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Bretha Déin Chécht
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BRETHA DÉIN CHÉCHT

It is now thirty years since I published *Bretha Crólige* and promised an edition of the present tract 'in a future number of ÉRIU'. So long has it taken me to redeem my promise that virtually all the great scholars who at the time welcomed my début in Old Irish studies and encouraged me to continue are now dead, and I can only dedicate this edition in gratitude and reverence to their memory.

We possess one complete copy[1] of *Bretha Déin Chécht* (= B.D.Ch.): in Phillipps 10297, now G 11 in the National Library of Ireland, which I described at the beginning of my edition of *Bretha Crólige* (= BC), the only other legal text which has found its way into this medical manuscript of the fifteenth century (see ÉRIU xii. 1). There are comparatively few citations from B.D.Ch. in the legal manuscripts proper, less than from BC; yet it would seem that both tracts were excerpted together by those later jurists who quote from them. O'Davoren certainly had the complete text before him, from which he gives eight extracts (90, 678, 927, 1213, 1369, 1475–7), though no fewer than four of them are taken from a single paragraph (§ 2).

It may be well at this point to rule out what purports to be another 'judgement' of Dian Cécht which is cited in a late commentary on *Bretha Etgid* (the so-called 'Book of Acaill'):[2]

cethraimthi diri cneidi in ruib ara leighes, amail ata o gradaib feine. Is as gabair cethraimthi | diri (cneide) cach(a) ruib ruamanda | ara leighes lainnerda | do reir dian cecht cainbrethaig[3] | is e rochind in bann. 'One quarter of the penalty for wounding a beast [is due] for curing it, as is due from members of the freemen grades (cf. §§ 17^{17}, 18^{5}, 19^{5}, etc.). It is from this that [the rule] is derived; a quarter of the penalty [paid] for every reddened (i.e. wounded) beast for its radiant cure, according to fair-judging[4] Dian Cécht—'tis he who has fixed the rule.'

One should not attach any real importance to the fact that this alleged 'source' is cast in the old heptasyllabic metre,[5] with a pentasyllabic *clausula* (see Watkins, Celtica vi. 230), for versification in this metre lasted down to the end of the Middle Irish period and probably later. The quotation contains no linguistic archaisms, nothing in fact that could not have been written in the twelfth century. In any event it has nothing to do

[1] Best (in Appendix to Report of the Council of Trustees N.L.I., 1930–1, p. 18) is not quite accurate in calling it 'incomplete'. The tract ends on p. 456 l. 23, and the remainder of the page gives the beginning of another tract on physical injuries; cf. p. 14, *infra*.

[2] AL iii. 362, also in O'C. 1779 (= C) and O'D 1971 (= D).

[3] cainclannaig CD.

[4] 'of fair progeny' CD.

[5] Only by treating *Is as gabair* as part of the verse can one make the first line metrically correct; if so this composition is very late indeed. Or have some words been dropped in all three MSS.?

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with our tract, which deals exclusively with injuries to human beings, whereas the medical treatment (including 'sick-maintenance') of animals is, I am convinced, a typical example of the technique of the later scholiasts: expansion of an ancient rule to cover cases it never envisaged.[1]

Thurneysen believed that both BC and B.D.Ch. not merely belonged to the 'last third' of the *Senchas Már* but were the only two tracts of that largely lost 'third' of which we have the complete text.[2] This may well be true of BC (cf. ÉRIU xii. 2), though I now feel far less sure than formerly that the reconstruction of the original *Senchas* proposed by that great scholar is correct in all particulars. But there are further difficulties about including the present tract in the collection. It constitutes only one of a series of 'professional' or 'craft' judgements each of which was fathered on one of the famous 'craft-gods' of the Tuatha De Danann: Goibniu the smith, Luchta (or the diminutive Luchtaine) the wright (*saer*), Credne the worker in metals (*cerd*),[3] and Dian Cécht the physician.[4] In a list of things which disqualify a person from acting as *brithem* (printed ZCP xviii. 363, also Ir. Texts iii. 26) we find the following item: *cen beith treorach i mbrethaib Dein Cecht 7 Goibnenn 7 Credhine 7 Luchtaine*. But as Thurneysen himself points out, the late jurist who drew up this list lumped together tracts of all kinds and of differing provenance, so the collocation proves nothing one way or the other. On the face of it one would have thought that these four were essentially 'professional' tracts and that they would be much more likely to belong to what I have called the *Nemed* collection[5] than to the *Senchas Már*.

On the other hand in the late 'preface' to the *Senchas Már*, which incorporates the legend of its 'codification' by Patrick and eight other 'commissioners',[6] among the old 'authors' whose works were already in existence and were accepted in so far as they were compatible with the Christian law, we find *Credine cerd 7 Luchtaine saor 7 Dian Cecht* (AL i. 24. 4). Again, the same pseudo-preface, having described the breaking by Conchobar mac Nessa of the monopoly in law-making hitherto held by the *filid*, gives a list of works subsequently composed by well-known 'authors', e.g. Morand, Fachtna, Caratnia, etc. The last of these is *Bretha Dé[i]n Chécht ó legib*, but the jurist hastens to add *ce robátar-side i tús* 'though these were in existence before'—naturally enough, for in the conventional pattern of 'history' the Tuatha Dé Danann and their Aesculapius precede the rule of the Ulaid. Needless to say, such late statements carry no authority whatever, since they belong to an age when the professional

[1] Cf. ÉRIU xii. 133, Seven Centuries of Irish Learning (ed. Ó Cuív), p. 63.

[2] Zeitschr. d. Savigny-Stiftung f. Rechtsgesch. Germ. Abt. lv (1935), 91.

[3] O'Rahilly translates *cerd* as 'worker in bronze', but the term seems to be applied to silversmiths, etc.

[4] For D.C. see O'Rahilly EIHM 316. Whether he was not merely the god of healing but also the sun-god (*ibid.* 66, 472) does not concern us here.

[5] See ÉRIU xvii. 5 f., xviii. 45.

[6] Cf. Proc. Brit. Ac. xxix. 209.

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jurists sought to obscure all differences in origin between the 'canonical' tracts.

When we examine the linguistic evidence we find that the first twenty-four sections of the tract are written in comparatively straightforward Old Irish of the eighth century. Such verbal forms as *-deroim* (perfective pr. of *di-em-*) § 5, *con-apastar* (perfective pr. subj. pass. of *con-boing*) § 22 (*bis*), etc., forbid us to put it any later. One characteristic of these sections which I have some difficulty in evaluating is that *fuil* 'blood' or (more usually) 'wound' is consistently treated as neuter in opposition to the testimony of all other early sources (cf. RIA Dict. s.v.); cf. *inn* (= *ind*) thrice § 5, *(h)i soduin* §§ 6, 12. It seems unlikely that a late scribe would have had either the wish or the ability to convert an old feminine noun into a neuter; in fact, of course, the traffic is all the other way. Hence I am not prepared to exclude the possibility that *fuil* was originally a neuter *i*-stem (and also *feóil* which looks like a reduplicated form of it, < *fëoil* < **we-woli* ?), though the fact that it is invariably feminine elsewhere is a strong argument against this. Any attempted distinction between *fuil* f. 'blood' and *fuil* n. 'bloodshed, wound' would be too artificial to carry conviction.

Apart from this special problem, the first twenty-four paragraphs of our text are written in language closely akin to that of the other tracts of the *Senchas Már*. The elaborate apparatus of gloss and commentary with which they are provided would also suggest that they belong to that famous collection. This does not amount to proof, however: though most of the extraneous tracts, including the oldest (e.g. *Bretha Nemed*, *Críth Gablach*, etc.), were never glossed, others, like *Uraiccecht Becc*, are more copiously glossed even than B.D.Ch. What is more significant is that the later scholiasts were far more helpless than usual when confronted with the present text and expended much energy in vainly striving to reconcile its rules with others which were more familiar to them,[1] and one would suspect the latter to be the corresponding rules of the *Senchas*.

It is at least certain that from § 25 on there is a drastic change. Everything that Laidcenn says is couched in obscure 'rhetorical' language such as one associates with the other *disiecta membra* of the *Nemed* collection.[2] Alliteration, tmesis, examples of Bergin's Law, and other characteristics of this highly formalized (and perhaps deliberately obscure) style abound. But in addition to these there are three other features, all of them negative, which place §§ 25–36 definitely within the period of archaic Old Irish:

1. The absence of loanwords, that is to say words which came into Irish with Christianity, not such ancient borrowings as *ór*, *arcat*, *cland*, *fín*, *olann*, etc. In a number of other old legal or quasi-legal texts, e.g. the B recension of *Audacht Moraind* (printed ZCP xi. 91–98),[3] I have noted a similar absence of Christian loanwords. It could conceivably be accidental,

[1] See pp. 8, 15, *infra*.

[2] *Cf. Ériu* xvii. 5, xviii. 47 f.

[3] There is a remarkable contrast between the A and B recensions of this text: the former, which Thurneysen mistakenly took to be older (see ZCP xiii. 43 ff., 298 f.), contains

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but anyone who has tried to compose even a short paragraph of Old Irish eschewing all such loanwords will agree that this is very unlikely. Even more unlikely is the possibility that it is due to deliberate avoidance: linguistic nationalism, with its prejudice against *Fremdwörter*, is a modern phenomenon. A much more tenable explanation of their absence in some Irish texts is that these texts date from a period before Christianity and Latin learning had percolated into the native schools.[1]

2. The absence of the copulative conjunction *ocus* (7), a feature common to several archaic texts, see Celtica v. 80. On the other hand there are two examples of *sceo* (§§ 30, 36) and possibly two of enclitic *-ch* (§§ 28, 31).

3. The absence of the definite article.[2] From the evidence both of non-legal 'rhetorics' and of the older fragments of the *Nemed* collection, I am inclined to take this absence, as in the earliest Welsh poetry,[3] to be a mark of archaism. But the question needs a much more exhaustive examination than I have been able to give it.

In age and style, therefore, the concluding sections of our text, except the last of all (§ 37, see pp. 15 f., *infra*), could very well come from the 'poetico-legal' school, where, as I have already suggested (ÉRIU xvii. 5), the *Nemed* complex of tracts originated. Are we, then, to conclude that B.D.Ch. really consists of two separate tracts, the first of which belonged to the *Senchas Már*, the second to the *Nemed* collection? In favour of this one can point to divergences between the penalties assigned for certain injuries, e.g. loss of an eye, which in § 21 entails a penalty of three and a half *cumala* as opposed to twenty *séoit* in § 35 (if this is the true meaning of *i sūla sé(i)t*); so too the method of assessing facial wounds described in § 33 seems to be quite different from that in §§ 11–13. More significant, however, is the absence in the paragraphs attributed to Laidcenn of all reference to the leech's fee, whereas this, despite various digressions, was the main topic of §§ 1–24. Indeed, it is difficult to see why a set of rules on the compensation due for corporal injuries (and in certain cases for the aftermath of such injuries) should have been fathered on Dian Cécht, the Irish Aesculapius. For the occasional passing references to a pledge for the provision of a leech (rhetorically disguised as a *fátha felmacc* §§ 28, 29) are surely insufficient to segregate these rules from the ordinary law of delicts, where they obviously belong, and range them in a separate body

a number of Christian loanwords as well as several counsels based on Christian teaching, whereas B has no loanwords (other than *clannaid* 'plants') and no specifically Christian sentiments.

[1] Not, of course, from the period before the introduction of Christianity into Ireland. Despite the 'success story' of immediate and total conversion propagated by the framers of the Patrick legend, there is ample evidence that the evangelization of the whole country was a slow and tortuous process and that the law-schools were among the centres of resistance to the new faith.

[2] In § 34 I was at first inclined to read *is sain in da foilngid* and *in da tanaisi: tuirim*, etc., but the absence of the article in all the remaining items (*fo dī* [*s*]*luasait*, *i nd*(*o*)*ant daimter* (sic leg.), *da thuidmid*, and *bronnad iardēten*) has now convinced me that *i ndd* is the true reading.

[3] See Ifor Williams, Canu Aneirin, pp. lxvii ff.

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of 'professional' judgements. Accordingly there is a good deal to be said for a bisection of our tract on these lines.

On the other hand there are weighty arguments against it. Even in the earlier part of B.D.Ch. we find contradictory rules; thus the method of calculating the proportion of the leech's fee in § 19 appears to differ radically from that adopted in §§ 16, 17. More important, § 24, the last of the 'straightforward' paragraphs, is clearly linked with the five following sections in that it enumerates the various types of 'mayhem' which are subsequently described in high-flown 'rhetorical' language. Finally, in BC, too, the concluding paragraphs (§§ 58–66, except § 61) are couched in language of this kind.[1] All things considered, then, I feel it is safer to call B.D.Ch. a 'composite' text, the last part of which is definitely older than the first (the same is doubtless true of BC). Although nothing in the language of the whole tract warrants our placing the date of its compilation later than that of the law tracts in general, there is some evidence that other parts of the *Senchas* had already been compiled before it. Thus the heptad which I have printed as § 2 B did not form part of the text proper, otherwise it would not have been written in smaller script; it must, therefore, have been taken over from another source, doubtless a collection of heptads. Yet the reference to *na .uii. cnamcomaig* (= *cnāmchombach*) in the text of § 17 suggests that this collection was already known to the compiler. Similarly the 'twelve doors of the soul' were also known to him (§§ 3, 17), though the list of them (§ 2 A), inserted by a later scribe, must have been taken from another (older?) tract. I have already drawn attention to the presence of two or more strata in the same tract,[2] and I hope that future scholars will succeed in establishing the provenance of each stratum. But this will be possible only if and when the whole of the surviving early material is made available to them.

Standish O'Grady once described the Irish hereditary physicians as 'all staunch Arabians'.[3] And there is no doubt that the extant medical manuscripts of the fourteenth and following centuries simply reproduce in an Irish dress the second-hand Aristotelianism and the exotic remedies of Salerno, Bologna, Padua, and Montpellier.[4] Except for BC and B.D.Ch., which were copied perhaps for their legal rather than for their medical content, we do not possess a single record of pre-Arabic medicine, whether indigenous or borrowed. We have nothing like the Anglo-Saxon Leechdoms to throw light on the theory and practice of the earlier medicine, nothing beyond a few fragmentary incantations (Thes. ii. 248–9), in one of which, incidentally, Dian Cécht is mentioned by name.

Does this mean that leechcraft in ancient Ireland lacked the hierarchical

[1] Thurneysen was inclined to believe that BC consisted of two separate tracts (see Ériu xii. 69), but I have always found it difficult to accept his line of division.

[2] Proc. Brit. Ac. xxix. 203, 207.

[3] B.M. Cat. i. 175.

[4] Cf. Shaw, 'Irish Medical Men and Philosophers' in Seven Centuries of Irish Learning (ed. Ó Cuív, 1961), pp. 91 ff.

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and educational pattern we find in other professions like poetry and law? It is noteworthy that in our tract, which otherwise evinces such a lively sense of distinctions in rank (§§ 2, 11–13, etc.), there is not a word about any variation in the status of the leech. If the profession was organized on the usual hierarchic lines, one would have expected, for example, that a *ri ruirech* (§ 5) could be attended only by the highest 'grade' of physician, but the tracts on status do not even mention the leech in their description of a king's entourage (e.g. *Críth Gablach* 577–97).[1] It is true that in the Welsh lawbooks the 'court physician' is included (rather low down) in the list of royal officials, but, as I have already pointed out,[2] the entire section called the 'Laws of the Court' represents an attempt to impose Anglo-Saxon institutions (and even occasionally terminology) on the older pattern and hence is of little or no value to the student of traditional Celtic society. So far as this is reflected in the Irish legal texts, all leeches would appear to be of equal status. Neither in BC nor in B.D.Ch. is there anything to suggest a professional hierarchy of physicians. Are we to conclude, then, that throughout the earlier period medicine was not organized in guilds like the other professions and that the official hereditary physicians, each family with its own mensal land, who meet us so frequently in later centuries, are a subsequent development based on analogy with the traditional schools of poetry and law? If so, one could better understand the absence of all ancient medical treatises and the total dependence of the schools on foreign sources. For if the professional schools were of such comparatively recent date, it would not be surprising that they retained little or nothing of inherited lore.

Yet I think this explanation is very improbable. Since primitive medicine was everywhere merely a branch of magic, we should have expected it to be in the hands of the druids, and this would seem to be confirmed by Caesar in his account of Gaulish institutions.[3] We might also have expected that when, like the lawyers, the medicine men had hived off from the parent organization, they would have formed a separate caste with its own schools and its own hierarchy of rank. And, in effect, we find in *Uraiccecht Becc* the leech included with the wright, the smith, the metal-worker, the jurist, and the druid (by this time a mere magician?) among the *aes dána* who have the status of *daernemed*,[4] the master of each of these crafts receiving the title of *ollam*.[5] Again, in a very old text, the 'False' Judgements of Caratnia (ed. Thurneysen, ZCP xv. 335, § 27) there is a reference to prognosis by a *sui lega*, where Thurneysen's translation 'ein gelernter Arzt' may well mask the true meaning—possibly a leech of the highest (or second highest?) rank.[6] And under A.D. 861 the Annals of Ulster record the death of

[1] On the other hand the late poem published in ACL iii. 223 numbers a leech among the twelve persons who form the King's retinue.

[2] Celtica iii. 227. [3] De Bell. Gall. vi. 16; cf. Schrader, Reallex. i. 64. [4] AL v. 90. 19 f.

[5] *Ibid.* 94. 20; see ÉRIU xviii. 49.

[6] A gloss in AL v. 146. 13 actually uses *ollam* when referring to a leech, but this is not decisive for the period of the text.

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Maelodar ua Tindrid, *sui leighis goidheal.* Thus a certain hierarchy in the profession—not necessarily so elaborate as that which obtained, or was alleged to obtain, among poets and jurists—would seem to have been established before the law tracts received their final shape.

The fact that these tracts ignore all divisions of rank and always refer to a *liaig* or *midach* without qualification does not necessarily prove that such divisions did not exist; they are equally silent about the 'grades' of the wright or the smith when speaking of him in the ordinary context of legal rules. Indeed one would be inclined to suspect the jurists of seeking to exalt their own profession over that of the other *aes dána* who shared the status of *daernemed*[1] with them, were it not that they assign an even higher honour-price to the master-wright than to the chief *brithem*. In the passage from *Uraiccecht Becc* already cited, it is stated that smiths, coppersmiths, metal-workers, and leeches, 'even though it be an *ollam* from their ranks', are entitled to an honour-price of only eight *séoit*, as opposed to jurists, whose highest 'grade' receives fifteen *séoit* (the same as an *aire túise*), whereas the *ollam suad sairse* actually receives twenty.[2] Can the explanation be that at the very earliest period the only *aes dána* known to law were the poet, the wright, and the jurist, and that the remaining professions, including medicine, were not recognized until later? Be that as it may, the leech was certainly recognized as such before the composition of a short tract which prescribes special methods for distraining each of the professions (*athgabāil cach aes*[*a*] *dāna*).[3] A leech is to be distrained by removing, after due notice (*apad*), his horsewhip[4] and his lancet (? *fraig*) or alternatively by tying 'a thread round the finger next to his little finger', i.e. the *digitus medicinalis*—symbolical gestures which take the place of seizing and impounding his cattle. Again, one of the heptads refers to 'blood shed by a proper physician (*fuil midaig tēchta*[*i*]) under authorization (*i forcongra*) from the tribe and the family [of the sick man]'.[5] Here *m. téchtae* presumably means a physician who is properly qualified by attendance at a school of leechcraft and has a professional status in the *tuath*. The *m. étéchtae* appears only in the commentaries,[6] but doubtless there were numerous unqualified and unofficial physicians.[7] Lastly the survival of native names for so many of the more common diseases strongly suggests that the study of medicine had roots in Ireland which stretch much farther back than the importation of the 'new learning' from the East.

[1] The poets (*filid*) are the only *saernemed* among the *aes dána*, a further proof of their pre-eminent position in the entire *Nemed* collection.

[2] AL v. 92. 22, 112. 18 (also 100. 16).

[3] This is one of the numerous unmistakably Old Irish texts that have been printed as 'commentary' in the official edition, AL ii. 118–22. I hope eventually to publish an edition based on both MSS. (H 3. 18, p. 376[b] and Eg. 88, f. 61[b] 2).

[4] *echlaisc*. It can hardly mean his wand of office.

[5] AL v. 142. 7; cf. *ibid.* 486. 10.

[6] e.g. AL v. 146 etc.

[7] On the other hand I doubt very much whether Thurneysen's explanation of *lethcerd* (AL i. 86. 1, v. 226. 36, etc.) as 'Wanderarzt (das alte *lécerd*)' is correct (Bürgsch., p. 40).

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But if this is so, why has so little of the traditional lore seeped into the medical manuscripts of the later schools? One is almost tempted to conclude that by the fourteenth century the reputation of the leech depended on the amount of knowledge he could display of the 'up-to-date' Arabic medicine (much of which had little or no relevance to the conditions under which he practised or to the remedies which were at his disposal). It is difficult to imagine a sharper contrast with the Irish jurist of that epoch who remained the prisoner of his own great past and who depended for his reputation on citing, copying, and 'explaining' ancient texts whose meaning was often obscure to him. Is this contrast merely part of a permanent difference in outlook between the two professions? Or did it arise because teaching in the older medical schools had always remained oral and quite unaffected by the introduction of writing in the Roman alphabet into other schools? I can only ask these questions in the hope that future scholars may one day be able to answer them and to explain *inter alia* why the only surviving fragments of pre-Arabic medicine are to be found in two legal tracts.

In the task of interpreting the rules contained in B.D.Ch. the glosses, which normally afford at least a modicum of aid, are almost completely worthless. Indeed I know of no other tract where the glossing bears such a slight relation to the true meaning of the text. This is almost certainly due to the fact that many of the rules in B.D.Ch. have no counterpart in the ordinary law with which the scholiasts were more familiar. It was for them an exotic text which was often hard to reconcile with the law governing corporal injuries as they knew it from other tracts. Hence after various alternative attempts to effect this reconciliation the glossator is sometimes reduced to adding in despair: 'or this [rule] is [only] according to Dian Cécht' (e.g. §§ 22^{2}, 30^{6}, etc.); in other words, it cannot be 'harmonized' even by postulating the most improbable set of circumstances. On one occasion he actually calls it *anaicne diancecht* (§ 16^{5}),[1] which can only mean the 'unnatural' or 'exotic' law of D.Ch.

Indeed the glossators and commentators are constantly at loggerheads with the text, and their efforts to 'explain' its rules afford numerous examples of the unreal technique of the legal scholiasts. For the moment it is immaterial whether they were unfamiliar with the rules because these had never existed in actual practice or because they had been superseded by a very different and very much stiffer tariff of penalties. In either event the fictions of uniformity and immutability on which the very existence of the law-schools was based made it necessary that each item of the tariffs in B.D.Ch. should be 'harmonized' with the corresponding rules found in other tracts. And the usual procedure for these attempts to reconcile

[1] The same expression is more correctly written *Do reir anaignid Diancecht* AL v. 80. 24, where it is completely misunderstood by the translator. As in the later language generally, the god's name is taken to be a single word (cf. § 22^{1} etc.).

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the irreconcilable is faithfully followed: a straightforward general rule of the text is narrowed down to a single case containing such unusual features that it would be most unlikely ever to occur in real life.

A single illustration must suffice here. The tariff of compensation for wounds in the face in §§ 12, 13 is reasonably clear and consistent. The scholiasts, however, more particularly the commentator in § 12, go to the most extravagant lengths in their efforts to explain it away. Thus, to confine ourselves to one item of the tariff, the penalty for wounding an *aire túise* in the face is stated to be an in-calf cow (§ 13). The commentator, who doubtless regarded this as much too light, says that it applies only (1) where the assailant was a *déorad*, a member of different tribal origin, (2) where the injury was caused by scratching with the finger nails, which in all the late commentaries is regarded as less serious than wounds inflicted by a weapon, and (3) where the victim has himself used violence to repel the assault, where he has made a 'counter-attack' (*frithaigid*), which, if proved, will normally reduce the amount of compensation by one-third. The idea that a rule of law formulated in general terms applies only under such highly specialized conditions is obviously absurd. Again, not content with the usual distinction between *urrad*, *déorad*, and *murchuirthe* which forms part of the stock-in-trade of every scholiast, allowing him to play numerous variations on a single theme, our commentator has even introduced a further subdistinction between a sane and a half-witted *murchuirthe*!

Similar exercises in casuistic jugglery will be found in the glosses on § 33. All that can be safely deduced from them is that the scholiast is unfamiliar with the rule he is 'interpreting'. Occasionally, it is true, he may be seeking to reconcile it with a conflicting rule he knows from another text (an example occurs in § 13[11]) or, what is much more important, with the different practice of his own day. In the latter case his elaborate 'calculations' may provide some evidence of changes in Irish law which the fiction of immutability elsewhere steadily obscures in the writings of the later jurists. But it is usually very difficult to decide whether a commentator is really trying to reconcile a discrepancy between ancient and contemporary law or just weaving a crazy pattern of his own invention, and I suspect the 'interpreters' of our tract of pursuing the second course.

We must therefore expect little or no assistance from them in our attempt to elucidate the rules of the text. This begins with what is called *duine-díglaim(m)* (§ 1, see notes), a 'sorting-out of persons' according to rank, which in the case of wounding takes a curious form. The size of each wound is measured in grains (§ 2)—the smallest unit of measurement throughout the Indo-European world[1]—but each 'grade' has his own special 'grain', ranging from a grain of wheat for a provincial king to a bean for a *fer midboth* (cf. Críth Gabl., pp. 89 f.). The principle of allotment is well summarized in § 2[17]: to the lower grades the largest grains and the smallest wergilds, to the higher grades (culminating in the

[1] Cf. notes on § 15 (p. 57, *infra*).

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provincial king) the smallest grains and the highest wergilds. And it is noteworthy that, so far as we can identify the cereals enumerated, even present-day measurements seem to confirm the ascending order observed in our tract (cf. p. 49, *infra*). This proceeds next to define the injuries from which the leech is entitled to receive half of the legal wergild as his fee. We are nowhere told whether this fee was deducted from the actual wergild or whether it was payable as an additional penalty, but the latter seems much more likely. A serious injury necessitating a lengthy period of treatment would bring the rules of *othrus* formulated in BC into operation, and in this case the injurer would be obliged to provide and pay for a leech's services. On the other hand, where for one reason or another *othrus* was commuted to a 'nursing fee' (*lóg n-othrusa*), this was held to include the leech's fee except under very special circumstances (BC, § 19, cf. ÉRIU xii. 120). Accordingly it would seem equitable that where the defendant had neither to provide the nursing nor to pay a 'nursing fee', he should be compelled to bear the cost of the leech's services where these are required (e.g. § 28 and p. 14 (5), *infra*). Indeed this would seem to be implied in BC, § 42.

The question asked in § 3—'what are the wounds from which a leech obtains half [the amount of the wergild]?'—receives more than one answer. Possibly the earliest rule was that he was entitled to this high fee only for treating a wound in one of the 'twelve doors of the soul' (§ 3). These are enumerated in § 2 A, but since they have been supplied by a later scholiast and do not form part of our text, we cannot be absolutely certain that the list tallies with what the compiler had in mind. So far as I can ascertain, they seem to be indigenous, for I have been unable to find anything like them in other accounts of early medicine. Each of them has been studied by a medical expert whose conclusions are summarized in the notes, and from his report it is obvious that the 'twelve doors' were deemed to be peculiarly vulnerable parts of the body. It was natural, therefore, that an injury inflicted on any of them would be regarded as making considerable demands on the leech's skill and this would warrant a high payment for his services. There is a provision in the Welsh law-books concerning the fees of the 'court-physician'[1] which may well be a faint echo of an older order. Normally he is bound to attend all members of the court without any remuneration other than the 'bloodstained garments' of the wounded man. But where the victim has received one of the 'three mortal wounds' (or, as the Book of Iorwerth calls them, the 'three dangers', cf. note on § 3, p. 53, *infra*)—a blow (or stab-wound) on the head which penetrates the brain (cf. § 31 of our tract), a blow (or stab-wound) in the body which exposes the entrails, and a fracture of one of the four principal limbs—then the physician may claim an additional fee of approximately a pound, which works out at one-third of the wergild.

[1] See Llyfr Iorwerth (ed. Wiliam), pp. 12 f.; Llyfr Blegywryd (ed. Williams and Powell), p. 26; Wade Evans, Welsh Medieval Law, p. 25.

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An extension of the (original?) twelve wounds to twenty is found in § 17. All but one of the additional eight are provided by the 'seven most important fractures' (§ 2 B). This heptad has again been supplied from another text (perhaps a collection of heptads) by a later scholiast. But since, according to expert opinion, the fractures there listed 'must have been recognized for thousands of years',[1] we can be reasonably certain that we have the original text. What is less certain is the reason why the leech should be entitled to claim such a high fee for treatment which is comparatively simple; yet the further testimony of § 20 places this beyond all doubt. As for the other 'seven wounds from which the leech takes half' (§ 4), they pose a problem which I discuss in the notes but am quite unable to solve. One thing at least is certain: they do not figure in the list given in § 17 and hence must have been added later.

Perhaps, then, under the earliest rule the leech received this high scale of remuneration only for treating a wound in one of the 'twelve doors', and subsequently the list was extended to cover injuries resulting either in one of the 'seven fractures' or urinary disease. On the other hand, according to § 16 (assuming that my translation is correct) he got one-third of the wergild for a wound in a fleshy part (*tiug*) of the body. But a completely different method of calculating his fee appears in §§ 17–19, based on the size of the wergild and hence by implication on the status of the injured party. In § 19 we are told that he gets one-half when the wergild is 'estimated in *cumala* and *séoit*', which presumably means for any injury whose wergild is fixed at one *sét* or over. This would imply *inter alia* that for a wound in the face (including presumably the temporal fossa, which is one of the 'twelve doors') inflicted on the higher ranks down to an *aire échta* the leech would receive payment equivalent to one-half of the penalty, but only one-third if the victim was an *aire déso* or a *bóaire*, and one-fourth if he belonged to any of the lower grades (§ 13). Still further confusion is introduced by the table of fees given in § 17 and repeated in the second sentence of § 19. Here the fee sinks to one-third as soon as the penalty is a *lulgach* (milch cow), in other words when the victim is an *aire ard* (highest of the non-royal grades according to *Uraiccecht Becc* and the *Nemed* collection of tracts); hence the higher fee is confined to the three classes of kings. It is true that the *lulgach*, the in-calf cow (for the *aire túise*) and even the *samaisc* can be estimated in *séoit*,[2] but perhaps the author means that only when the wergild is expressly reckoned in *cumala* and *séoit* is the higher fee due, so that the discrepancy here is simply a matter of wording.

But how is one to reconcile the discrepancy between the method of calculation according to the gravity of the wound and that according to the status of the victim? One could take the two methods as cumulative and conclude that the leech gets the higher fee (1) when, irrespective of the

[1] See p. 53, *infra*.

[2] The normal value is one *sét* = one *samaisc* (see Críth Gabl., pp. 105 f.).

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'grade' of the victim and the size of the wound, the injury is to one of the 'twelve doors' (or results in one of the 'seven fractures') and (2) when under the tariff of compensation, which varies according to the rank of the injured party, the wergild is reckoned in *cumala* and *séoit*. But I strongly suspect that this is not the true solution. I believe that the assessment of fees according to the victim's status represents a later development. Originally it was the grave nature of the wound that alone entailed payment of the higher fee. On the other hand, when the wound was inflicted on any fleshy part of the body, which contemporary leechcraft regarded as less dangerous, the leech received one-third (§ 16). But since the wergild of such a wound, one milch-cow, happened to be the same as that for wounding an *aire ard* in the face (§ 13), this entirely fortuitous coincidence led to a new way of reckoning the one-third fee. The lowest fee, one-quarter of the wergild, was doubtless due at first for injuries which were slight and easy to cure; only later was it identified with injuries suffered by the lowest grades of society.

It may be significant that the glossators often show themselves undecided about which method of calculation to adopt. Sometimes they reckon according to the nature of the injury: one-half for a wound in one of the 'twelve doors' (once for the 'twenty-seven wounds', cf. § 18[3] and note on § 4, p. 54, *infra*), one-third for wounds of the 'second' class (i.e. in the face, cf. note on § 5, p. 54, *infra*), and one-fourth for all wounds in a fleshy part of the body, though this is clearly opposed to the text (§ 16). But almost in the same breath they put forward a totally different tariff based on the status of the victim: one-half for kings and their compeers, one-third for the 'noble grades', one-fourth for the freemen grades. This at least has the merit of consistency, for the threefold division of Irish society is very old indeed.[1] But it is quite impossible to reconcile with the provisions of the text (§§ 3, 20, etc.). Hence we are driven to the conclusion either that the basis of allotment was no longer clear to the compiler of the tract himself or (which seems much more likely) that he has allowed two conflicting systems, one of them older than the other, to operate side by side. 'Dualism' of this kind is a feature of certain other tracts also.

Whatever may have been the true method of reckoning, the magnitude of the leech's remuneration is most surprising, for even one-quarter of the wergild represents a very substantial fee. Contrast this, for example, with the judge, who gets no more than one-twelfth of the amount at issue before him,[2] or the craftsman, who was originally entitled only to one-tenth of the article fabricated by him. It is difficult to believe that the leech could claim anything like such a large sum where the injury resulted, not from violence by a member of another kin-group, but from accident

[1] Cf. Proc. Brit. Ac. xxix. 224 f.

[2] True, the advocate (*aigne*) who successfully enforces his client's claim is entitled to one-third of what he recovers (Bürgsch., p. 7, § 4), but this is merely a special case of the 'levying share' (*cuit tobaig*) which is always due when one person enforces a claim for another.

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or a quarrel between members of the same *fine*, when no question of wergild would arise. In later days when each ruler had his own medical 'family', we may be sure that attendance on all members of the ruling kindred was free, as in the case of the Welsh 'court physician' (p. 10, *supra*). But we cannot say whether this represents immemorial custom or an innovation following on the vastly increased powers of the 'chief'.

Much of B.D.Ch. is taken up with tariffs of compensation for various types of physical injury. This is hardly what one would expect to find in one of the 'professional judgements' (p. 4, *supra*), where the chief emphasis would surely be on the process of (and perhaps the remuneration for) healing the injury. One can explain it only by assuming that, provided the leech knew the wergild of the wound he had been summoned to attend, he would also know the proportion of it he was entitled to claim as his fee; but if that be so, then the meaning of the text must have been far clearer to him than to later scholiasts and modern editors alike.

On the other hand the wergilds awarded in our tract were often very different from those known to the glossators and commentators, and we have already seen something of their frantic efforts to overcome the contradictions. Did these arise because some or all of the tariffs in B.D.Ch. had no existence outside it? It must be admitted that certain items of these tariffs are passing strange: the provision of an armed henchman for wounding a king in the temporal fossa (§ 6) or the quest for the three 'foreign herbs' to soothe the royal countenance (§ 8). Curiously enough the scholiasts are not troubled by such exotic rules: it is the more straightforward items that they implicitly reject. Yet we cannot know for certain whether their opposition is due to contradictory provisions in another ancient text or to changes in contemporary practice. For it is one of the paradoxes of Irish law that, despite the abundance of the sources, we possess no continuous tract on corporal injuries, whereas most early law-books, however scanty their provisions in other departments, almost invariably include a tariff of compensation for these. From occasional references in the text of other tracts and in the lengthy commentaries of later jurists we may infer that such a tariff existed, and the reluctance of those who glossed our tract to accept its scale of fines would suggest that the 'official' tariff was much more severe. But this is no more than conjecture, for an alternative explanation of the glossators' resistance would be that the penalties had been substantially increased by their time.

It is also noteworthy that the implied contradictions between text and gloss are more numerous in the earlier and more intelligible portion of the tract (§§ 1–24) than in the 'rhetorical' paragraphs, where (except in §§ 33–36) the scholiasts make no attempt to restrict the application of the rules to a grossly improbable set of circumstances. A cynic might be pardoned for suggesting that their main activities in these later paragraphs were confined to strenuous (and often fruitless) efforts to make sense of the text, and that

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uncertainty about the true meaning of the rules formulated in it kept them from trying to reconcile them with other conflicting rules. But this, in my view, is not the real explanation. I have already pointed out (p. 5, *supra*) that § 24, the last of the non-rhetorical sections, contains a rough summary of the injuries described in §§ 25–29. Much more important, however, is the fact that the penalties laid down in these five sections correspond to those for the same types of injury found in another ancient tract, part of which has fortunately survived. Although we have no complete or continuous copy of it, the surviving fragments which are relevant to our theme are to be found in the following manuscripts: (A) H 3. 17. cols. 590 f. (O'D. 825 ff.), which is fuller than the others and has also been supplied with glosses; (B) *ibid.*, cols. 630 f. (O'D. 877 ff.); (C) H 3. 18, pp. 290 f. (O'C. 587 ff.); (D) *ibid.*, p. 336 (O'C. 694), containing (3) and (4) only; (E) the remainder of p. 456 of Nat. Libr. G 11 (see p. 1, n. 1, *supra*). I give an eclectic text, relying mainly on A, with references to the corresponding sections of our tract at the end of each paragraph of the translation:

1. Airg ⁊ fir ⁊ mnā ⁊ ferdomain, a fuile a mbānbēimenn, co biat a fēich? Nī, uinge a mbānbēim benar fo tsār (B, thār C), gid dar sail (sal AB), dia naicestar aisc.

'Magnates and [ordinary] men and women and youths, their wounds and unbloody blows, how are the penalties for them [estimated]? Answer, an ounce for an unbloody blow which is struck in malice, even though it be [only] on the heel,[1] if the disfigurement [can] be seen' (= §§ 24 (1)).

2. Tri sēoit i foderg, i foglas, i forbairt bān.

'Three *séoit* for [leaving] a reddish [mark or] a livid [mark or] for increasing [the area of] pallor[2] (= § 25).

3. A cethair [i] cach cnocbēim glas sceo (BD) derg dānaigther con tāide a tathugh[ud] cen ainim cen on.

'Four [*séoit*] for every lump-blow [which leaves the skin] blue and red, [but] which [leaves it] joined together[3] without blemish or disfigurement' (= §§ 24 (2), 26).

4. Cōic sēoit i teistin fola forsa mbruinnet cōic bainne besa cnūlestar lān.

'Five *séoit* for bloodshed from which five drops ooze, the full of a nutshell'[4] (= §§ 24 (3), 27: cf. also AL v. 476. 25).

5. Sē sēoit cacha hininnraige oca recar lega less.

'Six *sēoit* for every bandage-wound for which a leech is required' (= § 28, cf. Ériu xii. 132).

6. Uille sin samaither (gl. is uille na sain innī atā isin inraid (*sic*) .uii. sēt A) . . . fo fer frislig cinn fri adart nuag.

'More ample [compensation] than this is determined (*i.e.* vaster than this is

[1] lit. 'across'. The meaning is probably that a 'white' blow even on the extremities of the body carries an equal penalty. The reading of most MSS. *tar sāl* 'overseas' gives no sense.

[2] i.e. by a blow on the cheek? But my translation is uncertain.

[3] This is apparently the sense, but the construction (*figura etymologica*, 'so that it welds it with a welding'?) is obscure to me.

[4] This measure is frequent in commentaries (cf. §§ 16^5, 30^3), but the syntax here is obscure to me.

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that which is [due] for the bandage-wound [involving] six *séoit*) . . . under a man who is lying down with his head [propped] against a perfect (?) pillow'[1] (= §§ 24 (4), 29 ?).

It seems reasonably clear, then, that §§ 25–29 of our tract agree with rules attested elsewhere. But leaving aside for the moment the next three paragraphs (§§ 30–32), which are concerned with *iarmbrethemnas*, we come back again to a detailed tariff of penalties for injuries to the face (§ 33) which are hard to reconcile, not merely with those given in §§ 12, 13, but also—to judge from the feverish activity of the glossators—with those of any other text. The same applies to the tariff for injuries to arm and leg (§§ 35, 36), so much so that the commentator in § 34 actually admits that the wergilds 'in this text' are different from those of the ordinary law and suggests as a reason for this that they do not include the fraction of his honour-price normally due to the victim, which shows that he regarded the penalties as much too light. But he makes an interesting exception of the text in § 34 itself. Apparently he knew of no other tract which dealt with the loss of individual teeth, for he accepts the present tariff without qualification. Incidentally, the text here preserves what may have been the old native names for the central and lateral incisors etc., unless indeed we are to take words like 'diggers', 'proppers (?)', and 'binders' as 'rhetorical' figures of speech.

Finally B.D.Ch. is the only tract which throws any light on the ancient institution known as *iarmbrethemnas* (or *iarmbrethas*) 'after-judgement'. It was that very distinguished (and insufficiently appreciated) scholar Charles Plummer who first established the true meaning of the term in the pages of this journal (ÉRIU x. 114 f.), though he had to rely exclusively on quotations from the present tract in O'Davoren's glossary as well as on the final 'poem' (§ 37). Since a number of lengthy commentaries, some of them quoted by Plummer, are based mainly on this 'poem', let me say at once that I do not believe § 37 belonged to the original B.D.Ch. at all but was appended to the old text by a later scribe who was familiar with it from other sources. If it was really part of our tract one would have expected it to come immediately before or after § 32, which concludes the treatment of *iarmbrethemnas*, instead of at the end of a tariff of wergilds for injuries to face, teeth, arms, and legs. Again, it is cast in a rude form of *rannaigecht* verse, which seems totally out of place as the conclusion of an archaic 'rhetoric'. And it contains what is the only post-Christian loanword (*ann* < Lat. *annus*) in this part of the tract (cf. p. 3, *supra*). Lastly it is quoted more frequently than any other paragraph of B.D.Ch., sometimes by commentators who were apparently unfamiliar with the remaining

[1] None of the MSS. has a continuous text. It is not even certain if the two fragments of text cited belong to the same paragraph. But the glossator at least took this to be the same injury as that described in § 29, though since this was also misunderstood by the scholiast of B.D.Ch., too much weight should not be attached to the identification.

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provisions of our text. For all these reasons I submit that the two 'quatrains' belonged to a somewhat later (though obviously still ancient) text on the subject. The existence of a second tract is also suggested by the fragment in AL iii. 344 y quoted in the notes to § 30 (p. 61, *infra*).

Plummer was clearly right in regarding *iarmbrethemnas* as 'further compensation for bodily injury if the effects of the injury proved permanent'. The only problem is whether any wound which resulted in 'disfigurement, blemish, loss of limb, hurt, or impotence' (§ 30) may be the subject of the additional compensation or whether this was originally confined to injuries which were sufficiently serious to require the nursing of the invalid at the injurer's charges. In other words was *iarmbrethemnas* a sequel to *othrus* only? The two words are frequently mentioned in the same context, e.g. §§ 24 (*bis*), 29 (see notes); cf. also *ni āle ot[h]rus nā iartaidhi* BC, § 42, AL iv. 386. 17, *āilid othrus iardaighi* iii. 536, where *iartaige*, lit. 'aftermath, consequence' almost certainly means *iarmbrethemnas* (cf. ÉRIU xii. 68). This, I believe, represents the older rule. Unfortunately up to now nearly all our information about this additional liability has come from the commentators by whose day the archaic institution of *othrus* had long been obsolete; hence the original connexion between the two has been effectively obscured by them. Indeed a great deal of what they tell us seems so full of casuistry and rabbinical distinctions that one is tempted to doubt whether they knew anything about *iarmbrethemnas* either.

Once again, therefore, we have to fall back on the text itself. Unfortunately the information contained in it is so obscurely worded that from time to time I can only guess at its meaning. Let us begin with the rules that are reasonably clear. According to § 30 the additional penalty for lasting injury or disfigurement arises when the injured part has been inspected by a physician. When does this inspection take place? Surely at the end of the period of *othrus* when the victim is about to return to his own kin, in other words when he undergoes the *derosc n-arsláine inna iarsláini* (Críth Gabl. 56), the 'verdict' that he has regained his former health. This seems to be confirmed by BC, § 60, where among the pledges to be exacted from the injurer we find *gell taisic iar frepaid fosisedar derosc* 'a pledge for [the invalid's] return after a cure which [a leech's] verdict acknowledges [i.e. confirms]'. Whether this final verdict is given by the leech who has been in attendance on him, as I formerly suggested, is much more doubtful. Perhaps another opinion was necessary. On the other hand the frequent assurances by the commentators that if the 'aggravation' of the former wound is found to be due to the ignorance or negligence of the leech (*tre fuiririud drochleigis* AL iii. 346. 28 etc.), the latter must pay the additional penalty, are altogether irrelevant: they have nothing to do with *iarmbrethemnas* proper which arises only when the original injury has left a lasting blemish or disfigurement, a fact which is established by the *derosc* at the conclusion of the victim's period of *othrus*.

It will be noted that the foregoing explanation is in direct contradiction

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to § 37, which purports to establish a time-limit for claiming additional compensation for the aftermath of injuries in various parts of the body: a year for hand and arm, a year and a quarter for foot and leg, three years for the head, and, according to the commentator, nine months for any other part. But when does this 'statutory period' begin to run? Obviously, it would seem, from the date on which the injury was suffered; so at least the glossators thought. One could of course take it rather as running from the end of the 'nursing', the duration of which will naturally vary in each case according to the patient's recuperative powers. But I do not believe in this alternative. On the contrary I believe that the two quatrains in syllabic verse embody a later development. As early as the beginning of the eighth century when *Críth Gablach* was compiled, the primitive institution of *othrus* in kind had been commuted for a fixed payment (the 'leech-fee' of other ancient systems); the patient was nursed back to health in his own home, the costs of the nursing (including the leech's fee) being borne by the injurer. This is clearly the situation envisaged in § 37, and in such circumstances it is only natural that the periods within which a claim for additional compensation must be brought should run from the day when the victim suffered the original injury. Indeed the very words of *Críth Gablach* (47–49) confirm it: 'Sick-maintenance does not exist at the present day, but rather a fee for his proper nursing[1] [is paid] to each according to his rank, to include the leech's fee and [the expenses of] supplying drink and food *and an* [*eventual*] *payment for blemish, hurt,* [*or*] *loss of limb.*' Accordingly even as the sentence just quoted is an addendum to *Críth Gablach* (which also includes a valuable account of *othrus*, put together from ancient materials), so too § 37 must represent an addition to our text. Although linguistically it belongs to the eighth century (as does the addendum to *Críth Gabl ch*), it is clearly not so old as the matter that precedes it, and I suggest it has been taken over from another tract composed when *iarmbrethemnas* had lost its association with the now obsolete institution of *othrus* and assumed a new form.

But the old order still obtains in §§ 29–32 of our tract,[2] and to them we must now return. If the 'verdict' at the end of the period of *othrus* (§ 29) confirmed the existence of any of the lasting defects listed in § 30, the injurer became liable for fresh compensation under the heading of *iarmbrethemnas*. And this could involve him in very formidable penalties reaching as far as the full wergild for homicide (seven *cumala* and possibly also the payment of honour-price to members of the victim's kindred) if the blemish proved to be a permanent one (§ 32). As for the specific fines prescribed for blemishes in different parts of the body (§§ 30, 31), I believe they are to be read as supplementary to the general rule, though the wording is so obscure that my interpretation of these sections is very far from

[1] In Ériu xii. 128 I wrongly expanded MS. *degfol*⁻ as *degfolad*. This error is corrected in CG.

[2] Including the gloss § 29[6].

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certain. Yet I feel reasonably sure that the fine, which in every case amounts to a *cumal*, is merely a first instalment of the injurer's debt. Thus where a man who has been injured in the leg or foot is found at the end of his *othrus* to be still incapacitated from walking, he receives immediately after the *derosc* damages to the value of a *cumal* which are to include a steed for riding. Thereafter, unless his disability should be healed, he is entitled to further payments up to a maximum equal to the full wergild of homicide.

At what intervals are these payments made? The answer may be contained in the concluding words of § 31, though it is just possible that these relate only to facial disfigurements. They prescribe 'a *cumal* for every *oenach* and a *sét* for every "advertisement"[1] for which [his] cheek blushes'. The first is clear enough: a blemished person receives an additional *cumal* for every assembly which he is forced to miss—or perhaps rather which he has to attend, thereby exposing his infirmity or disfigurement to the gaze of a wider public. As the average tribesman is unlikely to be present at more than one *oenach* in the year,[2] it will probably take six further years to exhaust the maximum penalty. But the second is more difficult to interpret. It would appear to mean that on every occasion when public attention is drawn to the victim's condition by some third party, whether by taunting him or by disclosing the nature of his blemish, the injurer becomes liable for a *sét* out of the balance of the total fine. Obviously this 'advertisement' must have been made under formal circumstances and in the presence of strangers—the rule could not possibly apply to every case where the blemish is mentioned in ordinary conversation; yet even so, it is difficult to see how claims under this heading could be assessed, and we would need to know much more about the nature and circumstances of the *aidbriud*. We shall certainly get no enlightenment from the voluminous commentaries allegedly based on these seven words of text which we find in other manuscripts.[3] Apart from the usual casuistry, they operate entirely with the later (and I believe imaginary) 'classes' of injury, ringing the changes between *crólige mbáis* (as they understand the term), *c. cumaile*, *inindraig sé sét*, and *i. secht sét*.[4] As I have so often insisted, any attempt to interpret the ancient text in terms of the gloss and commentary is fraught with danger. For even when they understood its language, the later scholiasts were often quite unfamiliar with the rules it sought to convey.

To sum up then. In its origin *iarmbrethemnas* was always a sequel to *othrus*. Before leaving for home at the end of the period of nursing the patient was examined by a physician, and if he was found to be still suffering from some lasting blemish or disability, the injurer became liable to the additional penalty of *iarmbrethemnas*. A *cumal* was payable at once, and subsequently (assuming that the victim's condition remained unchanged) a further proportion of the debt fell due until a total sum equivalent to the

[1] For the meaning of *aidbriud* see p. 62, *infra*.
[2] Cf. Ériu xviii. 124 f.
[3] e.g. AL iii. 346 f., O'C 232 f., 1813 ff.
[4] See Ériu xii. 130 ff.

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full wergild of homicide had been paid over. By the beginning of the eighth century at latest the old system of *othrus* had become obsolete, and the injured party received instead a 'leech-fee' to cover the expenses of his cure. This involved a corresponding change in the rules governing *iarmbrethemnas*: it became necessary to fix a legal period, beginning with the date of the original injury, within which this additional compensation could be claimed. The periods of limitation, varying according to the part of the body affected, were those laid down in § 37, which, however, did not belong to the original text of B.D.Ch. but was taken over from a later text dealing with the changed conditions.

My edition follows the general lines adopted in BC except that in the text proper I have inserted no mark of punctuation other than the point used by the scribe himself, because in the 'rhetorical' sections I am not always sure how to divide the clauses. In the gloss and commentary, however, I continue to punctuate according to the sense. Letters, syllables, or words required by the sense are added in square brackets, whereas superfluous letters, etc., are enclosed in round brackets. Otherwise I have made no attempt to normalize the text. Length in vowels, following the scribe's invariable practice, is left unmarked, and his constant failure to aspirate *t* is not corrected. Suggested emendations are given in footnotes, but citations of parallel passages from other manuscripts have been relegated to the notes, where textual, grammatical, semantic, and legal problems are also discussed.

The translation is as literal as I could keep it without sacrificing the sense. Words which do not occur in the text are added in square brackets, explanatory matter in round brackets. In the last thirteen sections my translation must be regarded as purely tentative, and I have often been forced to choose between several possible meanings. To give a single example, the word *cain*, which I have invariably taken to be a prefixed adjective introduced solely for purposes of alliteration, could in § 35 (and possibly even elsewhere) be the ipv. of *canid*: by reading *cain colp*thaig *laudden* 'sing (or 'declare') a *colpthach* for the little finger' (cf. the gloss *asne*[*i*]*d*), one gets a formula like *ding ris .iiii. seota* (= *séotu*) § 25, *sloinn a cōic, cuinnig . . . trelang* § 33, etc.[1] Beyond all doubt, as our knowledge of archaic Old Irish increases, many of my conjectures will be disproved, but I have acted on the principle that any conjecture, provided it has at least a basis of plausibility, is better than a blank.

Some of the more common technical terms of Irish law have been left untranslated. They include *sét* (pl. *séoit*), the basic unit of value = one *samaisc*; *cumal* (pl. *cumala*), lit. 'bondmaid', normally = six *séoit*; *dairt* a yearling heifer-calf; *dartaid* a bull-calf of the same age; *colpthach* a two-year-old heifer; *samaisc* (lit. 'dry in summer') a three-year-old heifer, normally = one *sét*. Further, the names of the various 'grades'—*fer*

[1] See also note on *Leir cum-* (§ 30), p. 61 *infra*.

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midboth, *ócaire*, *bóaire*, *aire déso*, etc.—for all of which see the Legal Glossary to my edition of *Críth Gablach*. Pseudo-etymological glosses are printed between quotation marks.

This tract has formed the subject of two seminars held by me at the Dublin Institute for Advanced Studies, and I have to acknowledge with gratitude a number of excellent suggestions from the members of both classes. But most of all my thanks are due to Dr. Patrick Logan, who not merely enlightened and enlivened our first seminar with his expert knowledge but was also kind enough to furnish me with detailed notes on the medical problems raised by the text. The numerous quotations from these which I have incorporated in my own notes should give some idea of the extent of my debt to him. For expert advice on the cereal grains enumerated in § 2 I am deeply grateful to Mr. John O'Loan of the Department of Agriculture.

D. A. BINCHY

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TEXT AND TRANSLATION

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TEXT

(*MS. p. 451*) § 1. Bretha dein checht[1] o legib.

duine-diglaim a nnæ ngrainnib gaibtir.[2] 7 ata duine-diglaim[3] fo bith fail .ix. ngrainne di duinib.[4]

[1] .i. do tuath*aib* de donann don liaid-so, bṫi[a] luath cumachtach, no is ainm proprium .i. dilus. [2] .i. gaibth*ir*[b] asna naoí ngraindibh didlaim for duine. [3] .i. ata didlaim dona dainibh no didl*aim* dorona duine. [4] .i. fan fath ata .ix. ngradh dona dainibh.

§ 2. Grande crutnechtu[1] do ollum ri[g] 7 escop[c2] 7 do oll*um* (?) file*d*.[3] Grande seaccail[4] do rig thuath[5] 7 anroth file*d* 7 sac*urt*[6] Grainne sullich[7] do righ thuaithe[8] [d]7 do dechain 7 cli[d9] 7 cac grad cuma frisidngair o eclaisib 7 filedaib[10]. grainne ibdaig[11] do airic (n)a(i)rd[12] [d]7 subdeochan 7 chana[d13] 7 cach gradh cuma frisidngair. grainne ruadain[14] do airic tuisi[15] [d]7 liachtoir[16] 7 doss[d] 7 cach gradh cuma frisidngair. grainne eorna[17] do airec dessa 7 cac gra(i)d cu*ma* frisidngair grainni coirce do boair*ig* 7 ce*ch* gra(i)d cu*ma* frisidngair graine pisi[18] do ocair*ig* 7 ca*ch* gra(i)d cuma frisidngair[19]. graindi sebe[20] do fir midbo*th* 7 ce*ch* gradh cuma frisitngair.

[1] .i. ara loidet[e] 7 ara uaisle. [2] .i. ri eir*enn* 7 ri .u.id 7 dia nespo*g*. [3] .i. 7 gaisi bis ocuib. [4] .i. grana leis a fuil do śecc*ad* air. [5] .i. cona com*g*radaib. [6] .i. ab ecl*ais*i ri[g] tuath .i. a da nanrod file*d* 7 sac*art* bis a necl*ais* ri[g] er*enn* 7 righ .u.id, 7 a da tanaisi suad ac ri[g] er*enn* can fresabra. [7] .i. souillech maeth an eor*n*a .i. grainne sordlaigh ł sordan. [8] .i. cona com*g*radaibh. [9] .i. bis a neclais ri[g] er*enn* 7 ri[g] .u.id, 7 a[f] da cli 7 a[f] dha forcetlaig 7 a sac*art* 7 anrot 7 tanaisi suad rig tuat[g], 7 tochus i*n* boair*ech* [h]is isle[h] uil aicce. [10] .i. com*a*rd frea gra[d]-se o ecl*ais* 7[i] ac ri[g] er*enn* cen fresabra. [11] .i. eor*n*a na nen (?), ebar deog dia sugh .i. máth*eorn*a na *n*innsi. [12] .i. dona tri hairech*aib* for*g*ill. [13] .i. bis a *n*ecl*ais* ri[g] eir*enn* 7 rig .u.idh, 7 a da canait rig tuat[j], 7 sacart 7 anrot 7 tan*ai*si suad rig tuaite 7 a da staraige 7 a da ndeocai*n* 7 cli 7 forcetlaigh .i. ac ri[g] eir*enn* co fresabra. [14] .i. cruitn*echt* ruad, no is grana leis a fuil do ruadad air. [15] .i. mælcruitn*echt* do air*ig* tuisi cona com*g*radaib. [16] .i. bis a neclais ri[g] eir*enn* 7 ri[g] .u.id, 7 a da *n*dos 7 a da *n*descip*ul* 7 suibdeochan 7 cana 7 staraigi ri[g] tuath, 7 deoch*an* 7 suibdeoch*an* 7 cli ri[g] tuaithi, do air*ig* iter da air*ig* 7 d'oglantac ri[g] er*enn* 7 ri[g] .u.id. [17] .i. an eorna is *m*o gran and; Didlaim sét 7 didlaim ngraindi 7 didlaim ngraid sisana, 7 na grainetha[k] is *m*o dona gradaib is isli [l]7 na herca is luga,[l] 7 na *g*ranni is luga dona grad*aib* is uaisle 7 na herca is mo. [18] .i. a pisi fola as. [19] .i. coicidach ri[g] tuaithi 7 a dorsaidh 7 a fochlog, 7 fograda ri[g] tuath. [20] .i. ponaire.

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[a] *read* brithem? [b] *followed by space for about 12 letters.* [c] *or* e[p]scuip? [d–d] *later interpolation? see notes.* [e] = loiget. [f] *subscript, added later.* [g] *added over line, with ref. marks.* [h–h] *added over line, with* caret-*mark.* [i] *supply* filedaib (*or* filid)? [j] *added over line, with* caret-*mark.* [k] = grainne etha? [l–l] *added over line, with ref. marks.*

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TRANSLATION

§ 1. The judgements of Dian Cécht[1] concerning leeches. Classification of persons is obtained from (on the basis of) nine grains.[2] And [such] classification of persons exists[3] inasmuch as there are [a]nine grains for the [different classes of] persons:[a][4]

[1] This leech belonged to the Tuatha Dé Danann; a swift and powerful judge (?); or it is a *proprium*, that is, a proper noun. [2] Sifting on (= of) persons is derived from the nine grains [specified] for them. [3] There is sifting of persons, or sifting performed by a person. [4] for the reason that there are nine grades of persons.

§ 2. (1) A grain of wheat[1] for a supreme king, a bishop,[2] and a master poet.[3] (2) A grain of rye[4] for a superior king,[b5] an *ánroth* poet (poet of the second grade), and a priest.[6] (3) A grain of *siligo* (?)[7] for the king of a [single] tribe[8]—[c]and for a deacon and a *clí*[9] (poet of the third grade)[c]—and for every person of equal status corresponding to him among churchmen and poets.[10] (4) A grain of . . .[11] for an *aire ard*[12]—[c]and a subdeacon and a *cano*[13] (poet of the fourth grade)[c]—and for every person of equal status corresponding to him. (5) A grain of red wheat[14] for an *aire túise*[15]— [c]and a lector and a *doss*[16] (poet of the fifth grade)[c]—and for every person of equal status corresponding to him. (6) A grain of barley[17] for an *aire déso* and every person of equal status corresponding to him. (7) A grain of oats for a *bóaire* and every person of equal status corresponding to him. (8) A pea[18] for an *ácaire* and every person of equal status corresponding to him.[19] (9) A bean[20] for a *fer midboth* and every person of equal status corresponding to him.

[1] by reason of its small size and its[d] dignity. [2] the king of Ireland and (= or) a provincial king and to their bishop. [3] [master of poetry] and of wisdom who is with them (= in their employ). [4] 'he finds it repulsive that his blood should congeal on it.' [5] together with his compeers. [6] the abbot of a church [serving] a superior king; i.e. (= or?) their two poets of the second grade, and a priest who serves in a church belonging to the king of Ireland and (= or) a provincial king, and the two scholars of the second rank in the service of a king of Ireland without opposition. [7] barley which is 'well-angled' and soft, a grain of . . . or . . . . [8] together with his compeers. [9] who serves in a church belonging to the king of Ireland and (= or) a provincial king, and their two *clí* and their two teachers (in a monastic school), and a priest and an *anroth* and a scholar of the second rank [in the service] of a superior king; and he (each of these?) has the property qualification of the lowest class of *bóaire*. [10] his compeer among churchmen and [poets] [in the service] of a king of Ireland without opposition. [11] bird(?)–barley; a draught is 'drunk of its juice'; i.e. (= or?) the soft barley of the [Western] Isles. [12] for the three [grades of] *aire forgill*. [13] who serves in a church beloning to the king of Ireland and (= or) a provincial king, and two *cano*-poets of a superior king, and a priest and an *ánroth* and a scholar of the second rank in the service of a tribal king and two historians (fourth in rank among the members of a monastic school) and two deacons and a *clí* and a teacher in the service of a king of Ireland with opposition. [14] red wheat, or 'he finds it repulsive that his blood should be reddened'. [15] beardless wheat for an *aire túise* and his compeers. [16] who ministers in a church belonging to the king of Ireland and (= or) a provincial king, and

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[a–a] or (following the gloss) 'nine grades of persons'? See notes. [b] lit. 'a king of [several] tribes'. See Crith Gabl., p. 104. [c–c] omit? See notes. [d] or 'his' (viz. the supreme king's)?

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§ 2A. Atat da dorus .x. anma fil i curp duine. mullach cin*n* .i. a baites no i*n* co*m*uai*m*. clais da chulad. toll arai huball br*a*iget. clas ochta .i. loca*n* a br*a*idet. derc noxaille liag brainne i*m*bliu cairt tuibe ucht rig*ed* dercc nixuide [a].i. aniar[a]. tulug sliasta .i. i*n* tairbféth craide chuissi.

§ 2B. Ata[t] .uii. cnamcoma(i)gh[b] as sruithiu [a].i. is uaisli[a] fil i *n*duine .i. co*m*briste cna*m*a is uaisli fil i *n*duine .i. a fiac*ail* 7 a doid 7 a righ, sliasa*it*, lurga, delg(n)a gualan*n*. ł lethcnai*m* a rig*ed* no seireth .i. saldelgo.

§ 3. Catet fuili(u) dia mbe*ir*[1] liaid[c] leth[2] be*ir*the di neoch fertar[3] asi*n* di[b] doirsib .x. anma[4] met loidet[d] fo fertar[5]

[1] .i. asa *m*ber. [2] .i. o *cech* duine, no is o rigaib cona co*m*grada*ib*. [3] .i. o gac duine uili si*n*, ł comad o riguib. [4] .i. asan dib nec(h)laibh .x. [5] .i. cid bec cid mor.

§ 4. (*p. 452*) At*aat* .uii. fuile cena[1] dia mber liaig leth guin[e]. guin i cath[2] no i nimairecc[3]. gui*n* ecraite[4]. fuil fir ternai a rroe[5]. fuil carpat *for* blai[6]. *fuil* aratair ocuicilga[f7] *fuil* ferta(i)r *for* carraic[8]. *fuil* totma a cro*n*n[9].[10]

[1] .i. ce*n*motha *in* da dorus .x. anma. [2] .i. a*n* fuil fertar isin cath .i. ar *m*et a (f)omai*n*. [3] .i. i*m*airec debtha soch*aide*. [4] .i. *in* gui*n* do*b*e*ir* *for* nech inti isa eccaradrad bis ris, uair doig a gui*n* co tre*n* do. [5] .i. a*n* fuil fertar *for*in fer terno isi*n* ræ co*m*raic,[g] dóidh a gui*n* co tre*n* i*nn*te. [6] .i. a*n* fuil ferus i*n* carbat *for* nec[h] *for* baili a*n* ænaigh, uair doid a brisid co tren. [7] .i. a*n* fuil ferus cai aclaidhi *for* nec 7rl-. [8] .i. ac tuitim asin carruic. [9] .i. an i*n*nus cé*t*na. [10] AR met co*m*bruitti na fola-so, is aire be*r*us liaid leth estib.

[a-a] *interlinear gloss.* [b] *MS.* cnama comaigh, *with* punctum delens *under second* a. [c] = -g. [d] = loiget. [e] *omit* (*dittogr.*). [f] = oc cuiclige? [g] *supply* uair? [h] *first letter possibly* d.

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their two *dos*-poets and their two disciples (fifth in rank in a monastic school), and a subdeacon and a *cano* and an historian [in the service] of a superior king, and a deacon and a subdeacon and a *cli* [in the service] of a tribal king, also to an *aire iter dá airg* and a student (sixth in rank in a monastic school) belonging to the king of Ireland and (= or) a provincial king. [17] the barley which has the largest grain. What follows is the classification of chattels [due for injury], the classification of grains, and the classification of rank to the lower ranks [are assigned] the largest grains and the smallest wergilds, to the higher ranks the smallest grains and the largest wergilds. [18] its . . . of blood from it. [19] the *coicedach* (reciter of the fifty psalms, lowest grade in a monastic school) of a tribal king and his janitor and his *fochloc* (lowest grade of poet), and the [ecclesiastical and poetic] sub-grades [in the service] of a superior king. [20] bean.

§ 2A. There are twelve doors of the soul[a] in the human body: (1) the top of the head, i.e. the crown or the suture, (2) the hollow of the occiput, (3) the hollow of the temple (temporal fossa), (4) the apple of the throat ('Adam's apple', thyroid cartilage), (5) the hollow of the breast (suprasternal fossa), i.e. the cavity of the throat, (6) the armpit (axilla), (7) the breast-bone[b] (sternum), (8) the navel (umbilicus), (9) the . . . of the side, (10) the bend of the elbow (antecubital fossa), (11) the hollow of the ham (popliteal fossa), i.e. from behind, (12) the bulge of the groin (femoral triangle?), i.e. the bull-sinew, (13) the sole of the foot.

§ 2B. There are seven fractures in [the body of] a person which are most serious,[c] i.e. highest, i.e. the principal bone-breakings in [the body of] a person; (1) tooth, (2) upper arm (humerus), (3) fore-arm (radius and ulna), (4) thigh (femur), (5) shin (tibia), (6) point of the shoulder (collar-bone, clavicle), (7) one of the bones in either the fore-arm or the heel, i.e. the point of the heel.

§ 3. What are the wounds from which a leech receives[1] half [of the penalty]?[2] He receives it from any [wound], however great or small,[5] which is inflicted[3] on[d] [one of] the twelve doors of the soul.[4]

[1] out of which he receives. [2] from everybody, or it is [only] from kings and their compeers. [3] This is [due] from each and every person, or perhaps from kings [only]. [4] out of the twelve perils (?). [5] whether it be great or small.

§ 4. There are seven wounds besides[1] from which a leech takes half: (1) a wound [inflicted] in a battle[2] or in an affray,[3] (2) a wound dealt in enmity,[4] (3) the wounding of a man who is fleeing from a duel,[5] (4) a wound caused by chariots on a [fair-]green,[6] (5) a wound caused by a plough-team when colliding (?),[7] (6) a wound [inflicted while the injured party is] on a rock,[8] (7) a wound caused by a fall from a tree.[9, 10]

[1] apart from the twelve doors of the soul. [2] the wound that is inflicted in tthe battle, owing to the greatness of the fear it causes. [3] the hostile encounter of several persons. [4] the wound which one who harbours enmity towards him inflicts on a person, for he is likely to wound him severely. [5] the wound that is inflicted on a man who is fleeing on the field of [single] combat, for he is likely to be severely wounded in it. [6] the wound which the chariot inflicts on a person in the place of assembly, for it is likely to be seriously smashed. [7] the wound which a 'path of hunting (?)' inflicts on a person [8] when falling from the rock. [9] in the same way. [10] It is owing to the amount of contusion accompanying these wounds that the leech receives half from them.

[a] or 'portals of life'; see notes. [b] lit. 'spoon of the breast'. [c] lit. 'more venerable'. [d] lit. 'out of'.

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§ 5. Fuil grainne cruitnechta a ngruad rig ruireg co nderoim in aingraine contuit inn log lalaice[a] di argat inn.[1] Fuil da grainne cruitnechta[2] [b]dia domnai alaile[3] do lethet a bel. cumal[4] inn mad iter da bru.[5]

[1] .i. madh a naigid rig erenn 7 righ .u.id. da lulgac inna gruad; .iii. loilgeca mad iter da bra; .iii. loilgeca mad i toll aræ; i fuil da grainne in slicht-so; Mad fuil engraine a ngruad, is bo inn. mad iter da bræ, it tri samaisci; mad i toll ara, it tri loilgecha ann. [2] .i. etar da bra. [3] .i. in dara graine. [4] .i. tri mbo. [5] .i. i fuil da graine tanaisi etar da bra do rig .u.id ł do righ erend.

§ 6. Mad fuil graine hi toll narai rig fergnia dær hi soduin co luirig[1, 2]

[1] .i. fuil engrainne so i toll ara rig .u.id no ri[g] erenn .i. fuil da grainne .i. nechtar na da rig. mad fuil da grainne i toll aræ ri[g] .u.id ł ri[g] erenn: .ui. ba inn mad ina toll aræ. tri ba inn mad iter da bra.7 da ba inn mad ina gruadh. mad fuil engrainne: tri ba inn mad i toll ara ri[g] .u.id ł ri[g] erenn; bo 7 samaisc mad iter da bra; bo inn mad ina gruad .i. beindel (?) ime .i. in tan nach[c] luirec lethair (?); fuil da grainne i toll aræ ri[g] .u.id 7 ri[g] erenn, da cumail[d] ann, in duine is fiu cumail .i. Fuil engrainne rig .u.id ł ri[g] erenn; cumal tri mbo is fiu e fein. 7 ni hairmidter log arin luirig sin; 7 da nairmed, comad tri ba arin luirig, .i. is fiu cumail. [2] .i. doairciter bachlach bus fiú .ui. ba.

§7. Cia met focraice lega dina[1] fuilib-so i na[e]ngraine. dairt[2] don liaid[3] ł a llog d'argad

[1] .i. as. [2] .i. bes fiú .uii. screpail. [3] .i. cethraimthi do liaigh a tiug cuirp, [e]no is o gradaib fene.[e]

§ 8. Mad iter da bra[1] boairec rofertar fuil[2] da graine is[f] doberar do suide caura[g] forcsen don liaig[3].

[1] .i. iter da bræ. [2] .i. dairt .iiii. screpal mad iter bra, da screpal 7 da pinginn mad i ngruad. 7 mad i toll ara .uiii. screpail. mad fuil engrainne iter da bra, da screpal ann, 7 .iiii. pinginne mad ina gruad, 7 .iiii. screpail mad a toll ara. [3] .i. is fiu da screpal re firdecsain don liaigh i tiugh cuirp, ar cethramthain a gradaib feine.

§ 9. Mad i nadaid[h] ri[g] ba ecen tri lubai gall do cuingid do .i. sraif[1] 7 lungait[2] 7 argadluim sraif fri slaine lungait fri dath fola[3] arcetluim fri cnes[4]. mani tairset[5] tri lethuinge don ri[g] dar esi na tri luibe-sin

[a] = lulaice. [b] *supply* indala gráinne, *but possibly several other words have been dropped.* [c] *inserted above line, with* caret-*mark.* [d] *followed by space for about four letters.* [e–e] *written over* focraice, *but seems to belong here.* [f] *omit? or supply* ed (*stroke over* s *omitted*)? [g] *under this word* no is cæra *written as correction.* [h] = n-agaid.

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§ 5. A wound [measuring] a grain of wheat in the cheek of a supreme king [and of such extent] that it can cover the single grain which falls into it—the value of a milch-cow in silver [is due] for it.[1] A wound measuring two grains of wheat,[2] . . .[a] [one of them] for its depth, the other[3] for the width of its opening; a *cumal*[4] [is due] for it if it be between the brows.[5]

[1] If it be [a wound] in the face of the king of Ireland and (= or) a provincial king, two milch-cows [if it be] in his cheek, three milch-cows if it be between the brows, three milch-cows if it be in the hollow of the temple. This rule applies to a two-grain wound. If it be a one-grain wound in the cheek it is a cow for it; if it be between the brows, three *samaisci*; if it be in the hollow of the temple, three milch-cows. [2] between the brows. [3] the second grain. [4] worth three cows. [5] for a two-grain wound of the second class (?) between the brows [this is due] to a provincial king or the king of Ireland.

§ 6. If it be a one-grain wound in the hollow of the temple of a king, an unfree henchman [armed] with a corselet [is due] for this.[1, 2]

[1] This is a case of a one-grain wound in the hollow of the temple of a provincial king or the king of Ireland, i.e. (= or?) a two-grain wound, if it be either of the two kings. If it be a two-grain wound in the hollow of the temple of a provincial king or the king of Ireland, six cows for it if it be in the hollow of his temple, three cows for it if it be between the brows, and two cows for it if it be in his cheek. If it be a one-grain wound, three cows for it if it be in the hollow of the temple of a provincial king or the king of Ireland, a cow and a *samaisc* if it be between the brows, a cow for it if it be in his cheek. A bandoleer (?) about him (the henchman) when it is not a leather (?) corselet. A two-grain wound in the hollow of the temple of a provincial king and (= or) the king of Ireland, two *cumala* for it, [and] the man [supplied] is worth a *cumal*. A one-grain wound [in the temporal fossa] of a provincial king or the king of Ireland; he himself (the henchman) is worth a *cumal* of [the value of] three cows, and no price has been reckoned for the corselet, and if it were, it would be three cows for the corselet; i.e. it is worth a *cumal*. [2] a churl worth six cows is provided.

§ 7. What is the amount of the leech's fee from[1] these wounds in [the case of] a single grain? A *dairt*[2] for the leech[3] or its equivalent in silver.

[1] out of. [2] which is worth seven scruples. [3] one quarter for the leech [for a wound] in a fleshy part of the body (§ 16), or it is due from members of the freemen grades [only].

§ 8. If it be between the brows[1] of a *bóaire* that a two-grain wound has been inflicted,[2] a young(?) sheep is given to the leech for this.[3]

[1] between the brows. [2] a *dairt* worth four scruples if it be between the brows, two scruples and two pennies if it be in the cheek; and if it be in the hollow of the temple, eight scruples. If it be a one-grain wound between the brows, two scruples for it, and four pennies if it be in his cheek, and four scruples if it be in the hollow of the temple. [3] worth two scruples 'for truly looking' [goes] to the leech for [a wound] in a fleshy part of the body (§ 16); [this stands] for the fourth [due] from members of the freemen grades (§§ 17, 19).

§ 9. If it be [a wound] in the face of a king, it would be necessary to seek out three foreign herbs for him: rue (?),[1] . . . ,[2] and . . . ; rue for healing, . . . for [treating] the colour of the wound,[3] . . . for the skin.[4] If they be not forthcoming,[5] three half-ounces [of silver?] are due to the king in place of these three herbs.

[a] some words dropped here? See notes.

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[1] .i. *fri* tirmug*ud* 7 fuillidain .*i.* dia cnesug*ud*. [2] .i. cer*in* do*n* lungaid *fri* hi*n*ad *in* crechta iarna cnesug*ud* narob derg. [3] .i. arna cnesug*ud* .i. narob[a] derg. [4] .i. dia co*m*ardug*ud*, na roib fa*n* a*nn*. [5] .i. na .iii. luibe-so, 7 *nir* cuin*n*ig *in* liaigh, *is* a ic uadh .i. na *tri* lethuingi. 7 mad docuingid *in* liaig 7 nis tab*air* in fechem, is e icus na *tri* lethuinge.

§ 10. otha suidi a*non*n am*ail* for*beir* met na fuili is fai forb*eir* a ndiri[1] fo bith om*n*a bais 7 t*r*umai galuir 7 met[e] anme.[2, 3]

[1] .i. a neiric. [2] .i. *mad* croiligi mbais, 7 *is* t*r*umuidi *in* gal*ar*. 7 is *m*oaidi fuicbe aneim. [3] .i. *int* i*n*in*n*raig.

§ 11. Otha ri[g] ruirec[1] innond cac fuil graine[2] ferthar[3] i ninchuib conammes(a) a ndire[4]

[1] .i. *ri* .u.id 7 *ri* ere*nn*. [2] .i. i tab*arr* fuil da g*r*aine it*er* da br*æ*. [3] .i. ataircit*er* cen*m*otha na riga roraidius. [4] .i. roaimsiged a eiric.

§ 12. Mad a naigid rig tuat roferta(i)r fuil graine .u. seoit do suidiu.[1, 2] mad ic toll ara uinge arcait 7 lulgach la .u. seota i sodain[3]

[1] .i. da lulg*ach* mad it*er* da br*æ*, 7 di ba i*n*l*æ*ga mad i*n*a g*r*uad, 7 .iiii. lulgaca i toll ara. *m*ad fuil e*n*g*r*ai*n*ne, is bo it*er* da br*a* 7 bo i*n*l*a*gh i*n*a g*r*uad 7 da lulg*ach* a toll ara. [2] .i. da ba it*er* a da br*æ* .i. *fuil* da g*r*aine tanaiste .i. do rig tuath; [b][fuil] da g*r*aine a dorus a*nn*a.[b] [3] .i. conid .iiii. ba sin i fuil do rig tuath, a trian-sin a tiug cuirp.

Mad a *n*aig*id* ri[g] tuat rofert*ar* *fuil* g*r*ai*n*ne, .u. *seoit* da tecait da ba i suidiu; da ba it*er* da br*a* so 7 i toll a ara, 7 a da thri*an* *for* g*r*uad; na .u. *seoit* ad*eir* a*nn* .u. cac teilgti fola iat; *in* uinge ad*eir* a*nn*, 7 in lulgac, 7 na .u. *seoit* da tecait na da ba, 7 *int* samaisc: .iiii. ba 7 samaisc *sin* o deor*ad* isi*n* croiligi bais; ł dō in bo 7 na .iiii. scr*epail* ad*eir* a*nn*, o deor*ad* at*a* isi*n* fuiliug*ud*. 7 *in* da ba 7 *in* samaisc ad*eir* a*nn*, is ó urr*ad* ata isi*n* fuiliug*ud*. 7 *in* .xx. scr*epal* ad*eir* a*nn*, is o deor*ad* ata isin fuiliug*ud*, 7 in frith*aigid* uil a*nn* Mad aire ard, lulg*ach*[c] 7tl⁻. in lulgach ad*eir* a*nn* don air*ig* ard, is o deor*ad* at*a* a fuil i*n*gni. *in* da ba ad*eir* a*nn*, is o urr*ad* at*a* a fuil i*n*gne. *in* bo inlæg ad*eir* a*nn* do air*ig* tuisi, is o deorad ata a fuil i*n*gne, 7 trian rofacc*aib* ar scath fritaighte. 7 *in* samaisc ad*eir* and don air*ig* echta, is o mur*chuirthe* cod*n*ac ata i fuil i*n*gni; 7 *in* colpthac .uiii. scr*epal* ad*eir* a*nn* is o mur*chuirthe* cod*n*ach a fuil i*n*gni, 7 frith*aigid* uil a*nn*. *in* dairt ar colpach uil a*nn* ar .ui. scr*eplaib*, is o mur*chuirthe* leithcuin*n* 7 lethceilli at*a* a fuil i*n*gni. *in* dairt .iiii. scr*epal* ad*eir* don ocair*ig*, is o murchuirthe lethcum̄[d] 7 leithceilli at*a* a fuil i*n*gni, 7 frith*aigi* uil a*nn*; na .ui. screp*ail*[e] ad*eir* don bidb*aid*,[f] is o mur*chuirthe* lethcuin*n* 7 lethceille ata do deor*ad* i fuil i*n*gni. *in* da scr*epal* ad*eir* don bruigfeoir,[g] is o mur*chuirthe* lethcuin*n* 7 letceille at*a* do deoraid a fuil ingni, 7 frith*aigi* uil and; in da cnai eirginn 7 a di fogeimhrind is fiu scr*epal* ad*eir* a*nn* 7 a catu fe*in* sin, is o murchuirthe lethcuin*n* 7 lethceille fos i fuil i*n*gni, 7 frith*aigi* uil a*nn*.

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[a] a *subscript*. [b–b] *I am not sure where to place this fragment, which is written over* ic toll ara *and begins a line but seems to belong here*. [c] *cf.* § 13. [d] *sic, for* lethc[h]uinn. [e] *inserted above line, with* caret-*mark*. [f] *sic, for* fir midbad. [g] *sic, for* bruider.

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[1] for draining and against pain (?), i.e. to cicatrize it. [2] a poultice of . . . [to be applied] to the place of the scar after it has been cicatrized so that it will not be red. [3] after it has been cicatrized so that it may not be red. [4] to make it even, so that there may be no cavity in it. [5] viz. these three herbs; and [if] the leech has not asked for them, he must pay the three half-ounces. And if the leech asks for them and the defendant does not supply them, it is the latter who pays the three half-ounces.

§ 10. From that on, according as the size of the wounds increases, the penalty for them[1] increases proportionately on account of (= in relation to?) the fear of death, the gravity of the [accompanying] sickness, and the extent of the blemish [left by them].[2, 3]

[1] the wergild for them. [2] if it be a fatal blood-lying, and the heavier the sickness is, and the greater the blemish it will leave. [3] the bandage-wound.

§ 11. From a king of over-kings[1] (a provincial king) downwards every one-grain wound[2] which is inflicted[3] in the face, the penalty for them has been assessed.[4]

[1] a provincial king and (= or) the king of Ireland. [2] in which a two-grain wound is dealt between the brows. [3] which is delivered, apart from the kings I have mentioned. [4] The wergild for it has been assessed.

§ 12. If a one-grain wound has been inflicted in the face of a king of [several] tribes (a superior king), five *séoit* [are due] to him.[1, 2] If it be at the hollow of the temple, an ounce of silver and a milch-cow, together with the five *séoit*, [are due] for this.[3]

[1] two milch-cows if it (a two-grain wound) be between the brows, two in-calf cows if it be in his cheek, and four milch-cows [if it be] in the hollow of the temple. If it be a one-grain wound, it is a cow [for a wound] between the brows, an in-calf cow [for a wound] in his cheek, and two milch-cows [for a wound] in the hollow of the temple. [2] two cows [for a wound] between his brows, i.e. a two-grain wound of the second class (?), for a king of [several] tribes; [or it is a wound?] of two grains in a door of the soul. [3] so that this makes four cows for a wound for a king of tribes, and one-third of this [if it be] in a fleshy part of the body.

If a one-grain wound has been inflicted in the face of a king of [several] tribes, five *séoit*, equivalent to two cows, for that. This means two cows for [a wound] between the brows and in the hollow of his temple, and two-thirds of that amount for [a wound] on the cheek. The five *séoit* he mentions here are the five [due] for every bloodshed (cf. p. 14, *supra*). The ounce he mentions, and the milch-cow, and the five *séoit* which are equal to two cows, and the *samaisc*—these are the four cows and one *samaisc* [due] from an outlander for [inflicting] a fatal blood-lying; or alternatively, the cow and four scruples he mentions are due from an outlander for [simple] bloodshed, and the two cows and the *samaisc* are due from a native freeman for [simple] bloodshed, and the twenty scruples he mentioned are due from an outlander for [simple] bloodshed [in a case] where there is a counter-claim. If it be an *aire ard*, a milch-cow, etc. (§ 13): the milch-cow he assigns here to an *aire ard* is due from an outlander for a wound [a]caused by scratching.[a] The two cows he mentions are due from a native freeman for a wound [a]caused by scratching.[a] The in-calf cow he assigns to an *aire túise* is due from an outlander for a wound caused by scratching and he (the injured *a. t.*) has forfeited one-third on the ground of counter-claim. And the *samaisc* he assigns to the *aire échta* is due from a stranded person of full capacity for a wound caused by scratching. And the *colpthach* worth eight scruples he mentions [as compensation for an *aire déso*] is due from a stranded person of full capacity for a wound caused by scratching, where there is a counter-claim. The *dairt*, which = a *colpthach* = six scruples [payable to a *bóaire*], is due from a half-witted stranded person.

[a–a] lit. 'of the nails'.

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§ 13. (*p.* 453) Mad rii tuaithe .ui. scrip*uil* do suidiu i fuil ngrain*ne*[1] la leth .u. s*et*. Mad air*e* ard lulgach la[a] suidhiu.[2] Mad airi(c) tuisi bo innlaogh do suidiu[3] Mad air*e* echta sam*ais*c do suide[4] Mad air*e* desa colbtach do suidiu[5] Mad boair*e* dairt do suidiu[6] Mad ocairi(c) dartaid do suidiu[7] Mad fir m(b)idbod cæra innraic do suidi[u][8] Mad bruider[9] cairiu for*c*csen do suidiu[10] Mad inol bes la coimdid di(a) cnai eirginn do no a dii fogumraid mani pe la coimdid is oencn[a]i do.[11]

[1] .i. se screpaill[b] 7 bo mad fuil da graindi it*er* da bra, 7 bo inlægh 7 dairt .iiii. screp*al* ina gruad, da lulg*ach* 7 sam*aisc* i toll ara; a leth i fuil naengraine[c]. [2] .i. lulgac mad it*er* da bra, bo inlæg mad ina gruad, da ba i toll a[d] aræ, i fuil da *grainne*; a leth a fuil engrainne. [3] .i. i fuil[e] graine it*er* a da bræ, 7 .x. screp*ail* 7 da pinginn mad ina[f] gruad, 7 da ba inlægha i toll aræ; a leth i fuil naengrainne[c]. [4] .i. i fuil da graine it*er* a da bra, 7 .ui. screp*ail* ina gruad, 7 lulgac i toll a[g] aræ; a leth i fuil naengrainne[c]. [5] .i. *tri* screp*ail* i fuil da *grainne* iter da bræ, .iiii. screp*ail* ina gruad, sam*aisc* i toll a aræ; i[h] leth i fuil nængrainne. [6] .i. da screp*al* i *fuil*[i] *grainne iter* da bræ, 7 .iiii. pinginne i ngruad. [7] .i. cæru screp*ail* i fuil da *grainne*, 7 .iiii. screp*ail* i toll a[d] aræ; a[d] leth a fuil naeng*rainne* it*er* a da bra, da pingind ina gruadh, da screp*al* a toll a ara. [8] .i. da screp*al*, ł cumad ænscrep*al*. [9] .i. in foltach fuitribhe. [10] .i. i[h] leth a fuil nængrainne. [11] .i. is airr*ad* oca tigerna fein, screp*al* ata fiu a cetrar, 7 is i toll arai dober*ar*; letscrep*al* it*er* a da bra, 7 pinginn ina gruad; i[h] leth i fuil n*æ*ongrainne Minab urr*ad*, is æncnai is fiu lethscrep*al* i toll aræ, 7 crosoc it*er* a di bræ, 7 lethpinginn ina gruad, i fuil da grainne; leth i fuil nængrainne. Cate dethbir uil etarra-sin 7 i[n] bail i ta tall 'dire ninoil cnai olla', co fuil lethscrep*al* arin cnai olla tall, 7 co fuilet .iiii. cnai sunn ar lethscrep*al*? imarcraid catat uil aran olainn tall 7 michata sunn; 7 corpdire sunn 7 eneclann tall; 7 o urr*ad* d'urr*ad* ł o urr*ad* do deor*ad* sunn, 7 o deor*ad* d'urr*ad* tall; 7 i fuil da *grainne* it*er* a da bræ ata sunna hi, 7 a leth a fuil engrainne.

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[a] *read* do. [b] *suprascript* r *inserted later*. [c] .ix.ngrain(n)e *MS*. [d] *subscript*. [e] *supply* da. [f] a *subscript*. [g] *suprascript*. [h] = a. [i] *supply* da?

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The *dairt* worth four scruples which he assigns to the *ócaire* is due from a half-witted stranded person for a wound caused by scratching, where there is a counter-claim. The six scruples he assigns to the *fer midboth* are due from a half-witted stranded person to an outlander for a wound caused by scratching. The two scruples he assigns to the *bruider* are due from a half-witted stranded person to an outlander for a wound caused by scratching, where there is a counter-claim. The two spring and the two autumn fleeces, [each pair] worth a scruple, and carrying its own [correct] valuation(?), which he mentions are also due from a half-witted stranded person for a wound caused by scratching, where there is a counter-claim.

§ 13. If it be a tribal king [that is wounded in the face], six scruples together with half of five *séoit* [are due] to him for a one-grain wound.[1] If it be an *aire ard*, a milch-cow for him.[2] If it be an *aire túise*, an in-calf cow for him.[3] If it be an *aire échta*, a *samaisc* for him.[4] If it be an *aire déso*, a *colpthach* for him.[5] If it be a *bóaire*, a *dairt* for him.[6] If it be an *ócaire*, a *dartaid* (bull-calf) for him.[7] If it be a *fer midboth*, a full-grown sheep for him.[8] If it be a *bruider*,[9] a young(?) sheep for him.[10] If it be an *inol* who lives with [his] master, two spring fleeces or two autumn fleeces for him; if he is not with a master, a single fleece for him.[11]

[1] six scruples and a cow if it be a two-grain wound between the brows, and an in-calf cow and a *dairt* worth four scruples [for a wound] in his cheek, two milch-cows and a *samaisc* [for a wound] in the hollow of the temple; half of this for a one-grain wound. [2] a milch-cow if it be between the brows, an in-calf cow if it be in his cheek, two cows [if it be] in the hollow of his temple; [all this] for a two-grain wound, half of it for a one-grain wound. [3] for a two(?)-grain wound between his brows, ten scruples and two pennies if it be in his cheek, two in-calf cows [if it be] in the hollow of the temple; half of it for a one-grain wound. [4] for a two-grain wound between his brows, six scruples [for a wound] in his cheek, and a milch-cow [for a wound] in the hollow of his temple; half of it for a one-grain wound. [5] three scruples for a two-grain wound between the brows, four scruples for a wound in his cheek, a *samaisc* [for a wound] in the hollow of his temple; half of it for a one-grain wound. [6] two scruples for a two(?)-grain wound between the brows and four pennies [for a wound] in the cheek. [7] a sheep worth one scruple for a two-grain wound [between the brows] and four scruples [for a wound] in the hollow of his temple; half of it (sc. the scruple) for a one-grain wound between his brows, two pennies [for a wound] in his cheek, two scruples [for a wound] in the hollow of his temple. [8] worth two scruples, or possibly [only] one scruple. [9] the *foltach fuithribe*.[a] [10] half of it for a one-grain wound. [11] [when] he is a free-born native [living] with his own lord and [the wound] is inflicted in the hollow of the temple, [he gets] a scruple which represents the value of the four [fleeces?]; half a scruple [for a wound] between his brows, and a penny [for a wound] in his cheek; half of it (the foregoing penalties) for a one-grain wound. If he is not a free-born native, it is one fleece worth half a scruple [for a wound] in the hollow of the temple, and a *crosóc*[a] [for a wound] between his brows, and half a penny [for a wound] in his cheek; [all these] for a two-grain wound, half for a one-grain wound. What is the difference between the foregoing [rule] and the other passage which runs: 'A fleece of wool is the honour-price of an *inol*' (AL v. 80. 12), seeing that there the fleece of wool is worth half a scruple, whereas in the present case four fleeces [together] are worth [only] half a scruple? There is over-valuation (?) of the wool in the other case and under-valuation (?) here; further, it is a wergild here, whereas in the other case it is honour-price; further, it is [due] here from one free-born native to another, or from a free-born native to an outlander, and in the other case from an outlander to a free-born native. And it is due here for a two-grain wound between the brows, and half of it for a one-grain wound.

[a] See notes.

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§ 14. Nach fuil bes cruinn is i nde ranntair a lleth dia doimni[2] a leth naill do lethet a b(i)el[1, 3] inad[a] inn[f]ota is i tri ranntair.[4] tri*an* dia fot.[5] tri*an* dia dom*n*ai. tri*an* do lethet[b]

[1] .i. ata da tomhas fuiri, in dara tomhus dia doi*m*ne, aroili di lethet .i. cu*m*a a fad 7 a lethet [2] .i. anu*nn*. [3] amuich. [4] Ata tri tomais fuirri cenbat cutruma. [5] .i. [c]mo a fat na a letet[c].

§ 15. Ordlach in*n*raic is [s]i ui*n*ge ordda*n* insen .iii. grainne i nnorttlach

§ 16. Fuil da ordlach i nduiniu[1] cipsi airm[2] i*n*a corp acht rop inna tiugh[3] lulg*ac* do fir fora fert*ar* trian[4] do liaig eissi[5] .i. dairt[6] isinnaithiuch[d] na ci*n* ecill a anma[7]

[1] .i. fuil d'fertain arin dui*n*e i tiadhaid i*n* da ordlach. [2] .i. baile. [3] .i. nirob dorus an*m*a; 7 is coitchin*n* do ca*ch* grad i*n* bo-so, cid isil cidh uasal. [4] .i. uiii. scre*pail*. [5] .i. do re*ir* anaicne dia*n*cecht sin; no isi*n* fuiliugud dona tai*n*ic lan blaisce na cno o deor*ad*; no is d'airi*g* desa a fuil tri grai*nne*. [6] .i. o grad*aib* fei*n*e. no ma*d* dairt ar colpa*c*, ona gradaibh flat*h*a ar ceth*raimthi* a tiug cuirp .i. ar colp*thach* .uiii. scre*pal*. [7] .i. nochan egail da a*nm*ui*n*.

§ 17. Fichi fuil dia mber[1] liaig let[2, 3] .i. na da fuil .x. na ndoirrsi a*n*ma 7 na .uii. cnamcom[b]a(i)g it næi fuili(i) dec[4] saml*aid*.[5] fichetmad toidecht fola a bru for beolu[6] co*m*bithochur[e] fola[7]. combi fuil dobeir[8] no galar fuail[9]— is meass fola teit[e] *for* sodain[10] iarmota si*n*[11] is trian do*n* liaig[12] otha lulg*aig*[13] co nicc dairt[14, 15] otha dairt[16] co cn[a]i is cetruma don liaig[17] di suidiu.

[1] .i. asa mber. [2] .i. friu.[f] [3] .i. o ce*ch* dui*n*e uile, no com*ad* o rigaib .i. i *n*dorus bais. [4] .i. fri*a* comrac. [5] Conid leth do*n* liaig ara tesargai*n* fo met i*n* croilige. [6] .i. *in* lochtuili ł tiachtai*n* fola tar beolu. [7] .i. co mbi tebu*irsin* fola an*n*. [8] .i. conid hi *fuil* cuires bru tar béolu. [9] .i. is let don liaig ara tesarcai*n* am*ail* bis a tru*m*a fair. [10] .i. is meseimniug*ud* croligi bais dobe*rar* arannisi*n* .i. for*sin* ngala*r* fuail. [11] .i. iar naisnes da*m* do*n* leth. [12] .i. o gradaib flat*h*a. [13] .i. i*n*ti da ta i*n* lulg*ach*. [14] .i. ar trian do grad*aib* flat*h*a. [15] [g].i. Otha i*n* lucht da fuil i*n* lulg*ach* .i. i*n*a tanaisi .i. coruice dairt cen atgabail na dairte, is trian don liaig a tanaisi; no otha i*n* lulg*aig* ata do*n*a grad*aib* flat*h*a conice dairt cen atgabail na dairte, is trian do liaig o grad*aib* flatha.[g] [16] .i. otha i*n* lucht da fuil dairt a tiugh cuirp co cnai. [17] .i. conic i*n* lucht da fuil cnai i tiug cuirp, is ceth*raimthi* do liaig a tiug cuirp. no otha i*n* dairt ata do grad*aib* fene co cnai .i. conice in chnai ata o grad*aib* fene.

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[a] *or* mad*? see notes.* [b] *supply* a bel*?* [c–c] *possibly belongs to preceding gloss.* [d] *read* i siu nad tiug*?* [e] *read* combi tochur*? or* co mbith-thochur*?* [f] *written under* let. [g–g] *belongs here, though written over* (rann)[tair cach fuil itir a llethet *in § 18.*

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§ 14. Any wound that is round is divided in two [for the purpose of assessing compensation]: half for its depth,[2] the other half for the width of its opening.[3, 1] If (?) it be jagged, it is divided in three:[4] one-third for its length,[5] one-third for its depth, and one-third for [its] width.

[1] There are two measurements for it, one of them for its depth, the other for [its] width; its length and width are equal. [2] within. [3] from outside. [4] There are three measurements for it, though they are [all] unequal. [5] its length is greater than its width.

§ 15. A standard inch, that means a thumb inch. [There are] three grains in an inch.

§ 16. [Where] a wound [measuring] two inches [is made] in a person,[1] whatever be the place[2] in his body, provided it be in its fleshy part,[3] a milch-cow [is due] to the man on whom it is inflicted, [and] the leech gets one-third[4] out of it,[5] i.e. a *dairt*[6] [for a wound] which is in that [place] that is not fleshy (?) or which does not endanger his life.[7]

[1] to inflict a wound [a]which is equal to two inches[a] on the person. [2] place. [3] it should not be one of the doors of the soul. And this cow is equally due to all grades, whether simple or gentle. [4] the eight scruples. [5] This is according to the eccentric [rule] of Dian Cécht; or [it is due only] from an outlander for a bloody wound from which the full of a nutshell [of blood] has not come; or it is [paid] to an *aire déso* for a three-grain wound. [6] from the freemen grades; or if *dairt* [here] stands for *colpthach*, from the noble grades, viz. the one-fourth [that is payable to the leech] for [a wound] in a fleshy part of the body, i.e. [*d.* stands] for a *colpthach* worth eight scruples. [7] it is not a danger to his life.

§ 17. [There are] twenty wounds from which the leech takes[1] half [of the penalty],[2, 3] viz. the twelve wounds in the doors of the soul (§ 2A) and the seven fractures (§ 2B); that makes nineteen wounds.[4, 5] The twentieth is [a wound which causes either] a hemorrhage from the belly over the lips[6] with constant vomiting of blood[7] [b]and passing (?) of blood[b][8] or urinary disease,[9] [for] the latter is reckoned as blood.[10] Apart from these,[11] it is one-third for the leech[12] [out of penalties ranging] from a milch-cow[13] [down] to a *dairt*;[14, 15] from a *dairt*[16] [down] to a fleece, it is one fourth for the leech.[17]

[1] out of which he takes. [2] as against them (the penalties?). [3] from every [class of] person, or perhaps [only] from kings; i.e. [for a wound] in one of the doors of death. [4] when they are combined. [5] so that the leech receives half for saving him according to the gravity of the blood-lying. [6] the dark (?) tide, or the coming of blood across the lips. [7] so that there is an outpouring of blood. [8] so that it is blood that the belly expels across the lips. [9] the leech receives half for curing him [of this sickness] [c]in accordance with its gravity (?).[c] [10] It is the valuation of a fatal blood-lying that is placed on that, viz. on urinary disease. [11] after I have spoken of the half. [12] from [members of] the noble grades. [13] he who gets the milch-cow. [14] [used here] for [the] one-third [assigned] to [members of] the noble grades. [15] [Starting] from the folk to whom the milch-cow is [due], i.e. for [a wound of] the second class (?), [down] as far as [those who get] a *dairt*, but excluding

[a–a] lit. 'into which two inches go'. [b–b] lit. 'so that it is blood he passes'. [c–c] lit. 'as its heaviness is upon him'.

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§ 18. am*ail* is a trii ranntair cach fuil[1] itir a llethet 7 a fot 7 a domnai it [t]eora focruicce esib[2] do leagaib robo leth[3] rodbo trian[4] rodbo cethramthu[5].

[1] .i. co fui*let* tri tomhus ar *gac* fuil, cencob cutruma. [2] .i. teora deidcreic loigi-de*chta*[a] estibh. [3] .i. asna .uii. fuilib .xx.et .i. do legaib .i. o doirsib anma, ł o rig*aib* cona comgrad*aib*. [4] .i. asan boi*n* 7 asin dairt .i. a tanaisi, no o grad*aib* flat*ha*. [5] .i. i tiugh cuirp ł o grad*aib* fene.

§ 19. Cein bes i cumaluib 7 setaib miditir na fuili[1] is let don liaig.[2, 3] o lulgaig co dairtt is trian don liaig[4] esibh[b] o dairt co cn[a]i is cethramthu[5].

[1] .i. cein is a cu*mal*aib i *m*bit seoit mesemnaigt*er* eric na fuili .i. no is fri letcoirp*dire* ata aimsigod do, cid a aithgi*n* bei*ris* ni i*n* liaig. [2] [c]Cach fuil mesemnaidt*er* i setaib 7 i cum*al*aib, is letcutru*ma* letcorp*diri* aimsigt*er* do liaig, cid a aithgi*n* bei*ris* ni.[c] [3] .i. is let don liaig on lucht da ta in fulg*ach* coruice i*n* lucht da ta i*n* dairt. [4] .i. o grad*aib* flat*ha*. [5] .i. ona grad*aib* fei*ne*.

§ 20. (*p. 454*) Cnamcombach di(a) uinge aircit in*n*.[1] ala n[a]i dond liaig[2] alaile don*di* fo*ra* fertar fola[d] cneit[3]

[1] .i. combri*siud* in cna*ma* i medon i*n* cro*i*cin*n*, uingi iss *ed* ata in*n*.i. ł brisiudh na culfiacal, da uingi in*n*. [2] .i. i*n* dara uinge .i. a leth o rigaibh, no comad leth o *gac* duine uile. [3] .i. imfuilngus a cnedhach.

§ 21. Suil[1] no chluas[2] mad cechtar[e] nai.[3] is lethdire in chinn asrenar[4] mad a ndis[5] is ogheraicc .i. a llog[6] a[i]r is i tri ranntair duine cenn 7 corp 7 memur.[7]

[1] .i. cen i*m*cisin, ł caechad a sula. [2] .i. co nestecht, ł beim a chuisi[f] dhe. [3] .i. mad nechtar*de* dib-si*n*. [4] .i. is let aneith ata a com*bri*siu*d* i*n* cin*n*, iss *ed* ata in*n*, 7 cen*n* ari*n* duine uile .i. ix. mba 7 sam*aise*. [5] [g].i. di[a] caechter a di suil, .uii. cum*ala* in*nta*[g]; 7 bei*m* a cluaisi de .i. uii. cum*ala*. [6] .i. a *n*dis. [7] [h].i. dia tabartar croligi mbais fora corp co facaib ai*n*imh ann fo étac, .uii. cum*ala* i*na* iarmbreith-emmus; a di cois ł di lai*m*, .uii. cu*mala* i cechtar de.[h]

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[a] ig *inserted above line, with* caret-*mark*. [b] *added under line, with* caret-*mark*. [c–c] *written under line*. [d] a *subscript*. [e] *sic, for* nechtar. [f] *sic, for* cluaise. [g–g] *written over* ar is i tri ranntair *in following line, but probably belongs here*. [h–h] *I am not sure to which clause of the text this gloss* (*written over* duine cenn 7 corp 7 memur) *refers*.

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the latter, it is one-third for the leech from [a wound of] the second class (?). Or [starting] from the milch-cow which is [due] to [members of] the noble grades [down] as far as [those who get] a *dairt*, [but] excluding the latter, it is one-third for the leech from [members of] the noble grades. [16] [starting] from the folk to whom a *dairt* is [due for a wound] in a fleshy part of the body [down] as far as [those who get] the fleece. [17] [down] as far as the folk to whom a fleece is [due for a wound] in a fleshy part of the body, it is one-fourth for the leech [for a wound] in a fleshy part of the body. Or starting from the *dairt* which is [due] to [members of] the freemen grades [down] to [those who get] a fleece, i.e. as far as the fleece that is [due] from [members of] the freemen grades.

§ 18. Even as [the assessment of] each wound is divided in three[1] between its width, length, and depth, so too there are three [different degrees] of fees for leeches out of them;[2] either half[3] or one-third[4] or one-fourth.[5]

[1] so that there are three measurements for every wound, though they be unequal. [2] three 'good purchases of payment' out of them. [3] out of the twenty-seven wounds, for leeches; from [wounds inflicted in] the doors of the soul; or [only] from kings and their compeers. [4] from the cow and the *dairt* (§ 13), from [wounds of] the second class (?), or from [members of] the noble grades. [5] [from wounds inflicted] in a fleshy part of the body, or from [members of] the freemen grades.

§ 19. In so far as the [penalties for] wounds are reckoned *in cumala* and *séoit*,[1] the leech gets one-half;[2, 3] from a milch-cow to a *dairt* the leech gets one-third out of them;[4] from a *dairt* to a fleece one-fourth.[5]

[1] as long as it is in *cumala* which contain *séoit* that the wergild of the wounds is calculated; or it is against half of the wergild that the estimate is [made] for him; though it is out of [the fine paid as] restitution that the leech takes something.[a] [2] Every wound [the penalty for which] is calculated in *séoit* and in *cumala*, it is half the equivalent of half of the body-fine that is estimated for the leech, though it is out of [the fine paid as] restitution that he takes something.[a] [3] It is one-half for the leech from the folk who get the milch-cow [down] to the folk who get the *dairt*. [4] from the noble grades. [5] from the freemen grades.

§ 20. For fracturing a bone two ounces of silver [are the penalty],[1] one of them for the leech,[2] the other for him on whom the aching wound (?)[b] is inflicted.[3]

[1] Breaking the bone inside the skin, it is an ounce that is paid for it. Or [it is a case of] breaking [all] the back teeth, two ounces for it (§ 34). [2] one of the two ounces; half from kings [only] or perhaps half from each and every person. [3] who endures the ache (?) of it.

§ 21. An eye[1] or an ear:[2] if it be one of them,[3] half of the penalty for the head is paid;[4] if it be both of them it is full wergild,[5] i.e. the value of them.[6] For man is divided into three parts: head, trunk and limbs.[7]

[1] [which is left] without sight, or the blinding of his eye. [2] [injured, but still left] with hearing, or striking off his ear. [3] if it be either of these. [4] half of what is [due] for breaking the head is what is [due] for it; and head [is used here] for the whole person; nine cows and a *samaisc*. [5] If both his eyes be blinded, seven *cumala* [are due] for them, and seven *cumala* [for] striking off his ear.[c] [6] of both of them. [7] If a fatal blood-lying is inflicted on his body and leaves a blemish in it under his clothing, seven *cumala* [are paid] for the after-judgement of it; [and for the loss of] both feet or both hands, seven *cumala* [are paid] for each of them.

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[a] i.e. his fee. [b] lit. 'hurt of the wound'? But see notes for an alternative translation. [c] doubtless an error for 'both ears'.

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§ 22. Mad imuich conapastar cnaim in rig[1] tir .uii. cumal inn do[2] ma[d] ina thaig fein co(i)na(u)pastas[a3] aitgin a treibe[4] cona intr[e]ib[5]

[1] .i. bristir cnaimh in rig .i. combasaidter .i. ruidlis eirce amuich sin. [2] .i. ma[b] eneclainn. don ferann arar basaiged in ri(g); no is do reir diancecht. [3] .i. combasaigter é. [4] .i. cidbedh rosia leis; ruidles eirce rig i tiges sin ceni beth sét inte. [5] .i. dona setaibh bit isin treib, is dib ecraidter eneclann in ri[g], dobertar .uii. cumala do.

§ 23. Fres[n]dal nuithir ma metaid[1] brogaid co boin cacha oidchi ailes[2] arsaidh a slan ndiriu[3] dinach gell guaissi i nanma ail[4] iar suidiu saidid[c] co colainderce cert.[5]

[1] .i. ma methaid dol do lesugud inuithir. [2] .i. firenaidter no raiter co nairiltniginn se bo do dol i lobad dho ar cach naidci[d] .i. rosaid co ndlidinn[e] bo cach noidchi a meth bid 7 legha .i. airiltnighus co cenn .ix. noidchi, meth treda in croiligi bais. [3] .i. rosaigh in laneiric-so do. [4] .i. muna tabartar gell uad fri tairechtain bid 7 lega isan ail dorad forin anmain hisin. [5] innsaidter conuice eraic na colla ann do reir cirt, uair rithid smacht metha follaigthi otrusa conice lan coirpdiri na cneidi .i. mina tabartar gell uad rosaig conic laneraic.

§ 24. Cuic cenela[1] imsergna docuisin[2] la *Féniu* .i. ban(n)esorgain[3] nat faccaib cnoc[4] na glas[5] na cneid[6] na caile[7] cnoccimesorgain[8] cen testin[9] fola imserccain dia tic fuil[10] talmain nad aile[11] otrus na airgell[12] na(tt) iarmbretas[13] imserccuin insaid[14] otrus 7 aurgell[15] 7 iarmbretas[16].

[1] .i. u. gne. [2] .i. fuil. [3] .i. banbeim. [4] .i. nard i cinn. [5] .i. air fein. [6] .i. dub. [7] .i. derg. .i. crecht. [8] .i. cnocbeim. [9] .i. cen tinsaitin. [10] .i. na .u. set. [11] .i. na digh. [12] na uasalgell do liaig. [13] .i. iar tain, ut est cumal cach aidbreada 7rl-. [14] .i. rosaidh. [15] .i. geall uadh do liaigh ara lesugud. [16] iar tain.

§ 25. IS di suidibh asrubartt laidcenn mac ercaid[1] congala fer.[2] focerdar cin co fergac[3] con fri fuili foichliter.[4] gres gal comluind.[5] castar beimm.[6] imusfacaib feth fo tṡaṫh.[f7] fri seota samailter tuinn tris.[8]

[1] .i. is[g] don [na]i isin doraidhestar laidghenn mac fir gait meic fir treabair .i. do ul(l)taib .i. ainm in breitheman. [2] .i. in gal conda doniat .i. ac imfulung na debtha. [3] .i. focertar eric in cinuid cosin fer doroine in ferg. [4] .i. urfoicligter fuil do beth and. [5] .i. in gresugud gaile doniter ac imfulung na debta. [6] .i. co nastaider fair beim do tabairt ann co luath. [7] .i. imfaccaid feith fo tiachrus. [8] .i. samlaidter .iii. seotu i mbualad na tuinne-so .i. ina glas 7 ina[h] hat 7 ina derg.

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[a] *sic, for* -r. [b] *sic, for* ina? [c] = saigid. [d] *inserted above line, with* caret-*mark*. [e] = ndlig-. [f] ṡ *added over* t. [g] *written over* i. [h] a *subscript*.

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§ 22. If it be away from home that the king's bone has been broken,[1] he receives land worth seven *cumala* for it.[2] If it be in his own house it has been broken,[3] he gets the equivalent [in value] of his dwelling[4] and its furniture.[5]

[1] that the king's bone is broken, i.e. 'that it is destroyed': this is peculiar to the wergild [of the crime when committed] away from home. [2] as his honour-price from the land on which the king has been done to death; or [this rule] is [only] according to Dian Chécht. [3] 'that it is destroyed'. [4] whatever it may amount to (?) with him; this is peculiar to the wergild of a king [when he has been maimed] in a house, even though there be no chattels in it. [5] of the chattels in the dwelling; it is from them that the king's honour-price is furnished (?), seven *cumala* are given to him.

§ 23. Attendance on a sick man, if there is failure [to provide it],[1] it (the penalty) advances to a cow for every night that he [the wounded man] is entitled to it.[2] He attains his compensation by means of a penalty (?)[3] unless a pledge . . . him (?) for the disgrace of the blemish (?).[4] Thereafter it (the penalty) extends to the exact amount of the body-price.[5]

[1] if there is failure to go to succour the sick man. [2] It is verified, or it is said that he is entitled to have a cow become forfeit to him for every night, that he has a right to a cow every night for failure [by the injurer to provide] food and a leech; [each night] that he is entitled to it up to the end of nine nights; [a case of] threefold failure [to attend the victim] of a fatal blood-lying. [3] This full wergild accrues to him. [4] unless a pledge be given by him to provide food and a leech for the disgrace he has brought on that life. [5] it is levied up to the wergild of the body in accordance with right, for the penalty of failure [and] neglect [to provide] sick-maintenance runs as far as the full wergild of the wound; if no pledge be given by him it extends as far as the full wergild.

§ 24. There are[2] in Irish law five types[1] of mayhem: (1) 'white' (bloodless) mayhem[3] which leaves behind neither lump[4] nor discoloration[5] nor sore[6] nor spot;[7] (2) mayhem [which raises] a lump[8] [but which is inflicted] without shedding[9] blood; (3) mayhem by which blood [is spilt and] reaches the ground,[10] [but] which does not entail[11] sick-maintenance or fore-pledge[12] or after-judgement;[13] (4) mayhem which involves[14] sick-maintenance and fore-pledge[15] and after-judgement.[16]

[1] five kinds. [2] which are. [3] a white blow. [4] a lump in the head. [5] in its own [normal] meaning. [6] black. [7] red, i.e. a scar. [8] a lump-blow. [9] without spilling. [10] [entailing a payment] of the five *séoit* (cf. § 27 and p. 14, *supra*). [11] which is not entitled. [12] nor a 'noble pledge' to a leech. [13] afterwards, *ut est*: a *cumal* for every advertisement (§ 31). [14] reaches. [15] a pledge from him to the leech for attending him (the injured man). [16] after a time.

§ 25. It is of these that Laidcenn mac Ercaid said:[1] [In the] conflicts of men[2] liability is attached to the angry man[3] and heed is paid to wounds.[4] A fiery assault of combat[5] [wherein] a blow is delivered (?)[6] which leaves a sinew in anguish[7] is assessed at [three] *séoit* . . . .[8]

[1] It is of 'that thing' that Laidcenn son of 'Wise Man' son of Prudent Man said; he belonged to the Ulidians; the name of the judge. [2] the 'doglike fight' they wage when sustaining the combat. [3] The wergild for the wrong is attached to the man

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§ 26. Tar nenech ard gnodad[a-f] cota[b] failge dath[2] ding ris .iiii. seota[3]. dignu trom ticed[4]

[1] .i. is trumuidi a thar do nech o bias urdarcugud is airdi ina sin ann; no is mo a thar isna inchaibh in cnoicbeim. [2] [c],i. co foillgind[c] dath in cnis ar tus. [3] .i. tennaidter .iiii. seoit do isin gnim-so .i. lethi uingi liubair (?). [4] .i. ticed ondi dobeir tromdigne for alaile.

§ 27. Truma todlach[1] toruth[d] tomaidm flann[2] fri .u. seotu comdire cac cnis[3] cundlau[e] comairser[4] astoing talguth tar freccur felmac[5]

[1] .i. is truma a tar do nech dluige a cuirp inda so. [2] .i. tomaithium fola ann. [3] is .u. seoit, is e dire cumuidi ata onti rocomruicestar re cnes. [4] conmesur .u. seotu do cech cnis inn so. [5] .i. is uais toinges se da recar[f] dia talghud. Co túa[s]luigfea[g] se mac fodhluma cuicce o rachus sin .i. o bhus ininnraig; no is toingthi co huais do cach æn cona raccar a leas mac uadh.

§ 28. Tuile fuile fethe fordiubaidter tonnu tocuiriud[1] [h]to[2] fri loch[3] lan aire[h] adart ara cutma cenn.[4] Conmesar lin set suede[i] .ui. setuib[5] berthe treb taidhbditer[6] la gell fri fatha felmacc.[7]

[1] .i. tochuiredh in imad fola asna fethib o firdiubaidther na tonna. [2] .i. is toich ł is duthaig lium in logh comlan. [3] .i. fri loch na fola. [4] .i. arna tora a cenn frisan adart. [5] .i. aimsither in comlin-so do setaib do. [6] .i. tarrastar .ui. seoit ann isin ninninnraig .ui. set, ł taisbenad se seotu cacha treibi inn so .i. taisbentar sin do breith do co lar a tigi. [7] .i. re tæbh gill don felmac re fofeth, re log a fodluma .i. fria fiach legha .i. oca ta in fodhluim.

§ 29. Truma fechtaib fresligu[1] fir airgill airi ngniter gres grit sin[2] segair .uii. setaib.[3] Sær dianim.[4] la gell fri fathu felmac.[5] la iarmbrethemnus iar nderosc[6]

[1] .i. is trumaidi re denam in gnima o bias ris ina ligiu. [2] .i. firenaidter gell don fir ann sin do reir fuidill[j], no uasalgniter gell do re huasalfodnum onti tucustar in beim tre deabaid. [3] .i. innsaidter .uii.[k] isin ininnraig .uii. set. [4] .i. cen ainim do beth ann. [5] .i. gell don felmac fatha na fodlaime. [6] .i. re tæb iarmbrethemnais ann iar nderusc a slainte, ar is ann is coir in breth do breith iar tairesin in leigis.

[a] *first* d *inserted under line, with ref. marks. Read* noad*?* [b] *read* ceta-*?* [c–c] *written under text.* [d] *read* to-reth*?* [e] *read* con-dlō*?* [f] *some words omitted at beginning of fresh line supply* a le(a)s mac uad*?* [g] *written* Cotú aluigfea. [h–h] *read* to-ch- . . . aire*? see notes.* [i] *read* i suide*?* [j] = fuigill. [k] *supply* .s. (seoit)*?*

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who was guilty of[a] the anger. [4] It is taken into account that there is a wound. [5] the 'provocation of valour' which is carried out while sustaining the combat. [6] so that [the charge] is fastened on him of delivering a blow swiftly. [7] It leaves a sinew in pain. [8] Three *séoit* are assessed for striking that skin, i.e. [making it] discoloured, swollen, and red.

§ 26. [Bringing] shame on the countenance [by] raising a conspicuous lump (?)[1] which first (?) eclipses [the natural] colour,[2] extort four *séoit* for it.[3] Let a heavy [penalty] accompany the disgrace (?).[4]

[1] All the heavier is the shame of it for a person when there is a 'higher manifestation' than this. Or the lump-blow in the face is the greater shame. [2] So that it conceals the original colour of the skin. [3] Four *séoit* are exacted from him for that act, [or four] half-ounces [according to the mensuration] of the book (?) [4] Let it come from him who inflicts [such a] heavy disgrace upon another

§ 27. [Still] graver is a cleavage[1] which produces (?) a red eruption[2] (a gush of blood). Thou shalt demand (?) five *séoit* as the equal mulct for every skin[3], [4] which it (the blow) may split (?) [in a case where] he rejects easement through (?) the ministration of disciples [of medicine] (?).[5]

[1] The laceration of his body is a heavier insult to a person than this (the foregoing). [2] a 'menace' of blood in it. [3] Five *séoit*, that is the common penalty [due] from him who has 'clashed with' [the injured party's] skin. [4] For this thou shalt estimate five *séoit* for every [pierced] skin. [5] He 'nobly swears' that, should [a leech] be needed to soothe him, he (the defendant) will despatch (?) a disciple of learning to him when he shall reach that [stage] (?), i.e. when it is a wound requiring a tent. Or each one is to 'swear nobly' that a disciple of wisdom (leech) is not needed.

§ 28. The summoning of floods of arterial bleedings [when?] skins are lacerated[1] and [when] in addition to (?) full compensation[2], [3] a pillow is provided against his falling[4] (i.e. to prop him up); thou shalt assess the number of *séoit*[5] for that (?) at six *séoit* . . . which shall be exhibited[6], together with a pledge for [the provision of] a student of wisdom (leech).[7]

[1] the evoking of an excess of blood from the arteries when the skins are 'truly pierced'. [2] I deem it 'proper' or fitting [that the injured party shall receive] the full compensation. [3] against the lake of blood [4] so that his head may not come against the pillow. [5] Let this number of *séoit* be estimated for him. [6] Let six *séoit* be procured for the bandage-wound [carrying a penalty] of six *séoit*. Or let him produce[b] six *séoit* from every homestead for this. Let it be shown that this [amount] is brought by him (the injurer) to the floor of his (the victim's) house. [7] along with a pledge to the student of 'good art' for the price of his learning, i.e. for his fee as leech, i.e. [to him] who has learning.

§ 29. Graver than [all other] attacks (?) is confinement to bed.[1] A fore-pledge (?) for the man (?) on whom that fierce assault is made[2] [c][for which] seven *séoit* are exacted[c][3] [that he shall be] whole [again] and free from blemish,[4] together with a pledge for [the provision of] a disciple of wisdom[5] and with after-judgement after [a leech's] verdict.[6]

[1] The deed is all the graver for being done against him (?) when he is lying down. [2] A pledge is 'justified' for the man in that case according to a judgement. Or a pledge is 'nobly made' over to him for 'noble service' from the person who has dealt the blow in conflict [3] Seven *séoit* are levied for the bandage-wound [carrying a penalty] of

[a] lit. 'who has done' (i.e. who has acted wilfully). [b] lit. 'show, exhibit'. [c–c] lit. 'it is enforced with seven *séoit*'.

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§ 30. Hon.[1] anim[2] esbuith[3] amarcc. (*p.* 455) etracht[4] direnar i comcisi[n] aisli i clanntar crecht;[5] cumal cainchuisi formnaib ech nallmuiri[6] to sseotu sli.[7] sliasait sair sethnaig.[8] samaiscib dirirther lennaib[a] sceo lennaib lin.[9] Leir cumal laime la bu dirirter aircet ina trian te(i)t.[10]

[1] .i. im[b] imcuib. [2] fœ étach. [3] .i. i mballaibh. [4] .i. in fullinga ł i corp ł i mball ferrda. [5] .i. eirniter iarmbrethemnus ann iar comdecsain an inuid in raglanad (?) in crecht, no fo comdecsain in boill in roclannadh in crécht. [6] .i. caincumal 7 ech ollmor ina formna, ł daran ollmhuir, ł tarin muir anall, ł is do reir .d c[c] [7] .i. samaisci, ł is iat seoit airiltnigter ann .i. ar trian cach ni dib-so uile, ł is do reir .d.c.[c] [8] .i. is sær in sliasuit cuirp, ł seach soech do sofer fo sliasait. [9] .i. dirirther samaisc la tæbh, trian do lennaibh 7 lentibh, 7 trian do samaiscib, 7 int eac[d] isin trian ele. [10] .i. da trian do buaibh 7 trian di airgett.

§ 31. Trummu tresa turgabail.[1] cumal cain etain[2] inge mad i ninchind teis.[3] fer(r) cumail (?)[e] innraic inchinne.[4] artreib toc[h]saig fiacha dermara[5] di. diupæ nath[6] neclaig[7, 8] ailig breth berdai.[9] basith cert cumal cach mbel nodifoclatar fib[f10] firdal.[11] direnar cumal cain chraothenech[g12] co forus fir fiachaib (?).[13] dirirter bronnor[14] bronnarcat.[15] huilen[h] ard nuag[16] ar seotu said[17] la cumail cech ænuig.[18] la set cach aidbriuda[19] ima ruide rus[20].

[1] .i. is truma 7 is treisi re tocbail in corpdire, in eiric-so .i. is annsa fri hic na sin uile. [2] cumal taitnemach ata isin etan na sin .iiii. ba .i. da trian d'airget innti 7 trian do buaibh .i. isin chain uachtaraig. [3] .i. ar acht, mad i nindi in chinn dech-si .i. isin cain ichtaraig. [4] .i. is ferr cumal imich ann o rachus a ninne in cinn .i isin chain i(a)chtaraig .i. trian di or 7 da trian do airget innte. [5] .i. tesaircter sin do co lar a tige .i. fiacha adbulmora ann d'fiachaib comraiti, no taiscter (?)[i] o treibh in cintaigh fiacha dimora, di cumail na ninne. [6] .i. a diupa i nait. [7] .i. ind eclaig. [8] .i. iarna fodiubad co haith 'nellach néca. [9] .i is nemcumscaigtec in breth brethemnaidter sunn. [10] ba si cumal certaighus o belaib cech bretheoman ica foclaigter feib thóchusa do beth, .uii. cumala. [11] .i. is dal fir a eiric amlaid-so. [12] .i. eirnidter cumal taitnemach do i sod a crotha isi[j] croligi cumaih .i. ł caincumal a crutha a nenech. [13] .i. cosna fiachaib-so ann do reir an fesa foritnig iar fir. ł dirirther firfeich ina do reir foritin an fesa [14] .i. eirniter or bruinnte. [15] .i. trian do dergor 7 da trian do gelarcad i cumail na hincindi. [16] .i. o bias 7 a uilenn risin adart co hog, co comlan, ł uile do uad an eraic-so .i in croligi cumaile. [17] .i. it e-so seoit rosfechat[k] ann, 7 frecera don crolige bais. [18] .i i niarmbrethemnus conig tri hanaigi. [19] ł samaisc conuici tri aidbriudha. [20] .i. inni ima ndergtar a aiged.

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[a] *omit (dittography)? see notes.* [b] *sic, for* i n-. [c] *i e.* Déin C[h]écht. [d] a *subscript.* [e] *or read* ferthair cumal? *see notes.* [f] *sic, for* fia? [g] *sic, for* cainchrotha enech? [h] *supply* fri? *see notes.* [i] *hardly* taiscid (*v.n*). [j] *sic, for* isin? [k] *sic, for* rosechat?

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seven *séoit*. [4] that there shall be no blemish in him. [5] a pledge for the disciple of the wisdom of learning. [6] along with after-judgement after the verdict on [his restoration to] health, for it is then that the judgement should be given after the cure has been provided.

§ 30. Disfigurement[1] [or] blemish[2] [or] loss[3] [of limb or] hurt [or] impotence[4] is atoned for after (?) inspection of the part [of the body] in which the hurt is planted.[5] A *cumal* [is due] for a [blemish on] a goodly leg [together] with choice foreign steeds.[6] The thigh of a noble body[8] [when blemished] involves [a penalty of] *séoit*[7] which shall be paid in *samaisci* and linen mantles.[9] The exact *cumal* [which is due for a blemished] hand shall be paid, besides in cattle, in silver [a]to the amount of one-third.[a10]

[a] in the face. [2] under the clothing. [3] in the limbs [4] [continuous] pain (?), or in the trunk, or in the male organ [5] [The fee arising from] the after-judgement is paid after inspection of the place in which the hurt has been cleansed (?), or under inspection of the limb in which the hurt has been planted [6] a fair *cumal* and a 'mighty' horse for [a lasting injury to] his shoulder, or from over the 'mighty sea', or from across the sea, or it is [only] according to Dían Cécht. [7] *samaisci*, or they are the *séoit* that are merited for it Each of these things (cf [9]) amounts to one-third [of the whole]; or [this rule] is [only] according to DC [8] Noble is the thigh of the body. Or 'declare [the award of] a goodly horse to a goodly man' under his thigh. [9] A *samaisc* shall be paid in addition one-third [consisting] of mantles[b] and smocks, one-third of *samaisci*, and the horse as the remaining third. [10] two-thirds [made up] of cows and one-third of silver.

§ 31. Graver and more violent (?) is the raising[1] [of a blemish in the face?]. A *cumal* for [a blemish in] the surface (?) of the forehead[2] save if it [the injury] penetrate the brain.[3] Pay (?) a standard *cumal* for [injury to] the anteroom (?) of the brain;[4] and levy[c] immense fines[5] for cutting off[6] . . .[7,8] . . .[9] An exact *cumal* from every mouth that publishes it [the blemish] in the presence[10] of an assembly.[11] A *cumal* [for lasting injury to] the fair form (?) of the face is paid over[12] [and brought] to the residence of the [injured] man together with [the other] fines[13] which shall be paid in refined gold[14] and silver.[15] An elbow [propped against] a complete pillow (?)[16] gives a claim to *séoit*,[17] together with [further payments of] a *cumal* for every assembly[18] and a *sét* for every advertisement[19] for which [his] cheek blushes.[20]

[1] This body-fine, this wergild, is heavier and harder to levy, it is more difficult to pay than all those [previously mentioned]. [2] [The] 'pleasing' *cumal* that is [paid for a blemish] in the countenance [is heavier] than these, [being worth] four cows, [and] containing two-thirds silver and one-third in cattle, i e for [perforation] of the upper surface (?) [3] [*inge* stands] for *acht* (but), if it has gone into the 'interior of the head', i.e. for [perforation of] the under-surface (?). [4] Better is the complete *cumal* [due] for it when it (the injury) goes into the 'interior of the head', i.e for [penetration of] the under-surface(?), [there is] one-third of gold and two-thirds of silver in it. [5] These 'are delivered' for him to the floor of his house, i e huge fines due for premeditated wrong-doing. Or mighty fines 'are paid in restitution' from the homestead of the guilty party, viz. two *cumala* [for damage to] the inward parts. [6] 'severing it in a place'. [7] of the fearful man. [8] after 'cutting it off swiftly' 'in union (?) with death'. [9] Unchangeable is the judgement which is given here. [10] 'This would be' the *cumal* that he adjusts from the mouth of every judge who is stated to have his property qualification, seven *cumala*. [11] The payment of it is thus a just award.

[a-a] lit. 'it goes into a third of it'. [b] or 'liquids'? See notes. [c] or 'he levies'? See notes.

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§ 32. Rosaid[a] bass bithainimh[t] i mbi adbolon dina derlaiter dil[2]

[1] .i. rosaig co lan coirpdiri iarmbrethemnus naimmhi, no roimnsaidter eiric na croiligi bais isan ainmhe[d] tre bithu [2] .i. in bail i mbia in crecht adbol, 7 nocha derbdilaiter a dilud de

§ 33. Rannuib enech erce fuile.[1] fuil iter da bra 7 a folt[2] fri .iiii. seotu samuilter.[3] is sain i fuil srube.[4] sloinn a coic.[5] cuinnidh trait trelæg etir a etan 7 a folt[6] IS .u. setaib saidid smech smitaig.[7] fuil huas maluig mat is bra[8] brig(aib) di(a) cholp[th]aig[9] Colp[th]ach[b] ɔn i fan itir da glainne[10] gleter dun dairt etar a ó 7 a foltt[11]

[1] .i. urrantar eric do ina einec oo ruamnuigter, i fo deiligtibh na neineac[c] is fai diberar ic na fola. [2] a fuil d'fertain iter a da bra .i. iter in mbræ 7 in folt .i i medon in ettain. [3] .i. samaigter .iiii seoit, samaisci, inn, isin fuiliugud asna tainic lan b[l]aisce na cno, o urrad d'urrad i fuil .iiii. set, i is do reir .d.c. [4] .i. ni hinann hum sin 7 inni ata a fuil na srona. [5] .i aisnighter .u. samaisce inn, 7 uirre amuich roferad ann sin e co ndurnaib i co maidi, o urrad d'urrad a fuil .u set, i is do reir .d.c. [6] .i cuinnid co hobonn boin treloegh isin fuil fertar iter a cluas 7 a folt, o deorad d'urrad sin a fuil .iii. seo(i)t, i is do reir d c. [7] .i. u. seoit is e ni indsaidter ina smeich do smitad, i smitaig[d] a smeichi; o urrad d'urrad isin fuiliugud. [8] .i. iter in malaigh nuachtaraig 7 in mbræ [9] i. firenaidter da colpthaig .iii. screpal ann, o murchuirthe d'urrad a fuil .iiii. set [e] do reir .d.c. .i. raiter .i. uiii. screpail ar cechtar de i. iter caitir a ruisc 7 a malaig. [10] .i. colpthach a hænur isin fan bis iter da glaindi na gruaidhi a fuiliugud do denum air. i do denum iter da glainne na fiacal, isin treas dine andis, i nenfiacail dib, o murchuirthe codnac sin, asna tainic lan blaisci na cno, 7 trian rofacaib ar scath frithaige. [11] .i. didlaigther i deiligther dairt .iiii. screpal ann iter a cluas 7 a folt; o murchuirthe do deorad a fuil .iiii. set, 7 frithaigid dobi aigi, i is dairt .iii. screpal o murchuirthe da celi cen frithaigi.

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[a] = Rosaig [b] *begins a fresh line in MS.* [c] a *superscript.* [d] *dot under second* i *possibly intended for* punctum delens [e] *supply* i is?

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[12] A pleasing *cumal* is paid to him for changing his form, for the blood-lying [which carries a penalty] of a *cumal*; or a fair *cumal* for [altering] the forms of their faces. [13] along with these fines in accordance with 'helpful knowledge according to truth'. Or just debts shall be paid for it in accordance with the 'aid of knowledge'. [14] Smelted gold is paid [15] one-third of red gold and two-thirds of white silver in the *cumal* [due for an injury to] the brain [16] when he lies[a] with his elbow [propped] against the pillow completely, entirely, or this wergild is a help to him (the victim) 'from him' (the assailant), i.e. [a case of] the blood-lying [which carries a penalty] of a *cumal*. [17] These are the *séoit* that they 'assert',[b] and the reference is to a fatal blood-lying. [18] for after-judgement, up to three assemblies. [19] a *samaisc* [on each occasion] up to three advertisements. [20] that concerning which his face is reddened

§ 32. [The compensation for] permanent disfigurement extends to [that for] death[1] where there is a formidable blemish if it cannot be removed.[c2]

[1] The after-judgement of a blemish extends as far as the whole of the body-fine. Or the wergild of a fatal blood-lying is levied for blemishing permanently. [2] in a case where there is a formidable injury and compensation for it is not 'truly paid'.

§ 33. Wergilds for wounds in [the various] parts of the face:[1] (1) A wound between brows and hair[2] is equated to four *séoit*.[3] (2) It is otherwise for a wound in the nose:[4] proclaim five [*séoit*].[5] (3) Demand swiftly a cow after calving [for a wound] between forehead and hair.[6] (4) With five *séoit* one levies [the punishment for] a broken (?) chin.[7] (5) [For] a wound above the eyelash, if it be below the brow,[8] declare [a penalty of] two *colpthacha*.[9] (6) A single *colpthach* for [a wound in] the hollow between the two jawbones[10] shall be settled for us (?); (7) a *dairt* [for a wound] between ear and hair.[11]

[1] Wergild is allotted to him for his face when it is reddened. Or it is according to the separate parts of the face that payment for wounding is given. [2] for inflicting a wound between his brows, [or] between the brow and the hair in the middle of the forehead. [3] four *séoit* [i.e. four] *samaisci* are fixed for it, for [a case of] bloodshed from which not [even] the full of a nutshell [of blood] has come. [This is due] from one native freeman to another for a wound [carrying a penalty] of four *séoit*, or it is [only] according to Dian Cécht [4] That, to my mind, is not the same as what is [due] for a wound in the nose [5] Let five *samaisci* be declared for it, and in the present case it was inflicted on the outside of it (the nose) with fists or with a stick [This is due] from one native freeman to another for a wound [carrying a penalty] of five *séoit*, or it is [only] according to Dian Cécht. [6] Seek immediately a cow just after calving for the wound that is inflicted between his ear and his hair. This [is due] from an outlander to a native freeman for a wound [carrying a penalty] of four *séoit*, or it is [only] according to D.C [7] Five *séoit* are what is levied for smashing (?) his chin or for the . . . of his chin [This is due] from one native freeman to another for [simple] bloodshed. [8] between the upper eyelash and the eyebrow. [9] Let two *colpthacha* worth three scruples [each] be confirmed for it. [This is due] from a stranded person to a native freeman for a wound [carrying a penalty] of four *séoit*, [or it is only] according to D.C Let eight scruples be declared for each of them, i.e. between the hair of his eye[lash] and his eyebrow. [10] a solitary *colpthach* [for a wound] in the hollow that lies between the two jawbones of the cheek for causing bleeding there, or for causing it between the two jaw-bones of the teeth, in the third of the lower side-teeth (?), [or even?] in a single tooth. This [is due] from a stranded person of full capacity [for bleeding] from which not [even] the full of a nutshell [of blood] has come, and one-third has been remitted on the ground of counter-claim. [11] Let a *dairt* worth four scruples be divided or apportioned [for a wound] between his ear and his hair. This is due from a stranded person to an outlander for a wound [carrying a penalty] of four *séoit*, and he (the defendant) had a counter-claim. Or it is a *dairt* worth three scruples [due] from one stranded person to another where there is no counter-claim.

[a] lit. 'is'. [b] or 'attain' (= *ro-segat*)? [c] or 'for which removal is impossible'.

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§ 34. A fodlaib fiacal[1] fo di [ṡ]luasait anuas.[2] nuiter da se set.[3] is [s]ain i nda foilngid anis.[4] ni saig dar a se.[5] a se ele i nd(o)ant[6] daimtir[7] da thuidmid(e) anis[8] nis truma trelæg tarsaig.[9] i nda tanaisi tuirim da colp-[th]ach[10] co di bai brigtair bronnad iardet(en)[11, 12]

[1] i. a fodhail eirci isna fiacluib. [2] .i. fo*n* dedi lu(i)as anuas. [3] .i da sama*is*c .x. ar .ui. buaibh isi*n* da clairfiacl*aib* anuas [a]7 laneneclan[d][a], da sama*is*c .x. eli i*n*a niarmbrethas [4] .i. isi*n* (i)ndeide i*m*fuilngte*r* aice anis. [5] i. nochan i*n*dsaidte*r* ni i*n*tib tar[b] se sama*is*ce .iii. ba isi*n* da clarfiacl*aib* anis, i is[c] da tanuste a*n*uass, 7 leteneclan*n*. [6] .i. i*n*a do teinmit i*n*a dathant. [7] i isi*n* dedi daim(i)te*r* i*n*a dant, isi*n* da tana*is*e anuas; .ui. sama*is*ci i*n*a fotha 7 letheneclan*n*, 7 se sama*is*ci i*n*a niarmbretheamnus. [8] .i. isi*n* dedi tuitmite*r*[d] aice anis. bo i*n*a fotha 7 cethra*imth*i eneclai*nn*i, 7 bo i*n*a niarm-bre*th*emnus. [9] .i. ni truma na i*n*ni ata i*n*a thoirsiug*ud* u*m*pu na bo trelæg isi*n* da tana*is*i annis, no isi*n* .iii. di*n*e anuas, 7 .ui. eneclai*nn*i, 7 o*n*ni romuin*n* gabt*ar* i*n* cutrumus-si*n* isin da tana*is*i anis no isan tres di*n*e a*n*uas, uair cutruma an*n*-sidhi 7[e] isin da clarfiacl*aib* a*n*nis i [f]is dan[f] tana*is*i anuas [10] .i i*n* da biran a*n*iss .i. da colpth*aig* 7 uii. scre*pail* a cechtar de, conid bo i*n*nlæg, 7 næ*m*ad eneclai*nn*e. [11] .i. da ba isna cuilfiacl*aib* uile, i isi*n* da cuilfiac*ail* amai*n*, 7 trian[g], ui. mbo .x. uile 7 bo i*n*læg si*n* isna cuilfiacl*aib* i*n*ter diri 7 eneclai*nn* 7 aithgi*n*; no is ar son diri sin, 7 cutrumus a .uii.m*aid* ar so*n* aithge*n*a. [12] .i. na déta iartaracha bit i*n*a cend.

Se ba 7 lanenecl*ann* isi*n* da clairfiacl*aib* anuas; Tri ba 7 lethenecl*ann* isi*n* da clairfiacl*aib* annis i isi*n* dara díne anúas. bo treloegh 7 .ui eneclai*nn*i isi*n* darna di*n*e anis i isi*n* tres di*n*e a*n*uas bo i*n*dlæ*n*gh 7 .ix. eneclai*nn*i isi*n* tres di*n*e anis. Da ba 7 trian eneclai*nn*i isna cuilfiacl*aib* uili. Ui. ba x. trelægha 7 bo i*n*nlæ*n*gh i*n* uii. mad .x. isna fiacl*aib* uile 7 lanenecl*ann*. cutrumus .uii maid eirci cacha fiacla dibh ar son a[h] haitge*n*a Cech baili isat saine eirce i*n* bescna-so (*p.* 456) re hercib urr*adius* olchena, ni fuil eneclann i*n*tib acht an eiric i*n*nisis liubor cenmotha na fodla fiacc*al*, eneclann i*n* i*n*tib-side, ar ni hi*n*nister a neiric-side a nimad eli isin berla

§ 35. I Neric laimhe laime[1] latharthar fiche set[1] sluinn ind ala fichit set i sula seit.[2] Slicht i nordain argid da cuic[3] caincolp*thach* laudden[4] Ni lau coisi[5] condendeich[6] noch(a) dlig somul neich;[7] eiric cach colpthai anair[8] fri cetri seota samlaidter[9] im segamluid sain[10] sluinn i*n*a tæbh anechtair a cuic as cach laim.[11]

[a–a] *written immediately after* luias anuas *in preceding gloss, but seems to belong here* [b] tara, *with* punctum delens *under final* a. [c] *supply* -in. [d] *fourth letter more like* t *than* d, *but read* tuidmither. [e] *omit?* [f–f] *sic, for* isin da? [g] *supply* eneclainne? [h] *subscript, possibly added later.* [i] *omit (dittography)?* [j] *read* conid dédeich?

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§ 34. In the divisions of the teeth,[a1] for the two upper diggers[2] (central incisors) let twice six *séoit* be proclaimed.[3] It is otherwise for the two lower proppers[b] (central incisors):[4] [for them the penalty] does not extend beyond six.[5] Six more are granted[7] for the *dant*[6] (upper lateral incisors?). [For] the two lower binders[8] (lower lateral incisors) [the penalty] does not exceed (?) anything heavier than a cow after calving.[9] For the next two (the canines?) enumerate two *colpthacha*.[10] Injury to the back teeth[12] is reckoned up to two cows.[11]

[1] in the apportionment of wergild for the teeth. [2] for the two which 'move' from above. [3] twelve *samaisci*, = six cows, for the two central upper teeth and full honour-price, twelve more for the after-judgement of them. [4] for the two which 'are supported' from below. [5] Nothing is levied for them beyond six *samaisci*, three cows for the two central lower teeth, or for the two neighbouring upper teeth, and half honour-price [6] for his two crackers, or for his . . . [7] for the two which are admitted as his *dant*, the two neighbouring upper teeth, six *samaisci* and half honour-price for the original injury to them, and six *samaisci* for the after-judgement of them. [8] for the two which are made fast from below, a cow for the original injury to them, and a cow for the after-judgement of them. [9] That which is 'vexing him' in regard to them is no heavier than a cow after calving, for the two neighbouring lower teeth, or for the third upper side-tooth (?), and one-sixth of honour-price. And it is from the preceding rule (in [5]) that this parity between the two neighbouring lower teeth (lateral incisors) and the third upper side-tooth (?) is derived, for there (in [5]) [the penalty] is equal for the two central lower teeth and the two neighbouring upper teeth [10] the two lower pins, [c]for each of them two *colpthacha* and eight scruples,[c] making [the value of] an in-calf cow, and one-ninth of honour-price [11] two cows for all the back teeth, or for the two hindmost teeth only, and one-third of honour-price, in all sixteen cows and an in-calf cow for the back teeth, including penalty, honour-price, and restitution, or this is for the penalty [only], and the equivalent of one-seventh of it [must be added] for restitution [12] the hinder teeth that are in his head.

Six cows and full honour-price for the two central upper teeth, three cows and half honour-price for the two central lower teeth or for the second upper series, a cow after calving and one-sixth of honour-price for the second lower series or for the third upper series, an in-calf cow and one-ninth of honour-price for the third lower series. Two cows and one-third of honour-price for all of the back teeth Sixteen cows after calving, and an in-calf cow as the seventeenth, for all of the teeth and full honour-price, and the equivalent of one-seventh of the wergild of each tooth [is added] for its restitution-fine. Wherever the wergilds of this [particular] law[-tract] differ from those of the native law in general, honour-price is not included in them but [only] the [simple] wergild which the text formulates, apart from the divisions of the teeth, honour-price is indeed included in these, for the wergild for them is formulated nowhere else in the law-tracts.

§ 35. For the wergild of the [whole] hand a score of *séoit* are set forth.[1] Declare a further score of *séoit* for the . . . of the eye (?).[2] For the thumb demand (?) twice five *séoit*;[3] a fair *colpthach* for the little finger.[4] No less is the wergild for loss of a foot,[5] which makes two tens[6] [of *séoit*], and [in addition the victim] is entitled to a well-balanced steed.[7] The wergild of every shin [injured by a blow] from the front[8] is equated to four *séoit*[9] as well as a separate (?) milch-cow (?);[10] declare for [injury inflicted] in the side of it from without, five [*séoit*] from each hand [that has participated in it].[11]

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[a] or 'for injuries to the teeth'? See notes. [b] or 'springers'? See notes. [c–c] or 'two *c.*, each of them worth eight scruples'?

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[1] .i. comtinoilter .xx. set 7 *set* a neiric na laime. Ł .ix. samaisce .x., 7 bo in .xx. *set*[a] so. [2] .i. aisneter *set* 7 .xx. isin suil .i. *in* .xx. *set* aile isin suil cen tabairt ar aird. [3] .i. aisneter da .u. do setaib isin ordain .i. x. samaisce, 7 colpthach .iii. screpal d'acaib can tabairt ar aird. [4] .i. aisned lethcolptha[b] og is fiu tri screpail isin lau daingen ar son aithghina. [5] .i. noca luga inni ata isin cois na sin. [6] .i. conid æn ann 7 da .x. .i. samaisc ar .xx. [7] .i. seichim Ł indsaidim co ndliginn each fæi ina somul i nellach na heirci, Ł is do reir diancecht. [8] .i. ina aigid anair. [9] .i. samlaidtir .iiii. séoit inn da tecaid da(t) ba. [10] .i. im sugen amlaid comlain coruice tri ba sin isin ninnraig. [11] .i. aisneter ina tæbh amuich anechtair .u. samaisci as cach laim isin fuiliugud.

IN anmann rainde do eircib isin dliged-[c]so, is[c] aran eric (s)do reir dligid atat; Ł comad iad-so a neirci do reir in bescna-so, no do reir d.c., 7 nochon do reir dligid an fenechuis.

§ 36. Lanad[d] cach colpthai aniar[1] no a mmedon mes mithir[2, 3] fri trelæg toimsi[4] mani timarr seis[5, 6] Se lethseoit cac aurcora[7] im lulgaic co læg. lesa[8] sliastai sceo[e] colpthai condlegtar i nænd[9]

[1] .i. ina degaid aniar, mad ann mesemnaidtir. [2] .i. mesembnaightir cid mes a medoin. [3] .i. fuil .iiii. set. [4] .i. mesemnaig lethbo trelæg do tomhus ann on deorad d'urrad, Ł is do reir .d.c. [5] .i. mina timairce nec is mo sofis an[d]u-sa nisa[f] mo na sin, noca misi timairces. [6] .i. itgi.[g] [7] .i. isinni da cuirenn aurchur a traigh .i. ui. colpthacha .ui.id sin ar boin 7 ar samaisc .i. cuige 'sin fuiliugud roferad uirri ann. [8] .i. croichte.[h] [9] .i. na lesa 7 na sliasta 7 na colptha, cobdeligthir eineiric inntibh.

§ 37. Oenann fri derosc laimi[1] dona bi[i] iarair.[2] asbeir fri derosc coisi[3] tremsi[4] for bliadain. Bi[d] bliadain co fa tri[5] fri trenderosc cinn[6] conidnoiscfe[7] di sunn tractfaid belrai binn[8]

[1] .i. ænbliadain iss ed cinnter fod slainte na laime. [2] .i. on bliadnai amach muna tainic ris risin re-sin. [3] .i. rater bith fo cinned slainte[j] na coissi. [4] .i. tri miss. [5] .i. iii.a bliadna. [6] .i. fri derbhcinned slainte in cinn. [7] inti cumscaidfes. [8] .i. bes binniu inda-so.

Nai mis derosc [k].i. slainte[k] in cuirp olcena; 7 int ainm rainde ata re derosc cinn no coisi in duine sech derosc a chuirp olcena, curob e int ainm raindi-sin d'imarcraid bes re derusc cinn Ł choissi in ruip sech derusc a cuirp olcena Cuic ba 7 colpthach .ui. screpal isin ordain, 7 .u. ba 7 colpthach .ui. screpal isna ceithri meruib eli, 7 samaisc 7 colpthach .ui. screpal a cuit aithgena na .iiii. mer, conid .ui. dairti in colpthach 7 int samaisc; dairt tri screpal dib-sidhi a cuit aithgena in lodagain; .ui. colpthacha 7 .ui. samaisci corpdiri na ceithre mer, samaisc 7 colpach dib-sidi don laudacan, in .u.id set do cech mer medonach Da samaisc 7 colpac .ui. screpal 7 dairt tri screpal 7 dairt da screpal do cach mer medonac; .uii. mad eirci cech mer dib-so ina aitgin, 7 sessed eirce na ceithre mer isin lotanan.

Cidh fodera .u. seotu i telcud fola, 7 na fil [s] samaisc 7 colpthach 7 dairt ina etarimdibhi? nī, uair ita mor i tiarmoirecht ind etarimdibhi .i. trian neneclainni in huair is ininnraid,

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[a] .s. *inserted above line.* [b] *read* colpthaig (*or* colpthach, *since this word is frequently treated as masc. in the later commentaries*). [c–c] *inserted above line.* [d] *read* Lénad? *or* Lámad? *see notes.* [e] *inserted above line, with* caret-*mark.* [f] a *subscript.* [g] *written under preceding gloss, possibly added later.* [h] *written under* lesa. [i] *or read* dina bê? *Cf. p. 230, infra.* [j] l *inserted above line, with* caret-*mark.* [k–k] *interlinear gloss.*

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[1] One and twenty *séoit* are brought together for the wergild of the hand, or nineteen *samaisci* and a cow as the twentieth *sét*. [2] Let one and twenty *séoit* be declared for the eye, i.e. (= or?) the other twenty *séoit* for the eye, though not expressly mentioned. [3] Let two pentads of *séoit* be declared for the thumb, i.e. ten *samaisci*, and [also] a *colpthach* worth three scruples which he has left unmentioned. [4] Declare half of a complete *colpthach* worth three scruples as restitution[-fine] for the 'small firm place'. [5] No less than that is what is [due] for the foot [6] so that it makes one and two tens, i.e. one and twenty *samaisci*. [7] 'I say or I assert' that he is entitled to have a horse under him . . . in addition to the wergild, or [this] is [only] according to Dian Cécht. [8] against it from the front. [9] four *séoit*, comprising two cows, are assessed for it. [10] including a complete . . . , i.e. up to three cows for the bandage-wound. [11] Let there be declared [for an injury] from without in the side of it five *samaisci* for shedding blood (cf. § 27)

The proportions of wergild in this law are [based] on the wergild according to [the general] law. Or these may be [only] the wergilds according to this special law, or according to D.C., and not according to the traditional law.

§ 36. [For] hurt (?) to every shin from the rear[1] or internally[2] award is made:[3] it is to be assessed at [the value of] a cow after calving[4] unless it hinder . . . .[5, 6] Six half-*séoit* for every cast (blow with a spear, etc.?),[7] including a milch-cow with [her] calf. The same compensation is owed for haunches,[8] thighs, and shins.[9]

[1] behind from the rear, if the assessment be made there [2] estimation is also made internally. [3] a wound [carrying a penalty] of four *séoit*. [4] Adjudge half [the value] of a cow after calving to be estimated for it, [this amount is due] from an outlander to a free-born native, or it is [only] according to D C. [5] unless some one with more 'goodly knowledge' than I possess enforce more than that [amount], it is not I who [seek to] enforce it. [6] a boon. [7] for that which his (the assailant's) cast propels into the foot, these are *colpthacha* [each worth] one-sixth [of a cow], and equivalent to a cow and a *samaisc*, [they are delivered] to him (the victim) for the blood-shed inflicted on it (the shin). [8] haunches. [9] The haunches, the thighs and the shins—a uniform penalty is apportioned for them

§ 37. One year [is the period] for the verdict on a hand[1] for which there is no [previous] claim.[a 2] For the verdict on a foot[3] [a period of] a year and a quarter[4] is pronounced. For the firm verdict on a head[6] [the period] is three years.[5] He who shall alter it[6] from this shall wreck (?) the bright[7] law.

[1] One year is what is determined as the duration of the cure of a hand. [2] from the year on, if it (the more lasting injury) has not come against him within that period. [3] it is said to be for the determination of the cure of the foot. [4] three months. [5] for the 'certain determination' of the cure of the head. [6] he who shall change. [7] which will be more harmonious than this.[b]

Nine months is [the period for] the verdict of [restoration to] health for the rest of the body. And the proportion by which [the period for] a verdict on head or foot of a human being exceeds that for a verdict on the rest of his body, the same additional proportion would seem to apply to the [period for] a verdict on head or foot of an animal beyond that for a verdict on the rest of its body. Five cows and a *colpthach* worth six scruples [are due] for the thumb, five cows and a *colpthach* worth six scruples for the other four fingers [together]; and a *samaisc* and a *colpthach* worth six scruples are the amount of the restitution-fine for the four fingers, making six *dairti*, and of these one *dairt* is the restitution-fine for the little finger. Six *colpthacha* and six *samaisci* are the body-fine (wergild) of the four fingers, and [only] one *samaisc* and one *colpthach* for the little

[a] or (reading *dina bē*) 'if there be no [previous] claim'. [b] or 'than I'?

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7 iarmbr*ethemnus* coruice cutruma *fria*[a] fotha no conuicei l*ancoirpdiri*; 7 is *amlaid* retes int iarmbr*ethemnus*: int ɔnmad rann .xx. it do neoch forfacaib don coirp*diri* ina aidbriugud, 7 a trian ina ænac; 7 a tri naidbreduib 7 a tribh nɔnaigibh rosaigh l*ancoirpdiri* no cutruma fri fotha 7Rla; forbad do sin.

[a] a *subscript*.

NOTES

§ 1. I have not met the term *duine-diglaim(m)* elsewhere in the texts. Hence this must be the source of the commentators' *díglaim sét 7 díglaim ndaíne* in AL i. 212 f., and *díglaim ball 7 díglaim grád 7 díglaim gráinne* O'C 2309 (cf. also § 2[17]). The legal meaning of *díglaim* looks like a development of the idea of 'gleaning', viz. 'sorting, distinguishing, classifying'. For its specialized meaning in Poetics (*díglaim delba in duine*), cf. IT iii. 30 and ITS xxii, Introd. p. lv.

For *gaibtir* read *gaibther* (conj.) in accordance with Bergin's law. In the concluding clause we should probably emend (*.ix.*) *ngrainne* to *ngrád(a)*, as suggested by gloss[4]. This would make somewhat better sense and allow us to keep *di* as partitive (instead of changing to *do*): 'inasmuch as there are nine [different] grades of persons'.

My expansion of *brī* in gloss[1] is highly uncertain; the only argument in favour of it is the presence of *bretha* in the title. The following words are merely conventional glosses on *dian* (= *luath*) and *cécht*; for the latter cf. *cécht, cumachta* Corm. 446 = Coir Anm. 157, where the name Dian Cécht is explained as *dia na cēcht* .i. *na cumachta*, an explanation which is (no doubt rightly) discounted by O'Rahilly (EIHM, pp. 472 f.).

§ 2. Cf. p. 9, *supra*. I am greatly indebted to Mr. J. O'Loan of the Department of Agriculture for generously allowing me to draw on his expert knowledge in endeavouring to identify some of these cereals.

For *sullech* (3) cf. O'Dav. 1475: Suilligh .i. eorna, ut est grainne suilligh do rí tuaithe .i. souilligh, an eorna chethardruimnech ('four-ridged'?) .i. fora mbí soalla ('a good bridle'?) ł sordach ł sordlach ł sordan. The last two names are unattested outside this context, and both our glossator and O'Davoren seem to be unfamiliar with the word. Dr. Gearóid mac Niocaill makes the very plausible suggestion that it is a borrowing of Lat. *siligo*, a type of winter-wheat favoured by the Romans for bread-making owing to its whiteness. This has led Mr. O'Loan to make the further suggestion that *ruadan* (5) which was somewhat arbitrarily rendered 'buckwheat' by Kuno Meyer in 1892 (Aisl. MCC 99. 5), and has been so translated ever since, in reality corresponds to Lat. *rōbus* (dialectal for *rubeus*), the counterpart of *siligo* in Columella (De Re Rustica ii. 5, 6). This seems to be confirmed by the Irish name, for *ruad* and *rōbus* both go back to I.E. **reudh-*. The word was obsolete in Irish speech by O'Davoren's day, for he explains it

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finger, [and] one of the five *séoit* (?) for each of the middle fingers. Two *samaisci* and a *colpthach* worth six scruples and a *dairt* worth three scruples and a *dairt* worth two scruples for each of the middle fingers. A seventh of the wergild of each of these fingers goes for its restitution-fine; one-sixth of the wergild of [these] four fingers [is what is due] for the little finger.

What is the reason why there are five *séoit* for shedding blood (cf. p. 14, *supra*), and only a *samaisc*, a *colpthach* and a *dairt* for cutting off [a limb]? Answer, because there is much [more involved] in the aftermath of the mutilation [than in simple bloodshed], viz. one-third of honour-price when it is a bandage-wound, and after-judgement extending as far as the equivalent of the original penalty for it or as far as the full body-fine. And the after-judgement proceeds thus: the twenty-first part of what has been left over from the body-fine [is due] for advertising [the blemish] and one-third for an assembly [where the victim is present]; and with three advertisements and three assemblies it (the penalty called 'after-judgement') reaches the full body-fine or the equivalent of the original penalty, etc. End of this [tract].

(like the glossator here) as *cruithnecht ruadh .i. maelcruithnecht*, giving the present fragment of our text as his only lemma (1369). (This did not prevent Dinneen from including *ruadhán* 'buck-wheat or red-wheat (*Dav.*)' in his 'Thesaurus of the Words . . . of the Modern Irish Language'.) One argument against Meyer's translation is that a grain of buckwheat is much smaller than any of the others mentioned in our table; hence it should have stood at the top of the list.

One might reply that since this method of 'measuring' wounds can never have had much practical significance, the framers of the tract were ignorant of the actual relation in size between the 'grains' they tabulated. But, so far as we can judge, they were surprisingly well informed. Mr. O'Loan has kindly measured the length of grains of those cereals in the table which can be clearly identified: (1) wheat 0·25 in., (2) rye 0·29 in., . . . (6) barley 0·33 in., (7) oats 0·50 in. Even granted the possibility of variation in time, place, etc., the order of size would seem to be kept, though it must be admitted that if so, the difference between the unknown (3)–(5) would have been extremely small. On the other hand, should *ruadan* really mean buckwheat, then, since the modern grain measures no more than 0·225 in. in length, we should be forced to conclude that the order observed in the other items was purely fortuitous. On the whole I think it is more likely that *suillech* and *ruadan* reflect the ancient difference between 'white' and 'red' *triticum*, though which of the numerous varieties of each type is meant must be left to specialists in the history of agriculture. In RC xli. 193–203 Loth has discussed 'les noms et les variétés du froment chez les Celtes insulaires', but some of his statements and conclusions need to be checked by an expert in the subject.

It remains to consider some of the remaining items in the list. The old loan-word *seib* (9) was also obsolete by O'Davoren's time, having been superseded by *pónaire*, with which he glosses it (1476); once again his only lemma is (9) of the present text, and once again Dinneen gives '*seib*, a bean, *gl.* faba (*Dav.*)'. But by far the most difficult word is *ibdach* (4). Even the form might seem to be in dispute. In the list of eight 'corns' (*orbaind* = *arbann*?) in Aisl. MCC 99. 5 it appears as *fidbach*. And in O'Dav. 1213, where the present text is cited, the headword is *midbach*:

> Midbach .i. eorna na n-en, ebar deogh dia sugh; ł maetheorna na n-innsi, ut est grainne midbaigh do aire ard ł idhbaich (idhbaith *v.l.*).

But the two 'etymological' glosses which O'Davoren copied from our text, prove beyond all doubt that *ibdach* (gen. *ibdaich*) is the genuine form: (1) *eba[i]r*

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deogh is an attempt to 'separate' the word into *ib-* and *dach* (or *daig*); (2) the 'islands' refer to the (Outer?) Hebrides, the *Ebudae* of Ptolemy, whose inhabitants were called in Irish *Fir Iboth* or *Ibdaig* (see Mac Neill PRIA xxix C 102, O'Rahilly, EIHM, p. 538). Indeed, O'Davoren himself seems to have suspected this, for I take the final *l idhbaich* (left untranslated by Stokes) as a correction of *midbaigh* in the lemma. Whether there was really a special type of wild barley grown mainly in the Hebrides or whether the gloss is a purely 'etymological' conceit, I am unable to say. But the further gloss *eorna na nén* certainly suggests a wild cereal; for a somewhat similar expression, cf. *pis ēnāin* ACL i. 333. 9, 336. 104.

For *ollum* (dat.) *rig* see ÉRIU xviii. 49, 54, where I have used this example to argue that *ollam* was originally the superlative of *oll* and not a noun of agency. Here the expression is used of the highest grade of king known to Irish law, elsewhere (e.g. in §§ 5, 11) called *rí ru(i)rech*, the king of a province. By the time of the glossators, however, the so-called 'High-Kingship', first claimed by the kings of Tara (the head of the powerful Uí Néill group of dynasties) but later competed for by other provincial kings also, had emerged as a factor of Irish political life. This explains their usual gloss on *rí ruirech: rí Érenn 7 rí coícid* (§§ 2^2, 5^1, 11^1), where *7* is equivalent to *l* 'or'—cf. § 6^1, where *l* is used four times and *7* only once, also § 5^5. Needless to say, had any king been recognized as paramount ruler of Ireland during the period of the texts, the jurists, with their passion for classification, would have made a special 'grade' for him, with a higher honour-price, a greater 'company' (retinue), more extensive powers of protection etc. than those vested in the other provincial kings. They would never have left him on the same level, as the glossators are compelled to do. Yet, in the teeth of this evidence, scholars like Joyce and Mac Neill have proclaimed the fiction that 'the Laws recognize four grades of king' headed by 'the king of Ireland'! By dint of repetition this myth has become so firmly embedded in our textbooks that one can have little hope of dislodging it merely by calling attention to the facts. But for the record at least, let these be stated: (1) In none of the ancient law-tracts is there any reference to a king of Ireland. (2) The king of Tara is only once mentioned (as against several allusions to the king of Cashel and three to the king of Connacht), and on that occasion there is no hint of his pre-eminence. (3) The highest of the three grades of royalty recognized in the texts is that of a provincial king. (4) The glossators and commentators are well acquainted with the office of king of Ireland, for by their time it had developed into a prize worth fighting for, but (since they never contradict the text), they do *not* make a separate 'grade' for it and are compelled to classify 'king of Ireland' and 'king of a province' under a single rubric.

Despite the fact that they were subsequently provided with glosses, I feel certain that the words which I have suggested omitting from (3), (4), and (5) are later interpolations, doubtless old glosses which were subsequently incorporated in the text. The use of the singular infixed pronoun in *fris-id-ngair* proves that the original text was in all three cases *do rig thuaithe* (*airig ard*, *airig túise*) *7 cach grád cum(m)a frisidngair*, exactly as in the remaining items (6)–(9). But since in (1) and (2) the actual 'compeers' are mentioned by name (bishop and *ollam filed*, priest and *ánroth*), a later scribe was moved to supply, probably by incorporating three old glosses, the 'compeers' of those in (3)–(5), though this made nonsense, grammatically as well as semantically, of the following clause. There is, however, a further problem: the ecclesiastics and poets named in (1)–(5)

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are, if we can trust the other tracts on status, not equal in rank to the corresponding 'lay grades'. Thus a bishop and an *ollam filed* normally have the same honour-price as a *rí tuaithe* (3), not as a provincial king (1). On the other hand, *Uraicecht Bec* appears to recognize a higher grade of bishop—the *ollam uasal-epscuip*[1] (AL v. 112. 1), who according to the gloss is 'the bishop of the church of a provincial king'—and this may well be the dignitary referred to here. But the very next paragraph of this tract states categorically that the *ollam filed* has equal status with the king of a single tribe (*comsain . . . frí rig naentuaithe*). Again, according to the same tract (44.31, 68.17) an *ánroth* is the compeer, not of a superior king (2), but only of an *aire ard* (4), and similar discrepancies occur in all the other 'equations'. It is, therefore, not easy to decide whether the compiler of our tract was working on still another table of 'grades' or whether he has added the names of the 'corresponding' ecclesiastical and poetic grades without verifying their respective positions in the existing tables. As for the further 'equations' added by the glossators, they merely exemplify the mania for fresh classification which characterizes the contributions of some later scholiasts, and it would be a waste of time to examine them in detail. The new principle of differentiation on which they are based is well illustrated by a late commentary in C 1857 ff. where the status and honour-price of the seven poetic 'grades' are made to vary according as the poet is employed by (1) a tribal king, (2) a superior king, (3) a provincial king, (4) 'the king of Ireland with opposition', and (5) 'the king of Ireland without opposition'. The last two categories were established by the jurists in the eleventh century when a number of powerful provincial rulers were struggling for hegemony.

§ 2 A. Cf. p. 10, *supra*. This list is found also in 23 Q 6, p. 47[a] (O'C. 1826, printed AL v. 363 note), but the present text is somewhat better. The equivalent anatomical terms which are given in brackets have been kindly supplied by Dr. Logan. On *cairt taibe* (9) he writes: 'My guess is that this means the area between the lower ribs and the crest of the ilium or hip-bone.' If *cairt* is really the loanword (< Lat. *carta*), its meaning here may be something like 'level space, expanse'; or does it stand for *cort* 'cortex'? For *cúlad* (2)—lit. 'back sinew', an old cpd. of *cúl* and *fé(i)th*—see O'Brien, Celtica iii. 168. As for *tulug shasta* (12), it obviously means the groin, but the precise form and meaning of the first word are uncertain. The reading of Q *tul-* could stand for *tulad*, which, like *cúlad*, would be the older form of a cpd. *tul-ʃ é(i)th* 'prominent' or 'protuberant sinew'; indeed this may be the original word from which *toil-féith*, lit. 'gland of desire' (AL iii. 354.17; O'Dav. 159) was evolved by popular etymology. Cf. also the gloss *tarb-feith*, where the first element may mean 'vigorous, potent'. Dr. Logan suggests that this item represents 'the long narrow sartorius muscle, which might well be described as a prominent sinew'.

As already stated (p. 10), I have been unable to trace any reference to these 'twelve doors' (thirteen in the present list) in other accounts of early medicine. It is true that in the Lorica attributed to Gildas v. 42 runs: *Tege totum me cum quinque sensibus | et cum decem fabrefactis foribus*. But as the most recent editor of this work, the late Dr. Charles Singer (Anglo-Saxon Magic and Medicine, 1952, p. 145), points out, the ten portals of the senses are 'made up from the eyes, ears, nostrils, the hands (as organs of touch), with the mouth (oesophagus and

[1] sic leg.? If so read *epsciup* (gen.) in our text.

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windpipe) counting as two'. They have, therefore, nothing in common with the doors of the soul, which are obviously intended to represent the portals through which life can pass out of the body. Indeed *anim* may well be used here in its primitive meaning of 'breath, life' (cf. Thurneysen, Gramm., p. 214; Vendryes, Lex. Étym. s.v., and the modern proverb *Is milis an rud an t-anam*) rather than in its specifically Christian connotation, and 'the twelve portals of life' might be a better rendering (cf. § 17[3] with its reference to a wound 'in one of the doors of death').

On what principle of medical observation has this list, whether it be native or borrowed, been framed? Dr. Logan is surely right in suggesting that these areas were regarded as peculiarly mysterious and dangerous in that an injury to any of them, though it might first appear to be trivial, often resulted in the death of the victim. Hence all such injuries were invested with a special aura of fear—they are called the twelve 'dreaded things' (or 'perils') in §3[3], if my translation is correct—and the successful treatment of them was held to demand from the leech an exceptional amount of skill and care, which in turn gave him the right to claim a fee equivalent to half of the wergild.

Dr. Logan has provided me with the following medical commentary on the separate items of this list:

'A severe blow on either the crown of the head (1) or the back of the neck (2) might break or dislocate the first two bones of the neck (atlas and axis), with rupture of the spinal cord. A blow on the temple (3) might cause rupture of the middle meningeal artery. In such a case the patient might recover consciousness quickly, and the injury would seem to be a trivial one until, some hours later, the patient went into a coma and died. A blow on the Adam's apple (4) causing a fracture of the cartilage will cause death, even now, in at least seventy-five per cent of cases. A small wound in the suprasternal fossa (5) could easily cause death from bleeding if the main blood-vessel (the aorta) or one of its branches were cut. Similarly a wound in the axilla (6), the bend of the elbow (10), or the popliteal fossa (11) might quickly cause death from loss of blood. An apparently slight injury in the groin (12) might also cause death from haemorrhage. A blow on the umbilicus (8) might cause sudden loss of consciousness due to paralysis of the solar plexus. The patient would recover quickly and, once more, the injury might seem a trivial one. Rupture of the bladder if it were full of urine or of the stomach might easily be overlooked at first, and these would certainly cause death. A blow in the area between the lower ribs and the crest of the illium (9) might rupture a kidney; on the right the liver might be ruptured and on the left the spleen, if this were enlarged; any of these might cause death. A blow on the breast-bone (7) might force it inwards, causing injury to the heart underneath; a twentieth-century version of this is a blow on the sternum by the steering-wheel in motor accidents.'

§ 2 B. This heptad also occurs in 23 Q 6, p. 47[a] (O'C. 1826), from which it has been printed AL v. 354. There was obviously some confusion about the seventh item. A fracture of the forearm has already been listed (3). Dr. Logan (to whom I am again indebted for the technical terms) believes that *lethc[h]náim in riged* refers to the well-known 'Colles fracture' of the radius, i.e. the lateral of the two bones. As for the alternative *sáldelga*, he points out that the heel-bone (os calcis) is short and thick and is rarely broken, and he suggests that the reference may be to 'Pott's fracture' (of the fibula). Here are his comments on the remaining items:

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'Fractures of the clavicle (6), hand-bones (3), femur (4) and tibia (5) are by far the most common fractures, and in each case the diagnosis is obvious; they must have been recognized for thousands of years. The principles followed in their treatment must also have been well known: if the fragments are displaced, they must be replaced as accurately as possible and kept in position by means of some form of splint until union has taken place. Other fractures of the ribs, back-bone, hip-bone, etc., are not nearly so obvious. If they were slight, they would probably be overlooked: if severe, the patient would have suffered more serious injuries to the neighbouring viscera and would probably die. It is surprising that no mention is made of the difference between a simple fracture, when the bone is broken but not the skin,* and a compound fracture, when the skin is broken and the bone-ends are liable to infection.'

'The breaking of a tooth or teeth (1) might be considered a very grave injury in eighth-century Ireland: it was an obvious blemish, and dentures were not available. Loss of teeth would also seriously interfere with the chewing power of the person so injured as well as with his ability to speak clearly. More important, however, would be the fact that a blow which knocked out teeth might also break the maxilla (upper jaw) or the mandible (lower jaw). Such fractures would be certain to get infected and the patient might die from the infection or from secondary haemorrhage, which is liable to occur some days after the injury. Since teeth in the period under review were strong and healthy (see Mac Loughlin, Castleknock Skeletal Material (1938), Dublin Stationery Office, 1950, a description of bones found in a tenth-century Irish cemetery), this injury would be all the more serious.'

§ 3. This is obviously intended as a general rule applying to all classes. The glossator's hesitation shows that the rule, assuming that it had ever obtained in practice, was obsolete in his day. For another example of the construction in *mét laiget fo ferthar*, lit. 'greatness [or] smallness according to which it is inflicted' (hardly *fo-ferthar*), cf. *mēt laiget bīs* AL v. 360 (= Ir. Recht, p. 66, § 8). For the use of *mé(i)t* as a rel. advb., see Contribb. M s.v.; cf. also *meit loighet* Cáin Ad. § 52. In [3] the emendation to *eclaib*, dat. pl. of *ecal* (in substantival use) 'something to be dreaded', though uncertain, gives good sense; for other exx. see RIA Dict. E s.v. In the Welsh laws the 'three mortal wounds' (*teir gweli agheuawl*), for which see p. 10, *supra*, appear in Llyfr Iorwerth (ed. Wiliam, p. 13. 2) as the 'three dangers' (*try arperygyl*)'.

§ 4. This heptad also occurs (without glosses) in 23 Q 6, p. 47[a] (O'C. 1826), from which it has been printed (with various inaccuracies) in AL v. 362. There is probably no semantic distinction between *guin* in the first two items and *fuil* in the remainder. One might, indeed, have been tempted to think that *guin* is used of a wound deliberately inflicted, whereas *fuil* refers to an injury resulting from accident, but this is impossible to reconcile with the third item, where one would then expect *guin*. The fifth item gives rise to some difficulties. The reading of Q is *.f. fer*tar *cai acl- for nech*, which O'Curry and Atkinson have between them 'emended' to *fuil fir tarcai a claideb for nech* (tr. 'blood of a man who has drawn his sword upon anyone'). In fact, however, the scribe of Q has simply substituted the gloss for the text, for *cai aclaide*—whatever be its precise meaning—is clearly

* Cf., however, § 20[r].

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an 'etymological' analysis of *cuicilge*. The latter may well be the older form (with syncope) of *cuiclige*, v.n. of *con-clich* 'tosses', though whether it means 'collision', as I have suggested, is far from certain.

It is not easy to see how and why the leech should be entitled to half of the penalty in any of these cases. For the circumstances in which most of the specified injuries were inflicted would seem to rule out the payment of any penalty at all to the victim. If we take the first item, among 'the seven woundings which entail neither penalties nor sick-maintenance' is *fuil ferthar a cath* (AL v. 142. 9). It is just possible, however, that in the present context *cath*, like *imairecc* which is bracketed with it, refers to a 'private fight' unauthorized by law, the opposite of what the glossators call *cath coitchenn comairléicthe* (e.g. AL v. 236. 18, 302. 15, etc.). Again, chariots coursing over a fair-green (6) would normally be immune for any damage caused by their drivers—cf. *blai carpat aenach* 'an *oenach* is (constitutes) the immunity of chariots' AL iii. 264. 22—and no liability attaches to oxen when ploughing, cf. *bla[i] dam . . . arathar* (*ibid.* 266. 13). Similarly the last two items appear to be the result of accident rather than design, unless indeed the real meaning of (6) is that one person, by wilfully or negligently wrecking a boat, injures one of its crew, while in (7) the guilty party is envisaged as felling a tree which another has climbed. At all events it would seem that, despite the repeated assurances of the glossators, the gravity or insignificance of the injury is irrelevant and the circumstances in which it was inflicted are alone decisive. But I find it difficult to believe that such circumstances would of themselves be sufficient to secure such a high fee for the leech. In this connexion it is perhaps noteworthy that none of the injuries described here figures in the list of 'twenty wounds from which the leech takes half' in § 17; all of them, however, are included by implication in the 'twenty-seven' mentioned in § 18[3], but the glossators' evidence is of little or no value (cf. pp. 8 f., *supra*). On the other hand, it would be unsafe to conclude that in the present context *leth* means simply half of the normal fee for such injuries, since in most of them the victim will have to pay for his own cure; this conjecture seems to be ruled out by the word *chena*, referring to the rule in § 3. At the moment I can suggest no satisfactory solution of the problem.

§ 5. I take *-deroim* to be perfective pr. ind. of *do-eim*, expressing possibility. Before *dia domnai* something like *indala nat* or *indala grainne* must have been dropped. One might have expected the penalty for a 'two-grain' wound in the cheek to be given after that for a wound between the brows, hence there may be a further omission at this point. In the earlier part of the text (as opposed to § 33) injuries to the face are classified according to their gravity as follows: (1) in the temple, (2) between the brows, (3) in the cheek. The same order is observed in some of the later commentaries, e.g. Rawl. 506, f. 31[c] (O'D. 2309): *in cutruma bias etir da brai, a dha cutruma i toll ara 7 . . . a da trian ara gruaidh* '[As for] the amount which shall be [payable for a wound] between the brows, twice that amount [is due for a wound] in the hollow of the temple, and two-thirds of it [for a wound] on his cheek'. Very doubtfully I have taken this to be the meaning of *tanaisi* in[5] and also in § 12[2]. But the tariffs provided by the glossators of our text have even less relation to reality than usual (cf. p. 9, *supra*); for example, they award the same penalty for a wound in the temple whether it measures one or two 'grains', though this could be no more than a scribal blunder.

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§ 6. The *fergnio*, according to O'Dav. 873, is of servile condition (*mug*), though elsewhere he apparently has free status. The wording of the text suggests that he is given in complete discharge of liability. The glossators, however, to whom the rule is obviously unfamiliar, seek to fit him in as part of their own elaborate (and doubtless imaginary) tariff. For *beindel* (< ON *bendill*) see Marstrander, Bidrag, pp. 40 f., if my expansion of MS. *beiñ* be correct. But cf. *Renda 7 benne* .i. *anmanna d'armaib* O'C. 2045.

§ 7. At first sight this seems to apply to the very unusual type of wounding dealt with in § 6. But since the temple is one of the 'twelve doors', the leech's fee should here amount to one-half of the penalty. Yet surely a henchman armed with a corselet must have been worth a great deal more than two yearling heifers? Since the next section treats of a 'two-grain' wound between the brows of a *bóaire*, perhaps this is concerned with some person of lower status than a king. On the other hand the tracts sometimes define a tariff simply by giving examples of its highest and lowest items; cf. ZCP xiv. 341.

§ 8. Some words have probably been dropped between *is* and *do-berar*, though (as I have suggested in a footnote) *iṡ* in the scribe's exemplar (= *is* ed) could have been misread as simple *is*. For *do suide* read *di suidi* (or *suidiu* if *fuil* was an old neuter, cf. p. 3, *supra*). For *cáera forcsen* see note on § 13.

§ 9. Cf. the commentary in AL v. 84 which has been taken from this. Perhaps *ba* is not used modally here (as I have construed it), but refers to a former rule which was already obsolete before the compiler's day. The names of the 'foreign herbs' are obscure to me, and possibly were already obscure to the glossator, who makes no attempt to 'interpret' them. The first could stand for *sraibh* 'sulphur', or *straif*, some kind of native die, or—with prothetic *s-—raib* 'rue', but would any of these be described as a 'foreign herb'? The second, *lungait*, looks like an old fem. participle (like *birit*, *binit*, *canait*, etc.), but I cannot identify the verb; hardly *longaid* 'consumes, eats'. As for *argetluim*, it is used to translate 'orpimentum' (RC xx. 275), but can this really come under the heading of *lu(i)b*? In[1] *7 fuillidain* seems out of context. This word is often confused with *fuiliugud* 'bloodshed', from which it probably took over the initial *f*. The second element seems to be *ídu* (g. *ídan*) 'pang, pain', but the first element is obscure; cf. Contribb. O, col. 137 z, where the analysis *oll-ídu* is suggested.

§ 10. Although *fo bíth* normally means 'because of, on account of', I suspect that it is here used in the sense of 'in proportion to'. For *crólige báis*, an old term which had completely changed its meaning by the time of the glossators, see Ériu xii. 94, 130. For *inindraig* 'bandage-wound' see *ibid.*, p. 131. The only form of this word given in Contribb. I is *innraige*, and the *in-* which so often precedes it is apparently taken to be the def. art. But it is precisely in the oldest text on the subject (cited p. 14, *supra*) that the gen. *cacha ininnraige* occurs (in all the MSS.); hence it is far more probable that despite the palatal gen. (*-aige* for *-aga*) the basic form is *in-indraig*, lit. 'fit for (or "needing") a bandage' and that *indraige* has arisen later by aphaeresis.

§ 11. Perhaps one should read *conaimsea a ndíre* (pl.).

§ 12. For the so-called 'interpretation' of the rules in this and the following section by the commentator see p. 9, *supra*. The statement in Contribb. s.v. that

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agad (*aiged*) is 'not used in the text of the Laws' is incorrect. Apart from its use here and in § 9, I have noted its occurrence in other early texts, e.g. ÉRIU xiii. 13 l. 20 (a quotation from *Bretha Nemed*), AL iv. 346. 21, etc.

§ 13. Here the hierarchy of rank follows the same order of precedence as in § 2, but three further 'grades' are included. The *aire échta* (cf. Críth Gabl., p. 70) is inserted between the *á. túise* and the *a. désa*, and below the *fer midboth*, the lowest of the 'grades' described in *Críth Gablach*, we find two other divisions. The first of them, the *bruider* appears elsewhere only in a recension of *Uraicecht Becc* found in O'C. 213, where, under the name *mruidfear*, he is inserted between the *garaid* (AL v. 84) and the *fer midboth*. The word appears as *bruigfeoir* in the commentary in § 12, obviously an echo of the *mruigfer* in *Críth Gabl.*, but this is just a bad guess, for the *mruigfer* represents the principal type of *bóaire*, in some ways the 'normal person' of Irish law (cf. *ibid.*, p. 78). In gl. 9 as well as in the gloss on O'C. 213, the *bruider* is identified as the *foltach fuithribe*, a man who owns land but has no stock (see AL iii. 142 ff., etc.), but this is equally wide of the mark, if only because the *f.f.* is clearly an adult, whereas the *b.*, like the *inol*, must be a youth of under 14 (the lowest age of a *fer midboth*). For the *inol* cf. Ir. Recht, p. 87. His honour-price amounted only to a single fleece according to AL v. 80, a passage quoted by the glossator ([11]), who was obviously embarrassed by it. For why should this minor receive twice the amount of his honour-price for a 'one-grain' wound? None of his alternative 'explanations' of the discrepancy will hold water. I am not sure whether *catu*, gen. *catad*, is really the same word as *cáiu* (abstr. from *cáid*) or whether it is a more technical term connected with wool. Incidentally, a commentator on UB (AL v. 80. 18 f.) also noted this discrepancy and quoted from our text in his equally unhelpful attempts to reconcile it.

The *cáera forcsen*, which also occurs in § 8, is clearly worth less than the *cáera innraic*, the 'standard' or fully-developed sheep (for the semantic history of this word cf. Trans. Phil. Soc. 1959, 20 f.), but one can only guess at the nature of the difference between them. None of the hitherto attested meanings of *forcsiu* (v.n. of *for-acci*, perhaps also of *for-ci*) seems to fit the present context. If it is used as a virtual synonym of *freiscsiu*, one might conjecture that it means 'a sheep with expectation', i.e. one which has not yet matured but will eventually develop into a *c. innraic*. On the other hand the expression *caera co lí* 'a sheep with [its] wool' (AL i. 122. 11, etc.) may conceivably stand for the *c. innraic* of our text, in which case *c. forcsen* would be a shorn sheep. But here, like the glossators, I am only guessing. The 'etymological' explanation in § 8[1] (*re fírdecsin*) tells us nothing, and the elaborate (and highly rhetorical) description of a *c. innraic* in H 3. 18, p. 146[a] (O'C. 251) affords no clue to the difference.

The form *e(i)rginn* (gen.) is not attested elsewhere, but it is so written in AL v. 80. 20 and in O'C. 213, both of them quotations from our text. Is it a syncopated form of *errach-cenn* 'beginning (or end) of spring'? The longer form (gen.) *fogumraid* (miswritten *fogebrind* AL, *fegeibhrind* O'C. 213) < *fo-gamrad*, as opposed to normal *fogamar*, also seems to be peculiar to this context.

I do not understand the syntax of *screpal ata* (or *a tá*?) *fiu a cet*[*h*]*rar* at the beginning of gl. 11, and my translation is purely tentative. Normally the *screpal* contains only three *pinginni*. The *crosóc*, a smaller unit than the *screpal*, was apparently valued at $2\frac{1}{4}$ *pinginni*, cf. AL v. 437 n., 23 Q 6, p. 39 (O'C. 1783). It may originally have meant some Anglo-Saxon or Norse coin (stamped with

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a cross?), though Joyce (*Social History* ii. 383, 385) argues that it was 'a very ancient native coin, quite independent of pinginns and screpalls'.

§ 14. For *innota*, lit. 'long-pointed', see Contribb. s.v. *ind-fota*. It is apparently the oppoite of *cruinn*, which refers to a wound made by a single straight thrust. The preceding word looks much more like *inad* than *mad* (which I have translated). If so, it must stand for *indid* = 'when it is'; the sense is not affected.

§ 15. For the equation inch = thumb in early measurements, cf. Schrader Reallex. ii. 41, also W. *modfedd*, Fr. *pouce* (< *pollex*). According to Hoops (Wald u. Kulturpflanze, p. 277, quoted RC xli. 201), the smallest unit of measurement of the Indo-Europeans was a grain of barley. If so, the measurement given in the notes on § 2 is strikingly confirmed.

§ 16. The emendation of *isinnaithiuch* to *i siu* (cf. Gramm. § 480) *nad tiug* would be easier to defend if *acht rop* could be translated 'except it be', but in such an old text this would surely require *acht ma*. The main sentence makes good sense as it stands: the leech gets one-third of the mulct which is payable to every class of person for a 'two-inch' wound in a fleshy part of the body. This was regarded as less dangerous than such thinly-covered areas as the 'twelve doors' (2 A), and hence less liable to lead to a fatal conclusion. But the explanatory clause seems to be negative; lit. 'in that which is not thick nor without danger to life' (cf. *éccell .i. ciall ēcca* O'Mulc. 356). Accordingly one might think that the rule was rather as follows: the leech gets one-third of the penalty for a 'two-inch' wound except when (1) it is in a fleshy part, when he is entitled only to one-fourth (cf. gl. 6) and (2) it is dangerous to life, when he receives one-half. Yet there is nothing in the other sections of our tract to support this construction, and I am inclined to think that the explanatory clause has been corruptly transmitted. The glossators are even more perplexed than usual by the present rule, and their alternative 'explanations' seem to have no contact with reality. For *anaicne*[*d*] in [5] see p. 8, *supra*.

§ 17. Cf. p. 11, *supra*. For the 'completive' function of the ordinal *fichet-mad* see Watkins, *Lochlann*, iii. 288. Does *galar fuail*, which is equated to a haemorrhage, mean retention of urine?

§ 18. For *robo . . . rodbo . . . rodbo* see Watkins, Celtica vi. 49. This fragment is often cited elsewhere as the basis for voluminous (and almost entirely uninformative) commentaries, e.g. O'C. 1660 f., 1805 f., etc.

§ 19. Cf. p. 11, *supra*.

§ 20. My translation of the concluding words involves taking *cneit* as an error for *cned*. Perhaps, however, following the glossator's interpretation, we should read *folō cneit* '[and] who endures the groaning [caused by the pain of the fracture]'. In the legal language the subjunctive is freely used in this kind of subordinate clause.

§ 22. No trace of this curious provision can be found in other legal texts, as the glossator in [2] admits by implication. Apart from the semi-sacred character of kingship in early Irish society, we must also remember that, in theory at least, a blemish such as might be caused by breaking a bone would make the king unfit for further rule; and since in both cases the fracture is presumably the result of

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violence offered to the king, it constitutes a peculiarly heinous crime. One would expect the penalty to be more severe when the violence is offered in his own residence than when he is attacked elsewhere (lit. 'outside'), e.g. on a circuit of the territory ruled by him. In the latter case the value of the land awarded to him is exactly the honour-price of a tribal king (*rí tuaithe*, cf. Críth Gabl. 450); according to the gloss it includes the actual place in which the outrage occurred. How exactly the equivalent value (*aithgein*) of the king's house and its equipment would be calculated I do not know, but it would doubtless be higher than seven *cumala*.

The form *combāsaigt[h]er* in [1] and [3] could be read as *co mbāsaigther*, but it looks more like a nonce-formation coined to supply an 'etymological' gloss on *con-apastar* (cf. p. 3, *supra*). The precise meaning of *rosia* (presumably for *ro-sá*) *leis* in [4] is obscure to me. In [5] *ecraidter* may be an error for *ēirnigther*, 'is paid'.

§ 23. For a discussion of this rule, which belongs to the subject of *othrus*, see ÉRIU xii. 103. The gloss *fírénaigther no ráiter* shows that the glossator understood *brogaid* as = *brígaid* (or rather *brígthair*, pass.), which gives no sense here. In such an old text the form must originally have been *mrogaid*; hence we may infer that the gloss was not supplied until after the Middle Irish substitution of *br-* for *mr-* had already appeared in a manuscript of the text.

The clause *dinach gell guaissi i nanma ail* presents some formidable difficulties which the glossator does little to solve. But at least he is right, I think, in taking the first word as = *muna*, the neg. of *dia* 'if' with inf. pron. (cf. p. 231, *infra*). On the other hand it is extremely doubtful whether I am right in construing *guaissi* as a verb (more correctly *guasa*, subj.) rather than as gen. of *guas* 'peril, risk'. Has the verb been dropped by the scribe? And should we read *dinach mbé gell* etc. 'unless he receive a pledge'? The emendation of *anma* to *ainme* is equally uncertain. One could take *g.g. in anma[e]* together, 'a pledge for the danger to life'; but then what is one to make of *ail*? Syntactically it would have to be a verbal form, 3 sg. conjunct pr. subj., but the corresponding forms of *alid* 'nurtures' and *áilid* 'merits, claims' would be *-ala* and *ála*.

§ 24. Cf. pp. 5, 14, *supra*. 'Mayhem' is perhaps the nearest one can get to the legal meaning of *imsercu(i)n*, *im(m)esorcun* (the longer unsyncopated form is doubtless modelled on *esorcu(i)n*) in the present context. The word may sometimes mean 'mutual smiting, hand-to-hand fighting', as in Corm. 740, but here *imm-* seems rather to have intensive force. Only four, not five 'types' are listed. True, by supplying *imsercu(i)n* after *talmain* in (3) one could make an additional item: 'mayhem which does not entail *othrus*' etc., in direct opposition to the last item. But there is nothing in the gloss that would suggest any such omission, and a decisive argument against it is provided by a passage in another tract (AL v. 476. 25): among the things which entail a penalty of five *séoit* (cf. gl. 10 of our text and the reff. given there) is *imeasorgain* (*imsergun* O'D. 441) *oca teilgtar fuili na dligead othrus* 'mayhem in the course of which wounds are inflicted which do not give a claim to sick-maintenance'. This seems to be identical with (3) of our text.

§ 25. Cf. pp. 3f., *supra*. This particular Laidcenn ('Snow-head', cf. O'Rahilly, ÉRIU xiii. 143) is not mentioned elsewhere and was obviously unknown to the glossator, who is reduced to supplying a fantastic etymological explanation of his

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patronymic. The statement that he was a Ulidian is doubtless also guess-work. In view of the gloss the name is unlikely to be a mistake for L. mac Baircheda.

There seems to be no cpd. **con-foichlethar*, so I have taken *con* as a sentence connective (cf. Watkins, Celtica vi. 9 f.). Emendation to *con- . . . fodlaither* ('apportionment is made according to wounds') would appear to be excluded by the gloss. I am not sure that I have divided the remaining clauses correctly: *castar* may go with *comluind* (cf. the alliteration). Perhaps *gres gal* is a cpd., but cf. *ar gressaib gal* Thes. ii. 293. 20.

Later commentators distinguish between *bānbēim fācaib fēith fo saeth* (AL iii. 360. 22) and *bānbēim na fāgaib f. fo s.* (O'D. 826 etc.); undoubtedly they have taken the expression from our text, for it is found nowhere else. The former is identical with item (2) of the tariff printed p. 14, *supra*, as well as with the present section and § 24 (i); the blow, though it does not draw blood, causes soreness and discoloration. The latter, the simple *bánbéim*, is not dealt with in our text at all, but it obviously corresponds to item (1) of the tariff on p. 14, the penalty for which is an ounce. It is clear that the penalty for the injury described here is three *séoit*, as stated in the gloss and, indeed, implied in the following sections (which describe injuries punishable by fines of four, five, six, and seven *séoit* respectively). Hence either *tri* has been omitted before *seota* (= *-u*) or the numeral is contained in the final word *tris*. I can make nothing of *tuinn*, acc. or dat. of *tonn* 'skin', which seems out of construction. Conjunct *-samailter* is more likely to be an example of Bergin's law than ipv. pass.

§ 26. It would be unsafe to conclude from the gloss that this section originally began, like the next, with *Trummu*, though it may have done so. I have followed the glossator in reading *nōad* (rectius *nōud*) for MS. *gnodad*, since *urdarcugud* is the conventional gloss on *nöud*. This word really means 'announcing [cf. Lat. *nuntiare*?], making public, rendering conspicuous', and I have taken it here to be compounded with *ard*, which is sometimes used in the sense of 'lump, swelling', for this section is concerned with the *cnocbéim* (p. 14, *supra*) or *cnoccimesorgain* (§ 24 (2)).

A cpd. **con-foilgi* is not attested elsewhere, and even if it was, the fem. infixed pron. would debar us from construing it as reflexive here ('hides itself'), since *dath* is masc., and the same objection applies to the emendation *conda foilgi* ('so that it hides itself'). The reading I have finally adopted (*ceta-* for *cota*) receives some slight support from the gloss *ar tus*, but it is of course purely conjectural. In the concluding clause I have construed *dignu* as dat. of accompaniment. The glossator gives no support to this, but his own 'interpretation' is impossible to reconcile with the syntax of the text.

§ 27. Cf. p. 14, *supra* and note on § 24. I have no other examples of a cpd. *to-uss-dlong* of which *todlach* would be the v.n. The emendation of *toruth* to *to-reth* (v.n. *toreth*, later *torad*, cf. Ériu xii. 215), though very doubtful, at least makes the clause syntactically comprehensible. The glossator in [3] regarded *comairser* as belonging to *con-ric* (subj.?), but this would not have had a deponent subj. in the Old Irish period. In [4], on the other hand, he puts it to *con-midethar*, and if we emend to *-comaimser*, this could be perfective pr. subj. (*com-ad-messer*, with irregular syncope by analogy with *-aimser*, the corresponding form of *ad-midethar*). But it seems preferable to keep the MS. reading and take the

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form to be 2 sg. pr. subj. of *com-arc-* (prototonic by Bergin's law), though this verb must here have a somewhat wider meaning than 'inquire', perhaps 'seek out' or 'demand'.

As for *cundlau*, the suggested alteration to *con-dló* (subj. of **con-dloing*) is almost a counsel of despair, but I can think of no alternative that gives any sense. And what general meaning is to be extracted from the final clause? It is at least clear that *felmac* or *fátha felmac* (§§ 28, 29) is used as a kenning for the leech. Since, to judge from the other descriptions of this type of injury already cited, medical attention is hardly required by the victim, one would expect the final words to state that the injurer need not provide a leech. But *tar freccur felmaic* (*sic leg.?*) must surely mean either 'despite the care' or 'despite the opposition' of a leech. The glossator gives two conflicting interpretations, both of them probably wrong.

§ 28. My translation is purely tentative. On the strength of gl. 2 (*toich*) I read *to-ch- . . . airi*, subj. of *do-airic* with infixed *-ch* (see Celtica v. 83 f.) and tmesis. On the other hand, against gl. 3 I take *loch* as = *lóg* and *ara cutma cenn* as = *ar c[h]enn a c[h]utma*. My interpretation of *suede* as = *i suide* is very doubtful, and *berthe* (hardly *brethe*) is quite obscure in the present context. But if this is really the 'bandage-wound' which requires the attendance of a leech (cf. p. 14, *supra*), then the information furnished by the later commentators as to the patient's condition is grossly inaccurate. They represent him as capable of moving about unaided, and even of undertaking a journey (see ÉRIU xii. 132), whereas here he is clearly bed-ridden, or at least (if *adart* means a prop rather than a pillow) confined to his house, whither the penalty of six *séoit* is dispatched by the injurer.

§ 29. The glossator in identifying this type of injury with the *ininnraig secht sét* is following the headline set by the later commentators. Once again these describe the patient's condition as much less serious than is implied here. According to them, although he is not so mobile as the victim of an *ininnraig sé sét* (§ 28), since 'he can sit up only if his shoulder is [propped] against a pillow or if he has someone to support him', yet 'he can make a circuit of the townland (*baile*) in which he lives, wearing his bandage' (ÉRIU xii. 132). Other commentators, however, perhaps influenced by the present section, describe *freislige* 'confinement to bed' (lit. 'lying down') as inherent in this kind of injury (e.g. *int ininnraig 7 freislig[e] na .uii. sēt* O'C 373, 1824, etc.). I am still convinced that this second 'bandage-wound' and the symptoms associated with it are an invention of the later jurists, though whether they got the idea from a section in Cáin Adamnáin (§ 44), as I formerly suggested, now seems more doubtful. Imperfectly understood fragments of other ancient texts, including the present section, may also have contributed to this 'reconstruction'. Be that as it may, the fact remains that the injury described here is not a 'bandage-wound' but rather the fourth and gravest type of 'mayhem' listed in § 24, that which involves 'sick-maintenance, fore-pledge and after-judgement'.

I have given to *fecht*, which stands in the same relation to *fichid* as *recht* to *rigid*, *lecht* to *laigid*, etc., what I believe to be its original meaning of 'fight, assault'. But my interpretation of *fir airgill airi ngniter* as *fir* (gen.) *airgell ara ngnither* is extremely doubtful, and I can make nothing of *sin* in this context.

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§ 30. Cf. p. 16, *supra*. O'Dav. has two extracts from this section:

(1) 90, . . . aisil .i. inatt, ut est a comcisnib aisli i clanntar crecht .i. biaidh iarmbr⁻ ann iar comdechsain in inaid in roglanath l in roclannadh in crecht. (2) 927, Formna .i. imad l forgla, ut est cumal cainchoisi formnaib ech nallmuire .i. imad nech inti dar oll in mara .i. a forgla sin dona eachaib dar oll in mara ('i.e. many steeds for it (sc. the injured foot) "across the greatness of the sea", i.e. (= or?) that [injured] man's pick of the steeds that are brought "across the greatness of the sea" ').

The distinction drawn here between *on*, *anim*, and *esbaid* is also found elsewhere (e.g. AL i. 176. 16 f., ÉRIU xii. 60, § 63, etc.), but the glosses may be conventional rather than accurate. (For other and more fantastic interpretations of this triad, see Contribb. s.v. *on*.) I take *formnaib ech n-allmuire* to mean that a man whose leg has been permanently injured so as to disable him from walking is entitled to be provided with a riding horse as part of the *cumal* which is the initial fine for *iarmbrethemnas*. But the use of the plural, which is confirmed by the citation in O'Davoren, is very strange. Keeping the first *lennaib*, one could translate 'in liquids', which would mean that the mulct is paid partly in cattle, partly in linen mantles, and partly in malt liquor; much more probably, however, it is mere dittography, though the two *lennaib* are at least as old as the gloss. In the final sentence, a possible alternative is *Léir* (ipv.) *cum*ail: 'Reveal (or 'publish, make clear') a *cumal* [as the *iarmbrethemnas*] for a hand', but a cpd. *Léirc*[*h*]*umal*, manufactured for alliteration, is much more likely (cf., however, p. 19, *supra*).

A fragment of text cited in AL iii. 344 y and O'C. 1813 runs: *Trian do airget in cach eiric*, 'One-third of silver in every *éric*'; the commentary in O'C. 1813 f. (which is fuller than that in AL) clearly takes this as referring to the fine for *iarmbrethemnas* alone.

§ 31. Here we are apparently dealing with the additional penalties (*iarmbrethemnas*) for facial disfigurement, (cf. pp. 17 f., *supra*), but much of this section is obscure to me. Thus *tres*[*s*]*a turgabail* could also mean 'stirring up a fight' (cf. *turgbail . . . ar dtreasa* MR 98. 3), but this hardly seems relevant to the present context. The glossator takes *turgabail* (rectius *turcbál*) in its legal sense of enforcing or levying, but again this is unlikely to be the meaning here. In Celtica v. 85 I suggested reading *ferthair* for MS. *ferr*, but a less drastic change would be ipv. *fer* (though one would then expect *cumail n-innraic*). In any event the gloss gives no support whatever to either emendation, hence both are extremely doubtful. I also suggested taking *airtreib* as dat. pl. of a loanword from Lat. *arteria*, but this seems to be a very late borrowing (cf. Contribb. s.v. *airtire*), much too late for such an archaic text. Hence I now propose *airthreib* dat. sg. of **airthreb*, perhaps 'portal, vestibule'. Is the author here referring to mental derangement following a wound in the region of the brain? If so, one would expect a much heavier initial penalty for the *iarmbrethemnas*; indeed it is difficult to see what difference there is between the *cumal* due for a lasting injury to the forehead and the *cumal innraic* that is payable when the brain has been penetrated. For the *cain uachtarach* and the *c. ichtarach* in glosses 2 and 3 cf. ÉRIU xii. 130[3]: the second is clearly a deeper perforation. I am now inclined to take *to-c*[*h*]*-saig* as ipv. (in Celtica v. 85 I suggested that it was pr. ind. 3 sg. 'and he levies' or 'and it entails'). For infixed *-ch* would surely require the deuterotonic form in the ipv. of a cpd. vb. just like an infixed pronoun.

The glossator could obviously make nothing of *diupænath* (written together in MS.), for he contents himself with a far-fetched 'analysis' of it as *diupae* and

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áith. Formally it could be 3 sg. ipf. of *di-uss-ben*, but this is syntactically impossible in the present context (even if one takes *di* to stand for the conjunction *dia* 'if', the subj. would be required). I do not know whether the words *nath neclaig ailig br- berdai basith* have been correctly transmitted, or even whether they form a single clause; in any event they are quite obscure to me. The gloss on *ailig br- berdai* seems to be an echo of the phrase *trénailig frisa n-astaiter bretha in betha* 'the strong rocks to which the world's judgements are fastened' in the preface to the *Senchas Már* (ZCP xvi. 175); elsewhere these are called *ailig anscuichthi* 'immovable rocks', e.g. Bürgsch., p. 21, § 62 etc. But the reference to an 'irreversible judgement' does not seem to be relevant here. So too the attempt to explain *basith . . . cumal* as *ba sī cumal* is certainly wrong: the alliteration requires stress on the first syllable, though I cannot say whether the word concludes the previous sentence or begins a new one (more probably the former). Similarly *direnar* (which can be either deuterotonic or prototonic) may go with the preceding words rather than with the following (as I have translated). Following the gloss I take *chraothenech* (written together in MS.) to be a mistake for *[cain-]chrotha enech*. For the *crólige cumaile* (12, 16), doubtless invented by the later jurists, see ÉRIU, xii. 131.

In the following sentence *huile nard nuag* (so separated in MS.) yields no sense to me. But by reading *huilen[n] fri ard nuag* one gets something like the fragment of text (6) quoted p. 14, *supra*. This is glossed *o bias ina lige ris 7 'uille risin adart co ard* in O'D 831; cf. also *muni rab se 7 a uille frisin nadart co hard* O'C 694. Perhaps *ard* in our text is a mistake for *adart*, or is it a 'rhetorical' metaphor? I take *ar seotu said* as tmesis for *ar-saig séotu*. For the meaning of the last clause cf. p. 18, *supra*. In Contribb. *aidbred* (more usually *aidbriud*, v.n. of *ad-fíri*, cf. Bürgsch., p. 72, n. 3) is translated 'act of suing, claiming', but this is merely a secondary meaning which has been deduced from an incorrect explanation in O'Dav. 111. The original meaning of *ad-fíri* is 'verifies, identifies, draws public attention to'. It is often used in the Laws to describe a preliminary to litigation, as, for example, when the owner of stolen property identifies it in the possession of another person and formally accuses him of theft, or in Cáin Domnaig (cf. pp. 162 ff., *infra*) where *aidbriud* and *acre* are kept rigidly apart, the former meaning the public identification of the Sabbath-breaker by one person, who is then joined by others in bringing him to justice. But an example which is much closer to the primary (as opposed to the strictly legal) meaning of the word, and which is also much more relevant to the present context, occurs in AL i. 72. 29, a late recension of the old saga edited by me in ÉRIU xvi. 37 ff.: corresponding to *arna beth druth na hoinmid ann arna toirbeitis a ainim ina inchaib* ('so that there might be neither fool nor half-wit therein lest they should taunt him with the blemish in his face') of the old text (§ 7) we have *arna beitis druith na oinmiti and na æs aidbreda ainme for inchaib ind rig* '. . . nor people who would publicize the blemish on the king's face'. Cf. further *ar aithbriuth a anmae* (tr. 'um seinen Makel geltend zu machen') Bürgsch., § 66. In our text, therefore, as well as in the late commentaries purporting to be based on it, *aidbriud* means not 'a kind of injury', as tentatively suggested in Contribb. s.v., but rather drawing attention (by a third party) to a blemish which has resulted from a previous injury and thus shaming the victim in public.

§ 32. Cf. p. 17, *supra*. The first three words are cited in O'C. 231, 1851, accompanied in each case by a long commentary which partly corresponds to

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AL iii. 346 ff. I take *derlait*[*h*]*er dil* to be the figura etymologica, and *dina* to be the negative of *dia* 'if' (see p. 230, *infra*), but it could also be the rel. of *do*.

§ 33. We now leave the subject of *iarmbrethemnas* and revert to the wergilds for wounds in different parts of the body. The present section deals with wounds in the face. But the detailed tariff of compensation was obviously quite unknown to the glossators, whose efforts to reconcile it with more familiar rules go to the most absurd lengths (cf. p. 9, *supra*). It seems clear that all the items are comparatively slight wounds which do not require a leech to treat them: the minimum penalty for an injury which needs medical attention is apparently six *séoit* (cf. § 28 and p. 14, *supra*), whereas none of the items here entails a mulct of more than five. Only two of them carry this penalty, hence we must assume that *fuil srúbe* (2) involves more than simple nose-bleeding; it probably implies damage to the bone or cartilage as well, and this may be why *srúb* rather than *srón* is used here (contrast *fuil tsrona* AL v. 478. 24). Of (1) Dr. Logan writes: 'A wound between the eye-brows and the hair line would be very likely to heal quickly, and even if a large piece of the scalp is detached, it probably will join up again.' Of (3): 'The compensation for a wound inside the hair line seems rather small. But provided there was neither a depressed fracture of the skull nor infection, the wound would heal easily, and since it was within the hair line it would not be visible to others.' For [*bó*] *trelaeg* see p. 231, *infra*; *cuinnid* = ipv. *cuindig*.

O'Dav. 1477 quotes (4): *Smech .i. smeget, ut est .u. sétaib saighe smech smit- .i. fuil asa smeget.* I do not know on what evidence the editors of Contribb. S have decided that *smech* 'appears to be an *o*-stem, m. or n., later perhaps *ā* f.'; the latter seems to be the flexion in most of the exx. Hence read here *smeich smitaig*, or if it be the subject (taking *saidid* = 'is established, rests' to be the true reading, not *saigid*), then *smech smitach*. This adj. I take to be derived from (Mod. Ir.) *smioda* 'piece, fragment' (cf. also *smidirín*), although the noun is not attested until a very late period; connexion with *smitt* 'lobe of the ear' seems excluded by the context. Or was there a vb. **smitaid*, as the glossator suggests? If so, read *smeich*(*e*) *smitad*? Dr. Logan suggests, in view of the relatively high wergild, that this injury involved fracture of the lower jaw. On (5) he writes: 'probably the sort of injury to which boxers are liable, followed by a black eye and swelling which may close the eye'. On (6): 'The hollow means the arch of the upper jaw. A blow here would cause swelling of the upper lip, but probably little further damage.' And on (7): 'This refers to the prominence called the mastoid process, which is very strong and not likely to be broken by any ordinary blow, though it might be painful.'

§ 34. It is just possible, though very improbable, that *fodlaib* is here a mistake for *foglaib* (and *fodla* in the commentary for *fogla*); if so, transl. 'injuries to the teeth' rather than 'divisions of the teeth'. The old names for the different teeth, which were apparently obsolete by the time of the glossators, are interesting survivals of Irish pre-Arabic medical terminology. The two upper central incisors are called 'the two diggers' (lit. 'shovels',* acc. dual of *sluasat*), and carry a penalty worth twice that of the corresponding pair in the lower jaw, doubtless because the loss of them was felt to be the greater disfigurement. As for *da foilngid*, I have translated 'the two proppers', taking the word to be the noun of

* Dr. Logan informs me that in Co. Leitrim prominent upper front teeth are still so called.

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agency from *fo-long-*, but it might equally well be formed from *fo-ling-* 'springs up from below' (sometimes used of a dog's method of attack).

The next word is of some importance for the early history of Irish. According to Marstrander, Dict. s.v., it is just a 'literary' borrowing of W. *dant*. Yet its most frequent use is as the first element of the cpd. *dantmír* lit. 'tooth (?)-morsel', which seems to mean a piece of food offered to the dead, and Marstrander himself notes that 'the appearance of the W. form *dant* in a word like *dantmír* is strange'. On the other hand O'Rahilly, though he does not refer to it in any of his published work, would undoubtedly have claimed *dant* to be the 'Ivernic' form of Goidelic *dét*. At all events, whether it be of pre-Goidelic or borrowed origin, the word is used here in a much more technical and restricted sense. Since it is in clear juxtaposition to the 'two binders from below' (the lower lateral incisors), we may infer that it means the two upper lateral incisors. Whether the spelling *doant* in our MS., coupled with the presumably 'etymological' glosses *do* (= *dá*?) *teinnit* (= *-id*?) and *dathant* (= *dá thant*?) and the further explanation *isin déde* (7), justifies emendation to *dá dant* is very doubtful. For the item appears in O'Dav. 678 as follows: 'Dant .i. bél, ut est a sé aili ina (*sic leg.*, not ma[d] with Stokes) dant daimt*er* (*recte* by Bergin's law).' Although the true meaning was unknown to O'Davoren, his evidence as to the form of the head-word is probably reliable.

In *dá thuidmid* (*sic leg.?*) the second word is presumably the noun of agency from *to-di-men-* 'binds, makes fast' (cf. ZCP xvi. 273 f.). It should be noted, however, that the glossator takes this (8) and *foilngid* above (4) as past participles, mistakenly, I feel sure. Rather doubtfully I have translated *-tarsaig* as though it were 3 sg. prototonic of a cpd. **tarmi-saig* 'advances beyond', though no other example of this vb. is attested. If the basic form of the preposition was **tares* (see Gramm., § 854), then *-s-* (< *-s-s-*) would be preserved in close composition, at least in the early period of the language; the *m-* suffix which appears in the pretonic forms and eventually spreads to the prototonic (*-tairmthiagat*, *tairmthecht*, etc.) is clearly secondary. Cf. *tairsce* 'traversing, overrunning', a form of trespass by animals, and perhaps also *tairsitiu* 'inundation' (v.n. of **tar-sem-*, not of *to-air-ess-sem-* as suggested in Contribb.?) and *tairsech* 'threshold'.

The curious MS. form *iardêten* (g.pl.) may be due to contamination with *détgen* 'set of teeth'.

The commentary at the conclusion of this section, which, except for the final sentence, is also found in other legal MSS. (e.g. AL v. 354. 8 f., O'D 912), embodies a somewhat different tariff of fines. The technical terms, too, are different. Each of the four central incisors (two upper and two lower) is called *clárfiacail*. For the lateral incisors (and the canines?) the term *dine*, probably the same word as *dine* 'group, set, series' (see Contribb. s.v.), is used, while the remaining teeth are lumped together as *cúlfiaclai*. The commentator in each case increases the penalty by adding the whole or a fraction of the victim's honour-price; cf. p. 15, *supra*.

§ 35. I doubt very much whether the glossator is right in his explanation of *i sula seit*. True, the meaning of the words seems to be 'for the path (or course) of the eye'. But the loss of one or both eyes has already been dealt with (§ 21), though possibly in what was originally a separate text (cf. pp. 4 f., *supra*). The present section is concerned rather with the hands and feet, and one would have

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expected injuries to the eye to be mentioned among the *rannuib enech* (§ 33). But I can suggest no other rendering; apart from dat. sg. *seit* in Buile Śuibne (see Contribb. s.v.), where the translation 'house' is very uncertain, there seems to be no alternative to *sét* 'path' (for exx. of *séit* as dat. sg. see Contribb. and Gramm., § 209). Perhaps, then, the meaning is, after all, that an equal wergild of twenty *séoit* is due for an injury leading to the loss of either hand or eye, but the wording is very strange.

In the following sentence I have taken *argid* as = *airguid*, ipv. of *ar-guid* (v.n. *airguide*); it could, of course, be gen. of *argat*, but 'a silver thumb' (cf. Nuadu Argatlám?) seems unlikely in this context. The glossator's *aisneter* may be intended to 'explain' either this word or *slicht* (mistaken for ipv. *sich* 'say'?). I do not know whether *slicht* is to be taken with the preceding or (as the scribe obviously thought) the following words; in either case the meaning remains obscure to me. As it stands, *condendeich* could mean 'so that' (or 'and') 'he vindicates it (sc. *cos*)', with the archaic form of the fem. infixed pronoun followed by nasalization (see ÉRIU xvi. 151), but emendation to *conid dédeich* 'so that it is two tens' would give better sense, and this is also the glossator's interpretation.

For *noch-dlig* (*sic leg.*) *somul n-eich* see Celtica v. 90. The meaning of the second word continues to elude me, and 'well-balanced' is a highly doubtful rendering. I take *ségamlaid* to be the noun of agency from *ségamail* 'lactiferous', hence 'milk-producer', a kenning for 'milch-cow'. For the gloss *su-genamlaid*, cf. *co tucustar sē suiginamlacha* AL i. 66. 8 and ÉRIU x. 129 (where Plummer's ingenious emendation is almost certainly wrong); in both cases it is clearly 'etymological', but I cannot analyse it. Whether *sain* really means 'separate, special' here is uncertain; the gloss (*comláin*) seems to point to *slán*.

§ 36. *Lanad*, the MS. form, is certainly wrong, but it is difficult to suggest the right emendation. Either *lámad* 'shooting at' or *lénad* 'hurting, wounding' is possible. In favour of *lámad* one can point to *aurc*[*h*]*ora* (gen.) 'cast' in the next sentence, but after some hesitation I have translated *lénad*. I think *toimsi* is more likely to be v.nec. of *do-midethar* than an error for *-toimser* jussive subjunctive, as the glossator interprets it. The latter is completely baffled by *timarr seis*; his explanation is fantastic. The sense appears to be that a cow after calving is the normal penalty unless the injury prevents the victim from performing some function or engaging in some activity; if so, the amount will be increased. But what is *seis* (or *séis*)? Even if we postulate an archaic form **sess* 'sitting', a substantivized use of the old verbal adjective (*sed-to-*) like *lecht* from *laigid*, it is hard to see how the most severe damage to the tibia could 'hinder sitting'. I do not know what was intended by the additional gloss on *seis*, interpreting it as a request or boon (*ítgi*).

§ 37. Cf. pp. 15 ff., *supra*. This section apparently consists of two quatrains in loose *rannaigecht*, the first 7^2+5^2, the second 6^1+5^1. It is occasionally cited elsewhere, e.g. AL iii. 524. 20, O'C. 233, 1816, etc. (cf. also the gloss *an*(*d*) *.i. annus .i. bliadain* O'C. 120, 123, 1418). I have taken *asbeir* as = *asberr*, but the MS. reading may be right: 'he (*sc.* Dian Cécht)' or 'it (the text) says'. In the concluding sentence the antecedent of the rel. clause is omitted (cf. ÉRIU xviii. 46 f.), but the real difficulty is the vb. *trác*[*h*]*tfaid*. Normally one would translate it 'shall treat of, shall discuss' (a loanword from Lat. *tractare*), but I cannot fit this sense into the present context. On the other hand, whether I am right in

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taking it as the denominative vb. from *trácht* 'strand, beach' (see Contribb. s.v. 2 *tráchtaid*) is quite uncertain. In legal texts *bélre* can mean (1) the legal language as such, (2) a particular law tract, and (3) the law in general. Whether it is nom. or acc. (as I have taken it), the qualifying adjective *binn* gives a bad rhyme with gen. sg. *cinn*.

Zu *Gúbretha Caratniad* § 39

Der in diesem Paragraphen enthaltene 'falsche Urteilsspruch' des Caratnia lautet nach Thurneysens Ausgabe (ZCP xv. 350): 'Rucus ērice do mnaí nad·ēge oca forcor.'—'Ba gó', ar Conn, 'nod·birt', '[Ba] deithbir, ar ba i ndithrub for·corad'—'Ich entschied, daß einer Frau, die bei ihrer Vergewaltigung nicht aufschreit, Buße bezahlt werden muß'; 'Du entschiedest falsch', sagte Conn. 'Ich tat es sachgemäß, denn sie wurde in der Einsamkeit vergewaltigt.' Thurneysen vergleicht Heptas XLVII (AL v. 272). Dort wird unter den Frauen, die vom Tater weder auf ihren Ehrenpreis noch auf die Buße fur Korperverletzung Anspruch haben, genannt: *ben forcurtar i cathair na·fōccuir co·ndichet do rāith* 'eine Frau, die in der Stadt vergewaltigt wird und nicht ruft bis er (der Tater) weggegangen ist'. Der Sinn dieser Rechtsordnung ist klar: Eine Frau muß, um Anspruch auf Buße und Ehrenpreis zu haben, bei ihrer Vergewaltigung aufschreien, es sei denn, daß die Vergewaltigung an einem Ort stattfinde, wo sie niemand horen kann. In diesem Falle bewahrt sie den Anspruch, auch wenn sie nicht aufgeschrieen hat.

Unser Satz hat im hethitischen Recht eine Analogie, wie ich Friedrich, Die hethitischen Gesetze, p. 86 f., § 83, entnehme: ták-ku LÚ-aš SAL-an ḪUR.SAG-i e-ip-zi LÚ-na-aš u̯a-aš-túl na-aš a-ki. ták-ku Ê-ri-ma e-ip-zi SAL-na-aš u̯a-aš-ta-iš SAL-za a-ki 'Wenn ein Mann eine Frau im Gebirge (in der menschenleeren Einöde, wie Friedrich interpretiert) ergreift (i.e. vergewaltigt), (ist es) des Mannes Vergehen und er wird getötet. Wenn er (sie) aber im Hause ergreift, ist es der Frau Vergehen, die Frau wird getötet'. In seinen Erläuterungen (a.a.O. p. 114) verweist Friedrich auf Analogien im israelitischen Gesetz (Deuteron. 22. 23–27). Dort findet sich auch die Erklarung dafur, warum bei Notzucht im Hause die Frau als (mit)-schuldig gilt: weil dort mehr Menschen in der Nahe sind als auf freiem Felde, hätte sie um Hilfe rufen können.

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