the woman, if she survive.^a And it was not with respect to the child her sport took place^b then; and if it were, it would be a sport of foul play, and full fine *would be due* for it.

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^a Ir. *Be**living.*^b Ir. *Was.*

If it was through penuriousness or niggardliness the food was withheld, it is like ~~unnecessary-profit~~ as regards compensation for it (*the withholding*); a *cumhal* is to be paid to the family of the father for it, a *cumhal* to the family of the mother, and a 'coibche'-wedding gift is to be paid to the woman.

From a married man this is *due*; and if it be the case of a person who is not married, it (*the fine*) is the same, except that the 'coibche'-wedding gift is not obtained from a person who is not married, for "'eslan' requires *warning*," &c.

If she did not ask for the food, and the reason why she did not ask for it was that there might be abortion, i.e. for the purpose of killing the child, body-fine and honor-price are *due* from her for the child, and they are to be paid to the family of the father; and a 'cumhal' is to be paid to the family of the mother, and her 'coibche'-wedding gift and honor-price to her own husband.

If it was for sport, and the sport she had was to be at play with her, and it was not sport with respect to the child, then i.e. half body-fine is *due* from her for the child to the family of the father, and 'coibche'-wedding gift, and half a 'cumhal' is to be paid to the family of the mother, and honor-price to her own husband. And her sport was not in respect of the child in this case; but if it were, it would be sport of foul play, and *there would be full fine for it*.

If it was through shyness or shame that she did not ask for the food, it (*the case*) is like ~~unnecessary-profit~~ with respect to compensation; a 'cumhal' is *due* to the family of the father, and one-seventh of a 'cumhal' to the family of the mother, and 'coibche'-wedding gift and honor-price from her to her own husband; for "eslaine is entitled to warning, warning or proclamation is *safe*, i.e. warning is safe with respect to the asking again,¹ or proclamation with respect to that thing."

elhealth?

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Pages 252-253.

B. C. 952-3 gives the following on the subject of the ball.

|| O'C 2387.

bla liathpoirde loig ocu poll ocu loig.

1. iplan lim don ti buailir in liathpoirde da luirg o poll na himana eo loig na gupirioi, no o loig na gupirioi eo loig na compainne, no in poll a mbi cu puigi in locc a mbi.

iplan do na macaib beca puiruilri a cluiche eo po icad potal do vire na pobach.

Slan doib a pian cluichi eo po icad aithgin na pobach ; ar nic aithgina ina pobach ció icad ina pian cluichi.

r/

Sechtmao othpura eo bar i neppač. Sechtmao othpura ocu eorumur pečtmao leč vire na cneirde i torba[e] rech erba; ačt gunab a nothpur do formapta. Ceirpe pečtmao naithgina i cečtar de iar mbar cio a torbač cio a neppač.

Na ceirpe pečtmao rin puil acad, tri pečtmao ar reath vire ano, ocu pečtmao ar reath naithgina i neppač] ar bo toil é, no i neppač do nar bo tol, no in torbač po mapba ano.

Mapa erba[e] ar bo tol, pečtmao vire do tul ne lar ar reath tola comcluiche ; pečtmao vire ocu pečtmao naithgina por por laime ; pečtmao vire por lučt meon cluiche.

Trian cota cač fir cotniera doib a torpere do beč por pellach, cenmotha cuir fir laime.

The exemption of the ball, hurlet, and hole, and place.

That is, I deem the person exempt *from liability* who strikes the ball with his hurlet from the hurling hole to the place of the 'grifid,' or from the place of the 'grifid' to the place of the division, or *from* the hole in which it is, until it reaches the place in which it *usually* is.

The little boys are exempt in their legitimate games until they *are of age* to pay a share of 'dire'-fine for their assaults.

They are exempt in their fair games until they *are of age* to pay compensation for their assaults; ~~for they do not pay compensation for their assaults though they pay for their fair games,~~ *after (cf. p. 554!)*

One-seventh of the *price of sick-maintenance* till death is *paid for injury* to an idler. One-seventh of sick-maintenance and a proportion equal to one-seventh of half 'dire'-fine of the wound, *are paid* for a profitable worker more than for an idler; but on condition that it is in sick-maintenance the increase takes place. Four-sevenths of compensation *are paid for injury* to either of them, after death, whether for a profitable worker or for an idler. *after (cf. p. 554!)*

Of these four-sevenths which you have, three-sevenths are *paid* in lieu of 'dire'-fine, and one-seventh in lieu of compensation, for *injury* to an idler who did of his own *free will*, or for an idler who did it not of his own will, or for a profitable worker who was killed in the case.

If it was an idler, *and* of his own will, one-seventh of 'dire'-fine is to be remitted^a on account of his will to play the game; one-seventh of 'dire'-fine, and one-seventh of compensation are *to be paid* by the man who actually inflicted the injury with his own hand;^b *and* one-seventh of 'dire'-fine upon the middle game party.^c *Ir. To fall to the ground.* *Ir. Hand-man.*

The third of the share of every man who could have prevented the *injury* is to be upon the looker-on, except *that* of the share of the actual inflieter of the injury with his own hand.^b

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Μαρ ερβα[ε] το ναρ βο τοι, νο τορβα[ε] το μαρβα[ε] ανθ,
ρετματο co λετ το οριε, οκυρ ρετματο ναιτηγινα πορ
ρερ λαμε.

Seτματο co λετ το οριε πορ λυτ μετον in cluiche;
τριαν coτα caτ πιρ co τιρατ α τοιρμερ πορ ρελλατ,
cenmoτa ciut πιρ λαμε. Ωρ νιc τοιb ροζαλ το οριε na
ποβοach ciθ ιερατ ina πιρoλερ cluiche.

Sic.

Ωn euρpuma po ιερατ ina πιaneluiche o διαναb ιαρ
νιc τοιb αιτηγινα ina ποβach, γυραb eo ιερατ ina πιρoλερ
cluiche innoρα, ιαρ νιc τοιb ροζαλ το οριε ina ποβach.
No, oono čena, co τιρταιρ το πιρoλερ cluiche πορ α πιαν
cluiche ιατ, οκυρ comατ πιαν cluiche τοιb caτ cluiche.

Pages 276-277.

On this subject O'D. 694, has the following in addition.

C. 722 Oeiθbιρ ιτιρ in ρlan paille οκυρ in ρlan ναιτne. Ipeθ
ιρ ρlan paille ann α παθα το; ας ρο πορτ, αρ ρε, ciθ παλλ
το νερ im na ρεταib γιν α ναγpa opam. Ippeθ ιρ ρlan
ναιτne ann, tpeбайpe το γαβαλ [το πιρ in τιγ,] ne πιρ
oainγne no eoainγne in τιγε.

Μαθ oin oρep pine γιν ποναoтm α ταριc, οκυρ ροiche
oé oia ταρπατταιn, ιρ oγpλαν; oia mbe ποναoтm, ιρ λετ
αιτγιν.

Μαθ oin oρep αιnpine γιν ποναoтm, οκυρ ροiche oε oia
ταρπατταιn, ιρ λετ αιτγιν; oia mbe ποναoтm, ιρ αιτηγιν
γιν πιρ ροiche oε annpo το ceτταρ oε.

If it was an idler who did not act of his own will, or a APPENDIX.
 profitable worker, that was killed in the case, one-seventh
 and one-half 'dire'-fine, with one-seventh of compensation,
 are *imposed* upon the actual inflicter of the injury with his
 own hand.*

*Ir. Hand-
 man.

One-seventh and one-half of 'dire'-fine *are imposed* upon
 the middle game party; one third of the share of each man
 who could have prevented *the injury* is *imposed* upon the
 looker-on, except the share of the man who has inflicted
 the injury with his own hand. After they have paid the
 'dire'-fine for their assaults, they pay for their legitimate
 game. *also (?)*

The amount which they would pay for their fair game just
 mentioned, after their payment of compensation for their
 assault, is what they shall pay for their legitimate game
 now, after their payment of a division of 'dire'-fine for their
 assault. Or else, *according to others*, they would come from
 their ~~legitimate cause~~ to their fair game, and every game is
 a fair game to them.

There is a difference between the exemption from *fines* for
 neglect, and the exemption *on account* of charge. Exemption
 from *fines* for neglect means his saying—"Here is on thee,"
 says he; "whatever neglect ~~is committed~~ with respect to
 the 'seds' is not to be claimed from me." Exemption *on*
account of charge means, that the man of the house takes
 security as to knowledge, *on the part of the depositor*, of the
 safe or unsafe state of the house.

I may commit

If a loan *be given* to a 'fine'-man without a bond to return
 it, and *if* the act of God overtakes it, there is perfect exemp-
 tion for it; if there be a bond it is *a case of* half compen-
 sation.

If it be a loan to an 'anfine'-man without a bond, and *if*
 the act of God overtakes it, it is *a case of* half compensa-
 tion; if there be a bond, it is *a case of* compensation when
 in this instance neither of them knows of the act of God.

APPENDIX. Μας οιν ὄρερ πινε ῖν πονατομ κο πῖρ ποiche τον περ
 — norbeir, ἡ λεῖ ἀῖῖιν παρ; οἶα μβε τρεβαῖρε κο πῖρ
 ποiche, ἡ αῖῖῖιν παρ; ἀοα πῖρ ἡ οῖγλαν.

Pages 292-293.

O'D. 2010, has the following on the same subject.

Για πορ ἀντο ρλάν ῖν ὄπερῆαν? .1. πορ ἡ περ οῦρ πορ
 ἡ μνά, οῦρ πορ μῖνῖνῖν ἡ ῖν, οῦρ πορ μῖνῖνῖν νά
 μνά, οῦρ πορ α ρεῖῖῖῖ, μῖνα ταρπυρ ιατ ρέιν, οῦρ πορ
 καῖ ἀεν ἀρ α ποichῖνῖν ῖν ἡνbleοgan ὄααα. Οῦρ νοῖα
 ταρπυρ ιατ ρέιν ἀνν ῖν, οῦρ ὄα ταρπυρ, πο δυο λάν α
 εῖεῖε ῖν ρρῖῖῖῖ ὄic πε ἡνbleοgan.

Ἦν ρῖῖῖ ῖν ῖν ἡ ρῖῖ ραλεῖῖῖ περῖ πε ρεαρ ρέιν,
 οῦρ ῖα ρῖῖ ραλεῖῖῖ περῖ πε ρῖρ εἰλε. Οῦρ ὄάμασ ben
 • ἀα μβῖαῖ ραλεῖῖῖ περῖ πε ρῖρ ρέν, οῦρ ἀα ἡ ρῖῖ πε
 ρεαρ αἰλε, ῖαῖ ἡ ἡ ρλάν ὄι ρῖατ ἡ μῖρ ἡλάν ἡαρῖ ἡν
 μῖρ.

Pages 294-295.

O'D. 2011, adds the following on the subject of horses in
 horse-fights.

ἡ ρλάν λῖῖν ὄα ἡαῖῖ ἡ τρερ ἡαῖῖ ὄα μῖατ ρῖατ
 ἡτῖρ ἡ ἡαῖῖ ἡαῖῖῖ ὄαῖῖῖ; οῦρ μῖα ἡαῖῖῖ ὄαῖῖῖ ἡ
 κομαῖῖῖῖ ἡ ὄα ρῖαῖῖ ἡρ ἀεν καε; οῦρ ἡ ρλάν ὄοῖῖ α
 ροῖῖα κομαῖῖῖῖ ἡἡ πε περ οῦρ πε ἡαρῖῖ οῦρ πε
 ἡαῖῖῖῖ, οῦρ πε ἡαρῖῖῖῖ, ῖῖν ὄεῖρ μεραῖῖ α λαῖῖα
 οῦρ α νεχμαῖῖῖ ὄρῖα; οῦρ ὄ ραῖῖῖ ὄῖῖ, ἡ μεῖῖῖ, no
 ρῖαῖ ὄῖῖῖῖῖῖ ὄρῖα.

If it be a loan to a 'fine'-man without a bond, the man APPENDIX.
 who takes it (*the loan*) having knowledge of the act of God,
 it is half compensation *that is imposed* upon him. If there
 be security, with knowledge of the act of God, it is compen-
 sation *that is imposed* upon him; if both had knowledge^a of ^{Ir. The}
the act of God, it is a case of complete exemption. ^{knowledge}
^{of both.}

On whom is it safe *for her* to inflict this? That is, upon
 the man and upon the woman, and upon the people of the
 man, and upon the people of the woman, and upon their
 movables, if they themselves have not been taken, and upon
 everyone on whom the liability of a kinsman comes to be
 sued. And they themselves are not then taken; and if they
 be taken, the full fine for his wound without retaliation is
 to be paid to the kinsman.

This is a ~~decayed~~ woman who has no expectation of co- ^{sick (bed-ridden)}
 habiting with her own husband, but who has expectation
 of cohabiting with another man. And if she be a woman
 who has expectation of cohabiting with her own husband,
 and has no expectation of cohabiting with another man, for
 whatever she is exempt *from liability* before the month, she
 is exempt after the month.

I deem the horses exempt in the horse-battles which they
 make between the horses, between themselves; and pigs
similarly, between themselves, with the consent of both
 their owners, on the same way; and they are exempt as
 regards neighbour trespasses *committed* upon grass and corn
 and stakes and palisades, while they are under the excite-
 ment of desire for the horse or the boar respectively; and
 when it (*the excitement*) leaves them, it (*the penalty*) is sacks,
 or the fine for man-trespass.

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Pages 296-297.

O'D. 2011, 2012, adds as follows on the subject of a cat in a kitchen.

Ír plán don cat in biað ro gebarð ré ír in chuile do chaitem, ačt narub tre daingen tiže no lepruir do bépa he; plan dórum é, ocur ačgin ón tí rap herbað é a coimét; no, írlán ro aineð a fáilli. Mar a daingen tiži no lepruir tucurtau in cat in biað, ír bičbinchi do piasail i leč purium; ačgin ina cét činair, leč pias la ačgin ina chinair tanuire, lán pias la hačgin ír in tper cinair. No ír plán don chat požail pur na herpečta in oioči, inočbir inurpo mað illó.

Cat comaitčē rin, ocur dāmar he cat na cuile bosem, čō a hinat daingen, čō a hinat é daingen do bépað, pob épic ro bičbinči ír in biað, uair ír pur po herbað comét na cuile.

The cat is exempt *from liability* for eating the food which it finds in the kitchen, so that it is not through the fastness of a house or of a vessel it brings it (*the food*); it (*the cat*) is exempt *from liability*, but compensation is *due* from the person who was ordered to mind it; or, *according to others*, he is exempt *or not* according to the nature of his neglect. If it was from the fastness of a house the cat brought the food, wickedness is the rule with respect to it (*the cat*); compensation for its first crime, half-fine for its second crime, full fine with compensation for its third crime. Or, *according to others*, the cat is exempt *from liability* in committing trespass against pet animals in the night, but it is unlawful to trespass against them in the day.

This is ~~in the case of~~ a neighbour cat, but if it be ~~in the~~ *the cat* ~~case~~ of the kitchen itself whether it took it (*the food*) from a fastened place or a place not fastened, it (*the cat*) shall pay for it (*the trespass*) according to its wickedness, for the guarding of the kitchen had been entrusted to it.

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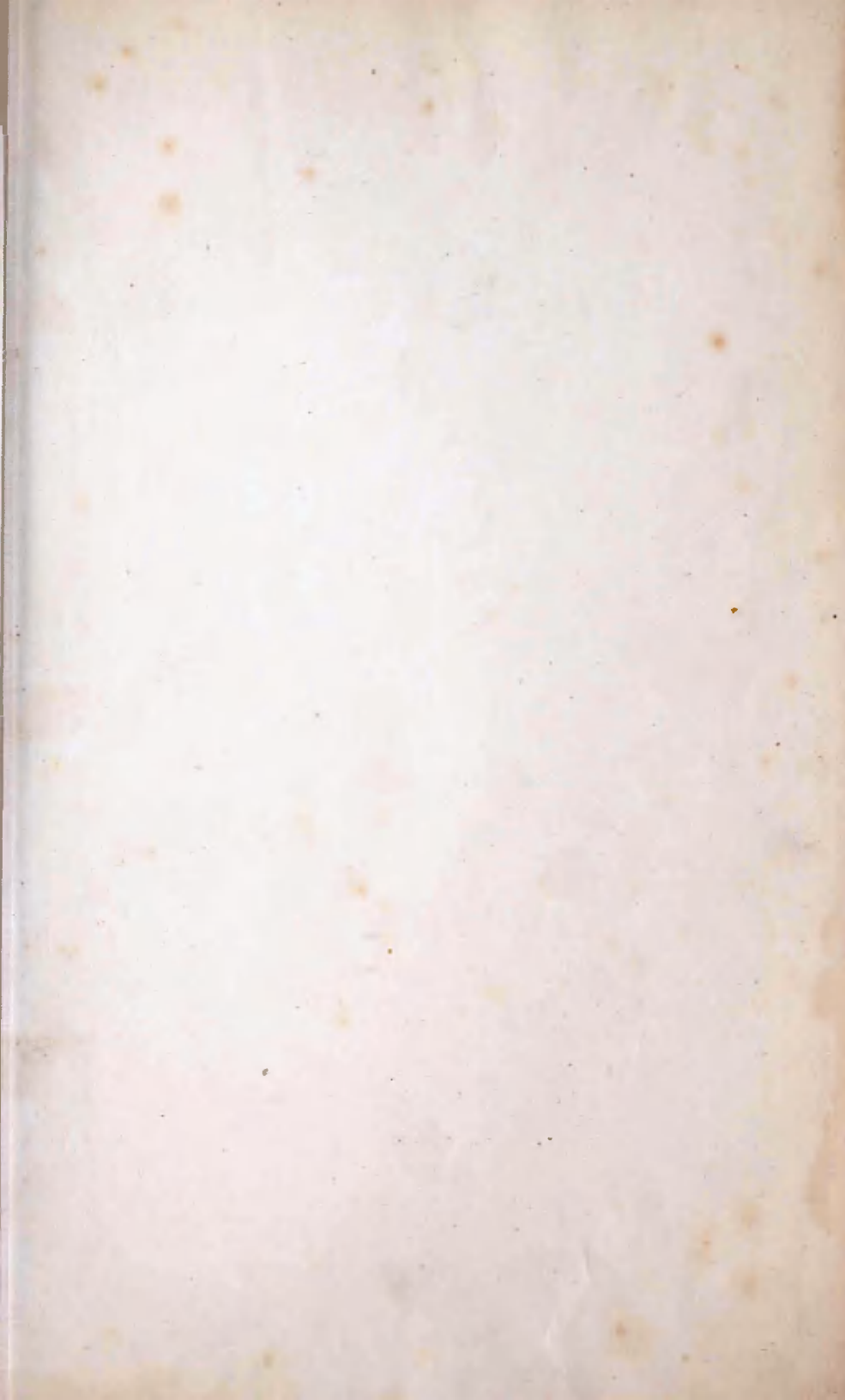
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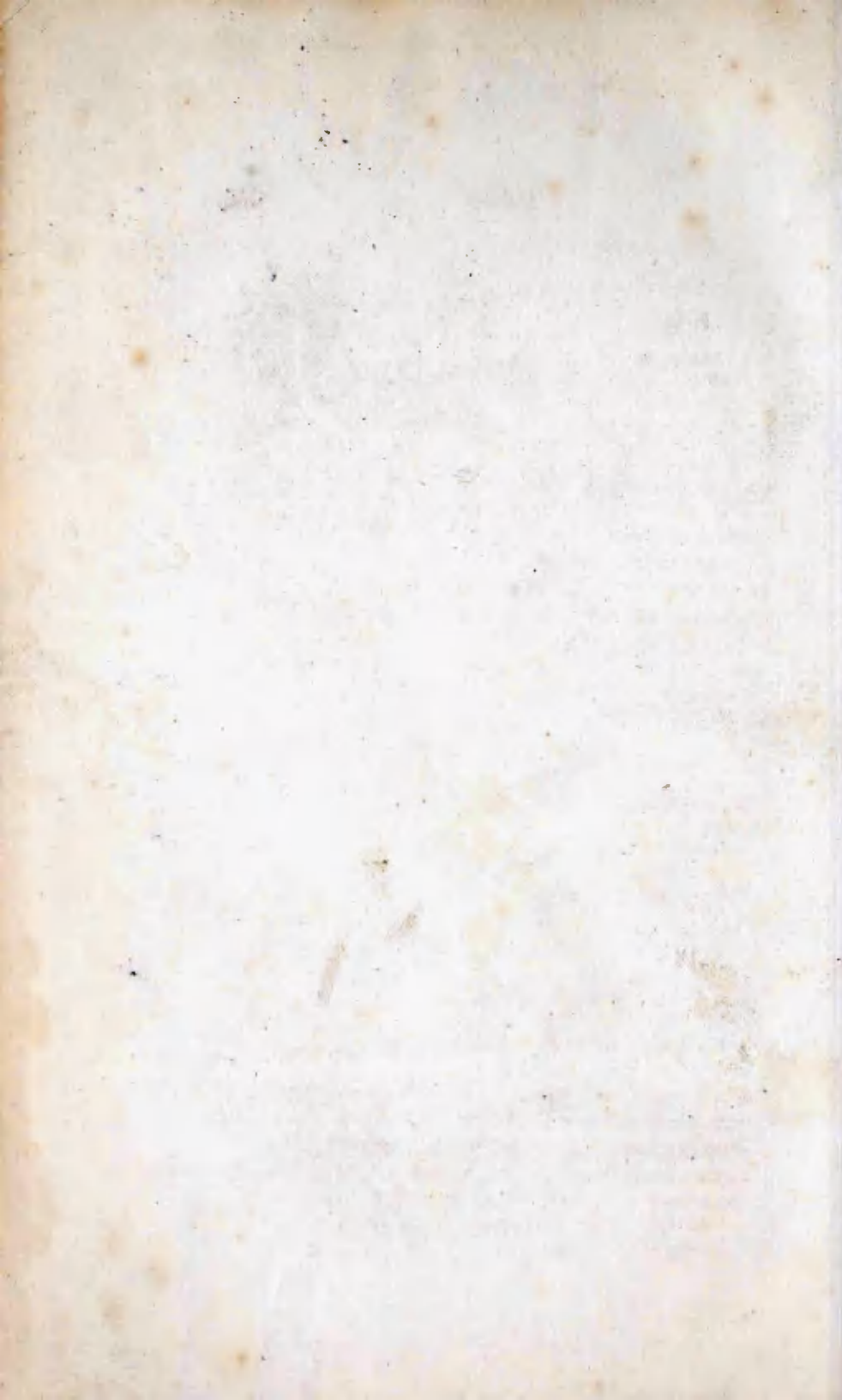
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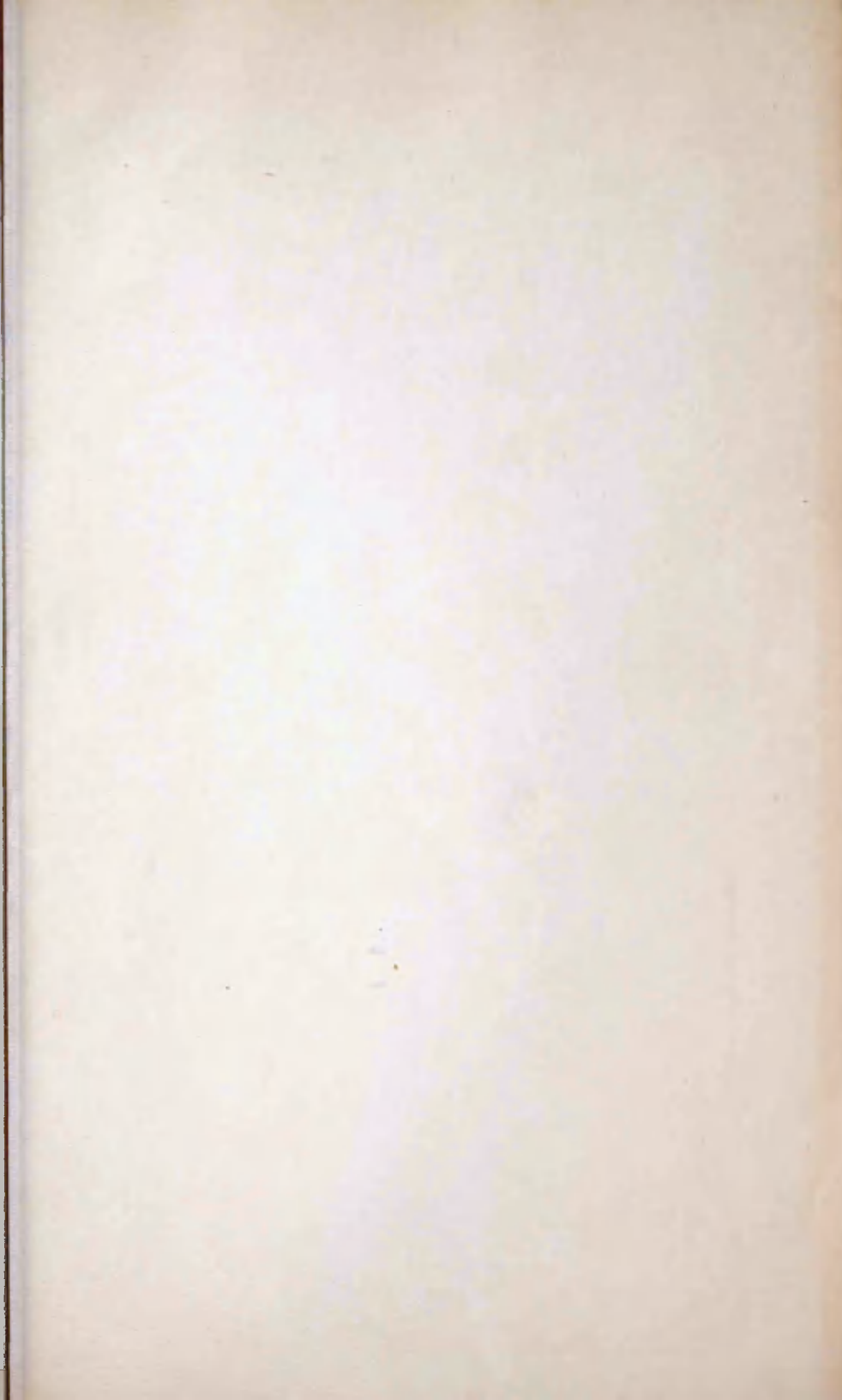
Hides, iron, salt, nuts, horns, wine, honey as imports 426

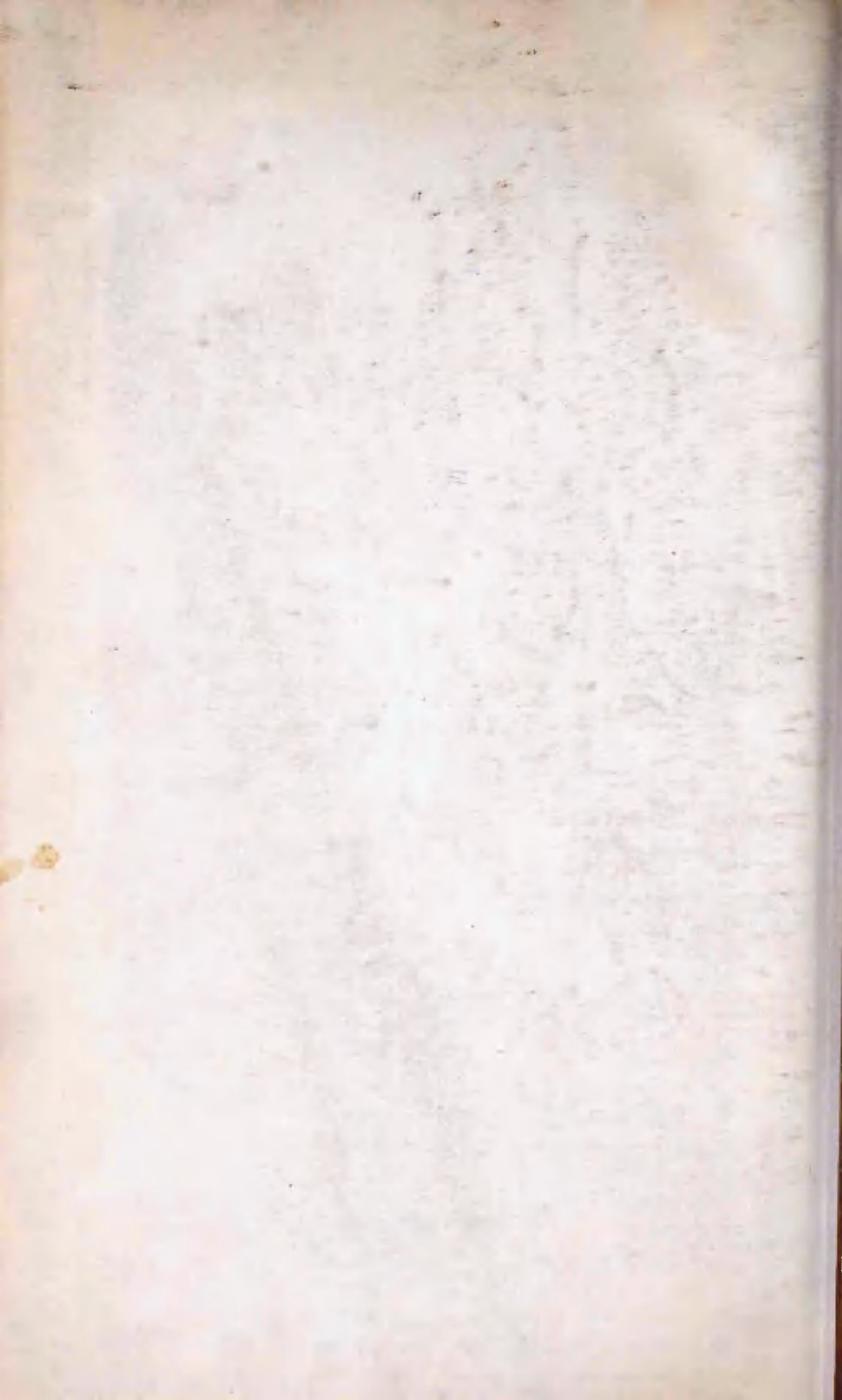
Clairt ingeltha 430f

Fights between falls & fells 356

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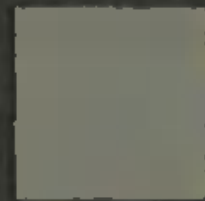
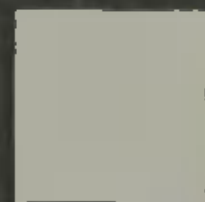
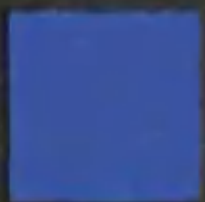
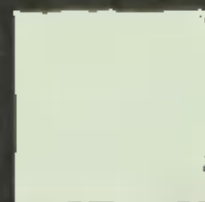
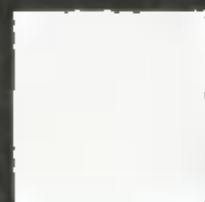
Fr IV 222.2 (i. upei). || III 172.17f

Dian Cecht 362.3

clínach (ref. of clia 'if' + inf. pron.) 538.38

Fr deithir, indeithir forba of 250.







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