

EARLY IRISH LAW SERIES
VOLUME I

BECHBRETHA


AN OLD IRISH LAW-TRACT
ON BEE-KEEPING



EDITED BY
THOMAS CHARLES-EDWARDS
AND
FERGUS KELLY

DUBLIN INSTITUTE FOR ADVANCED STUDIES

1983



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TO
D. A. BINCHY

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FOREWORD

We hope that this edition of *Bechbretha* will be of interest to students of the Old Irish language and of Early Irish law. As well as the law of bee-keeping, this text touches on many other legal topics, and provides information on the important subject of *comaithches* 'co-operative farming'. The main manuscript, H.2.15A, preserves the Old Irish text particularly well, and we hope that our attempts to distinguish the hands of the different scribes who contributed to text, glosses, and commentary will be of interest to palaeographers.

Although most of our introduction and notes is taken up with textual and linguistic problems, we hope that this book will also be of assistance to those interested in the early history of bee-keeping in Ireland and Britain. In the fifth section of the Introduction (pp. 38-49) we summarise what can be gleaned from *Bechbretha* and other written sources about Early Irish bee-keeping. For this section we have received useful information from Arthur Hunter, Colin Butler, Michael Telford, Morfydd Owen, Ken Saunders, Chris McAll, Daniel Deasy, Oliver Padel, Malachy McKenna, Cathy Crimmins, Katharine Simms, Séamus Ó Catháin and many others. We are especially grateful to Dr. Eva Crane of the International Bee Research Association, and Dr. John Breen of Thomond College of Education, Limerick. Both read earlier drafts of this section, and made many important corrections and suggestions.

The text of *Bechbretha* was studied at a weekly seminar in the Dublin Institute for Advanced Studies from January to March 1976. We would like to thank all who attended this seminar, and in particular to register our indebtedness to Liam Breatnach, Anders Ahlqvist, E. G. Quin, John Armstrong and the late David Greene for a number of suggestions which we have used in our edition.

Above all, D. A. Binchy has been of immeasurable assistance to us during the preparation of this edition, and has been most generous with advice, encouragement and enlightenment. In addition, as he had read *Bechbretha* with Rudolf Thurneysen in Bonn in 1932, he was able to pass on to us some of Thurneysen's unpublished opinions. Both Dr. Binchy and Liam Breatnach read the final draft of our edition, and saved us from numerous errors.

Finally, we would like to thank Miss Cathleen Sheppard and Mrs. Pat Dunne for their accurate typing of our manuscript, Máire Uí Chinnseala for skilfully preparing the book for the press, and W. & S. Magowan Ltd. for the very high standard of their printing.

THOMAS CHARLES-EDWARDS

FERGUS KELLY

A B B R E V I A T I O N S

<i>AFM</i>	<i>Annals of the Four Masters</i> i-vii ed. O'Donovan, Dublin 1848-51
<i>AI</i>	<i>Annals of Inisfallen</i> ed. Mac Airt, Dublin 1951
<i>AL</i>	<i>Ancient Laws of Ireland</i> i-vi, Dublin 1865-1901
<i>ALIW</i>	<i>Ancient Laws and Institutes of Wales</i> i-ii ed. Owen, London 1841
<i>ACL</i>	<i>Archiv für celtische Lexikographie</i> i-iii ed. Stokes and Meyer, Halle 1898-1907
<i>AT</i>	<i>Annals of Tigernach</i> ed. Stokes, <i>RC</i> xvi-xviii, 1895-7
<i>AU</i>	<i>Annals of Ulster</i> i-iv ed. Hennessy and MacCarthy, Dublin 1887-1901
<i>BB</i>	<i>Bechbretha</i> (<i>CIH</i> 444.12-457.10)
<i>BBCS</i>	<i>Bulletin of the Board of Celtic Studies</i> (Cardiff)
<i>B Comaithchesa</i>	<i>Bretha Comaithchesa</i> , <i>AL</i> iv 67-159 (<i>CIH</i> 64.6-79.13 etc.*)
<i>B Crólige</i>	<i>Bretha Crólige</i> ed. Binchy, <i>Ériu</i> xii 1-77 (<i>CIH</i> 2286.24-2305.3)
<i>BFG</i>	<i>Bretha im Fuillema Gell</i> , <i>AL</i> v 375-423 (<i>CIH</i> 462.19-476.26)
<i>BG</i>	<i>Bretha im Gatta</i> ed. Hull, <i>ZCP</i> xxv 211-25 (<i>CIH</i> 477.31-479.18)
<i>BNnÉ</i>	<i>Bethada Náem nÉrenn</i> i-ii ed. Plummer, Oxford 1922
<i>Bürgschaft</i>	<i>Die Bürgschaft im irischen Recht</i> ed. Thurneysen, Berlin 1928 (<i>CIH</i> 591.8-599.38 etc.*)
<i>CA</i>	<i>Cáin Aicillne</i> ed. Thurneysen, <i>ZCP</i> xiv 334-94 (<i>CIH</i> 480.1-502.6 etc.*)
<i>CCF</i>	<i>Cóic Conara Fugill</i> ed. Thurneysen, Berlin 1926 (<i>CIH</i> 2200-2203 etc.*)
<i>CG</i>	<i>Críth Gablach</i> ed. Binchy, Dublin 1941 (<i>CIH</i> 777.1-783.38 etc.*)
<i>CGH</i>	<i>Corpus Genealogiarum Hiberniae</i> ed. O'Brien, Dublin 1962
<i>CIH</i>	<i>Corpus Iuris Hibernici</i> i-vi ed. Binchy, Dublin 1978
<i>CLP</i>	<i>Celtic Law Papers</i> ed. Jenkins, Brussels 1973
<i>CU</i>	<i>Coibnes Uisci Thairidne</i> ed. Binchy, <i>Ériu</i> xxvii 52-85 (<i>CIH</i> 457.11-462.18)
<i>CS</i>	<i>Chronicum Scotorum</i> ed. Hennessy, London 1866
<i>DIL</i>	(<i>Contributions to a</i>) <i>Dictionary of the Irish Language</i> , Royal Irish Academy, Dublin 1913-75
<i>Dw C</i>	<i>Damweiniaw Colan</i> ed. Jenkins, Aberystwyth 1973
<i>EIHM</i>	<i>Early Irish History and Mythology</i> T. F. O'Rahilly, Dublin 1946
<i>Fél. Óen.</i>	<i>Féilire Óengusso Céili Dé</i> ed. Stokes, Henry Bradshaw Society xxix, London 1905
<i>GPC</i>	<i>Geiriadur Prifysgol Cymru</i> , Cardiff 1950-
<i>Grammar</i>	<i>A Grammar of Old Irish</i> Thurneysen, Dublin 1961
<i>Gw C</i>	' <i>Gwentian Code</i> ' in <i>ALIW</i> i 620-797
<i>IEW</i>	<i>Indogermanisches etymologisches Wörterbuch</i> Pokorny, Bern 1959
<i>JRSAI</i>	<i>Journal of the Royal Society of Antiquaries of Ireland</i> (Dublin)

<i>KZ</i>	(Kuhn's) <i>Zeitschrift für vergleichende Sprachforschung</i> (Berlin)
<i>LHEB</i>	<i>Language and History in Early Britain</i> Jackson, Edinburgh 1953
<i>LL</i>	<i>The Book of Leinster</i> i-v ed. Best, Bergin and O'Brien, Dublin 1954-67
<i>LTWL</i>	<i>The Latin Texts of the Welsh Laws</i> ed. Emanuel, Cardiff 1967
<i>LU</i>	<i>Lebor na Huidre</i> ed. Best and Bergin, Dublin 1929
<i>MI.</i>	Milan Glosses on the Psalms (<i>Thes.</i> i)
<i>O'Dav.</i>	<i>O'Davoren's Glossary</i> ed. Stokes <i>Arch.</i> ii 197-504 (<i>CIH</i> 1466.11-1531.28 etc.*)
<i>O'Mulc.</i>	<i>O'Mulconry's Glossary</i> ed. Stokes <i>Arch.</i> i 232-324
<i>Patric. Texts</i>	<i>Patrician Texts in the Book of Armagh</i> ed. Bieler, Dublin 1979
<i>RC</i>	<i>Revue Celtique</i> (Paris)
<i>Sg.</i>	St. Gall Glosses on Priscian (<i>Thes.</i> ii)
<i>SR</i>	<i>Saltair na Rann</i> ed. Stokes, Oxford 1883
<i>Stud. E.Ir.Law</i>	<i>Studies in Early Irish Law</i> ed. Dillon and Binchy, Dublin 1936
<i>TBC</i> (Rec. I)	<i>Táin Bó Cúailnge</i> (Recension I) ed. C. O'Rahilly, Dublin 1976
<i>TBDD</i>	<i>Togail Bruidne Da Derga</i> ed. Knott, Dublin 1936
<i>Thes.</i>	<i>Thesaurus Palaeohibernicus</i> i-ii ed. Stokes and Strachan, Cambridge 1901-3
<i>TPS</i>	<i>Transactions of the Philological Society</i> (London)
<i>Trip.</i>	<i>The Tripartite Life of Patrick</i> , ed. Mulchrone, Dublin 1939
<i>UB</i>	<i>Uraicecht Becc</i> , <i>AL</i> v 1-116 (<i>CIH</i> 1590-1618 etc.* forthcoming ed. R. C. McAll)
<i>VC</i>	'Venedotian Code' in <i>ALIW</i> i 1-335
<i>VKG</i>	<i>Vergleichende Grammatik der keltischen Sprachen</i> i-ii Pedersen, Göttingen 1908-11
<i>VSC</i>	<i>Vita Sancti Columbae</i> Adomnán's Life of Columba, ed. A. O. and M. O. Anderson, London 1961
<i>VSH</i>	<i>Vitae Sanctorum Hiberniae</i> i-ii ed. Plummer, Oxford 1910
<i>Wb.</i>	Würzburg Glosses on the Pauline Epistles (<i>Thes.</i> i)
<i>WLW</i>	<i>The Welsh Law of Women</i> ed. Jenkins and Owen, Cardiff 1980
<i>WML</i>	<i>Welsh Medieval Law</i> ed. Wade-Evans, Oxford 1909
<i>ZCP</i>	<i>Zeitschrift für celtische Philologie</i> (Halle)

*We give only one *CIH* reference in the case of legal texts which occur in a number of MSS. For the other references, see *CIH*, Introduction to vol. i pp. xxiii-xxv.

INTRODUCTION

MANUSCRIPTS

A The only complete copy of *Bechbretha* ‘bee-judgments’ is found in H.2.15A pp. 20a19-26a7 (hereafter referred to as A), the oldest surviving Irish legal manuscript. This manuscript is no. 1316 in the Abbott and Gwynn *Catalogue of the Irish manuscripts in the Library of Trinity College Dublin*. It was published in facsimile by Best and Thurneysen (*Facsimile of the oldest fragments from MS. H.2.15*, Dublin, 1931). It is now in print in D. A. Binchy’s *Corpus Iuris Hibernici* pp. 423-562; *Bechbretha* (hereafter *BB*) is printed at pp. 444-57 (vol. II).

The first fourteen leaves of H.2.15A (numbered 11-38 in the manuscript = pp. 1-28 of the facsimile) are in the same hand, hereafter referred to as the main scribe. Neither his name nor his dates are known, but it is clear that he worked some time before 1350, the year in which the second glossator Aed mac Aedagáin (Hugh MacEgan) autographed the bottom of pp. 36-7. The manuscript was probably written at a law-school belonging to the MacEgan family. A commentary in the top margin of p. 14 shows it to have been present at the MacEgan school of Dún Daighre (Duniry, Co. Galway) in 1575. It may also have been in a MacEgan school in Ormond, Co. Tipperary: the fourth glossator gives Loch Bél Sét as an example of a lake in gloss^c to §49. This lake is probably in the Galtee Mountains, Co. Tipperary—see note to §49.

The hand of the main scribe is clear and uniform, though it is sometimes difficult to distinguish *m* from *in* or *ni*. He starts each tract with a large illuminated capital of zoomorphic design. As well as the first letter of our text, the initial of §42 has been given this treatment—an error which must go back to the common source of H.2.15A and H.3.18 (see Legal Introduction p. 31 note¹). He uses smaller capitals, usually illuminated, to indicate the beginning of a new paragraph. In our edition we have divided the text into fifty-five paragraphs against his thirty-five. Only once have we amalgamated two of his paragraphs (§39, where *Acht* begins a new paragraph in the MS).

He does not give marks of length, nor does he mark lenition of *s* and *f* (except in §49 *dfirainn* for *dirainn*). We usually introduce these marks silently, but where there could be ambiguity we give the MS reading. He (or a later scholiast) has tried to erase the *f* of §42 (24a25) *rofoiscet*, perhaps to indicate lenition—see note.

He was not a particularly accurate copyist and there are a number of cases where he drops words or parts of words from the text (these omissions are usually supplied by later scholiasts). For example, in §8 (20b20) he drops *rosaig*, in §11 (21a8) *is*, in §20 (21b24) *crich*, in §43 (24b3) *do fi[u]r* (by jumping ahead to the following *dodaetet*), in §44 (24b9) the *ti* of *hi tir*, in §47 (25a14) the *-tha* of *iarmotha*, in §48 (25a22) *trian*, etc. Twice he repeats words through dittography: §10 (21a1) *deolaid* and §29 (22b18) *ailles*. For similar copying errors by him in other texts in this MS, see *Facsimile*, Introduction p. x.

His normal method of cancellation is erasure, e.g. §31 (23a6) *conaill* with the *i* erased, §41 (24a12) *bliadana* with the second *a* erased (for similar erasures elsewhere in the MS, see 11a8, 15a5, 17b7, 18b24, etc.). In §5 (20b7) he wrote *sil* instead of *seoil*, but corrected himself by erasing the *-il* and substituting *-eoil*. Where other methods of cancellation are employed, it is probable that later glossators are responsible. Thus at 21a13 *a torad* has been cancelled by putting a dot inside each letter, and in §44 (24b7) dots have been placed under the *ch* of *rochlamethar*. In §26 (22b4) a thin line has been drawn through the *-mu* of *fomamu* (perhaps by the third glossator, see p. 6 below).

He makes little use of suspensions or contractions and seldom modernises the Old Irish spelling of the text. Consequently, most paragraphs can be restored to Old Irish spelling by making a few minor emendations. In those cases where an Old Irish spelling has been modernised, it is of course impossible to say whether this has been done by the main scribe himself, or whether it was already modernised in his exemplar.

The following are the most common scribal modernisations found in the text:

1. O. Ir. final *-i* after a palatal consonant usually becomes *-e*, e.g. §16 *díri* (*-e* MS). O. Ir. final *-e* after a palatal consonant occasionally becomes *-i*, e.g. §46 *faithche* (*-i* MS). O. Ir. final *-iu* is usually preserved, but sometimes becomes *-e*, e.g. §11 *suidiu* (*-e* MS).

2. Final *-o* after a non-palatal consonant always becomes *-a*, e.g. §15 *fedo* (*-a* MS). On one occasion the reverse change takes place: §27 *dara* (*-o* MS). Final *-u* after a non-palatal consonant is usually preserved, e.g. §§24 *smachtu*, 33 *Ultu*, but may become *-a*, e.g. §7 *smachtu* (*-a* MS).

3. Final *-(a)e* and *-(a)i* almost always become *-a*, e.g. §§24 *téchtæ* (*-a* MS), 36 *tetechtai* (*-a* MS). The only exception is §47 *téchtai* (*sic* MS).

4. The O. Ir. diphthongs *oí* (*óe*) and *aí* (*áe*) are sometimes preserved, e.g. §§15 *sóeras*, 30 *rocháecha*, 39 *foíndil*, 49 *óen-*. O. Ir. *oí* becomes *ai* in §25 *saire*, and *ui* in §§ 4, 5, etc. *suire*, 23 *somuine*.

5. Frequently, *i*-glides are found where they would not be present in O. Ir. orthography, e.g. §§16 *comdiri* (*coim-* MS), 18 *derbfine* (*deirb-* MS), 42 *arddnemed* (*airdd-* MS). In some cases an *i*-glide has been written before a consonant which would have been non-palatal in O. Ir. e.g. §§23 *sorche* (*soirche* MS), 49 *ági* (*aige* MS). Occasionally, *i*-glides have been put in incorrectly, e.g. §§23 *folongat* (*-loingat* MS), 41 *bunadach* (*-aidach* MS). After *e*, *i*-glides are sometimes omitted, particularly in the case of nom. pl. *beich* (for which the MS has eleven cases of *bech* against four of *beich*), cf. §§7 *foceirt* (*-cert* MS), 22 *co mbeir* (*-ber* MS).

6. O. Ir. *nn* is sometimes written *nd*, e.g. §§36 *crainn* (*-nd* MS), 37 *cenn* (*-nd* MS).

7. Nasalisation of *t-* is sometimes written *dt-* e.g. §37 *a toraid* (*a dtoraid* MS).

8. Lenition of *c* and *t* is often omitted, e.g. §6 *in chethardóit* (*cetardoit* MS).

9. In the O. Ir. Glosses, the definite article *inna* is occasionally shortened to *na*. As our text was probably written nearly a century before the Wb. Glosses, we restore the long form in all cases. The MS preserves the long form only in §13.

10. O. Ir. *air-* and *tair-* [*<*to-air-*] are sometimes changed to *aur-* and *taur-*, e.g. §§1 *taurgillib*, 26 *taurguille*, 34 *aurthuch* (but §§1 *tairgille*, 45 *airthiuch*). This change is quite frequent in later MSS (see *DIL* s. vv. *airaiccecht*, *airchor*, *airdliged*, *airgart*, etc. which may be spelled with *aur-*). It presumably spread from words with preverbs *air-fo-* and *air-uss-*, which may be written both *air-* and *aur-* in O. Ir. e.g. *aurlam*, *airlam* *< air-fo-lam* (*Grammar* § 823 A).

11. The O. Ir. superlative ending *-am* is written *-om*, e.g. §§1 *annsam* (*-om* MS), 2 *nesam* (*-om* MS).

12. The 3 sg. and 3 pl. of deponent verbs have often been considerably altered from their original O. Ir. forms, e.g. §§5 *aithgenatar* (-etar MS), 6 *aithgenatar* (-iter MS), 12 *dílsigithir* (-igthir MS), -*chuirethar* (-ither MS), 34 -*lamethar* (-iter MS), 37 *suidigetar* (-igther MS), 44, 45 *suidigethar* (-igther MS).

If we are right in dating the text to about the middle of the 7th century (see p. 13) it is probable that the original had archaic spellings such as *toreth* in §17 (*torad* MS), *féch* in §30 (*fiach* MS), *ódib* in §35 (*úadaib* MS), etc. However, unless there is evidence from glosses or from other MSS, we do not restore archaic spellings.

I *First Glossator.* The great majority of the glosses in pp. 11-38 of H.2.15A are in a distinctively spikey and angular hand which has been identified as that of Lúcas Ó Dalláin, who worked in the first half of the 14th century (see *Facsimile*, Introduction p. x and *Analecta Hibernica* x 301 f.). His hand is remarkably uniform but there are occasional lapses into a more careless scratchy style of writing, e.g. 21a22 (where he is trying to fit the end of a gloss into a small space) and 25b9-11 (where he seems to be having trouble with his pen).

Lúcas seems to have made only one correction on the text: the insertion of *trian* in §48 (25a22). Most of the marginal commentary is in his hand and is given in Appendix 1.

For the sake of clarity we restore lenited *f* and nasalised *b*, both of which are frequently omitted in Lúcas's glosses and commentary, e.g. 48^f *doir ind eraind* = *do fíir ind fíeraind*, 1^b *na meach* = *na mbeach*. He sometimes uses *ḟ* to indicate nasalised *f*, e.g. 44^a *i fearand*, 46^e *i faghobar*. He also uses *ś* for *tś*, e.g. 45^e *in śaithe* (glossing *in taithi* of the main scribe), 48^d, 49^b *in śleibe* (For confusion of *tś* and *ś*, see Ó Cuív, *Celtica* x 125).

II *Second Glossator.* The second glossator, Aed mac Concubair mac Aedagáin, wrote his autograph on the bottom of pages 36 and 37 on Christmas Eve 1350 A.D. when he was twenty-one years old. His death nine years later is recorded in the Annals of Ulster, where he is described as *adbur suadh re breithemhnus* 'the makings of a master of law.' He also wrote his autograph at the end of commentary in the margin of p. 22 naming his source as *Leabur Dub* []. The

last word is very faint, and Best (*Facsimile*, Introduction p. ix) makes out . . . *artain*. The last letters might rather be *-gain*, suggesting that his source was *Leabur Dub Mic Aegain* ‘The Black Book of MacEgan.’ No such book is known to have existed, but Keating refers to *Leabhar Ruadh mic Aodhagáin* ‘The Red Book of MacEgan’ (*Foras Feasa ar Éirinn*, ITS vol. ix p. 26) and *Leabhar Breac mic Aodhagáin* ‘The Speckled Book of MacEgan’ (ibid. pp. 294, 362). Both these books are lost: the latter is to be distinguished from the *Leabhar Breac*, whose earlier name was *Leabur Mór Dúna Daidhri* ‘The Great Book of Duniry.’

Aed’s hand is variable, ranging from neat and sometimes ornate (pp. 17-19 bottom margins) to loose and untidy (p. 19 left margin). His most distinctive letters are *g* and *d*. His rather ill-proportioned *g* usually has a long top-stroke and the tail of the letter has a small closed bow which extends well to the right. Typical examples can be seen in the first line of his commentary on the bottom of p. 18. His *d* is usually flat-topped but he frequently uses a form like a Greek delta. Occasionally the upright of this *d* is almost vertical, e.g. p. 20a19 (gloss) *doilig*. Also distinctive is the heavy triangular serif of his *b*, *h* and *l*.

It is probable that it was Aed who inserted *do fir* in §47 (25a15), as the cross-stroke of the *f* is slightly sinuous. He seems to be the only scribe who uses this type of *f* in pp. 11-38 of the manuscript, e.g. *faiche* at the end of the first line of commentary on the top of p. 25.

In our edition Aed’s glosses and commentary are marked <II>.

III *Third Glossator.* The hand of the third glossator is more distinctive than that of the second, and is described by Best as ‘a beautiful pointed hand, that of a rapid writer [who] never lapses into carelessness.’ The top-strokes of letters such as *g* and *t* usually slope upwards at an angle of between five and ten degrees, as do *n*-strokes and suspension strokes. The upper stroke of his *s* often loops over the following letter e.g. p. 20b13 (right margin) *leastar*.

This glossator wrote his name Cairbre (a common name among the MacEgans) on the bottom margin of p. 14. In the *Facsimile*, Introduction p. xi, Best tentatively dated his hand to the 15th century. However, in his Addenda and Corrigenda in *Analecta Hibernica* x 302 he suggested that Cairbre may have been the son of a MacEgan called Flann mac Cairbre, who wrote a note on the top margin of

p. 191 of the *Leabhar Breac* in 1514 A.D. If this is so, our Cairbre lived in the 16th century. Alternatively, he may be the Cairbre Mac Egan who signed a legal document in 1584 (ed. MacNeill *Gaelic Journal* viii 86-9). Unfortunately, this document was destroyed when the Public Record Office was blown up in 1922, so the signatures can never be compared. That Cairbre worked later than the second glossator Aed is proved on p. 25 (top margin) where his commentary is crammed between the text and a well-spaced commentary by Aed.

As well as glosses and commentary, Cairbre is responsible for a number of minor corrections to the text itself. Already mentioned on p. 2 are the insertion of *rosaigh* in §8 (20b20 right margin) and *dofir* in §43 (24b3 above line). Other insertions which we believe to be by him are the *-e* of §5 *suire* (21a27), the *-e* of §29 *sede* (22b17), the *s* of §35 *dilse* (23a24), the *ti* of §44 *hi tir* (24b9) and the *-ta* of §47 *iarmota* (25a14). He may be responsible for the marginal insertion of *u* in §26 *lasambasu* (22b2) giving *lasambausu*. He is also probably responsible for putting a line through the *-mu* of *fomamu* in §26 (22b4), as the ink-colour seems the same as his marginal gloss *no is rogo*. Finally, the erroneous title *De Fuillemaib geall* (partially erased) above §42 (24a19) is in his hand. (In fact the law-tract *Bretha im fuillema gell* begins at 28a11). One can compare the titles of the other law-tracts *De fodlaib cineoil* and *Di dlig- raith ⁊ somaine la fl-* which he has correctly inserted at 13b19 and 15a26 (left margin).

Though most of Cairbre's corrections to the text are indicated by the context and/or Lúcas's glosses, it is possible that he had access to another copy of *BB*, which he collated with *A*. Thus his gloss^h *.i. toich aslaiet* on §39 *docoislet* may have been taken from another MS which had the earlier spelling *to-choislet* (*toich* is the regular 'etymological' gloss on *toch-*).

In our edition Cairbre's glosses and commentary are marked <III>.

IV *Fourth Glossator.* A number of glosses towards the end of our text were added by an unidentified scholiast who must have worked after the third glossator. His hand is sometimes difficult to distinguish from the second glossator, and Best took them to be the same. However, the order in which certain glosses were written shows this to be impossible. The clearest example is gloss^d of §52 (25b17) where the text has *direnar lándire* which is glossed *.i. icaidh se laneneclann* by the first glossator. To this the second glossator adds

im cetharda, then the third glossator adds *a ceathair i næn* ⁊ *lethenecclann*, and finally this glossator adds *.i. ceth-e a næn* (which appears to contradict both previous glosses). Similarly, in gloss^d of §53 (25b23) this glossator adds *.i. cethr-e a næn* after *im cetharda* of the second glossator. Other evidence that this glossator cannot be identified with the second glossator is provided by §42^f (24a25) where the sense shows that he must have added *acht a mbeth isin crand* etc. after the third glossator's *ni dlig sim ni*. Likewise, in §45^g (24b28) the final word *amach* (written *am-ach* on two lines) was obviously fitted in by this glossator after the third glossator's *ona comichib* (gloss^h).

Glosses which we believe to be by this glossator are marked <IV>. There are a number of features which distinguish IV's hand from that of II. Most characteristic is his frequent use of open-topped *a*, which is not found in II. His *a* (of both closed and open-topped variety) almost always finishes with a pronounced tick, rare in II. His *b* and *l* often have an unusually shaped serif (e.g. in the gloss *int isil* above 24a23) which is also sometimes discernible in his *i*. The second down-stroke of his *h* curves back to the left (whereas II's is generally straight) and the body of his *g* is squarer. The top of his *c* is rounded, whereas II's is usually pointed. Finally, he uses abbreviations and suspensions more frequently than II, and his *m*-suspension is shaped like a *tilde* (˜), contrasting with the simple curve commonly employed by II (e.g. in the commentary on the bottom margin of p. 22).

As well as glosses, two additions to the text seem to be in his hand. The first of these is §20 *crich* (21b24) which has been added in capitals at the end of a line. Its *c* and *h* are more like those of IV than of any of the other glossators. Secondly, in §21 (22a1) the main scribe's *coma* has been altered to *commaith* (see Notes). The *h* and the *m*-suspension seem typical of IV.

The fourth glossator may have worked in a MacEgan school in Ormond, Co. Tipperary, as he gives Loch Bél Sét (probably in the Galtee Mountains) as an example of a lake in gloss^c to §49. He is likely to have lived in the second half of the 16th century.

V *Fifth Glossator.* Another hand contributed a gloss on §34 of our text (23a12, both margins). This is the seventh hand which Best distinguished in this manuscript (fragment I) and he described it as

‘an elegant pointed hand’ (*Facsimile*, Introduction p. xi). Outside our text it is also found in pp. 30a (above the last three lines), 31a18 (both margins), 34b11ff; etc. We mark this hand <V>.

B There are forty short quotations from *BB* in H.3.18 pp. 397a1-398a3 (hereafter B) = *CIH* 923.17-924.25. This MS is no. 1337 in the Abbott and Gwynn *Catalogue of the Irish manuscripts in the Library of Trinity College Dublin*. It is a collection of fragments, mainly legal in character, from the 15th and 16th centuries.

The *BB* quotations are interspersed with glosses and commentary. The initial of the word or phrase excerpted is usually written in a small capital (almost always illuminated). In a few cases, however, the beginning of the quotation is not marked in any way.

The text used by the excerptor seems to have been quite close to A, though independent. In both MSS the initial of §42 is written with a large capital as if it were the beginning of a fresh tract (see Introduction p. 31 note¹). In §40 they agree (*oirngne* A, *oirgne* B) against *arafogna* H. In §42 they both have *doetegar* against *doetagear* O’Dav., and in §26 they have similar readings (*lasambasu* A, *lasmbiasa* B) against *lasa nasa* O’Dav.

Generally, B’s readings are better than those of A, e.g. §§6 *ccain* B (*chain* A), 7 *ind noircne* B (*rind oirggne* A), 15 *soeras* B (*-es* A), 29 *in mbech* B (*in bech* A). On a few occasions, however, A has better readings, e.g. §§5 *seoil* A (*seol* B), 39 *coir* A (*coire* B). In the variants we normally give B’s readings only when they differ from A. For the complete text of B (text, glosses and commentary) see *CIH* 923-4.

The glosses and commentary in B are valuable as they are considerably earlier than those which normally accompany a law-tract. Dr. Binchy has pointed out (*Celtica* x 72) that most of them seem to belong to the 9th century. Old Irish features include the following:

1. The neuter definite article is attested four times. The examples are §§6^c *a timgaire, frisa tuissech*, 24^d *a llestar* (with which the neuter anaphoric *són* agrees), 29^e *i* (read *a*) *llestar*. Elsewhere it has been replaced by *in*, e.g. 3^d *in tairgilli*, 17^c *in tir*, 34^e *in lestar*. In *Saltair na Rann* (probably composed in the 10th century) there are only fourteen instances of the neuter definite article.

2. The short neuter nominative plural is probably to be found in 18^a. Here *finntiu grian* is glossed *.i. in domsod i mbid bich .i. aitt*

a mbid a lleastar (which we would restore as *.i. in domsad i mbiat beich .i. áitt* (or *átt*) *i mbiat a llestar*) ‘the abode in which bees are, i.e. the place in which their hives are.’ As *lestar* is a neuter *o*-stem (cf. 24^d, 29^e) we take *a lle(a)star* to be a short nom. pl. and translate ‘their hives.’ We cannot take it to be singular unless we emend the preceding verbal form *a mbid* (= O. Ir. *i mbiat*) to *i mbí*. No short plurals of *lestar* seem to be recorded elsewhere. Thurneysen (*Grammar* §280.4) takes the nom. pl. *lestrai* Ml. 101d4 to be borrowed from Britannic, cf. Welsh *llestr*, pl. *llestri*. On the other hand, *DIL* takes *lestrai* in this instance to be nom. pl. of the collective *lestrae* [f. *iā*].

If we are right in taking 18^a *le(a)star* to be a short plural, this is evidence that the B glosses were composed in the O. Ir. period, as such plurals are rare in Mid. Ir. (see Strachan: ‘Middle Irish Declension’, *TPS* 1905, p. 19). In 24^d, B has acc. pl. *lestra*, perhaps emended from an original *lestar*.

3. The highly problematic gloss 25^a (see Notes) has the spelling *ess*, which seems to be 3 sg. masc. -neut. of the conjugated preposition *a* ‘out of’. Thurneysen (*Grammar* §436) takes *es(s)* to be the archaic form of *ass*. However, the B glosses can hardly be earlier than the 9th century. The example of *es* cited by Thurneysen is from §2 of ‘Finn and the Man in the Tree’ (*RC* xxv 346 = *CIH* 879.38). This tale seems to belong to the Class. O. Ir. rather than the archaic period. Its spelling *atecobor* (*CIH* 879.33) for Class. O. Ir. *atacobor* is not sufficient evidence of archaism as later scribes sometimes substitute *-de-* (*-te-*) for the infixed pronoun *-da-* (*-ta-*) as a pseudo-archaism.

We therefore take *ess* to be a scribal variant of *ass* influenced by forms such as 2 sg. *essiut*, 3 sg. fem. *essi*, 3 pl. *essib*. There is also the possibility that it could be an O. Ir. dialectal form.

4. An O. Ir. date of composition is indicated by 29^e *adbela* (perhaps originally *atbela*), 3 sg. pres. subj. of *at-bail(l)* ‘dies’. In Mid. Ir. there is a strong tendency for subjunctive stems in *-e-* to be replaced by the vocalism of the pres. indic. e.g. 2 sg. pres. subj. *adbala*, *Anecdota* i 7.9.

5. Another early form is 12^c *fegar*, 3 sg. pres. indic. pass. of *figid* ‘weaves’. In Mid. Ir. a passive *figther* with weak conjugation would be expected.

6. The nasalisation of the adv. *etir* ‘at all’ after the acc. sg. *iarmoracht* in 12^d would not be expected in Mid. Ir.

7. The O. Ir. superlative ending survives in 5^d *gnaitthem*, but in 7^b O. Ir. *síam* has been replaced by *sirem*.

8. In 44^e the verbal noun of the substantive vb. has the O. Ir. spelling *buith*. In Mid. Ir. the usual spelling is *bith*, also *beith* (see *DIL* s.v. *buith*). *SR* has twenty examples of *bith*, two of *bid*, two of *beith*, and none of *buith*.

9. Finally, the occasional use of Latin glosses also indicates an early date, e.g. 5^c *in primo anno*, 35^b *similiter(ur) canes ⁊ sues*. The later law-schools seldom use Latin for glossing purposes. Their main use of Latin is in quotations, often incorrectly transmitted and full of misspellings.

Even where B does not quote the text of *BB* its glosses and commentary can provide evidence towards the reconstruction of the original. Thus the glosses on §10 *álith* and *cobdailib crích* indicate that the word *deolaith* may have preceded *a saithib* in the original (see Notes).

C Five short quotations in modern spelling are found with commentary in Egerton 88 f. 8a-c (hereafter C) = *CIH* 1286-7. This British Museum manuscript was written by Domnall O'Davoren and various pupils between 1564 and 1569 (O'Grady: *Catalogue of Irish manuscripts in the British Museum* vol. i pp. 85-141). We print and translate these quotations with their commentary in Appendix 2.

D H.3.17 cols. 430-2 (hereafter D). This 15th-16th century composite legal manuscript in Trinity College Dublin (no. 1336) contains §1, the first five words of §24 and the first seven words of §46 with commentary on each (partly illegible). In Appendix 3 we print and translate the legible part of the commentary which follows §1. We do not print any of the commentary which follows the quotations from §§24 and 46 as it is very similar to commentary in A (Appendix 1) and L (Appendix 4). In *CIH* 1916.36-1917.20 Dr. Binchy prints §1 and the legible part of its commentary.

E A version of §§30-35 is found in H.2.12 No. 8 (iii) ll. 37-41 (hereafter E), a single leaf of unknown date in Trinity College Dublin (no. 1308). Some words are illegible. It is printed in *CIH* 2205.31-39.

F The same passage is found in H.3.17, p. 435 (*CIH* 1924.28-36) and in the Royal Irish Academy manuscript 23 Q 6 p. 1b19-30 (*CIH* 1140.19-27). The readings of these two MSS (both dating from the 15th-16th centuries) are almost identical, so we refer to them collectively as F. In the variants we give the readings of H.3.17, as it is the more accurate of the two, e.g. §§32 *ri* (against *rig* 23 Q 6), 33 *noch asi* (against *nocho asi* 23 Q 6).

It is clear that E and F go back to a common origin, as they agree in many details against A, e.g. §§31 omission of *im chinta bech* EF; 32 *assa flaith* A, against *asa* [] *mnas* E, *asa flaitheamhnus* F; 34 *i suidiu* A, against *do suidhiudh* E, *do suidhe* F; *nad* A, 7 *na(d)* EF. As B gives only two short quotations from the text in §§30-5 it is not possible to determine its relationship to E and F. Thus in §35 B agrees with EF in having *do-* (against A's *direnar*) and *uil-* (against A's *uile*), but it omits *in fer* (present in AEF). The other quotation (§34 *amal mart*) is the same in ABEF.

In general the O. Ir. of our text is better preserved in A than in E or F, e.g. §§30 *i suidiu* A, *a suidiudh* E, *a suidhe* F; *ailid* A, *aile* EF; 31 *caechsité* A, *caochsat* EF. Sometimes, however, A can be corrected from E and F, e.g. §§31 *cetaraced* A, *cetarug-* EF; 33 *batair* A, *-ar* EF; *finiu* A, *feine* EF; 34 *foruchatatár* A, *for(f)uachtadar* EF. Where E and F diverge, E's readings are usually better, e.g. §§30 *lestar* E, *leastr-* F; 33 *innso* E, *annsin* F; *imbe* E, *uime* F; 34 *naonfir* E, *an aonfir* F. But occasionally F is superior to E, e.g. §§30 *cidbe* E, *cip* F; 34 *foragar* E, *forregar* F.

G The clause *ar ní fulaíng nech na deolaith diaraili* is quoted from §10 of our text in *Gúbretha Caratniad* (ZCP xv 319 §12). The only MS which contains this section of the *Gúbretha* is Rawlinson B 502 (f. 63^ra 21 = *CIH* 2194.3) which Meyer dates to the 12th century in his introduction to the facsimile p. iv.

H A slightly different version of the Heptad quoted in §§39-40 is found in Rawlinson B 487 f. 62c (hereafter H). It is printed in *AL* v 318 and *CIH* 55.1-6. Eight words, apparently from this version, occur in Eg. 88 f. 46a (*CIH* 1402.39).

J The first twenty words of the above Heptad are quoted in H.3.17 col. 521 (hereafter J) = *CIH* 2005.32-4.

K The words *mad nech nad dam- coir* from the above Heptad are quoted in H.3.18 p. 383a (hereafter K) = *CIH* 906.24.

L The commentary which we print from H.3.18 p. 425ab in Appendix 4 (hereafter L) contains some readings which help to establish the text of §§46-9. (*CIH* 959.17-31).

O'Dav. O'Davoren's Glossary, written in 1569 A.D., contains four quotations from *BB*. These are nos. 1417, 985, 713 and 723 in Stokes' edition (*ACL* ii) corresponding to parts of §§12, 26, 39 and 42 of *BB*. No. 713 is found in both MSS of O'Dav. (Egerton 88 f. 84e, H.2.15B p. 123 (48) col. a) but the other quotations are from Eg. 88 only. In H.2.15B, No. 985 is absent and Nos. 723 and 1417 are completely illegible.

We also include in the Appendices some material which does not contain any quotations or commentary from *BB* but which provides further information on the early Irish laws relating to bees. In Appendix 5 we give a restored text and translation of a short Old Irish passage on *caithchi bech* 'trespass-penalties of bees' (E.3.5 p. 3a, H.3.18 p. 12b). In Appendix 6 we quote with translation an Old Irish passage on *athgabál bech* 'distrainment of bees' from 'a text on the forms of distrainment' edited by Dr. Binchy in *Celtica* x 72-86. In Appendix 7 we give for the purposes of comparison some of the Welsh legal material relating to bees.

We do not give the long and largely irrelevant commentary on *cin bech* 'injury by bees' from E.3.5 pp. 50b-51b (*CIH* 316.37-318.29) as it is adequately translated in *AL* iii 432-40. (The first line of this commentary appears also in gloss^d on §30). We do not give the portions of commentary in Rawl. B 506 ff. 26ab and 32c (*CIH* 105.11-36; 120.23-121.8) as they are close to other commentary, esp. App. 2 (b)-(h).

LANGUAGE

BB is cast in fairly uniform O. Ir. prose, which does not differ much from that of the 8th century Würzburg Glosses. However, the presence of some early forms and spellings shows that *BB* is

somewhat earlier than Würzburg: we suggest that it was composed about the middle of the 7th century. A *terminus post quem* is provided by the reference in §§31-2 to Congal Cáech, whose death is recorded in 637 A.D. This passage can hardly be dismissed as a later interpolation, because it contains the archaic connective *-ch*. For a discussion of Congal Cáech's career, see notes to §31.

1. *-ch*. The archaic connective *-ch* occurs in §§32 *ba-ch*, 44 *ro-ch-lamethar*, 45 *na-ch laimethar*, 54 *ro-ch-fintar* (*Grammar* §880). In his article on this connective in *Celtica* v 77-94 Dr. Binchy has concluded that it became obsolete before about 700 A.D. except in the special combinations *noch is* and *sech is*.

2. Unstressed *-e-*. There are some possible cases of the preservation of archaic unstressed *e* after non-palatal consonants, cf. *ached* *Thes.* ii 278.2, *toceth* 47.26 for Classical (i.e. 8th-9th century) O. Ir. *achad*, *tocad*.

We follow Thurneysen in taking the verb *do-etet* to be from **to-ad-uss-tét* (see notes to §37) which in later Irish became *do-etat* (*do-autat*). If this identification is correct, archaic unstressed *e* is preserved in the 3 sg. pres. ind. *do-etet* (occurring at §§37, 41, 43), in the passive *do-etegar* (§42, spelt thus in both A and B, but updated to *do-etagar* in O'Dav.), and in the plural past participle *tetechtai* (§§36, 39, 41, 54). In the case of §§44, 45 *in-otat* [**in-oss-tét*], on the other hand, archaic *e* has become *a*. It is probable that the archaic *e* of *do-etet* survived only because successive scribes—familiar with *con-é(i)tet*—took it to be *do-é(i)tet*. Marks of length are almost always omitted in legal manuscripts.

Another possible case of archaic unstressed *e* is in §12 where the B commentary (perhaps retaining the spelling of the original text) has *cro ime thor*—‘an enclosure about its fruit’—against *cro ima torad* A, *cro imma torud* C. With *ime* of B one can compare the spelling of the 3 sg. possessive pronoun as *-e* in *ine* (*inæ*) ‘in his’, *faire* ‘on his’ in the archaic Cambray Homily (*Thes.* ii 245.36-7, 246.8, 246.22-3); see *Grammar* §§441. However, the issue is clouded because *im(m)e-* occurs beside *im(m)a-* in Classical Old Irish in words such as *immenetar* Ml. 26b20, *immenetor* Sg. 28a10 beside *immanetar* Wb. 13c26, 27b21, etc. and *immelei* Wb. 10a6, *immelle* Ml. 68d9 beside *immalle* Wb. 9b17, Ml. 61b23, etc. Similarly, both *im(m)a-* and *im(m)e-* occur as relative forms of the preverb *imm* in Class. O. Ir. (*Grammar* §493.4). So, while *ime* B may be the original spelling, it could also be an orthographic variant of *ima* introduced by a later scribe.

3. *-th*. Archaic *-th* (*Grammar* §130.2) is preserved in §§4 *deolaith* A, 10 *alith* B, *ailit* (= *áilith*] A, 24 *uathath* A, 40 *tintuth* A. Much more commonly, however, it has become *-d*.

4. *to-*. The only case of archaic *to-* (*Grammar* §855B) in the text is §33 *tobert*; elsewhere this preverb appears as *do-*. The gloss *i. toich aslaiet* (in the hand of the third A glossator) on §39 *docoislet* suggests that the text originally had *tochoislet* here. *Toich* is the regular 'etymological' gloss on *toch-*, e.g. §27 *i tochumlat* which is glossed *i comimluaidid . . . gu toich*, cf. *Celtica* v 83. This glossator may have had access to another copy of *BB* in which some of the original spellings were better preserved than in A—see p. 6. For the preverb *di-* see notes to §14 *di-renar*.

5. *-tubart*. We take the form §32 *conid-tubart* (*comidubart* A) as an indication that the text is earlier than the Wb. Glosses. Already in Wb. *ta-* is three times as common as *to-* (*tu-*) in prototonic position in this cpd. (see *DIL* s. vv. *do-beir* and *tabart*).

Prototonic 3 sg. preterites with *tu-* are found in two other early sources. The spelling *contubart* is attested in the *Additamenta* to the Lives of St. Patrick (*Thes.* ii 242.20 = *Patric. Texts* 178.11). The spelling *condetubert* (with archaic unstressed *e* in final syllable) is attested in the Laud Genealogies (*ZCP* viii 308.34). For a suggested explanation of the development of *to-* (*tu-*) to *ta-* in this verb, see *Grammar* §82.

In the Notes we discuss other linguistic features (some possibly archaic) which are not fully covered in Thurneysen's *Grammar*. They include the omission of the possessive in *bes tech torad* (§20), *fer batar beich* (§33), the collective suffix *-iā* in *lestrae* (§30), the use of *nad-* rather than *nach-* before an infixed pronoun in *nadid-lamethar* (§34), the intransitive use of *suidigithir* (§37), and the occurrence of pres. indic. pass. *-fogbaithe* (§§46, 48) beside *-fogabar* (§47). For the Latin loan-words in the text see Introd. p. 41.

THE VALUE OF THE GLOSSES AND COMMENTARY

The glosses and commentary range in date from about the 9th to the 16th century. In the case of B, there is no clear division between gloss and commentary, but in A the glosses are written above the lines of text whereas the commentary is written in the margins. Though the first A glossator (Lúcás) is thought to have worked in

the first half of the 14th century (see p. 4) it is likely that most of his glosses and commentary are earlier, probably transcribed from the same copy of *BB* as was used by the main scribe. Many features of Lúcas's glosses show them to have been copied. Thus, he does not always place his glosses above the word or phrase in the text to which they refer. In two cases he provides glosses for words which have been omitted by the main scribe. In §8 (20b20) he gives a gloss (.i. *roindsaigidh*) corresponding to the word *rosaig*, omitted by the main scribe. This word was later added in the margin by the third glossator, Cairbre. Likewise in §43 (24b3) his gloss *trian don fir bis ina coimideact* indicates that the original had *do fíur*, though this is absent in the main scribe's text. It was added later, also by Cairbre, to the left of Lúcas's gloss.

Lúcas's glosses frequently contain the correct reading where the main scribe (or a predecessor) has made a mistake. For example in §7 the text of A has *rind*, but the gloss has the correct reading *ind*, as in B. In §31 the text has *cetaraced*, but an original *-rucad* is indicated by the gloss *rugadh*, and confirmed by E and F. In §34 the text has *a acht*, but the context requires *a ucht*, as in the gloss (again confirmed by E and F). Other cases where Lúcas's glosses are more accurate than the A text include §§17 *toraid* (*torad* text, *toraidh* gloss), 29 *sáith* (*said* text, *saith* gloss), 30 *uili* (*aile* text, *uile* gloss), *lestar* (*lestra* text, *leastar* gloss), 43 *oa n-élat* (*oatelat* text, *o nelan siad* gloss).

Many of Lúcas's glosses are the conventional glosses of the law-schools, and are found in other legal MSS. Thus, his glosses on *ruud*, *écmacht* and *dírainn* in §§48-9 are also used in *CIH* 59. 7-8 and 2066.40-1 (Heptads). His glosses on *fo théol* ⁊ *táidi* (54^{c,d}) are similar to the glosses on *i teol* ⁊ *táithe* in *Airaiccept na Ríar* (*CIH* 2336.14).

Glossators II-V worked between the 14th and 16th centuries. In some cases a word or phrase of the text has been glossed a number of times. For example, §52 *direnar lándíre* is glossed *icaidh se laneneclann* by Lúcas. Further glosses were added in turn by glossators II, III and IV. Later glossators generally expand the preceding gloss (e.g. 2^b, 4^a, 10^b, 14^d, 15^a), but sometimes contradict it (e.g. 34^b). An additional gloss usually follows the syntax of the preceding gloss, but sometimes the connection is broken e.g. 50^d .i. *ime uile* I <*na cesa* III> 'i.e. in the matter of all of it, the hives' cf. 45^d, 48^b.

Glossators II-V seem to have paid more attention to the meaning of the text than Lúcas. Glossator III in particular (Cairbre) clearly did a lot of work on the text, and corrected many of the main scribe's errors, possibly with the aid of another copy of *BB* (see Introd. p. 6). In general, the glosses of glossators II-V seem to be their own composition, based on their own interpretation of the text and their own knowledge of law. For example, in 23^c Cairbre gives *bualad na ces* 'striking the hives' as an example of an illegality which a passer-by might do to bees. It seems likely that this is his own suggestion, not taken from some other source. Similarly in 49^c glossator IV gives Loch Bél Sét (perhaps in Co. Tipperary) as an example of an inaccessible place. As this gloss is only of local relevance, it is likely to be original. Sometimes, however, the later glossators have drawn on other sources. Thus in 39^l Cairbre's gloss *derge mbortuil* is apparently for *indéirge mborbtuile* 'desertion of violent lust' used to gloss *ben deirig a lanamnus* (*CIH* 233.24 = *AL* v 456.27). In 52^d his gloss *a cethair i næn* is taken from the text of *BG* (see notes).

Most of the commentary in A is in Lúcas's hand, presumably transcribed from the same source as the glosses. Sections of commentary have been added from other sources by glossators II and III (App. 1 (b, f, g, h)). Taken together, the commentary in A contains a reasonably full précis of the whole text. There is also commentary in C (App. 2), D (App. 3) and L (App. 4). Much of the *BB* commentary in these four MSS clearly goes back to a common origin. Thus, the summary of §§1-7 in A (App. 1 (a)) is similarly worded to C (App. 2 (a)) e.g. *gidh sochaidhi ita ina riachtanas a leas isan crich a neineacht, nogo nuil acht in cutruma sin doib uile* A = *cid sochaide isin [crich] ata ina riachtanus a leas nocha thabharthar acht an cutruma sin doib uile* C. Again, commentary to §49 by the third A glossator (App. 1 (f, g)) agrees fairly closely with commentary in L (App. 4 (a, b)).

In general, the glosses and commentary to *BB* derive directly from the O. Ir. text, and consist merely of paraphrase, explanation or expansion of the original. Consequently, glosses and commentary seldom provide additional information about the Irish law of bee-keeping (at any period). Nonetheless they have been of considerable help in our edition. Apart from the occasions where a gloss has preserved a better reading than the text (discussed above) there are four main ways in which they can assist:

(1) Firstly, the glosses—and to a lesser extent the commentary—can shed light on linguistic difficulties in the text. If we are right in our dating of the B glosses and commentary to the 9th century, this scholiast was working on a text which was approximately 200 years old. The language of the original seems to have caused him little difficulty, though he was clearly unsure of the meaning of the phrase *allabrig n-aí* in § 6. He may also have been unfamiliar with the word *snuaid* in §12, as his gloss *arna rossnuaidter* looks like a guess (but see notes).

The later glossators, working between about 500 and 900 years after the composition of *BB*, still show a fairly good knowledge of O. Ir. Even forms which are unlike anything in late Middle or early Modern Irish are often correctly identified. For example, one might expect a form like §29 *rodmbí* to baffle a later glossator. However, the A gloss *rogonastar e* shows that it was correctly identified as 3 sg. perfect with 3 sg. masc. infixed pronoun. Infixes are also correctly interpreted at §18 *fodaloing* (gl. *imuilnges iad*), §50 *rosnuccad* (gl. *rogatad se iat*), etc. In §49 the glossator correctly identified the form *doruillet* (3 pl. pres. ind. with *ro* of *do-slí* ‘earns, deserves’) as is clear from his gloss *airiltnigid* ‘they deserve’. In §54 he supplies the correct meaning for *-imdich* (gl. *-didnend* ‘defends’) even though this cpd. does not seem to have been used after the O. Ir. period (see *DIL* s. v. *imm-dích*). Not surprisingly, however, the later glossators are sometimes wrong. For example, §39 *cain* cannot be 2 sg. imperative of *canaid* ‘sings, chants’ as suggested by the gloss *aisneidh leat*. In §42 *rofoiscet* cannot be from *ro-saig* or *saigid* as suggested by the A gloss *roindsaige siad*. Here B’s gloss *.i. foscugud* argues in favour of it being 3 pl. perfective pres. subj. of *fo-scoichi* (see notes).

(2) Many of the A glosses are ‘etymological’ in the Latin grammatical tradition: a word in the text is broken up into two or three elements, each of which is explained individually. For example Lúcas provides §4 *íar n-aimseraib* with the conventional gloss *iarsan re suthain* ‘after the long period’. Here the word *aimsir* (-er) ‘time’ is divided into *am* and *sir*. *Am* is taken to be for *am(m)* ‘time’ and explained by the word *ré* ‘time, period’. *Sir* is taken to be the adj. *sír* ‘long’. Needless to say, this explanation is quite fanciful: only very occasionally do such etymological glosses agree with the findings of modern philology. (An example is Cormac’s Glossary, *Anecdota* iv 86, where the glossator is doubtless correct

in taking *óisc* ‘a young ewe’ to consist of the elements *oí* ‘sheep’ and *sesc* ‘dry’; cf. W. *hesbin* ‘yearling ewe’ from *hesb* ‘dry’).

‘Etymological’ glosses can be of assistance where the main text is doubtful. For example, in §14 the text of A has the puzzling verbal form *inidicoimge*, glossed *emh cuimhges*. As *ém* (*éim*) ‘quick’ is the regular ‘etymological’ gloss on the preverb *im(m)-*, it is likely that the original verbal form began with *imid-*. We tentatively read *imid-chomba* (see notes). As *ada* ‘lawful’ is a regular gloss on the infixed pron. *-id-*, we emend §12 *incuirither* to *inid-chuirethar* (see notes). The corresponding A gloss^d has *inadacuirither*.

However, the reconstruction of the O. Ir. text on the basis of ‘etymological’ glosses can be complicated by the use of the same ‘etymological’ gloss for different words. For example, *bésgne* ‘custom, regulation’ is normally glossed *ba-fis gnae* ‘pleasant good knowledge’, e.g. *CIH* 210.22; 520.3. Occasionally, however, *bés* ‘custom, food-rent’ is also glossed *ba-fis gnae*, e.g. *CIH* 210.3; 468.10. For this reason we would not be justified in emending §14 *a bésaib fidbreth* to *a béscnaib fidbreth* in spite of the gloss *a ba-[f]is gnae no aibind breithemhnais na feadh* ‘according to pleasant or fair good knowledge of the judgment of the trees’ (*aibind* is a direct gloss on *gnae*). In §27 we have emended *in am* to *ind amsir* on account of the etymological gloss *isan re suthain*. However, this emendation is not certain, as *re suthain* may occasionally have been used to gloss *am* as well as *amser* (though we have found no examples.)

The practice of providing a word with alternative ‘etymological’ glosses is common in legal MSS. (Bergin’s witty parody of this technique is quoted by Dr. Binchy in his 1943 Rhys Memorial Lecture *The Linguistic and Historical Value of the Irish Law Tracts* p. 20). The only example from *BB* is in §26 where *foma* is glossed by Lúcas *.i. is fo a mhaith no is foemhta* ‘good is his good or it is accepted’. Cairbre adds the direct gloss *no is rogo* ‘or it is a choice’.

It should be noted that the use of an ‘etymological’ gloss does not necessarily prove that the glossator was unable to understand the O. Ir. form. Thus the phrase *iar n-aimseraib* in §4 would have presented no problem to an Early Mod. Ir. glossator. The gloss *iarsan re suthain* is therefore superfluous as an aid to understanding, and is perhaps best regarded as learned ornamentation. On the other hand, it is clear that the glossator could not identify *tetechtai*

in §§36, 39, etc. (we take it to be nom. pl. past participle of *do-etet* 'tracks'). His 'etymological' gloss *tectaíd ait no aide* 'which have a place or dwelling' is therefore an attempt to explain an unfamiliar form by the Isidorean method of splitting it up into its component parts. The same technique is used by the glossators to explain the obscure word *allabrig* in §6. Glossator II suggests *brug ara miad* 7 *all ara doimne* 'brug ("land") for its dignity, and *all* ("cliff") for its depth'.

In our translation of *BB* we mark 'etymological' explanations in inverted commas. We use hyphens to indicate the component parts of such glosses, e.g. 49^f *og-ai* 'perfect one' which glosses *ág(a)e* 'chief (of kindred)'.

(3) The 9th century B glosses and commentary, though not very extensive, are of some help in elucidating the legal content of *BB* and also provide information on other legal matters e.g. 15^c (on trees), 45^c (on swearing), 49ⁱ (showing the spread of the privileges of the *flaith* 'lord'), 52^c, 53^c (on the classification of livestock).

But even B's glosses and commentary are sometimes at variance with the text. His claim in 3^a that the value of the *tairgille* 'fore-pledge' given by a beekeeper to his neighbours depends on 'the nearness and contiguity of the [bees'] grazing' contradicts §2 of the text (though see note to §3 *i llóge*). In 16^a he can hardly be correct in his suggestion that the value of a tree increases in summer and autumn because of the possibility of swarms alighting on its branches. In 18^a he takes the *fintiu griain* to refer to the place where the hives are situated, but this destroys the author's analogy with the kin-group. In 41^b he seems to have taken the regulations on the killing of one bullock by another in a jointly owned herd, and misapplied them to bees (see notes).

The later glosses and commentary display considerable variation in their understanding of the text. In some cases, the legal content of *BB* is covered quite adequately, e.g. in glossator II's précis of §§1-25 (App. I (b)). The same glossator (48^c) detects an inconsistency in §§46-8 of *BB*. The author differentiates between bees which have been present for less than a year (§46), and bees which have been present for more than a year (§47). In §48, however, he makes no reference to the length of time the bees have been present. The glossator suggests that—by analogy with §§46-7—the finder should get one third of the produce if the bees have been present for less than a year, and two thirds if present for more than a year.

In spite of a few such cases where the later glossators have spotted a legal difficulty, their glosses are in general not to be trusted as a source of information on Early Irish law. Errors of interpretation are frequent in the glosses: for example in 2^c the glossator's second suggestion that *ciapa méit ciapa laiget* could refer to the bees is quite impossible. Similarly, gloss 19^b is wrong in its claim that 'the meaning of *deolaid* ("gratis") is that it is not necessary to cast lots'. In fact, swarms are given *gratis* to all four neighbours, even when the casting of lots is necessary (as in the situation described in §21). In addition to actual errors, many glosses are irrelevant to the text, such as the reference to the 'armed man on lawful business' in 28^a, or to 'levying in the fourth hostile territory not beyond an arm of the sea' in 43^c. Equally irrelevant is the suggestion in 47^a that the text refers to swarms which have settled in sacred trees (*bilida*); in fact it is clear that the nature of the tree has no bearing on the division of the bees' produce in this paragraph.

The glossators frequently make unreal distinctions, not justified by *BB* or any other O. Ir. law-tract. For example in §28, it is unlikely that the author of *BB* intended any sharp distinction of meaning between *olcc* 'harm' and *annrecht* 'illegality'. The first A glosses, however, take *olcc* to refer to the killing of bees, and *annrecht* to robbing them. In §45 there is no support for glossator III's suggestion that the *forgall* is an oath sworn by the neighbours, whereas the *airthech* is sworn by the owner of the tree where the bees settle.

In §§50, 52-3 glossators I and III attempt to distinguish the meanings of the O. Ir. verbs for stealing *fo-tlen*, *gattaid* and *fo-coislea* (for which see notes to §50). The distinctions which they make are unreal, and sometimes contradictory. In 50^c and 52^b glossator I takes *fo-tlen* to refer to stealing 'some of it' (i.e. of the honey) and glossator III adds 'some of the honeycombs'. In 50^d and 53^c glossator I takes *gattaid* to refer to stealing 'all of it'. This would seem to mean 'stealing all of the honey', though glossator III adds *na cesa* 'the hives' in 50^d, agreeing with the main text rather than the previous glossator. In 52^c glossator I explains *fo-coislea* with the same gloss he uses for *gattaid* in 50^d and 53^c. In 53^b, however, he explains *fo-coislea* with the gloss he uses for *fo-tlen* in 50^c and 52^b. It is obvious, therefore, that the separate meanings which he assigns to these three verbs are mere guesses.

The glossators often provide an example rather than a definition of a term or phrase in the text. Thus in 3^c *caeched* 'blinding' is only one example of *cin* 'crime' by a bee (the choice is suggested by §§30-35). Similarly, in 25^a sale is only one of the reasons why a bee-hive might come under new ownership. Cf., also, 27^b, 27^c, 46^c, 48^c, 48^d.

The commentary to *BB* strays a good deal further from legal reality than the glosses, no doubt because the link with the O. Ir. text is more tenuous. Some commentary is patently ludicrous, as for example when the D commentator distinguishes a fourth category of swarm, i.e. *beich áerda* 'bees in the air', in addition to the three categories (*beich fesa*, *beich chundtabartacha*, *beich anfesa* 'bees of known, doubtful and unknown origin') used by other glossators and commentators. So far as we can see, no conceivable legal situation calls for this category of 'bees in the air'. Other commentary provides for extraordinarily remote possibilities. Thus C commentary (App. 2 (c)) deals with the branch growing from one man's land overhanging his neighbour's land, and even includes the case where the tree is regarded as a sacred tree by one neighbour but an ordinary 'tree of neighbourhood' by the other, and the branch is cut by a third party!

However, in spite of absurdities and over-elaboration, the legal content of later commentary cannot be totally written off. Thus the triad 'three areas of a king: a road and unshared land and the sea' (App. 1 (g) = App. 4 (b)) may contain genuine legal tradition. Commentary in H.3.18 (which we quote in App. 6 p. 190) provides a convincing explanation of why bee-trespass was regarded as an offence in early Ir. Law. The long commentary on 'injury by bees' (*CIH* 316.37-318.29 = *AL* iii 432-40) starts with the statement 'a hive for blinding, two hives for killing; and the book tells of the hive for his blinding and does not tell of the two hives for killing.' The book referred to presumably contained *Bechbretha*, which covers injury (especially blinding) by bees in §§27-35, but makes no reference to death from a bee-sting (see note to 30^d). The commentator's statement is important because it shows that he did not regard *BB* as the sole source of Irish bee-law. There is no other reference in the surviving Irish law-texts to the payment of two hives in the case of a fatal bee-sting, but it may have been actual legal practice at some period. For the Welsh law on fatal bee-stings, see App. 7 p. 205.

(4) Finally, the glosses and commentary provide some scraps of information on bee-keeping at various periods. It is significant that they often use different bee-keeping terminology to the main text. Thus the main text refers to the second swarm as the *tánaise*, but the B glossator and L commentator call it the *tarbsaithe* ‘bull swarm’. The third swarm is the *meraige* ‘fool’ in the main text (= *smeraige* in A commentary) but *íarsaithe* ‘after-swarm’ in L commentary. In the main text and in B glosses and commentary, the hive is referred to as *lestar*, but in later glosses and commentary (A, C, L) it is usually *ce(i)s*.

These differences in terminology suggest that the glossators were not working on the main text in total isolation from real life, and were drawing to some extent on their own knowledge of contemporary bee-keeping. The bee-keeping observations of the 9th century B glossator are particularly interesting. It is clear from his gloss 29^e that he knew that a honeybee normally dies after stinging a person. If we are correct in our interpretation of his gloss 25^a (see notes) he knew of the existence of drones, which he termed *tairb* ‘bulls’. On the other hand, he is surely wrong in following the text’s claim in §5 that a colony’s second year is its ‘year of weakness’: we have found no support for his suggestion that ‘it is in the second year that scarcity and death are most likely to affect bees’. In 44^e we can see no sense in his statement that ‘the proper abode for the bees is beside a bush’ (see notes).

The first A glosses contribute little information on bee-keeping, but glossator III, Cairbre, working in the 16th century, makes a few interesting observations. His gloss 27^a implies that the bees of his day were killed at the extraction of the honey (see note to §27 *collud*). His gloss 52^a shows that bee-hives were sometimes put out on a bank or in a thicket, presumably for easier access to a source of honey. He is the only glossator to refer to the honey-comb, *criathar* (50^c, 52^b, 53^b).

From the bee-keeping point of view the most interesting commentary is L (App. 4 (c)) which implies that a hive may produce a swarm (‘first swarm’) which in turn may produce another swarm (‘son’) which may itself produce a further swarm (‘grandson’) —all in the same season. See notes and diagram to §5 *blíadain a síl*.

We conclude by drawing attention to three general points about the glosses and commentary to *BB*.

(1) There is no continuity between the 9th century B glosses and commentary, and the later glosses and commentary (A, C, D, L). It is probable that the B glosses are the work of a member (or members) of a legal family, but not of one with which the legal families of the later period held continuity of tradition.

(2) The process of accretion of glosses on a law-text is well illustrated in A, where a word or phrase of *BB* may be glossed in one, two, three or (in 52^d) four different hands, ranging in date from the 14th to 16th centuries.

(3) The first A glossator, Lúcas, worked in the 14th century, but we believe that most of his glosses and commentary were composed somewhat earlier. The dating of legal glosses and commentary is particularly difficult. This is partly because of the artificial type of language employed, especially in glosses. Another difficulty is the scribes' readiness to alter or modernise forms in glosses and commentary (in contrast to their usually reverent treatment of O. Ir. text). There is also a tendency for glossators to introduce early forms from the text into the glosses, e.g. 50^f *bite*. Obviously, such forms cannot safely be used for dating purposes.

There is evidence that many law-texts were provided with an apparatus of glosses and commentary in or around the 12th century. For example, the version of *Cóic Conara Fugill* in the mid 12th century MS Rawlinson B 502 (*CIH* 2200-3) has fairly extensive glosses (some interlinear, some incorporated in the text) and commentary (all of it incorporated in the text). The material incorporated in the text must be older than the MS. The first A glosses and commentary to *BB*, however, do not seem earlier than the 13th century. We have noted the following dating features (for which see Ó Catháin 'Some studies in the development from Middle to Modern Irish, based on the Annals of Ulster,' *ZCP* xix 1-47). (1) There is greater use of the past preverb *ro* (14^e, 50^f, 52^e, 53^e *rosuidiged*, 29^e *rogonastar*, 33^a *rabatar*, 44^a, 45^d *rainaitcestar*, 45^b *roelo*) than of *do* (31^a *docaechar*, 32^a *dobui*, 45^b *dabadar*), cf. Ó Catháin pp. 14-5. (2) There are 26 examples of independent pronouns as verbal objects, and no infixed pronouns, cf. Ó Catháin pp. 4-8. (3) There is one example of an *-adar* ending in place of the *s*-preterite (31^a *docaechar*), cf. Ó Catháin pp. 20-30.

In the A commentary in other hands (App. 1 (b), (f)-(h)) there are no infixed or independent pronouns. There are two cases of *ro* (both in the hand of glossator II) against none of *do*, and two 3

pl. *s*-preterites: (b) *-dearndsat* (gl. II) and (f) *tucsat* (gl. III). There is also an example of the Mid. Ir. 3 pl. perfect passive (h) *rogatait* (gl. II). These few forms hardly constitute a body of dating evidence, but are consistent with a 13th century origin.

The C commentary is linguistically more uniform than the A glosses and commentary, and seems slightly earlier. It contains 17 examples of *ro* against none of *do*, and three examples of the 3 pl. *s*-pret. ending (App. 2 (a) *romillsid*, *tardsad*, (d) *rogabsad*) against none with *-r*. The independent pronoun is attested in (c) *roletair hí* and in the 3 pl. preterite passive (e), (f), (g) *gabait iat*. There are no infixed pronouns.

The legible part of the D commentary contains two correctly used infixed pronouns: *noscomaitcend* and *nosbeir* (App. 3 (c)). As the infixed pronoun went out of use during the 12th century (Ó Catháin, *ZCP* xix 7; Hull, *ZCP* xxiv 138) it is unlikely that this section of commentary was composed after 1200.

Finally, section (c) of the L commentary contains the early forms *it* (3 pl. pres. indic. of the copula, replaced by *is* in Mod. Ir.) and *roráidsium* (with *ro* and 1 pl. *s*-pret. ending).

LEGAL INTRODUCTION

BB is a tract of central importance for the history of the classical legal texts themselves and also for the law of neighbourhood (*comaithches*). These two ways in which *BB* is of significance are connected, for part of the interest of *BB* as a tract comes from the way the topic of bees is fitted, with some ingenuity, into the general framework provided by the law of neighbourhood.

The usual, and correct, picture of the development of Irish law distinguishes two main types of text. There is, first, the text which in essence is a piece of oral instruction, of a permanent and formal kind; it has been written down, but not transformed in the process of writing. Such texts are in verse or consist either of old maxims or what purport to be the instructions of an ancient sage to his pupil. With the progress of Christianity, and the consequent availability of writing, the form of texts changed from verse, maxim or the instructions of a sage to more straightforward expository prose. It was still technical, succinct, uncompromising prose, but not written in a high or arcane style. Some of the old verse texts may be obscure

because they were only the central pillar round which the teacher built a whole framework of explanation and elaboration. That they are so obscure may not be so much a matter of deliberate obfuscation to intimidate the layman—presumably his opportunities to eavesdrop on the teaching of an expert *brithem* must have been rare indeed—but more because they were a teacher's tools, not the full exposition to be expected of a text-book which could be used by a layman.

It should be noted that this is a classification of text, not of tract. Tracts often consist of archaic material alongside later text. *Bretha Crólige* 'judgements of blood-lying' is mostly straightforward prose, but from §58 (*Ériu* xii 46) the style suddenly changes and until the end it is mostly in the archaic mode. There is a similar change of style in *Bretha Déin Chécht* (*Ériu* xx 36, §25 marks the beginning of the archaic material). Then again, archaic material may appear as short quotations in later texts, as in *CG* 21-2, introduced by the phrase *amail arinchain fénechas*, 'as the *Fénechas* sings it'.

The importance of *BB* is that it provides an instrument by which the second type of text, the ordinary prose text, can be better understood. In particular, *BB* can be made to show that the straightforward prose text went through at least two phases of development even within the classical period.

The best known of Irish lawtracts, *CG*, is an excellent example of a tract which has undergone the influence, in terms of form rather than of matter, of the ecclesiastical schools, in particular the influence of the writings of Latin grammarians. It is reasonable to speak of a standard O. Ir. textbook prose, deriving from the texts and teaching practices of Latin grammarians, which achieved widespread popularity about A.D. 700. It cannot be much later, for *CG*, one of the most securely dated (within a generation or so) of all O. Ir. texts, is such a good example of the type.

A full discussion of this question must be kept for another place.¹ It will be enough to establish that certain lawtracts employ three devices that are characteristic of this textbook prose. The three devices are, first, a form of question and answer in which the pupil is understood to ask the question and the master replies *ní anse*, 'not difficult', and then gives the answer to the question. This form is found in insular Latin and in O. Welsh as well as in O. Ir. (*non difficile*; *nit abruid*). The second device is that of enumeration,

¹ *Studia Hibernica* xx 141-162.

whereby a series of things of a given type is listed usually in answer to the question, *cis lir*? The third is etymology, often in answer to the question, *cid ara n-eperr*? Sometimes alternative etymologies are given as at the beginning of Isidore's *Etymologies (Origines)*: *B Comaithchesa* (CIH 64.6) and *Córus Aitire* (CIH 597.4) begin with such double etymologies.

BB does not contain these devices, nor does its sister-tract *CU*. While both tracts are linguistically relatively homogeneous they employ one form, enclitic *-ch* 'and' (for which see p. 13) which is never used by tracts of the *CG* type except in quotations or in longer passages of archaic material set in a later tract. This particular linguistic form, enclitic *-ch*, is of importance in the history of Irish lawtracts. It is found in the archaic material alongside tmesis, Bergin's law, *sceo* 'and' and an absence of the definite article and of Christian Latin loanwords. It is found in later texts in the phrases *no-ch is*, *se-ch is* and *nach*, but in other contexts it appears to have gone out of use towards the end of the seventh century. Thus enclitic *-ch* serves to distinguish an earlier group of lawtracts, or parts of tracts, which belong definitely to the seventh rather than to the eighth century and yet are not archaic in style. If, then, we are to reserve the term 'archaic', as Professor Greene has recommended,¹ for those texts and parts of texts in the high and arcane style which contain such linguistic features as Bergin's law, we must admit that enclitic *-ch* is both archaic and also early but non-archaic, while *sceo* is definitely archaic.

There is one definite objection to this argument, which is that there is one example of enclitic *-ch*, no. 8 in Dr. Binchy's collection,² in the tract *Córus Béscnai*. This tract contains two of the three elements of standard O. Ir. textbook prose: question and answer of the *ní anse* type and enumeration. Moreover the example in question comes from a passage seeking to make use of the Patrick legend in order to justify Irish law in the face of Christian criticisms.³ It might be argued that this cannot have been composed until the Armagh propagandists of the seventh century had developed the legend to the point at which it was sufficiently well known and

¹ D. Greene 'Archaic Irish', in *Indogermanisch und Keltisch* ed. K. H. Schmidt (Wiesbaden, 1977), 11-33.

² D. A. Binchy, 'IE *Q^uE* in Irish', *Celtica* v 77-94.

³ Cf. D. A. Binchy, 'The Pseudo-historical Prologue to the *Senchas Már*': *Studia Celtica* x-xi 23f.

sufficiently influential for it to be worthwhile using to justify the native legal tradition. These are weighty arguments but they are not unanswerable. First, *Córus Béscnai* is not, it seems, a homogeneous tract. This in itself is nothing surprising: several texts, some already mentioned, are heterogeneous in style and date. *Córus Béscnai* is not so obvious a case, for it contains nothing that is clearly archaic, but it does have short passages which have something of the archaic manner (e.g. *CIH* 521.28-9; 522.1-4). In subject-matter it varies from general material on contracts to highly specific regulations limiting the value of grants by laymen to churches. The use of the Patrick legend does not suggest any direct dependence on Muirchú. This single example, then, is not a conclusive objection to the theory which would draw a sharp line between the older, but not archaic, texts of the *BB* type and the later texts which date from about A.D. 700.

BB, moreover, has a *terminus post quem* because of the references to Congal Cáech (see notes to §§31 and 32). This cannot be a later insertion since it contains one of the examples of enclitic *-ch*. *BB*, therefore, must have been composed after Congal's loss of the kingship of Tara, which probably occurred not long before his death at the battle of Mag Rath in 637. The text must, therefore, be dated to the period c. 637 - c. 700.

The tracts in which *-ch* occurs, other than in the phrases *no-ch is* and *se-ch is*, are worth reviewing as a group (see Binchy, *Celtica* v 83-90). It is, in fact, a very small group if we set aside archaic texts and archaic portions of texts. The collection of *Heptads*, surprisingly perhaps, is definitely one of the group, though in its case one must make the qualification that the date of any particular heptad is not the same thing as the date of the *Heptads* as a collection. An example also occurs in a heptad probably inserted into the archaic text *Din Techtugud* (Binchy's no. 7). In this case an archaic text has been edited in the early post-archaic period. There is, as has been observed already, one example in the tract *Córus Béscnai*, and one also in the tract *Di Chetharslicht Athgabálae* (but this is easily the longest of the tracts in the *Senchas Már* and not homogeneous). A possible example occurs in the tract later called *D'Fodlaib Cineoil Tuaithi*.¹ We are left with two tracts: *BB* and *Coibnius Uisci Thairidne* (*CU*). These, however, as Dr. Binchy has observed in his edition of *CU*, were almost certainly the work of the same man.²

¹ *Celtica* v 92 n. 1.

² *Ériu* xvii 54.

This man, the author, as I think we may justly call him, of these two tracts, deserves some attention, for he may be the earliest person to put together law-tracts in plain prose as distinct from the archaic style of the traditional *fénechas*. *BB* is a relatively long text, but even so, the number of examples of *-ch* shows that we are not dealing with isolated or haphazard survivals. Moreover, use of enclitic *-ch* cannot be dismissed as a stylistic phenomenon, for *BB* is not distinguished in terms of style from several tracts which have no specially early features. Hence it is good evidence for the date of the text which accordingly must be pushed back into the seventh century, probably towards the middle of the century. One may note in passing that Hull's claim, in his discussion of the date of *Apgitir Chrábaid*,¹ that such features as enclitic *-ch* 'are confined to "rhetorical" texts, such as the oldest Irish lawtracts, which remained uninfluenced by Latin learning and Christianity' is refuted by *BB* and *CU* which could not conceivably be described as 'rhetorical'. Thus it is a point against the traditional ascription of *Apgitir Chrábaid* to Colmán macc Béognai² that the text contains no examples.

Another tract which may be connected with *BB* and *CU* is *Bretha im fuillema gell (BFG)* 'Judgements concerning pledge-interests'.³ This shares a number of stylistic preferences with the other two tracts. It immediately follows them in H.2.15A and probably did so in the *Senchas Már*, the major collection of tracts dated by Thurneysen to the first half of the eighth century.⁴ It has the same type of colophon (see note to §55), the same liking for, and tendency to impersonal use of, the verb *álid* (see note to §2), the same tendency to use (i) *neoch ma* rather than plain *ma*, the same fondness for the terms *anse* and *assae*, not in the phrase *ní anse* but in references to legal problems,

¹ *Celtica* viii 51.

² Hull (*Celtica* viii 49) takes the more archaic form of the name of the author of *Apgitir Chrábaid* to be Colmán maccu Béognae rather than Colmán macc Béognae. However, the evidence seems to point in the direction of *macc* not *maccu*. The earliest mention of the saint is in Adomnán's *VSC*, where he is referred to as *Columbanus filius Beogn(a)i* (I 5; II 15) or *Colman mocu Sailni* (I 5). In *AT* s.v. 610 (*RC* xvii 169) the death is recorded of *Colman Ela maic hui Seilli*, and in *VSH* i 258 his father is called *Beogne*. The MS tradition of *Apgitir Chrábaid* (*Celtica* viii 45-9) is divided evenly between *mac* (*filius*) and *maccu* (*mac ui*). The main early evidence for *maccu* is *Fél. Óen.* (Jan. 22) where the MSS have *mac(c) hui* and *mac hua*. To emend to *macc* would leave the line one syllable short so we take *maccu* to be a mistake on the part of Óengus.

³ *CIH* 462-77.

⁴ *ZCP* xvi 186.

and, finally, the same unusually frequent use of the conjunction *ar* (*air*) 'because'. Yet *BFG* also uses the phrase *ní anse* which the other two tracts do not; though it has examples of *no-ch* it has no other example of *-ch* outside this type of phrase. It is likely, on the whole, that *BFG* derives from the same school as *CU* and *BB*, but not from the same author and at a later date. A number of these stylistic features can, of course, be paralleled elsewhere but the extent to which these three tracts exhibit them clearly marks them out from the generality of legal texts.

If these arguments are correct we have here a result of great significance. The *Senchas Már* had evidently won a position of great influence by the end of the O. Ir. period at the latest. So much is implied by its use, alongside the Munster lawbook *Bretha Nemed*, in Cormac's Glossary.¹ It is important to ask how it may have won this position. One might suppose it to have begun life as the product of a single school which then made its way against its rivals by its intrinsic merits; or, alternatively, to have been the result of some attempt by lawyers of different schools to establish an authoritative corpus (authoritative, that is, within the law schools, not authoritative as legislation). Naturally such a question as this can hardly be settled conclusively until more tracts have been carefully edited; but the arguments advanced above do suggest quite strongly that the second conclusion is correct, namely that the tracts included in the *Senchas Már* stem from more than one law school.

A partial parallel is the group identified by Thurneysen as the work of the same man: *Cáin Iarraith*, *Cáin Sóerraith*, *Cáin Aicillne*, *Cáin Lánamna*.² Just as *BB* contains a reference to *CU* (in §11), so does *Cáin Lánamna* §1 refer back to *Cáin Sóerraith* and *Cáin Aicillne*. The group consisting of *BB*, *CU* and *BFG* is, however, the more interesting in that it is apparently not the work of one author, but the work of one school, and furthermore the work of that school over two generations at least. It is only by establishing the separate identity of the group consisting of *BB*, *CU* and *BFG* that one can argue that the compiler of 'the four *cána*', as the old introduction to the *Senchas Már* calls them,³ belonged to a different school.

¹ Cormac's Glossary (ed. from the Yellow Book of Lecan by Meyer, *Anecdota* iv) nos. 50, 575, 584, 693, 970, 975.

² *Stud. E. Ir. Law* 4.

³ *ZCP* xvi 176, §6.

There may be other similar groups of tracts. A likely candidate is a sequence of three tracts which appear one after the other in H.2.15A (*CIH* 426-36): the tract on the *fuidir*, the tract called in the MS *D'fodlaib cineoil tuaithi* and finally the tract called in the MS *Di dligiud raith ⁊ somaine la flaith*. The first two are evidently connected since the first two sentences of the second tract contain references back to the first (*CIH* 429.14-15; 20-21). The second is divided from the third by a short archaic passage (432.16-20); it looks, however, as though the preceding sentences (432.12-13) belong to the second tract but refer forward to the third. The second and third begin with the same opening formula (429.14-15; 432.22-23). Here again we may well have the work of one compiler. The *Senchas Már* appears to be a lawbook made up not just of tracts but of groups of tracts; and these groups may be distinguished as much by belonging to different schools as by being the work of different compilers. It is likely that these schools belonged to Leth Cuinn and, in particular, to the territory of the Northern Féni (see last note to §33). Munster had its own leading lawbook, the *Bretha Nemed*;¹ the schools of the Ulaid and the Laigin may be unrepresented in the surviving legal texts.

BB is an unusually well organized tract. This may be due in part to its homogeneity, though the same praise cannot be given to its sister tract, *CU*. By scrutinizing *BB* in detail it is possible to reveal something of the intellectual procedures of an Irish lawyer of the seventh century.

The structure of the tract is as follows:

1. The keeper of a new hive and his neighbours: §§1-26:
 - (a) *tairgille*, 'fore-pledge': §§1-3;
 - (b) *téora bliadnai soire*, 'three years of immunity': §§4-10;
 - (c) *cobdaili saithe*, 'divisions of swarms': §§11-26; with excursus on *fidbretha*: §§12-17.
2. Injuries to persons: §§27-35:
 - (a) general distinction between injuries which do not incur liability and those which do: §§27-29;
 - (b) blinding: §§30-35.

¹ D. A. Binchy, 'Bretha Nemed', *Ériu* xvii 4-6; cf. xviii 44-54.

3. Acquiring and retaining ownership of swarms and their produce: §§36-49:

(a) tracked bees: §§36-43:

- i. settle in the tree of a *nemed*: §§36-38;
- ii. settle on the branches/open land/spread cloth of a *nemed*: §§39-41;
- iii. settle on the branches/open land/spread cloth of a non-*nemed*: §§42-43;¹

(b) bees not tracked but origin more or less provable: §§44-45;

(c) bees found: §§46-49:

- i. in a *faithche*: §§46-47;
- ii. outside the *faithche*: §48;
- iii. in forest, unshared land or inaccessible country: §49.

4. Thefts of bees: §§50-54:

- i. in a *les* or *lubgort*: §§50-51;
- ii. in a *faithche*: §52;
- iii. outside the *faithche*: §53;
- iv. theft by a man entitled to a share: §54.

5. Colophon: §55.

Comments on the details will be left to the notes, but some discussion of the plan of the tract is necessary here. The author of the tract is interested in two main topics: the problem of fitting a new hive into an existing framework of rules governing relations between neighbours and the problems of ownership caused by swarming. Personal injuries committed by bees are of less interest to him apart from the leading case concerning Congal Cáech and the kingship of Tara.

The first principal topic is, then, the problem of fitting a new hive into the law of *comaitches*, neighbourhood. As can be seen from the plan of the text given above the main preoccupation here is with *cobdaili saithe*, dividing the swarms so that the neighbours

¹ The large initial *B* at this point in both A and B is clearly an error which demonstrates a textual connection between the two MSS.

get a swarm each after they have allowed the first bee-keeper three years of immunity for his bees. One must remember that the basis of the law of neighbourhood was a group of neighbours who each gave a *tairgille* 'preliminary pledge, fore-pledge' to the rest that they would pay compensation for a range of offences, typically trespass by farm animals. This group of neighbours was often, particularly in the earlier period, regarded as a kindred. The term *comaithches* itself, 'neighbourhood', is sometimes used in a concrete sense for such a group of neighbours.¹

Bees plainly are not to be compared with the usual offenders in the law of *comaithches*, cows, pigs and other farm animals. The author of *BB*, however, is determined to envelop them in the same network of rules, although others were not prepared to go as far as he does (see note to §1). It may well be thought that, in his determination to treat a bee as if it were not so different from a cow,² he lands himself in absurdity (cf. §8). But he had his reasons, and we should pause before condemning him outright. Like many lawyers, perhaps, he has two ends in view: first, he wants to secure a certain solution to possible disputes or legal problems; and, secondly, he wishes to do so at a minimum cost in terms of disturbance to established principles and institutions. The solution he is aiming at is to give the new hive a period in which to get established and to bring some return to the bee-keeper, the three years of immunity, but then, and this is important, to give the neighbours, the *comaithig*, their chance to establish their own hives from the swarms sent out by the first hive. In essence this is an arbitrator's compromise between the claims of the bee-keeper and those of the neighbours. The bee-keeper has all the rights of an owner; but if the neighbours are indeed his kinsmen they may well press for some share in the rewards of his new enterprise. The proposed solution has much to recommend it: it gives the owner his temporary immunity and yet gives the neighbours their swarms. Once the neighbours have received their swarms they too will enjoy a period of immunity after which everyone will be on the same footing. The solution protects the first bee-keeper and yet spreads the new asset throughout the group of neighbours.

¹ Cf. l. 23 of the poem ed. D. A. Binchy, *Celtica* ix 157.

² Cf. *CIH* 1531.13 . . . is a[i]r doforgealait baí ⁊ beith (=beich) 'it is on it (the land) that cows and bees graze' (O'Dav. 1611).

It should be noticed that our lawyer takes a similar line in *CU*. There his problem is that the water-mill is being established on the land of one neighbour, but the mill-race is likely to come across, or start in, the land of the others. The solution allows them each to use the mill *gratis* on a fixed rotation, just as the neighbours in *BB* get their swarms *gratis*.

On the whole, the author of *BB* is successful in arriving at his solution without doing violence to established legal principles. Common sense may occasionally be strained; analysis may be confused; but his approach as a whole has much to be said for it. This approach is built upon the idea that one should arrive at a solution for a particular legal problem by analogies drawn from neighbouring legal topics. In this case the topics drawn upon by the author of *BB* in order to find his analogies are, first, the law governing trespass by such farm-animals as cows or pigs, and, secondly, the law concerning trees, *fidbretha*. If cows trespass, so do bees, and they may even, like cows, be considered to do damage (*orcun*) to the land on which they trespass (§§3, 7, 8). Naturally this seems a little far-fetched; but it is a doctrine which has most valuable consequences. Trespass and damage require compensation, and hence the first bee-keeper is unavoidably a debtor to his neighbours. Without this doctrine our lawyer would have had difficulty in arriving at his solution by which the neighbours had a claim to the swarms. Moreover it means that bees can be fitted immediately into the law of neighbourhood and the institution of the group of *comaithig*.

At this point, however, the author of *BB* runs up against the problem that the neighbours may demand the usual *smachta* 'fines' for trespass. These were usually payable in sacks of grain (*CIH* 66.32ff.; 70.3ff.). But this is not at all the solution he has in mind. Hence he summons another analogy to his aid, that of the division of the fruit of a tree which overhangs a neighbour's land. It is from this source that he derives the cycle of three years of immunity and one year (or two) in which swarms go to the neighbours. The parallel is that the owner of the land on which the fruit falls is entitled to keep it all in the fourth year, but in the first three years he must share it equally with the owner of the tree (§§12-13). It might be said with justice that the parallel is very imperfect: after all, in the case of bees the bee-keeper is entitled to complete immunity, not to a half share of the honey or the swarms. But our lawyer passes with some agility over this small crevice in his path towards his

predetermined solution. At the end of the excursus on *fidbretha* there is a sentence pertaining to bees (§17). This has to do with the very same tree which overhangs the neighbour's land. Bees are supposed to have settled on the overhanging branch and no third party has a claim. Who gets the *torad*—the owner of the tree or the owner of the land over which the branch hangs? *Ní anse*, not difficult, as he might have said had he written a generation or two later: for three years they divide it in two. Then he adds the rather opaque remark *acht is in tíre assa n-ása bunad in toraid* 'but it is to [the owner of] the land from which it (the tree) grows that the source of the produce belongs'. This marks the point at which the parallel again fails. In the *fidbretha* the owner of the land on which the fruit falls gets all of it in the fourth year; then the cycle will repeat itself. With bees, as we are to discover later in the tract, the crucial question is to whom does the swarm, as distinct from a share of the honey, belong. There is no such problem with the fruit of a tree. The reason why the problem is crucial is that bees swarm. If the origin of a swarm can be shown, the owner of the hive from which the swarm came has a claim, the extent of which varies according to circumstance. Hence the issue of ownership is crucial, and is settled by the clause quoted above. We are, however, never told what happened to the *torad*, 'produce', of those bees in the fourth year. The parallel, then, is still imperfect, but it is nonetheless useful in order to tie together the analogy from *fidbretha* and the deduction from that analogy.

We may be able to guess what happened in the fourth year; or, even, our lawyer may have thought us able to deduce it from what he says. The case of the bees settling on the overhanging branch is an unusual one: the usual case is of a new hive being established within one holding, perhaps through swarming, perhaps through purchase. In that case the new bee-keeper, as we have seen, enjoys three years of immunity and in the fourth year the swarms go to the neighbours in turn. It is very likely that, in the case of the overhanging branch, the neighbour over whose land it hung got the first swarm in the fourth year, in accordance with the next sentences, §§18-19. Moreover, in the fourth year the owner of the bees gets none of the swarms, just as in the fourth year the owner of the tree got none of the fruit. There remains the transition from *torad* in the sense of honey (and wax) to swarms, but at least the scheme of three years plus one year works with the exception of the fourth neighbour who must wait until the fifth year (§22). These imperfections in the analogy do not

really matter greatly, except that they show that the origin of the scheme of three years plus a fourth year belongs to *fidbretha* not to *bechbretha*.

At this point our lawyer may be said to be coping skilfully with his problem. But he undoubtedly blots his copy-book with another venture in analogy, that of the sharing of land by kinsmen (§§11, 18). On the details see notes on §2 (second note) and §18. This analogy serves the purpose of introducing a multiplicity of neighbours and affirming an order of precedence between them. Unfortunately, the needs of the argument require, as is shown in the note on §2, two inconsistent forms of the analogy.

In the end, therefore, there are both good and bad aspects of the treatment of the first topic. The solution itself seems intelligent and satisfactory, but while the means used to get there are sometimes ingenious enough the author of *BB* is insufficiently alive to the inconsistencies in his approach. For modern scholars his use of analogy has considerable value, for it enables us to gain information on other aspects of Irish society in the seventh century than the keeping of bees, and, above all, some appreciation of the methods of work of an Irish lawyer attempting to write a manual for his colleagues on a particular range of problems.

The second part of the tract, covering injuries to persons, is on the whole less instructive than the first and the third. It shows that 'leading cases' were not confined entirely to events of the legendary past (§§31-33). The uses of very general maxims are illustrated by §34 as they are, even more strikingly, by §24 in the first part. §34 again demonstrates the use of analogy.

The third part of the tract, however, is more interesting for further hints it gives of the way the author worked. He is interested in problems, and is ready to declare them to be 'most difficult' or 'no easier' (§§1, 36, 39). Not for him the formulaic 'not difficult', *ní anse*, of later compilers or authors; for them nothing was difficult. Our author seems to relish being impaled upon the horns of a dilemma (§36), before offering his solution (§37). For his specially difficult problems he has two approaches. We meet the first in §§1-3: it may be termed the problem-solution-justification approach. It is expressed in the following terms: *Annsam i A B. Álid side/són C, ar D*. 'Most difficult in A is B. That (the problematic situation) entails C (the solution), because D (the justification)'. The second approach may be called the problem-justification-solution approach;

it is used in §§36-41. It goes like this: ‘Most difficult (or no easier) in A is B, for C (justification) D (solution)’. This second approach is the less obvious and thus deserves particular attention. The first example is §§36-38. The problem is stated as *beich thetechtai gaibte crann n-úasalnemid* ‘tracked bees which settle in the tree of a noble dignitary’. We then have the statement of a dilemma, which explains why the problem is ‘no easier’, but also excludes two solutions, and so leads on to the solution actually adopted in §§37-38; *noch ní asu a béim in chrainn fo bith ind nemid na asu dano a túaslucud*, ‘for it is not easier to cut the tree on account of the dignitary nor is it easier to release them’. This implies that the owner of the hive from which the swarm came will never recover possession of them; and, once this is accepted, the solution proposed in §§37-38 becomes, at least in its main lines, inevitable. The other example, §§39-41, is rather different. In this case the explanation of the difficulty of the problem goes on to provide a solution, for bees are listed in the heptad as the first of the exceptions to the general rule which creates the problem (*cain dimet ind nemid ní doda-airret?* ‘do not the dignitaries protect anything which comes to them?’).

These are the special problems, but the same approaches are used for others, less difficult. For example in §42 the problem is stated (*Bretha bairr ⁊ maigne di neoch do-etegar acht arddnemed*); the solution is introduced by the phrase *áilid-són* and a justification is given in terms of a general maxim. Usually, for the lesser problems of the second half of the tract, no justification is given: the general principles are by now clear and any further explanation is otiose. What is retained is a problem-solution approach. The problem is stated by means of a *nominativus pendens* construction on which depend one or more relative clauses. The syntax can become unwieldy as in the highly complex §45 (see notes), but usually it is straightforward as in §§46-49 on finding bees.

Two final questions must be asked. What kind of a man was the author of *BB*? And for whom did he compile *BB*? Professor Binchy has raised a major question in the introduction to *CIH* (pp. ix-x). Were clerics responsible for writing down the lawtracts, or were they professional lay jurists? A full discussion of this problem is out of the question here, but the evidence of *BB* is very pertinent and may be considered briefly. The easiest approach is to consider the second question first, the question of the intended audience, or readership, of the text. The archaic texts are evidently composed

for actual or intending judges, *brithemain*. Often they will be openly addressed to a pupil, and thus contain such phrases as *diamba brithem arafeser*, 'if you would be a judge you should know . . .'. A similar phrase, but not in the second person, has already been noted as the opening formula of some tracts which are not archaic (*CIH* 429.14-15; 432.22-23): 'the man who does not know . . . is not capable of being a judge'. *BB* confirms this impression. Problems are difficult for *brithemain* (§36). The whole purpose of the enterprise is to establish what are the correct *bretha*, 'judgements' (§§3, 11, 12, 31, 33, 42, 55). These are not references to case-law, to particular *bretha* by particular judges, for Irish law hardly ever refers to cases (§31 is exceptional, possibly unique). Rather our author thinks of his *bretha* as the opinions of learned and authoritative lawyers on particular issues. These learned and authoritative *bretha* should then determine the *bretha* given by judges in actual cases (cf. §55). There can be little doubt, then, that *BB* is a professional tract designed to instruct actual or prospective judges.

The importance of *BB* and similar tracts for this question is that they are not archaic. For archaic texts, such as *Din Techtugud*, one must distinguish between the composition of the text and its being written down. The two events may have been separated by a considerable interval. Thus one may attribute the composition to a lawyer addressing other lawyers but the writing down to a cleric bringing arcane learning to a wider, ecclesiastical audience. For the later, non-archaic, texts, things are not so simple. Some of them are composed in a style owing much to Latin learning.

Even those for which this is not true, *BB* for example, are composed as written texts. The archaic tract could form a stable part of the legal tradition because of its style: it was probably, as was remarked earlier, the central pillar round which other teaching was organised. Its brevity and its high and solemn manner enabled it to gain this position of a stable centre in the tradition. But the later tracts gained their position in the tradition only by being written. It was because they were written from the beginning that they had no need of a special solemn mode of composition and so could be composed in straightforward prose, albeit succinct and technical. *BB*, therefore, and tracts like it, were written, not merely composed, for professionals. There can be no sharp distinction in their case between composition and writing. But the only person who could aspire, as does the author of *BB*, to carry weight among

professionals by composing a tract for their instruction must himself have been a professional. The only weighty argument in favour of concluding that Irish lawtracts were written by clerics is that, elsewhere in early medieval Europe, they had a near monopoly of writing. But to that argument one may reply that nowhere else in Europe were the professional non-ecclesiastical men of learning so evident and so organized as in Ireland.

BB, then, is a lawtract of unusual interest. It is datable, like *CG*, by a mixture of historical and linguistic evidence. It is the leading product of a school as well as of an individual. It betrays, as few other lawtracts do, the modes of thought of its author. Finally, it casts much light on the law of neighbourhood, as well as some light on such topics as theft and tree-law.

BEE-KEEPING IN EARLY IRELAND

Origins of bee-keeping. Bees are members of the order *Hymenoptera*, which also includes wasps, ants, ichneumon flies and sawflies. Many kinds of social bees store honey in their nests in such a way that it can be taken by man. Generally, the amount of honey stored is very small; for example, various species of the genus *Bombus* (bumblebee)—including some which are native to Britain and Ireland—store a few ounces of honey in oval cells known as ‘honey-pots’.¹ Almost all the honey eaten by man comes from two closely related species of the genus *Apis* (honeybee), i.e. *Apis mellifera* (the Western honeybee) and *Apis cerana*² (the Eastern honeybee). Dr. Colin Butler (*The World of the Honeybee*, London, 1954, chapter 2) suggests that these two species derive from a common ancestral type which lived in tropical Asia. The Eastern honeybee has continued to inhabit this region where it has probably diverged little from the ancestral type. The Western honeybee has spread of its own accord into the Middle East and much of Europe and Africa. Man has been responsible for its further spread during the last few centuries to America, Australia, etc.

Over the millennia, different races of the Western honeybee gradually evolved to suit local conditions. Dr. Butler (*op. cit.* pp.

¹ Taking honey from bumblebee nests (Mod. Ir. *cúasnóg*, *prúais(n)eog*, *talmhóg*) used to be a common pastime of children, particularly at hay-making time.

² Formerly *Apis indica*.

19-20) distinguishes five principal races. The North-West European race is *Apis mellifera mellifera* var. *lehzeni*, which is a hardy dark-brown honeybee with a short tongue. This race inhabits Northern Germany and Scandinavia. Before the First World War it was common throughout the British Isles, where it was known as the 'British Brown bee' (or alternatively, the 'British Black bee'). A series of epidemics known as 'Isle of Wight disease' destroyed about 90% of the British Brown bee between 1909 and 1917. Italian, Caucasian, Cyprian and other varieties were subsequently imported so the honeybee of Britain and Ireland is now of very mixed ancestry.

It is not known when or where man first started keeping bees. The earliest evidence of bee-keeping comes from a relief in the Temple of the Sun at Abusir, Egypt (built about 2400 B.C.) which depicts bee-hives. References to bee-keeping occur in the Hittite laws of about 1300 B.C. and are frequent in early Greek and Roman sources. For further information on early bee-keeping, see Klek and Armbruster's *Die Bienenkunde des Altertums* i-ii in *Archiv für Bienenkunde* (1919-20), Dr. H. M. Fraser's *Bee-keeping in Antiquity* (1951), and pp. 453-65 of *Honey, a comprehensive survey*, edited by Dr. Eva Crane (1976).

The early history of the honeybee in the British Isles is obscure, and expert opinion is divided as to whether the honeybee was introduced by man or made its own way to Britain and Ireland when there was still a land-connection with the Continent. In his *Field Guide to the Insects of Britain and Northern Europe* (1973) p. 286 Dr. Michael Chinery is of the opinion that 'the honeybee is not really a native of Britain'. On the other hand, Dr. Eva Crane thinks that the honeybee is likely to be native to both Britain and Ireland.¹

¹ We are very grateful to Dr. Eva Crane of the International Bee Research Association and Dr. John Breen of the Biology Department of Thomond College of Education, Limerick, who have both read earlier drafts of this introduction and made many suggestions and corrections. With regard to the problem of how long the honeybee has been present in Britain and Ireland, Dr. Breen has kindly drawn our attention to the work of Professor E. J. DuPraw of the University of California, who has published a number of articles on the honeybee in non-Linnean Taxonomy (e.g. *Nature* vol. 202 (1964) pp. 849-52). By studying patterns of wing-venation, Prof. DuPraw has been able to show the extent to which the honeybee populations of various areas diverge from one another. His approach might be able to demonstrate whether the British Brown variety of honeybee has been in Britain and Ireland for thousands of years or is a 5th-6th century introduction from the Continent. On account of the large-scale importation of other varieties after the near-extinction of the British Brown bee from 'Isle of Wight disease' it would be necessary to work with preserved specimens collected in Britain or Ireland before about 1917.

The belief that the honeybee was introduced to Ireland by man is found in Early Irish tradition. According to the 8th century *Féilire Óengusso* (Feb. 13) a swarm of honeybees was brought from Britain by the saint Mo Domnóc, who flourished in the early 7th century A.D. This tradition was known to Giraldus Cambrensis (*Topographia Hiberniae* i c. vi) in the 12th century. However, early saints were credited with the introduction of a number of agricultural and other techniques, some of which are known from archaeological evidence to be of far greater antiquity.¹ The truth may be that the monasteries practised bee-keeping on a larger scale than was known in pre-Christian Ireland, and so acquired the reputation for having introduced it. As well as honey, each monastery would have needed considerable quantities of beeswax for candle-making and other purposes.

The nature of Irish bee-law might also be taken as evidence that the honeybee was introduced as late as the 5th or 6th century. Some of the more peculiar aspects of Irish bee-law (such as the principle of 'grazing-trespass' by bees) could be explained as the reaction of lawyers who were trying to cope with an unfamiliar situation. Their problem may have been (as Dr. Binchy suggests in *Ériu* xvii 56) to graft the important innovation [of bee-keeping] on to their traditional law of neighbourhood. (One can compare the legal anomalies which arose in the 20th century owing to the fact that regulations concerning aeroplanes were based on nautical analogies). Thus in §§52-3 the stealing of bees from a *faithche* or 'green' incurs the same penalty as the theft of large animals, whereas if the bees are outside the *faithche* only the penalty for the theft of small animals is due. This looks as if bees were fitted into an already existing system of penalties for theft of livestock.

On the other hand, the linguistic evidence suggests that Irish acquaintance with the honeybee is a lot older than the 5th or 6th century. The Irish language has native words for 'bee', 'honey' and 'mead'. The principal word for 'bee' in Irish is *bech* (*IEW* 116, *Ériu* xxii 184-7) which appears with a prosthetic *s*- in Scottish Gaelic *speach*.² It is cognate with Old English *béo*, Old Church

¹ For example, the saint Finán Camm is accredited with the introduction of wheat to Ireland (*Fél. Óen.* notes p. 112). In fact, wheat has been cultivated here since neolithic times (A. T. Lucas, *Gwerin* iii 9).

² The British branch of the Celtic languages uses a different word (probably meaning originally 'the stinging one' cf. Welsh *gwannu* 'to pierce'): Welsh and Cornish *gwenynen*, Breton *gwenanen*.

Slavonic *bičela*, Lithuanian *bite*, etc. The Irish word for ‘honey’ is *mil*, which is cognate with Welsh, Cornish and Breton *mel*, Greek *méli*, Latin *mel*, etc. (*IEW* 723). ‘Mead’ in Irish is *mid* (*miodh*), which is cognate with Welsh *medd*, Corn. *meth*, Bret. *mez*, Sanskrit *mádhu-*, Greek *méthu*, etc. (*IEW* 707).

It might be argued that these Irish words were applied originally to the native species of bumblebee, whose honey-stores have no doubt been raided ever since the arrival of man. However, bumblebees store honey in such small quantities that it seems unlikely that their honey was ever of economic importance, or obtainable in sufficient quantity to make mead.

Two other Irish bee-terms, *tarbsaithe* and *betham*, add weight to argument that the honeybee was present in Ireland long before the 5th or 6th centuries. The term *tarbsaithe* lit. ‘bull swarm’ is used in Old Irish of the 2nd swarm which emerges annually from a colony of bees. It does not occur in the 7th century text of *Bechbretha*, but is used in a 9th century gloss to §20. The same term occurs in Medieval Welsh (*taruheit*) and in Breton (*tarvhet*) and probably goes back to a Common Celtic **tarwo-satios* (see note to §25^a s. v. *tarbsaithe*). As no species of bumblebee sends out swarms (Butler *op. cit.* pp. 31, 152-66) this suggests that honeybees were kept by the speakers of Common Celtic, or at least that they tended wild honeybees nesting in tree-cavities in forests. It also suggests that the Celtic-speaking people who came to Ireland (whose language later developed into Old Irish) brought with them some knowledge of bee-keeping.

The same conclusion is indicated by the agreement of Med. Welsh *bydaf* ‘colony of bees’ with Middle Irish **betham*, nom. pl. *bethamain* (*RC* xxvi 34, xxvii 85, *KZ* xl 245) probably going back to Common Celtic **betamon-*. This may be from Indo-European **bhei* ‘bee’ with *-t-* enlargement (*IEW* 116) combined with the suffix of agency *-amon-* (*Grammar* §268). If so, the colony of bees was viewed as the ‘maker of (swarms of) bees.’ Again, this suits only the honeybee.

Furthermore, the entire text of *BB* contains only four Latin loanwords: *arm* ‘weapon’ (§39), *clocc* ‘bell’ (§46), *eclais* ‘church’ gen. sg. *ecailse* (§49) and *membur* ‘member’ (§49). If bee-keeping had come with Christianity in the 5th or 6th century one might expect associated Latin terminology.

To sum up: the linguistic evidence—though uncertain—indicates that the honeybee was present in Ireland before (probably long before) the arrival of Christianity

Economic Importance. The existence of a special law-tract on honeybees demonstrates their considerable importance in the early Irish economy. In a short Old Irish text on judges (*CIH* 573.25) bees are included among the eight types of livestock (*cethrae*), along with cows, pigs, horses, sheep, goats, hens and geese. Bee-plagues in 950 and 992 A.D. were considered of sufficient importance to be recorded in the *Annals of Ulster*. The 8th century *Cáin Domnaig* ‘Law of Sunday’ includes tracking bee swarms (*dul i ndiaid bech*) as one of the kinds of work which the Church permits on Sundays (*Ériu* xx 162). The main law-tract on distraint refers to the robbing of bee-hives (*im turorgain do bechdín*, *CIH* 384.20). There are also many references to honeybees in sagas, poetry and saints’ lives.

The main use of bees was of course honey-production. Honey was the only sweetener available, as cane-sugar was not imported into Western Europe until about the 12th century (except perhaps in very small quantities) and remained for many centuries a luxury of the rich. The 8th century *Bretha Crólige* mentions honey as a *tarsann* or ‘relish’ (*Ériu* xii 36 §45) and *Fled Bricrenn* from approximately the same period speaks of ‘wheaten bread baked with honey’ (*LU* 8125). In addition to providing flavour, honey must have been a useful foodstuff in its own right, as it is a source of energy-giving carbohydrates (it also contains proteins, minerals and vitamins, though not in sufficient quantity to be of much nutritional value). Being a supersaturated sugar syrup, honey keeps well, and so must have been particularly appreciated during the winter. Its medical properties were highly rated in early Ireland, as elsewhere (see note to §6 *mían ngalair*).

The other product of the honeybee is beeswax. It was of particular importance to the monasteries, as it was used to make the candles necessary for Christian worship.¹ The O. Ir. word for beeswax is *céir*, a borrowing from Latin *cēra*: it is the only Latin loan among the O. Ir. words connected with beekeeping.² Surprisingly, neither our text nor its glosses and commentary refer to beeswax.

¹ For various other uses of beeswax in a 13th century English monastery (Beaulieu), see Frank Vernon *Bee World* 60 (4) pp. 170-75 (1979).

² The O. Ir. word for ‘candle’ (*caindel*) is also a Latin loan (from *candela*).

In Welsh law, on the other hand, beeswax (*cwyr*) is frequently mentioned, e.g. *Llyfr Blegywryd* 'whoever finds a bee's nest, if he shows it to the owner of the land, he is to have four pence and his dinner, or the wax' (ed. Williams and Powell p. 55).

It should be stressed that the lengthy treatment of bees in Early Irish law does not entitle us to conclude that they were of greater economic importance in Ireland than elsewhere in Western Europe. The length of the Irish tract is partly due to digressions on tree-law (§§12-17) and absconders (§39), partly to the complicated treatment of the ownership of swarms (§§36-49), and partly to the Irish lawyers' view that bees could be guilty of 'grazing-trespass' like a cow or other domestic animal. One can contrast Welsh law, where the subject of swarms is disposed of briefly (see texts in Appendix 7). Furthermore, Welsh law makes no mention of 'grazing-trespass' by bees; indeed—so far as we have been able to find out—no other legal system (past or present) has attempted to regulate this form of trespass. In Irish law it is not peculiar to *Bechbretha*, however; an 8th or 9th century tract on distraint (*Celtica* x 80 §11) describes how trespassing bees may be identified—see Appendix 6.

Honey extraction. If the weather is warm and sunny when nectar-yielding flowers are in bloom, a colony of honeybees collects large quantities of nectar, generally within a radius of about a mile from the hive. This nectar is converted into honey in the hive and is stored in waxen cells as a food-supply for later use. The bee-keeper must know how much honey can be taken from a colony without causing it to starve the following winter. In an average year a modern Irish hive is expected to yield 30-40 lbs. of honey.

The taking of honey from bees (whether in a hive or up a tree) has always been a somewhat hazardous undertaking, even when carried out by expert bee-keepers. In both ancient Roman and contemporary bee-keeping, the bees are rendered more docile by the administration of smoke. Our text tells us nothing about the Early Irish methods of taking the honey. It is clear, however, that the bees were not destroyed at the extraction of the honey from the hive (as in the sulphur-pit method widely practised before the invention of the movable frame hive in the 19th century; see note to §27 *collud*). We know from §6 of *Bechbretha* that honey was sometimes taken from a hive in its first three years. The same stock of bees was expected still to occupy the hive in its fourth and fifth years (§§19-22).

Hives. There is no information in our text about the type of bee-hive used by early Irish bee-keepers. The usual Old Irish word is *lestar* which is a borrowing from British (> Welsh *llestr*, Cornish *lester*, Breton *lestr*) and must have entered the Irish language around the 5th-6th centuries A.D. (If it were an earlier borrowing the expected form would be **lessar*, cf. Latin *castellum* > *Caissel*). In the British languages and in Irish the word means ‘vessel’, both in the sense of ‘container for liquids, vase’ and ‘boat, ship.’ In Welsh and Irish the further meaning ‘bee-hive’ is attested (in Welsh always in a compound with *gwenyn* ‘bee’: *gwenynllestr*). The use of the same term for bee-hive in both Irish and Welsh provides some slight evidence of British influence on early Irish beekeeping. Another O. Ir. word probably meaning ‘bee-hive’ is *bech-dín* (lit. ‘bee-shelter’) which is attested only once (*AL* i 166.27 = *CIH* 384.20). Dr. Crane suggests that it could refer rather to a shelter for bee-hives.

The collective *lestrae* ‘a group of hives, an apiary’ occurs in §30 of our text. In the B glosses (dating from approximately the 9th century) the word for ‘hive’ is always *lestar*, but in the A glosses and commentary (ranging in date from about the 12th to the 16th centuries) *ce(i)s* is also frequently used (see Index). In 30^b the first A glossator uses *ce(i)s* to explain *lestar*. This suggests that *lestar* had gone out of use in the meaning ‘bee-hive’ some time before the 14th century (when the first A glosses were written down—see Introduction p. 4). Possibly this change in terminology reflects a change in bee-keeping practice. The basic meaning of *ce(i)s* is ‘basket, hamper,’ so one could guess that a straw or wickerwork type of hive replaced the presumably wooden *lestar* around the 10th or 11th century. The word *cliab*, of similar meaning to *ce(i)s*, is also used for ‘bee-hive’ in legal glosses (e.g. *AL* i 170.19 = *CIH* 384.35), in the 11th century *Lebor na Cert* (ed. Dillon p. 128 l. 1900), and in the 11th century *Fragmentary Annals of Ireland* (ed. Radner p. 172).

From about the 17th century onwards the regular word for ‘bee-hive’ is *coirceóg* (*corcóg*). A 19th century triad in O’Rahilly’s *Miscellany of Irish Proverbs* (p. 68) reads *Trí beaga is fearr: beag na curcóige, beag na caereach, agus beag na mná* ‘three small things which are best: a small bee-hive, a small sheep, and a small woman.’ *DIL* (s.v. *corcóg*) suggests that this word may be a derivative of *corca* (*coirce*) ‘oats.’ *Coirceóg* may thus have referred originally to a stook

of oats (see Dinneen's *Irish-English Dictionary*) and later developed the meaning 'a bee-hive made out of oat-straw, a bee-hive (of any type).'

Our text (§§50-3) makes it clear that bees might be kept in a garden (*i llugburt*), in a courtyard (*i llius*), in a field near the dwelling-house (*i faithchi*) or well away from the house (*sechtar faithchi*). The third A glossator (53^a) remarks that in the latter case 'the bees were doubtless put out for a good reason.' Perhaps the text refers to the bringing of bee-hives to a particularly rich source of nectar. In modern beekeeping, hives are often transported to moorland in late summer so that the bees can make heather honey. Pliny (*Natural History*, book 21, chapter 43) refers to the transport of hives by boat and mule in Italy and Spain.

Legal commentary shows that bees kept in a courtyard were at risk from poultry. The three crimes of hens within a courtyard are listed as *maethslucud bech* ⁊ *lot roidh* ⁊ *cainninne* 'soft(?) swallowing of bees and destruction of madder and of onions' (*AL* iv 116.10 = *CIH* 73.22).

Life-cycle of bees. For a full understanding of our text it is necessary to have some knowledge of the life-cycle of the honeybee—and also to consider how much early Irish beekeepers might have known about it.

It is estimated that in summer the average modern Irish hive contains one queen bee, about 500 males or 'drones' and about 25,000 infertile females¹ or 'workers.' Our text makes no distinction between queen², drone and worker. It is possible, however, that *tarb* (lit. 'bull') in a 9th-century gloss to §25 means 'drone' (see notes to §25^a).

The sole occupation of the queen is egg-laying—in spring and early summer she may lay up to 1,500 eggs per day. She may live for 4 or 5 years but is said to be at her best when she is 2 years old. The workers collect nectar, pollen and water, make honey, guard and clean the nest, and manufacture combs for the storage of honey and the rearing of young. In spring and summer the workers die after about 4 or 5 weeks, but in the cold part of the year they can live for as

¹ Before the invention of the movable frame hive in the 19th century the number of bees in an average hive would have been much smaller, as beekeepers did nothing to restrict swarming.

² In some North Welsh law-books *modrydaf* (lit. 'mother of the hive') seems to refer to the queen. Her value is equal to that of the entire hive. See Appendix 7, p. 202.

long as six months. The drones emerge around mid-summer and their sole function is to mate. The large number of drones produced each season ensures that the chance of any particular queen failing to find a mate is very small.

In Ireland the year starts for the honeybee with the emergence of the first flowers in February-March, when the overwintered workers start collecting food and the queen starts laying eggs. As it takes only 21 days for an egg to develop into an adult worker, the number of bees increases rapidly when food is abundant. This leads to overcrowding of the hive, and causes the bees to rear some new queens in special queen cells. After this, the phenomenon of *swarming* is likely to occur, if weather conditions are suitable. A swarm generally emerges from the hive on a warm sunny day between noon and 4 p.m. (§23 *na rré sorche*). The emergence of a swarm is a spectacular sight accompanied by considerable noise. Our text—in common with Redaction E of the Latin texts of the Welsh Laws—seems to regard bees as particularly dangerous when emerging in a swarm. According to bee-keepers this is not so, as the bees are normally gorged on honey and consequently docile. However, see note to §27 *i tochumlat*.

The first or prime swarm of the year (§19 *cétsaithe*) generally leaves the hive in May. It contains about half the bees in the hive, with the queen. Approximately eight days after this swarm has left, the first virgin queen of the year emerges from her cell. Within about 10 days of her emergence, she goes on her mating flight(s). In Dr. Butler's experience (*op. cit.* p. 64) she normally leaves the hive unaccompanied by drones or workers. Occasionally, however, she may leave in a so-called 'mating swarm' together with several hundred workers and some drones. Mating takes place in the air within a mile or two of her hive. A queen normally mates with 5 or more drones in rapid succession, and each drone dies immediately after mating. The mated queen usually returns to her own hive, and starts to lay within 3 or 4 days. She has enough sperm stored in her spermatheca to last for her lifetime, and does not mate again.

About nine days after the emergence of the first swarm, a second swarm (known to beekeepers as the 'cast') may emerge. Casts vary considerably in size, but are much smaller than the first swarm. An average figure for a modern colony would be 5,000 workers with about 100 drones and one virgin queen. Sometimes there are 3 or 4 virgin queens present but they soon fight it out, leaving one queen to head the new colony.

The second swarm is not to be confused with the exceptional ‘mating swarm’ mentioned above. In our text (§20) the second swarm is referred to simply as *tánaise* ‘second [swarm]’. In the 9th century B glosses, *tánaise* is glossed .i. *tarbsaithi* ‘bull swarm’, a term which is also found in Medieval Welsh (*taruheit*) and Modern Breton (*tarvhet*). For a discussion of this term, see notes to §25^a.

The second swarm may be followed some days later by another swarm containing about 200 workers or less, about 40 drones and another virgin queen. Hives sometimes send out fourth and fifth swarms which are even smaller.

According to modern bee-keepers, in a reasonably good year a hive can send out two strong swarms.¹ Provided the swarms emerge early enough in the season, they will be capable of overwintering in a healthy condition. Our text agrees: the first two swarms are held to be of value (§§19-20) whereas if there is a third swarm it is called the *meraige*, literally the ‘fool’ (§21).² In legal commentary in H.3.18 (Appendix 4 (c)) this swarm is referred to as the *íarsaithe* lit. ‘after-swarm’.

When a swarm has emerged from a hive, it usually flies around for a short time and then settles on a nearby tree, bush, or fence. Occasionally it may settle on grass or low-growing vegetation. The swarm stays in the same place for a few hours (or sometimes longer) while scout bees³ choose a suitable nesting site. When this has been done, the entire swarm moves off to its new home. The job of the beekeeper is to try to take the swarm—before it moves off—into a hive which he has prepared. In modern bee-keeping, a white cloth about 4 feet square is spread on the ground near the swarm (see Schofield: *Teach Yourself Beekeeping* (1958) pp. 67-9). This is the *brat scarthae* ‘spread cloth’ referred to in §§39 and 41 of our text.

¹ A 13th century Anglo-Norman tract on husbandry *Walter of Henley and other treatises* p. 432 (ed. Oschinsky, Oxford, 1971) states likewise that ‘each hive ought to answer for two swarms a year as their issue.’

² In Herefordshire the third swarm is called the ‘hob’, a word meaning ‘fool, sprite’ (*English Dialect Dictionary* s.v. cast 10).

³ No word for ‘scout bee’ is recorded from O. Ir. However, in Bardic poetry *bech éolais* (or *éoil*) ‘bee of guidance’ is sometimes used as a term of praise. For example, in the first poem in the *Leabhar Branach* (16th century) Aodh Ó Broin is referred to as the *bech éolais* who guides the swarm of the poets of Ireland (*saithe Éigios Chláir Cobhthuigh*) to one abode (*a n-aonadhbha*). The use of this metaphor suggests a knowledge of the function of scout bees (for which see *The World of the Honeybee* p. 165). The term *bech éolais* is discussed in detail by Pádraig Ó Ciardha (*Celtica* xiii 115) and we are grateful to him for the above reference.

The swarm is shaken from the tree or bush into a box which is placed face down in the centre of the cloth. Two small stones are placed under one side of the box to allow the bees to come and go. At dusk the beekeeper takes up the 4 corners of the cloth and ties them over the top of the box. He then places the box in front of the prepared hive, and arranges the cloth so that one edge almost reaches the entrance of the hive. With a sharp jerk he then dislodges the swarm from the box onto the cloth. If all goes well the bees (including the queen) will crawl up into the hive and make it their home.

If the beekeeper fails to take the swarm from where it first settles he can keep track of it as it flies and then try to remove it from its new home. As the swarm is likely to make for an inaccessible cavity in a tree, this may be difficult or impossible.

When dealing with tracked swarms which enter the property of a neighbour, the text distinguishes two different situations.¹ In §§39-42 tracked bees have settled on the branches of a tree or on open land (*beich thetechtai gaibte barr . . . no maigin*). In glosses and commentary such bees are called *beich fessa i mbarr chraind* ‘bees of known origin in the branches of a tree.’ They can be captured by their owner without damaging the neighbour’s property. In this situation the land-owner gets one third of the honey for a year.

A different situation is covered in §§36-8. Here bees tracked by their owner have settled in [a cavity in] a tree (*beich thetechtai gaibte crann*) and to take possession of them would entail cutting the tree.² In glosses and commentary they are called *beich fessa i mbun chraind* ‘bees of known origin in the trunk of a tree.’ In this situation it is clear that the bees are generally left in the tree, and the bee-keeper gets one third of the honey for three years, after which the bees and all their produce become the property of the land-owner.

From §5 it would seem that the author of our text thought that a colony of bees was usually weak in its second year (*bliadain a séoil*) and did not send out swarms until its third year (*bliadain a síl*). In fact, a colony may be well stocked with bees in its second year, and may even be strong enough to send out swarms in its first year (see notes to §5).

¹ Leaving aside the distinction between land-owners of *nemed* and non-*nemed* rank which is introduced in §42.

² The text has *a béim in chrainn*, which presumably refers to quite serious tree-cutting, such as removing a limb in which the bees have occupied a cavity. The B glossator has *a imdibe* ‘cutting around it,’ i.e. cutting the tree on either side of the bees’ nest. See notes to §36.

Finally, it is worth including here the ‘ migrating ’ or ‘ hunger ’ swarm, which sometimes occurs among Western honeybees (and much more commonly among Eastern honeybees). When a colony is starving, all the bees may leave the hive together, and fly off to another locality. This type of swarm is quite different from the swarms described above which contain only a proportion of the bees of a colony. Some time before absconding, the bees often destroy their larvae and pupae—particularly those of the drones.

The B gloss on §25 raises the very remote possibility that *inscuchud* ‘ move, departure ’ of the text refers to a migrating swarm. Our translation of this gloss is uncertain (for discussion see note on §25^a *tola tarb*) but it may contain a reference to the lack of drones in a migrating swarm.

TEXT, VARIANTS AND GLOSSES

(the numbers in square brackets refer to the pages of A)

§1

Annsam^a hi tairgillib tairgille ar bechaib^b.

Annsom A, Andsom C, [Jndsom D. a C, i D. taurgillib A,
tairgill- C, tairgille D. tairgill- C, tairgilli D. bech D.

^a <.i. doilig II .i. annsa em III> A. ^b .i. is dona geallaib torithneacha is duilghi do neach icass e *geall* torithneac dabeir se dar ceand na m[b]each <.i. geall da screpall III> A, .i. geall da screabhall o fir bunadh na mbeach do lucht na ceithre ferann as nesa do, etc. (full commentary given in Appendix 2) C.

§2

Álid-side tairgille n-airib^a tar tír bes-da nesam cach leth^b cíapa méit cíapa laget^c.

taurgille A. nesom A. laiget A.

^a .i. *airiltnigid* seisdhe geall torithneach orro <gid annsa III> .i. geall da screball A. ^b .i. do lucht na fearand is neasu doib do ghach leith <fria da tæb 7 fria da nairceann in tire III> A. ^c .i. gid beg gid mor he .i. in fearand *no* na beich A.

§3

Ar is a tairgillib bertir a mbretha^a i tairsce^b i cinaid^c i llóge^d ar chethardóit tíre bes-da [20b] nesam^e.

targillib A, tairgill- B. berdair A, bertir B. a dtairsce A. a ccinaid
A. a lloige A, a lloge B. cethardoit A. nesom A.

^a .i. *uair* is *ar* tabairt gill toirithnigh dara ceand berar breithemhnas orro A, .i. *amal* bess aiccsi 7 fochraibe na hingelta, is amlaid meit 7 febus na tairgille; is a suidig (*read* -iu) iarum berair breth for ni fofechat 7 fora tairrsce .i. tir tarrail (read tarail?) B. ^b .i. iman gleith A. ^c .i. iman cæchad A. ^d .i. imun saithe A, mad mor in tairgilli doberthar do neoch is suaithnid fogelar co mor a thir, is log mbec as coir ond fir sin arraithe (*read* ar saithe) dona bechaib iarum B. ^e .i. do lucht na ceathra fearand is n[e]asu doib imun doid A.

TRANSLATION

§1

Most difficult^a among fore-pledges is a fore-pledge for bees^b.

^a <i.e. hard, i.e. ‘difficult indeed’> A. ^b i.e. among the most difficult of ‘relieving pledges’ for the person who pays it is a ‘relieving pledge’ which he gives for the bees <i.e. a pledge of two scruples> A, a pledge of two scruples from the original owner of the bees to the owners of the four nearest lands, C.

§2

It entails a fore-pledge for them^a on behalf of the land which is nearest to them on every side^b, however great or small^c.

^a i.e. that entails a ‘relieving pledge’ for them <though it be difficult> i.e. a pledge of two scruples. ^b i.e. to the people of the lands which are nearest to them on every side <on the two sides and the two headlands of the land>. ^c i.e. whether it be small or great i.e. the land or the bees.

§3

For it is according to fore-pledges that judgments upon them are given^a for trespass^b, for injury^c, for earnings (?)^d with respect to the four lands which are nearest to them^e.

^a i.e. for it is after a ‘relieving pledge’ is given for them that judgment is passed on them A, i.e. in proportion to the nearness and contiguity of the grazing, so is the size and worth of the fore-pledges; it is from that then that judgment is passed on that which they graze and on their trespass i.e. land which it visited (?) B. ^b i.e. about the grazing A. ^c i.e. about the blinding A. ^d i.e. about the swarm A, if the fore-pledge which is given to somebody is great, it is clear that his land is much grazed; it is proper for that man to pay a small price for a swarm of the bees afterwards B. ^e i.e. to the owners of the four lands nearest to them ‘about the arm’ (see *DIL* s.v. 1 *doe*) A.

§4

Dlegait-sidi deolaith doib dea llógib^a iar n-aimseraib soíre^b.

seide A. loigib A. suire A.

^a .i. dleagaid side logh doib *arin* deolaidh *no* logh deolaidh doibh <cin log *acht fomelt III*> A. ^b .i. iarsan re súthain i m[b]id beich i sáire A.

§5

Ar dlegait beich téora bliadnai soíre^a cip é lasa n-aithgenatar^b: bliadain a tuisten^c, bliadain a séoil^d, bliadain a síl^e.

bliadan A. suire (-e *added by third glossator*) A. lasnaidgenetar A.
bli- A. dtuisten A, tuisten B. bli- A. seol B. bli- A.

^a .i. uair dleagaid beich beith re re tri mbliadan i saire A. ^b .i. cibe laisi ngeinend siad gu aith no gu eadha A. ^c .i. in bliadain i tuisnigend siad .i. in cedbliadain sin A, .i. in primo anno B. ^d .i. bliadain i m[b]i suaill dib, in bliadain tanaise A, .i. is isan bliadain tanaisi is gnaithem seol ⁊ aputh (*read* apthu) for bechaib B. ^e .i. in bliadain a siland siad, isan treas bliadain A, silad vero in tres bliadain doib B.

§6

Ní dlegat in chethardóit-sin ní doib^a acht a ccáin chuisc^b no allabrig n-aí^c no mían ngalair^d co téora bliadnai a soíre^e cip^f é lasa n-aithgenatar.

dlegait A. cetardoit A. chain A, ccain B. cuisc AB.
na A. allabraig *with last a subscript* A, allabrig B. naiaë *with last a subscript* A, aie B. miann A. bliadna A. suire A. naithgeniter A.

^a .i. nogo dleagaid luct na ceathra fearand sin bis imon doid ni eile doib A. ^b .i. *acht* riagail na dighe cuisg .i. inni as tiugfa, ⁊ ni cindedh fil ure <*no* gomad leithescra i (= a) lestar lulaici II. Leithescra doib a lestar lulaice tuargaib fear go glun, trian escra a lestar samaisce tuargaib fear go imlinn, ceathrama escra a lestar colpthaige tuargaib fear go ara, cuicead eascra a lestar dairte tuargaib fear osa chind III> A, .i. a ndliges cosc do tabairt, mar dligid in comaithech diaraile cosc do mil do B. ^c .i. no inni daberar donti as oll brigh bis uman ai <.i. dæthain taisig na daime .i. no brug ara miad ⁊ all ara doimne .i. int ollom gaise II(?) .i. dia ti ollbrig ala nai .i. rig no epscop no rigsalnemead (*read* uasal-) cena III> A, Allabrig .i. ala brig .i. brig aile frisa tuissech. Aie .i. is si ind ai a timgaire .i. ala brig timgaire B. ^d .i. no in mian doberar do in tan bi[s] se i ngalar A. ^e .i. co ceand tri mbliadan bid beich i sáire .i. gen [n]i aile eistib *acht* sin A. ^f <.i. cid II> A.

§4

The latter are entitled to a gratuity from them from their earnings(?)^a after [their] periods of immunity^b.

^a i.e. they are entitled to a payment from them for the gratuity, or the price of the gratuity from them <with no payment but [freedom to] graze>. ^b i.e. after the 'long period' in which bees are in immunity.

§5

For bees are entitled to three years of immunity^a, whoever may be the person in whose possession they are hived (lit. re-born)^b: the year of their origin^c, the year of their scarcity^d, the year of their multiplying^e.

^a i.e. for bees are entitled to be in immunity for a period of three years A. ^b i.e. whoever may be the person in whose possession they breed 'quickly or lawfully' A. ^c i.e. the year in which they procreate i.e. that is the first year A, i.e. in the first year B. ^d i.e. the year in which there are few of them, the second year A, i.e. it is in the second year that scarcity and death are most likely to affect bees B. ^e i.e. the year in which they multiply, in the third year A, they multiply indeed in the third year B.

§6

These four [lands] are not entitled to anything from them^a except from the due of reparation^b or *allabrig n-aí*^c or the desire of sickness^d until [the end of] the three years of their freedom^e, whoever^f may be the person in whose possession they are hived.

^a i.e. the people of the four lands which are 'about the arm' are not entitled to anything else from them A. ^b i.e. except for the rule of the [thirst-] quenching drink (*see Notes*) i.e. that which is left over, and there is no definite amount prescribed for it <or it may be a half-cup from a vessel in which a milch-cow can be cooked (*see Notes*). A half-cup for them from a vessel in which a milch-cow can be cooked, and which a man raises to his knee, a third of a cup from a vessel in which a three-year-old heifer can be cooked, and which a man raises to his navel, a quarter of a cup from a vessel in which a two-year-old heifer can be cooked, and which a man raises to his temple, a fifth of a cup from a vessel in which a year-old heifer can be cooked, and which a man raises above his head III> A, i.e. that to which he is entitled as reparation, as the neighbour of another is obliged [to give] reparation in honey to him B. ^c i.e. or that which is given to him whose power is great [and] who is concerned with art(?) <i.e. the sufficiency of the chief of the poets i.e. or *brug* ('land') for its dignity and *all* ('cliff') for its depth i.e. the master of wisdom II i.e. if the 'great power' of one of them comes i.e. a king or a bishop or other noble dignitary III> A, *Allabrig* i.e. 'another meaning' i.e. another meaning to the first one. *Aie* i.e. the *aí* is the demand i.e. 'another meaning' of a demand B. ^d i.e. or the request which is given to him when he is sick A. ^e i.e. bees are immune for three years i.e. without anything else out of them except that A. ^f <i.e. whatever> A.

§7

Ar óthá inna téora bliadnai soíre-sin^a, is for ind n-oircne^b fo-ceirt inna smachtu-so^c.

na teora bliadna A. suiri A. for rind A, for ind B. oirggne
A, noircne B. focert A. na smachta A.

^a .i. otha na tri bliadna sin bid beic[h] i sære A. ^b .i. is don lucht foro
roichid ind a noirgne A, .i. bid tairgille airriu co ruice ní bes sirem oirgne B.
^c .i. chuirtir in smacht i seo A.

§8

Noch is ed ro-saig ind n-oircne: a rro-saig bó co etrud^a for ingilt ro-saig in bech^b oc tecmallad a thoraíd.

is- A. rasoig A. ind oirngne A. anrosaig A. rosaigh
(added in margin by third glossator) A. tecclamad A.

^a .i. ind *aired* roindsaiges seig A. ^b .i. roindsaigidh in comhad cetna A.

§9

Óthá inna téora bliadnai^a dlegait in chethardóit-sin tíre bes-da nessam deolaid doib.

ota na teora bliadna A. cethardoit A. nessom A.

^a .i. otha na tri bliadna bid beich i sære A.

§10

Álith a saithib a cobdailib crích^a, ar ní fulaing nech deolaid [21a] díalailiu la Féniu^b; ar is sí trisfintiu inso con-fodlaither fo chobdailib crích^c.

ailit A, alith B. nech deolaid [21a] deolaid A, nech na deolaith G.
diaraili G. la- A. isi A. trisfintiu A. confodlaiter A,
confodlithter B. chobdaili A.

^a .i. *airiltnigid* luct na criche saithe do choibdelegudh doib A, Alith .i. deolaithe doib asna saithib Cobdailib crích .i. amal bes oicse na crích fogelad is amlaid ailith deolaid asna saithib B. ^b .i. *uair* nochon imuilngend neach ní i ndeoladchaire i naiscíd da cheile <.i. deolaid leis ar aba in cain cuisc 7 in mian ngalair *no* ind allabhruigh næ II> A. ^c .i. *uair* isi seo treas fine-duthaigh cæn-fódhailter fo choibdeilegudh na crích A, *confodlithter* in deolat as sin. B.

§7

For after those three years of freedom^a, it is on the limit of trespass^b that one puts these fines^c.

^a i.e. after those three years in which bees are immune A. ^b i.e. it is for those on whom (i.e. on whose land) they reach the limit of their trespass A, i.e. there is a fore-pledge for them until they reach the limit of trespass B.
^c i.e. this fine is put A.

§8

This is as far as the limit of trespass extends: as far as a cow reaches on pasture until milking-time^a, the bee reaches^b collecting its crop.

^a i.e. the distance that it reaches. ^b i.e. it reaches the same distance.

§9

After the three years^a those four holdings which are nearest to them are entitled to a gratuity from them.

^a i.e. after the three years in which the bees are immune.

§10

It (the adjacent holding) is entitled [to a gratuity] from the swarms according to the divisions of holdings^a, for no-one supports a gratuity for another in Irish law^b; for this is one of the three kindred-lands which are divided according to the divisions of holdings^c.

^a i.e. the people of the holding are entitled to divide a swarm among them A, *Is entitled* i.e. gratuities for them from the swarms. *According to the divisions of holdings* i.e. in proportion to the nearness of the holdings on which they graze, so is [each holding] entitled to a gratuity from the swarms B. ^b i.e. for no-one supports anything as a gratuity or gift for another <i.e. he has the due of reparation and the desire of sickness and the *allabrig n-aí* as a gratuity nonetheless> A. ^c i.e. for this is one of the three kindred-lands which is 'well divided' according to the division of the holdings A, the gratuity is divided according to that B.

§11

Cobdaili saithe^a ⁊ bretha barr-bunaid^b ⁊ usci thairidne^c tar crícha^d, air is i suidiu rosuidiged^e gelfine^f ⁊ derbfine^g, íarfine^h ⁊ indfineⁱ hi fintedaib griain la Féniu^j.

cobdaile A, cobdaili (*in gloss on* §25) B. bairr bunaid A. tuiridne
A, tairidni B. tur A. is *om.* A. suide A. la- A.

^a .i. saithi do cobdeileghudh doib <isin cethrumadh bliadan II> A. ^b .i. ⁊ in breath ata iter fear bona in craind ⁊ fear a bharr A. ^c .i. tuididne B.
^d .i. ⁊ int uisce tairgither darna fearandaib A. ^e .i. uair is fo chosmailius na æi eadha isin rosuidhigedh A. ^f .i. in tobor A, gelfine tuididne (*omit as dittography cf. gloss ^c above*) .i. ait asa ngaibther cid topar cith sruth B. ^g .i. <ind ire II> o thobur gu lind A, .i. tir tarsa reth B. ^h .i. in lind A, .i. oca linn ⁊ is sruithe iarfine oldass gelfine [i] suidiu B. ⁱ .i. o lind sis A. ^j .i. i fine-duithchib in feara[i]nd da reir ind [f]enechais A.

§12

Ar is sí breth barr-bunaid la Féniu^a: álid-side cró ime thorad^b fo bíth snuaid tíre inid-chuirethar a torad^c, ar dílsigithir barr-bunad a torad cacha cethramthae bliadnae do thír inid-chuirethar a torad^d.

isi A. bairr bunaid A. la- A. ailid C. cro ima torad A, cro ime thor- B (*gloss*), cro imma torud C. snuad A, snaid (*but rossnuaidter in gloss*) B, snuadh O'Dav. in tíre O'Dav. inidcuirethar A, indocuirith- O'Dav. a *om.* O'Dav. dílsigithir A. barr bunaid A. attorad A. in cethramad bliadain A, cacha cethram- bl- B. tír A. incuirither A. adtorad A.

^a .i. uair isi seo breath ata iter fear bhona in craind ⁊ fear a bhairr do reir ind fenechais A. ^b .i. airiltinigidh seisidheig cro da dhenamh ima thoradh A, .i. is *ed* dlegar dfer bunadh na craibe cro do dhenam uma torad etc. C (*full commentary given in Appendix 2*). ^c .i. fon fath seanaith in feara[i]nd <no ecoisc in tiri III> inadacuirend se a thorud A, .i. arna rossnuaidter a tír oc cuinchech (= cuinchid) in toraid, is airi fegar cro ime thor- B, snuadh .i. ecosc no sainfeth, *ut est* fo bith snuadh in tíre indocuirither toradh O'Dav. ^d .i. uair dílsigidh fear bhona in craind toradh a bharr gach ceathramadh bliadain dfir ind fearaind inadacuirither e <in barr III> A, .i. a landingbail isan cethramad bliadain no a dílsiugud arrecc (*read i rrec*) cin iarmoracht netir o fer on fasa a bunad B.

§11

The divisions of swarms^a and judgments of branches-and-trunk^b and of conducted water^c over holdings^d, for it is here that the *gelfine*^f and *derbfine*^g, *iarfine*^h and *indfine*ⁱ have been established^e among the kindred-shares of land according to Irish law^j.

^a i.e. to divide swarms among them <in the fourth year> A. ^b i.e. and the judgment which is between the owner of the trunk of the tree and the owner of the branches A. ^c i.e. of conducting B. ^d i.e. and the water which is drawn over the lands A. ^e i.e. for it is by comparison with 'that law' that it has been established A. ^f i.e. the source A, *gelfine* i.e. the place from which it is brought, whether it be a well or a stream B. ^g i.e. <the land> from source to pond A, i.e. the land across which it runs B. ^h i.e. the pond A, i.e. at its pond, and the *iarfine* is more privileged than the *gelfine* here B. ⁱ i.e. from the pond down A. ^j i.e. in the kindred-shares of the land according to Irish law A.

§12

For this is a judgment of branches-and-trunk according to Irish law^a: it requires an enclosure about its fruit^b because of trespass(?) on the holding into which it (the tree) deposits the fruit^c, for the branches-and-trunk forfeit the fruit every fourth year to the land into which it deposits the fruit^d.

^a i.e. for this is the judgment between the owner of its branches according to Irish law A. ^b i.e. it requires that an enclosure be made about its fruit A, i.e. the owner of the trunk of the tree is required to make an enclosure about its fruit, C. ^c i.e. on account of the 'particular appearance' of the holding <or aspect of the land> into which it 'lawfully deposits' its fruit A, i.e. so that the holding be not damaged(?) while seeking the fruit, it is for this reason that an enclosure is woven about the fruit B, *snuad* i.e. aspect or 'particular appearance' e.g. *because of trespass (?) on the holding into which it deposits fruit* O'Dav. ^d i.e. for the owner of the trunk of the tree forfeits the fruit of its branches every fourth year to the owner of the land into which it 'lawfully deposits' it <the branches> A, i.e. its entire removal in the fourth year or its absolute forfeiture without pursuit at all by the man from whom the stock originates B.

§13

Inna téora bliadnai aili^a con-fodlaither i ndé etir tír inid-chuirethar^b ⁊ tír asa n-ássa^c.

bliadna aile A. confodlaither A. eitir A.

^a .i. ina tri eile A. ^b .i. is cæin fódhailtir *ar* do iter in fearand anada-cuirind se a thoradh [⁊] a bunadh A. ^c .i. ⁊ in fearand asa nasand se, comhroind thoraidh in croind *ar* dho go cend tri mbliadan iter fear bona in craind ⁊ fear a bharr ⁊ a thorad gac ceathramad bliadain dfir a barr A.

§14

Cip é da llíno imid-chomba(?)^a di-renar lethdíre díarailiu^b a bésaib fidbreth^c fo sóiri cach fêdo^d amal [21b] rosuidiged la Féniu^e.

Gipe C. llinna A, lina C. inidicoimge A, indacomgne C
(*emendation in accordance with gloss emh-cuimhges A*). leithdire A. suire
(*final e added by third glossator*) cach feda A. am- A. la- A.

^a .i. cibe don da imadh *sin* emh-cuimhges .i. a leadradh A, .i. ma roletair nechtairde dhibh in craobh coitcenn fuil eturru, etc. C (*full commentary given in Appendix 2*). ^b .i. eirnid side leithdire and dia cheile A. ^c .i. a ba-[f]is gnæ *no* aibind breithemhnais na feadh A. ^d .i. fo uaislidetaidh gacha feadha <.i. gid fiadhan gid cumra III> A. ^e .i. amail rosuidiged e do reir ind [f]enechais A.

§15

Mad tairdbe^a, di-renar fo thairdbiu cach fêdo cocenúil dó^b, acht ní sóeras nemed de^c.

tairbe A. tairdbe A. cach A. feda A. ni A, a B. soeres
A, soeras B.

^a .i. madh *ar*[d]timchell donether <⁊ ni leatartar uile III> A. ^b .i. eirnithier fo aird-eibi gacha feada is comaith cenel ris A. ^c .i. acht inni sóeras de sin a bheith conad fidh neimhidh e, uair nocon fo aignedh craind ita in [dire] aind side *acht* fo aigned graid inti iga m[b]ind A, .i. is mo diri in craind bis i netarbib a thire oldas in crann bis i fidbaid, cid aonfidh B.

§13

During the other three years^a it is divided in half between the holding into which it deposits it (i.e. the fruit)^b and the holding from which it grows^c.

^a i.e. the other three. ^b i.e. it is 'well that it is divided' in half between the land into which it 'lawfully deposits' its fruit and its origin. ^c i.e. and the land from which it grows, the division into two of the fruit of the tree for three years between the owner of the trunk of the tree and the owner of its branches and the produce every fourth year goes to the owner of its branches.

§14

Whichever of the two destroys it^a, a half fine is paid to the other^b in accordance with the customs of tree-judgments^c depending on the status of each tree^d as established in Irish law^e.

^a i.e. whichever it may be of those two who 'quickly destroys' i.e. its cutting A, i.e. if either of them cut the common branch which is between them, C. ^b i.e. he pays a half-fine for it to the other A. ^c i.e. according to 'pleasant or fair good knowledge' of the judgment of the trees A. ^d i.e. according to the nobility of each tree <i.e. whether wild or sweet> A. ^e i.e. as it has been established according to Irish law A.

§15

If it be lopping^a, it is paid for according to the lopping of every tree of equal rank^b, except that which sacredness increases of it^c.

^a i.e. if it is 'high cutting-around' which is done <and it is not all cut> A. ^b i.e. it is paid according to the 'high lopping' of every tree which is of equally good rank to it A. ^c i.e. but its being the tree of a sacred person is what increases it, for the penalty (*for emendation see Notes*) there does not depend on the nature of the tree, but on the nature of the rank of the person who owns it A, i.e. the payment for the tree which is in the boundaries of his land is greater than the tree which is in a wood, even a single tree B.

§16

Atá amser inid comdíri tairdbe cach fêdo^a fria bunepe; atá ind amser aile ní áili acht trian ndíri ina thairdbe^b.

aimser B.	as A, inad B.	coimdire A, comdiri B.	tairddbe A,
tairtbe B.	cache A.	feda A.	bunebe A.
A.	tairdbe A.	ni aile A.	dire

^a .i. ita aimser is comhdire *airdtimcheall* gacha feadha, i mis *marbdatadh* A, .i. i *naimsir* samrid ⁊ *fomair* daig in toraid bis *foraib* ⁊ daig na saithib (*read* saithi) do gaibail isna raithib sin B. ^b .i. ta aimser eile ⁊ nocon *airiltnigend* se *acht* trian dire .i. da thrian na lantimceall i mis beoaptadh (*read* beodatad, cf. *Celtica* ix 163) *no trian* [n]a lantimchell i mis *mharbdatadh* A.

§17

Mat beich ro-gabat and^a, con-fodlat a torad etarru i ndé co cenn téora bliadnae^b acht is in tíre assa n-ása bunad in toraid^c.

mad A, madh C.	rogabad C.	eturru A.	bliadan A.	isitire
A.	asa A, assa B.	torad A, tor-	B.	

^a .i. mad beich gabaid and A, .i. masa *beth* (*read* beich) rogabsad isin craibh coitchenn uil eaturru, etc. C (*full commentary in Appendix 2*). ^b .i. is cain fodaile[t] a toradh <na saithedh III> atoru *ar* do co ceann tri mbliadan A. ^c .i. *achtagim* is re fear ind fearaind asa *nfasand* se a bunud a thoraidh gach ceathramhadh bliadain: gomroind (*read* comroind) toraidh na mbeach *ar* do gu cennd tri mbliadan iter fear bhona in craind ⁊ fear a barr ⁊ a thoradh gach ceatramhadh bliadain d[f]ir a bhona; amail beres fear in barr torad in craind gaca ceatramad bliadna, is amlaid sin beres fear bona in craind toradh na mbeach gac ceathramad bliadain; cona finta fear bunaid ina mbeach aind sin, *no* gomadh *ar* cuid fir in craind da beth in comraind sin iar mbreith dfir bunaidh a chuid eistib roime A, .i. in tir asa nasaid na bich is bunadh toraid *issed* beres leth on chrann gaibthe .i. ar ni hurusa a imdibe (cf. §36 ní asu a béim in chrainn) B.

§18

Fintiu griain^a i mbechbrethaib^b is sí-edé fo-choslea derbfine^c ar is sí derbfine i mbechbrethaib^d tír bes-da nesam foda-loinge^e.

finntiu grian B.	sisede A.	deirbfine A.	isi A.	deirbfine
A.	nesom A.			

^a .i. in domsod i mbid bich .i. aitt a mbid a lleastar B. ^b .i. ata duthcus don [f]ine a dualgus ind fearaind isna beach <aib (*crossed out*: do rieur na mbreth) II> do reir na mbreath A. ^c .i. isi sidhe foxlas le e fo chosmailius na deirbine *ar* geiline A. ^d .i. uair isi cosmhailius na deirbine *ar* geiline i mbreithemhnas na mbeach A. ^e .i. in fearand is nesu doib imuilnges iad A.

§16

There is a time in which the lopping of every tree has an equal penalty^a to the cutting of its trunk. There is another time which entails only a third of the fine for its lopping^b.

^a i.e. there is a time in which the ‘ high cutting-around ’ of every tree has an equal penalty: in a month of dormancy A, i.e. in the summer and autumn time because of the fruit which is on them and because of the alighting of swarms in those seasons B. ^b i.e. there is another time which entails only a third of the fine i.e. two thirds for its full cutting-around in a month of growth or a third for its full cutting-around in a month of dormancy A.

§17

If it is bees which have settled there^a, they divide the produce in half between them for three years^b, but it is to [the owner of] the land from which it (the tree) grows, that the source of the produce belongs^c (i.e. the bees).

^a i.e. if it is bees which settle there A, i.e. if it is bees which have settled in the common branch which is between them, C. ^b i.e. it is ‘ well that they divide ’ their produce <of the swarms> in half between them for three years A. ^c i.e. ‘ I stipulate ’ that it belongs to the owner of the land from which it grows—from the source of its produce—every fourth year: division of the produce of the bees in half for three years between the owner of the trunk of the tree and the owner of its branches, and its produce every fourth year to the owner of its trunk; as the owner of the branches takes the produce of the tree every fourth year (*referring back to* §12), so the owner of the trunk of the tree takes the produce of the bees every fourth year; [*alternatively:*] the original owner of the bees may not be found there, or that division may be for the share of the owner of the tree after the original owner has taken his share from them already A, i.e. the land from which the bees grow is the source of [the] produce, it gets half from the tree on which they (the bees) settle i.e. for it is not easy to cut it B.

§18

The kindred-share of land^a in bee-judgments^b is the one which the *derbfine* takes^c, for the *derbfine* in bee-judgments^d is the holding which is nearest to them [and] which supports them^e.

^a i.e. the abode in which bees are i.e. the place in which their hives are B. ^b i.e. the kin has a right to the bees by virtue of the land according to the judgments A. ^c i.e. that which takes it by analogy with the *derbfine* [used here] for the *gelfine* A. ^d i.e. for that is the analogy of the *derbfine* for *gelfine* in the bee-judgments A. ^e i.e. the holding nearest to them which supports them A.

§19

Iss ed ón áiles cétsaithe ndeolaid^a día téora mbliadnae^b.

deolaid. mbliadan A.

^a .i. isi sideigh *ariltnighes* cedsaithe di i ndeoladhcaire i cind tri mbliadan A. ^b .i. is e cuid in deolaid nuchun *eigen* di cranchur A.

§20

Inna teoir crícha aili: crích dib bes-da nesam bes tech torad^a is sí-'de beres tánaise^b.

na teora crícha aile A. crích *added in margin probably by fourth glossator*
A. nesom A. iside A. tanaisi B.

^a .i. in crích dib is nesu ⁊ is féarr torudh A. ^b .i. isi side beres in saithe tanase A, .i. *tarbsaithi* B.

§21

Mat comoicsi ⁊ mad [22a] commaith a torad^a, fo-cerdar crann etarru dús cía de beres tánaise^b ⁊ meraige^c.

mad comœcsi A. *main scribe's coma changed to commaith, probably by fourth glossator* A. eturru A.

^a .i. mad comachraib (= comfóchraib) iad ⁊ madh comaith a torodh A. ^b .i. da [f]is cía beres in saithe tanaise A. ^c .i. cía beras in smeraigne A.

§22

Im-ana in chethramad chrích co mbeir cétsaithe día bliadnae^a.

cethramad crích A. conber A. bliadna A.

^a .i. eamnaidh (*read* em-anaidh) in ceathramadh crích gu mberend si cétsaithe i cind bliadna *ar* tri bliadnaib, *no* i cind na bliadna sin fein A.

§23

Acht dlegair donaib críchaib seo na rré sorche fo-cerdat in beich saithe^a ara mbé fer úaidib occa n-imchomét^b arna érlat a saithi^c; ar día n-érlat^d ní dlegat-som somoíni^e ⁊ fo-longat-som bechu co cenn mbliadnae aithirruch^f.

dlegar A. soirche A. bech A. nimchomuet A. saithe
A. somuine A. foloingat A. beochu A. cend A. mbliadua A.

^a .i. *achtaigim* gu ndleagar do lucht na fearand sa na ree solusta i cuirid beich saithi uaithib A. ^b .i. go rab fear uaithib oga nimcoimed *<in margin: Cid fodera conid don duine sea dlegair in saithe do coimet sund ⁊ conud d[f]ir craind dlegair tis coimet in craind? Is e fath fodera: fer in craind geibeas d[f]ir na mbech tis a beich do breith leis, ⁊ coir gemad he dochoimetad do; sund imorro noco gaband in duine sea d[f]ir in saithe a saithe do breith leis acht co rocuirther he ⁊ coir gemad é fein docoimetad do II>* A. ^c .i. arna roelad na saithi A. ^d .i. uair dia nelad A. ^e .i. in saithi A. ^f .i. *ar* tri bliadnaib atharach in saithi *<in margin: Duine sein ⁊ beich aige ⁊ nocho tuillit beich ic lucht na ferann is nesa do, etc. (full text in Appendix 1 (b)) II>* A.

§19

It is this which is entitled to the first swarm *gratis*^a after three years^b.

^a i.e. it is entitled to the first swarm *gratis* from it after three years A. ^b i.e. the meaning of *gratis* is that it is not necessary to cast lots A.

§20

The other three lands: the land which is nearest to them [and] whose produce is best^a, it is this one which gets the second [swarm]^b.

^a i.e. the land which is nearest of them and whose produce is best A. ^b i.e. it is this one which gets the second swarm A, i.e. [the] bull-swarm B.

§21

If they are equally near and if their produce is equally good^a, a lot is cast between them to discover which of the two takes the second [swarm]^b and [which takes] the *meraige* (foolish) one^c.

^a i.e. if they are equally near and if their produce is equally good. ^b i.e. to discover which gets the second swarm. ^c i.e. which gets the *smeraige* one.

§22

The fourth land waits until it takes the first swarm after a year^a.

^a i.e. the fourth land 'waits readily' until it gets the first swarm at the end of the year after three years or at the end of that same year.

§23

But it is required of these lands at any period of brightness in which the bees put out a swarm^a that there should be a man from them to guard them (the bees)^b so that their swarms cannot escape^c; for if they have escaped^d they (the lands) are not entitled to profit^e and they support the bees until the end of a further year^f.

^a i.e. 'I stipulate' that it is required of the owners of these lands at the bright periods in which the bees put out swarms. ^b i.e. that there should be a man from them to guard them <why is it that this person is required to guard the swarm here and that it is the owner of the tree who is required to guard the tree below? This is the reason: the owner of the tree gets [permission] from the owner of the bees below to take the bees away with him and it is right that he should guard [them] for him; in this case however, this person does not get [permission] from the owner of the swarm to take the swarm away with him until it (the swarm) is put out and it is right that he himself should guard it for him>. ^c i.e. so that the swarms cannot escape. ^d i.e. for if they escape. ^e i.e. the swarm. ^f i.e. the swarm after three years further <That is [the case of] a person who has bees and whose nearest neighbours do not have bees,>.

§24

Cach crích ro-ucca a téchtae^a ní dlig-aide tairgille^b na smachtu^c, ar is ed úathath insin con-oirg fri sochaidi la Féniu^d.

rouc D. techta A, techt- D. issed B. huathadh B. insain
A. sochaid A. la- A.

^a .i. in saithi A. ^b .i. geall da screaball A. ^c .i. na saithe A. ^d .i.
a ænsaithe seomh i naigid saithe imdha *ind* fir eile A, .i. a llestar do breith hisin
deolaid do fer thiri, *congel* son frisna lestra aile B.

§25

Mad inscuchud^a, ní dlegar ní doib^b acht cáin chuiscc no mían ngalair no allabruig n-aí, ar dlegair doib-som^c íarnaib téoraib bliadnaib soíre^d; is íar sin^e soid fora téchtae^f [22b].

inscuchad B. miann A. ngalar A. dleagar B. seom A.
sium B. teorai A. saire A. sen A. suid A. techta A.

^a .i. mad reic reactar iad <.i. urglan isan ceathramad bliadain III> A, .i. ní bi tola tarb ann doib do gres *acht* a ninnscuchud ess dia bliadna no [*word missing?* CIH 924^b] B. ^b .i. nocho dleaghar ní eile doib <dona crichaib III> A. ^c .i. cobdaili saithe B. ^d .i. uair dleaghar doibsin uaithib iarna bliadhnaib i m[b]id i saire A. ^e <.i. iarsan tres bliadain III> A.
^f .i. <*forin inscuchud no III*> forin saithe A.

§26

Cip dune lasimb asu tairgille n-airiu^a oldáte smachta^b; is foma do cach recht oca mbiat^c.

duine O'Dav. lasambausu (*first u added in margin, probably by third glossator*) A, lasmbiasa B, lasa nasa O'Dav. taurguille A, tairgilli B, tairgille O'Dav. naire O'Dav. olldate A, oldaiti O'Dav. smachtu B, na smachta so O'Dav. fomamu (*-mu crossed out by a glossator*) A, fomu (*but foma in lemma*) O'Dav. gach O'Dav. oca mbet A, lasi mbiat (*but oca mbit in gloss*) O'Dav.

^a .i. gib duine risnad usu geall toruithneach orro .i. geall da sgreball A, .i. arnach risadh eitir B. ^b .i. na saithe A, .i. *fordicta* (= *supradicta*) dona .i. saithi ⁊ cain chuiscc ⁊ rl- B. ^c .i. is fo a mhaith <*no is rogo III*> *no* is foemhta du gac rict duine iga m[b]id A, .i. is cuimgech .i. is fo a maith *no* is faomtha *no* is roga *no* is cuimcech do gach *richt* duine oca mbit beich O'Dav.

§24

Every land which obtains its due^a is not entitled to fore-pledge^b or fines^c, for that is a case of ‘a few defeating many’ according to Irish law^d.

^a i.e. [consisting] of the swarm A. ^b i.e. a pledge of two scruples A.
^c i.e. the swarm A. ^d i.e. his one swarm against the many swarms of the other man A, i.e. to give the hive as a gratuity to the owner of the land: it (the hive) grazes with the other hives B.

§25

If there should be a move^a, they owe only^b the due of reparation or the desire of [one in] sickness or *allabrig n-aí* for they owe [a gratuity]^c after the three years of immunity^d; it is after that^e that it changes to [being decided according to] their dues^f.

^a i.e. if they are sold <i.e. completely in the fourth year> A, i.e. there is not an abundance of bulls (i.e. drones (?), *see Notes*) for them continually without their moving away after a year or [] B. ^b i.e. nothing else is due from them <to the holdings> A.
^c i.e. divisions of swarms B. ^d i.e. for it is due to them (the holdings) from them (the bees) after the years in which they are immune A.
^e <i.e. after the third year> A. ^f i.e. <to the move or> to the swarm A.

§26

Whoever should think a fore-pledge in respect of them more convenient^a than fines^b, the choice (?) belongs to the person on whose land they are^c.

^a i.e. whoever should think a ‘relieving pledge’ in respect of them more convenient i.e. a pledge of two scruples A, i.e. that it might not reach him at all B. ^b i.e. the swarms A, i.e. the abovementioned accordingly i.e. swarms and due of reparation, etc. B.
^c i.e. ‘good is his good’ <or it is a choice> or ‘it is accepted’ by every class of person who possesses them A, i.e. it is able i.e. ‘good is his good’ or it is accepted or it is a choice or it is in the capacity of every class of person who possesses bees O’Dav.

§27

Is di ruidilsib i mbechbrethaib la Féniu cip é forsa ruirset occa collud^a occa cumscuchud^b occa ngabáil^c occa ndécsin dara sostu^d ind amsir i tochumlat^e.

la- A. forsaruiet A. daro A. sostau A. in am A.
(*emendation in accordance with gloss .i. isan re súthain; see Notes*). in
tochumlat A.

^a .i. cneadh iga milledh <*no oca marbad III*> A. ^b .i. as gach lestar do
lestar A. ^c .i. da barraib ⁊ do mhaignib A. ^d .i. oga ndecsain dara
so-istud A. ^e .i. isan re súthain i com-imluaidid beich saithe do cur gu
toich *no* gu luath A.

§28

Étechtae doib dano cip é in-ruirset oc dul seccu íarna chonair^a
di neoch na déni olcc^b na annrecht friu^c.

Etechta A. da- A. inruiret A. do neoch A. dene
A. nach A. fruu A.

^a .i. is indliged doib gibe *foro* roindsaiged ig dul seocu *forin* conair .i. in
torbach gu *narm* A. ^b .i. a marbhtha A. ^c .i. anndirgidetaidh gaidi
riu <.i. bualad na ces III> A.

§29

Ar is sí-ede fuil^a áiles sáith ind fír di mil^b for-gaibther and^c la
fír óthá suidiu^d nad romarb in mbech rod-mbí^e; ar ma romarbthar-
side ar-tét a chinaid amal chách^f.

isesede (*final e added by third glossator*) A. ailes ailes (*dittography*)
A. said A. ota A. bech A, mbech B. sid A. cinaid
A. cach A.

^a <fo tuinn III> A. ^b .i. uair isi side fuil ailes saith fir do mhill inti A,
saith fir do mil isin fuiliugad, etc. *AL* iii 432 = *CIH* 317.1. ^c .i. fora tabar
and in *forgomh* A. ^d <.i. a luige a oenur III> A. ^e .i. la firluighe on
æi feadha isin *conar* marbastar se in beach rogonastar e .i. fir fola no saraigthe
A, cia adbela som imorro dia facbail a chailce, manis (= manip?) *nech* rodmarba
is cintach i (= a) llestar asa teit B. ^f <.i. amal in cach is diles in uair a
fōgla *no amal* cach rob cetcintach ⁊ ata dil in cinad and II> A.

§27

Among the complete immunities in bee-judgments according to Irish law is the man on whom they have rushed when robbing them^a, moving them^b, seizing them^c [or] looking at them over their hives^d at the time when they are swarming^e.

^a i.e. an injury when despoiling them <or killing them>. ^b i.e. from any one hive to another. ^c i.e. from branches of trees and from open spaces. ^d i.e. looking at them over their 'good abode'. ^e i.e. in the 'long period' in which bees 'move together' to send out a swarm 'properly or quickly'.

§28

It is wrong for them, however, should they attack anyone going past them on his way^a who is doing them no harm^b or illegality^c.

^a i.e. it is wrong for them should they attack anyone going past them on the path, i.e. an armed man on lawful business. ^b i.e. of killing them. ^c i.e. [the] impropriety of stealing from them <i.e. striking the hives>.

§29

For this is an injury^a which entails his sufficiency of honey^b for the man who is stung there^c, with an oath from him^d that he did not kill the bee which stung him^e; for if it is killed, it compensates for its offence as in every other case^f.

^a <under the skin> A. ^b i.e. for this is an injury which entails a man's sufficiency of honey for it A, the sufficiency of honey for the injury, etc. ^c i.e. on whom the sting is inflicted there A. ^d <i.e. his oath alone> A. ^e i.e. with a true oath from that 'lawful person' that he did not kill the bee which stung him i.e. proof of wounding or outrage A, though it should die from leaving behind its sting, unless it is a person that has killed it, the hive from which it comes is liable B. ^f <i.e. like everything which is forfeit at the time of its crime or like an animal of first offence which is equal in value to the offence> A.

§30

Mad súil rocháecha^a iss i suidiu áilid cocrann [23a] forsin lestrai n-uili^b; cip lestar díá toth dib^c ar-tét a fíach^d.

Masa E, Ma F.	rocaoch- E, rocaocha F.	is EF.	a EF.
suidiudh E, suidhe F.	aile EF.	cogrand F.	forsan F.
E, leastr- F.	naile A, uile A (<i>gloss</i>), uil- E, nail- F.	cidbe E.	lestra
A, leastar A (<i>gloss</i>), lestar E, leastr- F.	thoth A, t[<i>illeg.</i>] E, toich F.		arteit
E.	fiach AEF, fíach A (<i>gloss</i>).		

^a .i. madh suil cæchas siad A. ^b .i. isan æi eadha isin *airilt*nigidh se cur craind forna leastraib uile .i. forna cheascaib A. ^c .i. gibe leastar dib thoites and A. ^d .i. tuithidh se na fíach <.i. ceis isin cæchad sin II> A, ceis isin caechad, da cis isin *marbad*; ⁊ indisid lebar *in* cis *ina* chaechad, ⁊ ni *hindisen* da chis isin *marbad* etc. *AL* iii 432 = *CIH* 316.37.

§31

Air is sí cétnae breth inso ceta-rucad im chinta bech for Congail Cháech cáechsité beich^a.

ar EF.	isi AE, asi F.	cetna AEF.	insin E, annsin F.
cetaraced A, cetarug- EF.	im chinta bech <i>om.</i> EF.	conaille (<i>with i erased</i>) A, <i>congal</i> E, conall F.	caochsat EF.
	caech A, caoch EF.		
bech A, beich EF.			

^a .i. *uair* isi seo cedbreath rugadh for conall docæchadar na beich A.

§32

Ba-ch rí Temro^a conid-tubart assa flaith^b.

rig F.	temrach A, temr- E, teamr- F.	comidubart A, conatab-t
E, conatabairt F.	asa [<i>illeg.</i>]mnas E, asa flaitheamhnus F.	

^a .i. seichim <no indsaigim conad a rige tulach naibind II> dobui se A.
^b .i. gur cuireadh he asa [f]laithemhnas A.

§30

If it be an eye which it has blinded^a, it is then that it (the injury) requires the casting of lots on all the hives^b; whichever of the hives it falls upon^c is forfeit for its (the bee's) offence^d.

^a i.e. if it be an eye which they blind. ^b i.e. in that 'lawful case' it requires the casting of lots on all the hives i.e. on the hives. ^c i.e. whichever hive of them it falls on. ^d i.e. it falls as penalty for it <i.e. a hive for that blinding>, a hive for blinding, two hives for killing; and the book tells of the hive for his blinding and does not tell of the two hives for killing, etc.

§31

For this is the first judgment which was passed with regard to the offences of bees on Congal the One-eyed, whom bees blinded in one eye^a.

^a i.e. for this is the first judgment which was passed on Conall whom the bees blinded.

§32

And he was king of Tara^a until [this] put him from his kingship^b.

^a i.e. 'I say' <or 'I advance' that it was in the kingship of the 'beautiful hills'> that he was. ^b i.e. until he was put from his kingship.

§33

To-bert a chin forsin fer batar beich^a noch is sí breth inso brethae la Ultu ⁊ Féniu imbi^b.

dobert EF.	a cin EF.	forsan EF.	batair A, badar E,
batar F.	bech A, beich EF.	noch isi A, noch asi EF.	innso E,
annsin F.	bretha AF, br- E.	ulta E, hulltu F.	finiu A, feine
EF.	imbe E, uime F.		

^a .i. tugadh a chin forsan fear aga rabatar beich ina arrud A. ^b .i. seichim conad i seo breath rugadh ag ultaib [*a gloss on ⁊ finiu has been erased though a final -b is still partly visible*] ime A.

§34

Air iss i suidiu^a ar-tét sochaide^b cinaid n-óenfir^c nad forúachtatar uili la Féniu^d; amal mart fo-reccar la cona^e no mucca no chethrai^f no fer gonar a ucht slúaig máir^g nadid-lamethar^h airthechⁱ na fortach for nech sainredach dib^j.

ar is EF.	do suidhiudh E, do suide F.	a ci- E, a cin- F.	naonfir
E, an aonfir F.	⁊ nad E, ⁊ na F.		foruchatat A, forfuachtadar
E, forfuachtadar (<i>second f added above u</i>) F (23 Q 6), foruachtadur F (H.3.17).			
uile A, uili E, uil- F.	la- AEF.	forreccar A, foragar E, forregar F.	
conu E.	mucc- E, muca F.	cethrae A, cethr- E, cethra F.	fer
AEF.	gonair A, gonur E, gonar F.	acht A, ucht E, hucht F.	sluaig A,
sloigh E, tsl- F.	mo[<i>illeg.</i>] E, moir F.	nadhidlamiter A, [<i>illeg.</i>]ca(?)	
laimt- E, noch ní laimither F.	aurthuch A, urtach E, urrthach F.	na	
forthuch A, om. E, na fortach F.	sainredach A, sunradach dibh E,		
	sundradach dibh F.		

^a .i. uair isan ai eada isin <.i. don breith ⁊ don cæchad tet int sochaidhe .i. in ches uili i cinaid in ænfir .i. i nænbech V> A. ^b .i. in saithe <*no in ces III*> A. ^c .i. in beach doroni in cæchadh A. ^d .i. ⁊ nochor fuact-naigedar uili do reir ind feneachais A. ^e .i. amal mart eirgithir gona conaib A, .i. is cocrann focertar forsan lestar, amal forcerdtar cocrann forna conu no forna muca *dus* cia dib dotaot isin cinaid mani aicithar occa .i. dolinat selba fri seilb fortuit mat illselbu .i. brithemhnus for inderb annso, *simliter* in lestar i cina[i]ld in oenbeich B, cf. ma robatar gardhadha imda ann, no ma robatar beich imda is crandchur do chur ce in garda o ndernad in fogal; ⁊ o rafindfaiter, *acht* ma robatar selba imda isin garda isin, is crandchur do chur orro co findtar int selb o ndernad in fogal; ⁊ o rafindfaiter *acht* ma robatar cesacha imda isint seilb sin is crandchur orro co findtar in cis airithi o ndernad in fogal AL iii 438=CIH 318.6. ^f .i. cona ceathraib A. ^g .i. *no* in fear gontair a ucht sluaig moir <im cocrand *no comtabairt* cia dib *no conid* dileas a marbad iter rop ⁊ duine iar nelod cirt III> A. ^h .i. ⁊ nocho laimtenach A. ⁱ .i. uasalteastughudh sena <nach uathaib doronad III> A. ^j .i. imdenamha for neach dib go sunradach A.

§33

He charged the man who owned the bees with its offence^a and this is the judgment which was passed by the *Ulaid* and the *Féni* about it^b.

^a i.e. its offence was charged on the man who owned bees nearby. ^b i.e. 'I say' that this is the judgment which was passed by the Ulstermen about it.

§34

For it is in this case^a in Irish law that a multitude is liable^b for the offence of one^c, [an offence] which they have not all committed^d; as when a carcass is found among dogs^e or pigs or cattle^f, or a man who is killed in the midst of a great crowd^g, and no one ventures^h a vicarious oathⁱ or an oath fixing guilt on anyone of them in particular^j.

^a i.e. for it is in that 'lawful case' <i.e. for the judgment and for the blinding the multitude—i.e. the whole hive—is forfeit for the offence of one i.e. for one bee> A. ^b i.e. the swarm <or the hive> A. ^c i.e. the bee which did the blinding A. ^d i.e. and they have not all committed an offence according to Irish law A. ^e i.e. as a carcass which is found among the dogs A, i.e. it is a lot which is cast on the hive, as a lot is cast on the dogs or on the pigs to find out which of them goes forfeit for the offence, if no-one sees [them] at it i.e. holdings abound alongside the holding on which it falls if there are many holdings (*see Notes*) i.e. this is a judgment upon an uncertain thing, likewise the hive for the offence of the one bee B, if there were many gardens there, or if there were many bees, to cast a lot [to discover] from which garden the injury was done; and when it has been discovered, but if there were many [separate] properties in that garden, to cast a lot on them to discover the property from which the injury was done; and when it has been discovered, if there were many hives in that property, to cast a lot on them to discover the particular hive from which the injury was done. ^f i.e. among the cattle A. ^g i.e. or the man who is killed in the midst of a great crowd: <[it is] concerning the casting of lots, or doubt which of them, or it is free to kill [the culprit] whether animal or human after eluding justice> A. ^h i.e. and he does not venture A. ⁱ i.e. a 'noble testimony' of denial <that it was not done by them> A. ^j i.e. of proof against one of them in particular A.

§35

Di-renar in fer úadaib uilib^a no do-rochratar uili i ndílsi^b.

dorenar BF, doranar E.	in fer om. B.	uadaib AB, uaithibh
EF. uile A, uil- BEF.	dorochrathar A, dorochratar B, dorochradar	
EF. uile AF, uil- BE.	indilse (s <i>inserted by third glossator</i>) A, andilsi	
EF.		

^a .i. icthar in fear uaithib uile <on tsluag no ona ropaib III> A, .i. cin laime ind oenfir do ericc *etarru cach* cuicir inidrochreta B. ^b .i. in saithi A, dorochratar uil- isin cinaich (= cinaith), similiterur (*read* similiter) canes 7 sues B, .i. *conach* (*read* conad cf. 34^g) diles a marbad iter daíne 7 [*illeg.*] go tairge dliged E, *cona* dilis a marbad iter daoine 7 innile no go tairget dliged F.

§36

Ní asu for brithemnaib i mbechbrethaib^a beich thetechtai gaibte crann n-úasalnemid^b, noch ní asu a béim in chrainn^c fo bíth ind nemid^d na asu dano [23b] a túaslucud^e.

asum A.	bech tethecta A.	huasalnemid A.	nach ni
A. craind A.	da- A.		

^a .i. nocon usu lium i mbreithemnas na mbeach inni sea nas ani romaind A. ^b .i. beich teactaid ait *no* aide i mbun craind uasalneimidh <flatha no eclasa III> A. ^c .i. 7 nochon usu beim in craind <dia bun III> A, .i. ar ni hurusa a imdibe B. ^d .i. fo daigin in neimidh asa crand e A. ^e .i. nochon usu a tuaslugud as na mbeach A.

§37

Dligid fer doda-etet^a bes bunadach doib^b trian a toraid co cenn téora mbliadnae^c acht is ónd nemud a n-imchomét^d 7 is deolaid a trian tic fer mbunaid^e. A trian n-aill do nemud i suidigetar^f, a trian n-aill do thír do-melat^g.

dtoraid A.	cend A.	mbliadna A.	nimcomet A.	suidigther A.
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^a .i. dligidh in fear bis ina coimhideacht <etas beth ina comaitecht III> A. ^b .i. do neoch is fear bunaidh doib A. ^c .i. trian a toraidh co ceand teora mbliadan d[f]ir na mbeach A. ^d .i. *achtaigim* is o neimhedh o fíir in craind a nimcoimed risin re sin A. ^e .i. is deoladcaire in trian tic d[f]ir bunaid, is e cuid in deolaidh nucun eigen do a coimed A. ^f .i. a trian eile do neimhed i suidigthir *no* samaigtir iad .i. fear ind fearaind A. ^g .i. 7 ni he in fad is beich féasa i mbun craind uasalneimid <ce airmither fri tír, ni si beres *acht* is in nemead III> A.

§35

Compensation for the man is paid by them all^a, or they have all become forfeit^b.

^a i.e. compensation for the man is paid by them all <by the crowd or by the animals> A, i.e. to pay compensation for the crime of the hand of one man among any five persons in which . . . (see Notes) B. ^b i.e. the swarm A, they all became forfeit for the crime, likewise dogs and pigs B, i.e. it is free to kill them whether humans or animals until they concede justice EF.

§36

It is no easier for judges in bee-judgments^a when tracked bees settle in the tree of a noble dignitary^b: for it is not easier to cut the tree^c on account of the dignitary^d, nor [is it] easier to release them^e.

^a i.e. I do not consider this easier in bee-judgments than what we have mentioned before A. ^b i.e. bees which 'have a place or dwelling' in the trunk of the tree of a noble dignitary <of a lord or of the church> A. ^c i.e. it is not easier to cut the tree <at its base> A, for it is not easy to cut around it B. ^d i.e. because of the dignitary whose tree it is A. ^e i.e. it is not easy to release the bees from it A.

§37

The man who tracks them^a and who is their original owner^b is entitled to one third of their produce for three years^c, but they are looked after by the dignitary^d, and the third which comes to the original owner is a gratuity^e. The second third comes to the dignitary on whose land they settle^f, the other third comes to the land where they feed^g.

^a i.e. the man who accompanies them is entitled <who is able to accompany them>. ^b i.e. [a third] to whoever is their original owner. ^c i.e. a third of their produce for three years to the owner of the bees. ^d i.e. 'I stipulate' that they are guarded by the dignitary, by the owner of the tree, during that period. ^e i.e. the third which comes to the original owner is a gratuity; the meaning of *gratuity* is that he does not have to look after them. ^f i.e. the other third comes to the dignitary in whose land they are settled or established i.e. the owner of the land. ^g i.e. and it is not the length of time that they are known bees in the trunk of the tree of a noble dignitary <though it is counted as land, it is not it which gets [the third] but it is the dignitary>.

§38

Óthá inna téora bliadnai ní dlig fer in bunaid cuit n-indib^a acht smachtu^b dó, neoch ma fo-rúasat orgguin a thíre^c.

na teora bliadna A. bunait A. indib A. smachta A. ma ruasasat A. tire A.

^a .i. nocho dligend fear bunaidh cuid dib .i. fear [about five letters erased] na m[b]each A. ^b .i. na saithe <no cain cuisc III> A. ^c .i. inni sin madia roindsaigea siad d'orgoin a fearaind <ma[n]i beat be[i]ch acasom d'orgain in tire ele III> A.

§39

Ní asu araile^a: beich thetechtai^b gaibte barr nemid^c no maigin^d no brat scarthae^e, ar cain dimet ind nemid ní doda-airret^f acht .uiii. n-éludaig do-chuisin la Féniu na dim nemed Dé na duini^g: beich to-choislet^h ⁊ táidchú foindilⁱ ⁊ élodach fine^j, fer airm deirg^k, ben as-luí a cáin lánamno^l ⁊ ben^m no ferⁿ as-luí goiri a máthar^o [24a] no athar^p inge mad nech na dama coir iar sétaib táide^q?

bech tectæchta A. nemed A. no maig- in nemid B. scartha A. dodauret A. Acht (beginning of new paragraph) A. nelaidthi H, nél- J. do-chuisin om. HJ. la f- A, la- HJ. na AH, nadh J. dime H, dimh J. nemhe H. duine AHJ. bech A, beth O'Dav. (Eg. 88), beich HJO'Dav. (H.2.15B). docoislet AHJO'Dav. ⁊ om. HJ. taidcu A, taidqu H, taidhecú J. faendil H, fainnil J. ⁊ om. HJ. eolodaig A, elodach H, el- J. fear H. bean H. aslai H. lanamna AH. ⁊ om. H. bean H. fear H. aslai H. gairi A, gaire H. a om. H. mad ABK, ma H. na ABH, nad K. dam- K. coir AHK, coire B. seta A, setaib H.

^a .i. nocon usu araile, gne eile, <no III> ni husa inni seo na inni romaind A. ^b .i. beich teactaid ait no aide A. ^c .i. craind uasailneimidh A. ^d .i. arna muigib amuich <feoir III> A, .i. argaib som sonnach no lus B. ^e .i. no brat do sgailedh ara cind <⁊ fair tairisit III> A. ^f .i. aisneidh leat co nditnend in nemed inni tic cuige fora comarge A. ^g .i. na .uiii. neichi elaid and do chain ind [f]easa no indisin ind feinechais A, .i. atat a .uiii. elas da naisneidenn in feinechus ⁊ nocha ditnenn neime de, na heclasa, iatt na duine, na tuaithe, gan ini dlegait na daine o tiagait dib do thabairt doib H. ^h .i. beich foxlaid amach <.i. toich aslaiet uad III> A, .i. na beich foxlaithe o neoch H, .i. do elodhsi O'Dav. ⁱ .i. in gadaighe .i. inti bis for fanneludh amal coin as gach inad inad (for i n-inadh by homoeoteleuton) <gin indile III> A, .i. in gataige no gu fagbu lan na gaite .i. can innile H. ^j .i. inti elos a dligud chorusa fini <co ninnile III> A, .i. gu ninnile H. ^k .i. ⁊ fear deargas a claidemh isin cric iarsan marbad A, .i. iar marbad th'athar no go nici eiric in marbhtha J, .i. iar marbad no gu fagba lan in marbtha H. ^l .i. in bean elas a riagail in lanamnais <derge mbor[b]tuil[e] III> A, .i. gu fagba lan in imscair H. ^m <.i. ingen III> A. ⁿ <.i. mac III> A. ^o .i. don mnæi A. ^p .i. don [f]ir A, .i. in bean no in fer elos re gaire a mathar no athar .i. nocha dlegar a nditten no gu fagbuit inni dleghur H. ^q .i. in mathair isin no int athair B, .i. fer teit i nailithri ⁊ aslui hi clith K, .i. inge ar acht, ata acht lium ann: mad nech na daimenn a gaire do reir choir acht iar conairib gaire (read gaite) .i. in senoir, uair nochan indligthech iat sum annside H.

§38

After the three years the original owner is not entitled to a share in them^a except for the fines^b from him (the dignitary), if they should have committed trespass on his land^c.

^a i.e. the original owner is not entitled to a share in them i.e. the owner of the bees. ^b i.e. the swarms <or the due of punishment>. ^c i.e. that is, if they seek to commit trespass on his land <unless he has bees to commit trespass on the other land>.

§39

Another [case] is no easier^a: tracked bees^b which settle in the branches of a dignitary^c or on open land^d or on a spread cloth^e, for do not the dignitaries protect anything which comes to them^f, except for the seven absconders which exist in Irish law whom the dignitary of neither God nor man protects^g: bees which escape^h and a wandering thieving dogⁱ and an absconder from the kindred^j, a man of a blood-stained weapon^k, a woman who absconds from the law of marriage^l and a woman^m or manⁿ who avoids the duty of looking after mother^o or father^p, unless it be someone who does not acknowledge right after paths of theft^q?

^a i.e. another is no easier, alternatively, <or> this is no easier than the preceding [case] A. ^b i.e. bees which 'have a dwelling or a place' A. ^c i.e. of the tree of a noble dignitary A. ^d i.e. out on the plains <of grass> A, i.e. it settles on a fence or bush B. ^e i.e. or to spread a cloth for them <and they settle on it> A. ^f i.e. declare that the dignitary protects whatever comes to him for his protection A. ^g i.e. the seven things which abscond 'according to the law of knowledge or telling' of Irish law A, i.e. there are seven absconders which are mentioned in Irish law and neither a dignitary of God (of the church) nor of man (of the laity) protects them unless they give what is due to the people from whom they abscond H. ^h i.e. bees which they take away <i.e. it is 'soon that they escape' from him> A, i.e. the bees which are taken away by somebody H, i.e. to escape O'Dav. ⁱ i.e. the thief i.e. the person who is 'weakly fleeing' like a dog from one place to another <without property> A, i.e. the thief until you get the full amount of what has been stolen i.e. without property H. ^j i.e. he who absconds from the law which regulates the kindred <with property> A, i.e. with property H. ^k i.e. and the man who reddens his sword in the territory after the killing A, i.e. after killing your father until you get the fine for the killing J, i.e. after killing, or until you get the full fine for the killing H. ^l i.e. the woman who absconds from the rule of marriage <desertion of violent lust(?)> A, i.e. until you get the full payment for the separation H. ^m <i.e. a daughter> A. ⁿ <i.e. a son> A. ^o i.e. for the woman A. ^p i.e. for the man A, i.e. the woman or the man who evades the duty of looking after mother or father i.e. it is not right to protect them until [the parents] receive what is due H. ^q i.e. that is the mother or the father B, i.e. a man who goes into exile and absconds secretly K, i.e. *inge* for *acht* ('but'), I make an exception here: if it is someone who does not acknowledge his duty of looking after his parents according to right, except after paths of theft i.e. the old man, for they are not then in breach of the law H.

§40

Cid éside^a, ní dim nemed Dé^b na duini^c i nneoch ma fò-accba duine ara-fogna día éis^d frisimbi coir dó tintúth^e.

eiside BH.	dime H.	neimed H.	duine AB.	i nneoch
om. H.	ma fofacbat A, dia facba H.	oirngne A, oirgne B, arafogna		
H.	dies A, dia neis (<i>in gloss</i>) B, dia eis H.	friimbi A, frisambi H.	tindtu	
H.				

^a .i. in *fer* asluat[h] in *ngaire inna mathar* 7rl B, .i. cid he inti elos re *ngaire* H. ^b .i. na *heclaisi* H. ^c .i. na *tuaithe* H. ^d .i. ma *beth* clann leo teis do ecaib dochma 7 gorta dia neis B. ^e .i. dia fagbu duine *dligtech* isin fine tar eis i neoch ricc a leas a *fognam* risi coir do impou do denum a *gaire* .i. mad tha, *nocha* dlegar a diten som andsidhe H.

§41

Beich thetechtai gaibte barr nemid^a no maigin no brat scarthae: áilid nemed trian toraid co cenn mbliadnae^b, in dá trian n-aili do fiur doda-etet^c bess bunadach doib^d acht is ó súidiu a n-imchomét^e ar is deolaid a trian ticc a nnemed^f.

tetechta A.	scartha A.	torad A.	cend AB.	bliadana
(with <i>second</i> a <i>erased</i>) A, mbliadn- B.	aile A.	fir A.	bunaidach	
A.	nimcomet A.			

^a .i. gabait i mbarr craind uasalneimidh A. ^b .i. *airiltnigid in* neimed, fear in craind, trian a thoraidh go ceand mbliadna <co cend teora mbliadan cach torad imach in tan is bun gabait co ceand teora mbliadan cach torad amuich 7 is do barraib III> A, rannait i súidiu *etarru*, no marbaid madh ferr leo no bit *etarru* dana beos B. ^c .i. in da trian eile *donn* fir bis ina coimhideacht A. ^d .i. da neoch is fear bunaid doib A. ^e .i. *achtaigim* on ai eadha isin a nem-coimed risin re sin .i. o fir bunaidh A. ^f .i. *uair* is a n[d]eoladcaire in trian tic don inad (*read* nemed) .i. d[f]ir in craind; is e cuid in deolaidh: nochon eigen do a coimhed A.

§40

Even this person^a, no dignitary of God^b or man^c protects [him], if he leaves behind somebody whom he should serve(?)^d and to whom it is right for him to return^e.

^a i.e. the man who evaded the duty of looking after the mother etc. B, i.e. even though he is the person who evades the duty of maintenance H. ^b i.e. of the church H. ^c i.e. of the laity H. ^d i.e. if they have a family, it may suffer a death of want and hunger in their absence B. ^e i.e. if he leaves behind a lawful person of the kindred who needs to be served and to whom it is proper to return to look after him i.e. if it is so, it is not right for him to be protected in that case H.

§41

Tracked bees which settle in the branches of a dignitary^a or on open land or on a spread cloth: the dignitary is entitled to a third of the produce for a year^b; the other two thirds [go] to the man who tracks them^c and who is their original owner^d, but it is he who looks after them^e, for the third which goes to the dignitary is a gratuity^f.

^a i.e. they settle in the branches of the tree of a noble dignitary A. ^b the dignitary—the owner of the tree—is entitled to a third of its produce for a year <for three years every produce coming out when they settle in the trunk, for three years every produce outside and from the branches> A, they divide between them then, or they kill if they prefer, or they (the bees) still remain between them (*see Notes*) B. ^c i.e. the other two thirds go to the man who accompanies them A. ^d i.e. to the man who is their original owner A. ^e i.e. ‘I except’ that they are to be ‘quickly guarded’ by ‘that lawful person’ during that period i.e. by their original owner A. ^f i.e. because the third which comes to the dignitary is a gratuity i.e. to the owner of the tree; the meaning of *gratuity* here is that he does not have to look after them A.

§42

Bretha bairra^a ⁊ maigne^b di neoch do-etegar^c, acht arddnemed^d: áilid-són cethramthain a toraid co cenn mbliadnae^e neoch mani-ro foiscet crích^f, air dligid cach tír autsad^g di neoch suidigther fris^h.

Bretha A, Breath- B, br-a O'Dav. barr B, O'Dav. maigni B, maig- O'Dav. do O'Dav. doetegar AB, doetagear (*in lemma*), dodaetagar (*in quotation*) O'Dav. airddnemed A. ailed A. cend A. mbliadna A. mana B. rofoiscet (*with f erased*) A, rofoiscet B. aird|dligid A. autsat B. suidigthir A.

^a .i. for barraib crand na nisel~~nemed~~ <na ngrad fene III> A, .i. gaibthi (= O. Ir. gaibte) beich B. ^b .i. for na muigibh imuig <.i. brethemnas so berar iter barr in isilnemed ⁊ maigne in isilneimid ⁊ fer bunaid na mbech IV> A, .i. bitt [i] suidiu dō ni gaibther B. ^c .i. di neoch ateagear daigh dibh go aith <(right margin:) .i. do neoch dib dochum a ninaicther a tiachtain (left margin:) .i. doinchuitchet IV> A, o bechaib B, Doetagear .i. tarrath- *ut est* br-a barr ⁊ maig- do neoch dodaetagar .i. do neoch roetar do gabail .i. tartaighth- O'Dav. ^d .i. *acht* in neimhedh ard, nocon eiseig adeirim, is e cuid ind *achta* and *uair* in ceathraimte bias doib side <.i. int isil IV> (*in margin:*) <.i. ini doberar don uasalnemid ar gabail a mbarr a craind is *ed* on doberar dona gradaib ata isli ar gabail a mbun crainn; is *ed* ois (*read bis*) dono do maigin and isil mad beich cunntabartacha .i. da trian don fir amuigh daig is maigen isil isin rann is nesam teit IV> A. ^e <.i. inund seo ⁊ beich fesa i mbarr crainn isilneimidh IV> A. ^f .i. imi isin mani roindsaige siad i crích eile <*no docum a criche* budein II .i. mana elat asa tír sim gin a tarrachtain ann; dia nelat ni dlig sim ni III *acht* a mbeth isin crand asin crand is ann ata sin IV> A, .i. foscugud B. ^g .i. log autsada i mbi ar chin~~n~~ caich B. ^h .i. *uair* dligid gach fearand dib sin aidi soaidh do do neoch suidigther no s~~a~~maigther i lleath ris <.i. inann so ⁊ beich fesa a mbarr crainn isilneimid IV> A.

§43

Fer in-étet saithe nadbi lais^a co finnathar [24b] maigin i suidigetar^b: trian do thír frisa suidigetar^c, trian do fíur doda-etet^d, trian do lestur oa n-élat^e bes bunadach doib^f.

nabi A. in suidegetar A. di thír A. suidigethar A. dofir (*inserted above line by third glossator*) A. oatelat A. bunudach A.

^a .i. fear ineitces <*no comaitches* III> saithe nabi leis budhein A. ^b .i. gu finnan se int inad i suidigend siad A. ^c .i. beich f~~e~~asa i mbarr craind uasalneimidh sin ⁊ trian do fíur in craind ⁊ da trian do fíur na mbeach ⁊ leath a chodach o fíur na mbeach *ar* thobach asin ceathramad crích nimderg gen gabail mara ⁊ gid leath e is trian, ⁊ gid trian is leath A. ^d .i. trian don fir bis ina coimideact ⁊ ni he in fath *acht* ara tobac <.i. leth cota fir bunaid do ara lenmain IV> A. ^e .i. trian dona leastraib o nelan siad A. ^f .i. di neoch is fear bunaid doib A.

§42

Judgments of branches^a and of open land^b concerning whatever is tracked^c, except for a high dignitary^d: that (case) is entitled to a quarter of their produce for a year^e, (unless they should have shifted ground^f), for every land is entitled to a ‘storage-fee(?)’^g from whatever is deposited on it^h.

^a i.e. on the branches of the trees of the lower dignitaries <of the commoners> A, i.e. upon which bees settle B. ^b i.e. on the fields outside <i.e. this is a judgment which is given between the branches of the lower dignitary and the open land of the lower dignitary and the original owner of the bees> A, i.e. they are settled indeed; that which is settled upon (*see Notes*) B. ^c i.e. of whichever of them . . . is quickly tracked <i.e. of whichever of them towards which their coming is tracked(?) i.e. they enter together (*see Notes*)> A, of bees B, *Is tracked* i.e. is reached, e.g. *judgments of branches and of open land concerning whatever is tracked* i.e. whatever it is possible to get i.e. is reached O’Dav. ^d i.e. except for the high dignitary, it is not he who I am speaking about, the force of the *acht* there is because of the quarter which will be theirs <i.e. the lower [dignitary]> <i.e. what is given to the noble dignitary for [the bees’] settling in the branches of his tree, that is what is given to the lower grades for settling in the trunk of a tree; this is what is [given] for the open land of the lower [dignitary] if they are bees of doubtful origin i.e. two thirds to the other man because it is the open land of a lower [dignitary], it goes to the next fraction> A. ^e <i.e. this is the same as bees of known origin in the branches of the tree of a lower dignitary>. ^f i.e. that is, unless they go to another holding <or to their own holding II i.e. unless they abscond from their own land without being caught there; if they abscond he is not entitled to anything III unless they are in and out of the tree (*see Notes*) it is then that that is (i.e. that that rule applies) IV> A, i.e. departing B. ^g i.e. the payment for the ‘store-house(?)’ when it is for all B. ^h i.e. for each of those lands is entitled to a ‘dwelling of plenty’ from whatever is placed or settled in front of it <this is the same as bees of known origin in the branches of the tree of a lower dignitary> A.

§43

The man who follows a swarm which is not his^a and who finds the place where they settle^b: a third [goes] to the holding where they settle^c, a third to the man who tracks them^d, a third to [the owner of] the hive from which they escape^e and which is their original home^f.

^a i.e. the man who follows <or accompanies> a swarm which is not his own. ^b i.e. and he finds the place where they settle. ^c i.e. that is known bees in the branches of the tree of a noble dignitary, and a third to the owner of the tree and two thirds to the owner of the bees and a half of his share from the owner of the bees for levying in the fourth hostile territory not beyond an arm of the sea (*see Notes*), if it be half [to the owner] it is a third [of that half to the levying], if it be a third [to the owner] it is a half [of that third to the levying]. ^d i.e. a third to the man who accompanies them and this (the accompanying) is not the reason, but for levying them <i.e. a half of the share of the original owner to him for following them>. ^e i.e. a third to the hives from which they escape. ^f i.e. to whoever is their original owner.

§44

Fer oa n-élat beich ro-ch-lamethar forgall in-otat in saithe hi tír a chéli^a i n-inbuithib cuir saithe^b: con-fodlat etarru i ndé in saithe-sin^c, cach torad co cenn téora mblíadnae^d; acht is in tíre i suidigethar is coir bunad a tuisten^e.

bech A. rochlainethar (*punctum delens under ch*) A. forgull
A. motat A. ti of hitir inserted above line by third glossator A. chele
A. cora A. eturru A. sen A. mbli- A, mbl- B.
insuidigther A. as A, is B.

^a .i. seichim *no* indsaigim *conadh* laimhthinach leis foirgell imdenmha *conadh* leis in saithi ra inaitcestar i fearand neich eile <.i. rolaimethar radh *co ndechatar* a beich isin tír 7 ní laimethar forgell arimtis na beich rochuadar uadh sainred, is aire is leth in sin; 7 is a mbun isilnemid no [i]s a mbarr uasalnemid; leth do daigh isit beich chunntabarta; isin rainn is nesam do dochuaidh la cundtabairt IV> A. ^b .i. indbaidh docuirestar a bheich siumh in saithe, as and [f]rith in saithe amuich A. ^c .i. [is cain] fodailet eaturu ar dho in saithi sin <in nemead 7 fer in bunaid, uair is cumtabairt III> A. ^d .i. a thoradh gu ceand tri mbliadna A, .i. marbaid no rannait 7 (*read no?*) bit etarru beoss B. ^e .i. achtaigim is do fir ind fearaind i suidhigther *no* samaigther iad is choir in tuisti sin da beith a bunudh, fear in craind A, is ann is coir domsud na mbech do buith occ lus B.

§45

Mad airm i mbí imbed mbech^a noch as-rulai saithe cach lestair^b nach laimethar nech luge^c bed lais, in-otat saithe do-eit hi tír comaithich bes comoccus doib uilib^d: con-fodlat etarru uili letorad int saithi-sin co cenn téora mblíadnae^e, a letorad n-aill^f hi tír i suidigethar^g inna laimther forgall^h na airthechⁱ bid neich int sainreduch^j [25a].

immed A. arrulla A. cacha A. luigu A, luga B. motat
A. thir A. uile A. eturru A. uile A. lethorud
A. intaithi A. sen A. mbliad- A. lethorad A. suidigther
A. forgull A. airthiuch A. nech A. intainrudach A.

^a .i. i m[b]id beich imda A. ^b .i. seichim *no* indsaigim gur ela saithe asa gach lestar dib (*in margin*:) .i. lestar ilardha dabadar imuig andsin 7 roelo saithe as gach lestar dib 7 frith saithe dib i fearand in comichig is comhachraib doib 7 nocon [f]eas coich dib he; 7 beich [f]easa i mbun craind isilneimid iad 7 leath d[f]ir craind 7 a leath doib sium uile 7 comraindet e fo comarde A. ^c .i. ar is ainbli tois nech ní nabi fia[d] suilib feigheib furmither .i. ar ní fes cia saithi dib sainruth foriacht ann B. ^d .i. seichim *no* indsaigim gona laimteineac re neach dib a luighi gonad leis in saiti ra inaitcestar a fearand in coimhitig is comogos doib uile <na comaithig III> A. ^e .i. is cæin fodaileid aturru uile <leth III (?)> toradh in saithe gu ceand tri mbliadan A. ^f .i. leathtoradh eile A. ^g .i. is re fer ind fearaind i suidigther *no* samaigther he <.i. do barr nemid uasail, uair is cundtabairt, 7 roinn ar do a thoraide taru co cenn tri mbliadan 7 a mbreith d[f]ir crainn otha sin amach IV> A. ^h <.i. ona comichib III> A. ⁱ <.i. o fir barr III> A. ^j .i. nocho laimthinach leo forgell imdenmha na uasalteastughudh sena conidh re neach dib e gu sunrudach A.

§44

The man from whom bees escape and who ventures testimony that the swarm enters the land of his neighbour^a at swarming times^b: they divide in half between them that swarm^c [i.e.] all produce for three years^d; but the source of their procreation (i.e. the bees themselves) belongs to the holding in which it (the swarm) settles^e.

^a i.e. 'I say or advance' that he ventures to make a testimony of proof that the swarm which entered the land of somebody else belongs to him <i.e. he ventures to say that his bees went into the land and he does not venture a testimony that it was those bees in particular which escaped from him, for that reason it is a half; and it is in the trunk of [the tree of] a lower dignitary or it is in the branches of [the tree of] a noble dignitary; he gets a half because they are doubtful bees, it goes to the next fraction because of the doubt> A. ^b i.e. the time that his bees put out the swarm, it is then that the swarm was found outside A. ^c i.e. [it is 'well that'] they divide' that swarm between them <the dignitary and the owner of the stock, because it is doubtful> A. ^d i.e. its produce for three years A, i.e. they kill or divide or they (the bees) still remain between them B. ^e i.e. 'I stipulate' that it is right that that procreation should belong by virtue of origin to the owner of the land where they were settled or established [i.e.] the owner of the tree A, in that case the proper abode for the bees is beside a bush (*see Notes*) B.

§45

If it be a place where there are many bees^a, and a swarm has escaped from every hive^b and no-one ventures an oath^c that it was his [and] the swarm which he may follow enters the land of a neighbour near to them all^d: they divide between them all half the produce of that swarm for three years^e, the other half^f goes to the land where it settles^g when neither oath^h nor testimonyⁱ is ventured that it belongs to a particular person^j.

^a i.e. where there are many bees A. ^b i.e. 'I say or advance' that a swarm escaped from each of the hives i.e. there were many hives out there and a swarm escaped from each hive and one of the swarms was found in the land of a neighbour who is equally near to them and it is not known to whom it belongs; and they are known bees in the trunk of a tree belonging to a lower dignitary and a half goes to the owner of the tree and a half to them all, and they divide it equally A. ^c i.e. for it is wrong that somebody should swear about something which does not take place before [his] sharp eyes i.e. for it is not known which particular swarm of them reached there B. ^d i.e. 'I say or advance' that no-one of them ventures to swear that the swarm which entered the land of the neighbour who is equally near to them all <the neighbours> was his A. ^e i.e. it is 'well that they divide' between them all <half> the produce of the swarm for three years A. ^f i.e. the other half of the produce A. ^g i.e. it belongs to the owner of the land in which it was settled or established <i.e. to the branches [of the tree] of a noble dignitary, for it is doubtful, and its produce is divided in two between them for three years, and they are taken by the owner of the tree after that> A. ^h <i.e. by the neighbours> A. ⁱ <i.e. by the owner of the branches> A. ^j i.e. they do not venture an oath of proof or a 'noble testimony' of denial that it belongs to a particular person of them A.

§46

Fer fo-gaib fríth mbech hi faithchi théchtai (is sí ind faithche théchtæ la Féniu ní ro-saig guth cluicc^{a,b} no gairm cailig cercc^e): áilid cethramthain a thoraíd co cenn mbliadnae do fiur fod-gaib^d; inna teoir cethramthain aili do faithchi hi fogbaithe^e.

fongaib A, fogaib D. bech D. i faithe D. techtai A,
tet[*illeg.*] D. faithchi A. techta A. la- A. mbliadna
A. fir A. na teora cetramtain aile A. faithchi A.

^a .i. ind oired roindsaiges guth in cluig <do eclais III> A. ^b <.i. faiche frite na mbech II> A. ^c <do briugaid ⁊ filid III> A. ^d .i. *airilt*nighid se ceathraimthe a thoraíd gu ceand mbliadna don [f]ir dogeib he <.i. maine mo na trebaire bliadna [f]uil acu, is cethraimthe d[f]ir [f]rithi ⁊ masa mo is leth II> A. ^e .i. do fir na faicti i faghobar he A.

§47

Fer fo-gaib crann mbech hi faithchi théchtai^a: mad íarmothá bliadnai^b leth do fiur fod-gaib, leth n-aill do faithchi hi fogabar^e.

fongaib A. techtai A. iarmota (-ta *added by third glossator*)
A. bli- A. do fir (*added above line probably by second glossator*)
A. fodngaib A. faithchi A.

^a .i. dar lind is bilida itad isan faicthi sea A. ^b .i. mad iaramh a aithli na bliadna dagabar he A. ^c .i. a leath eile do fir na faichte i faghobar e, d'athi a indligid air *ara* beith bliadain ina [f]aithche gen fagbail do <no gin a cuairt do cur III> A.

§48

Fer fo-gaib fríth mbech i nneoch mad sechtar faithchi^a co rricci ruud már^b no écmacht^c no dírainn^d: trian do fiur fod-gaib^e, dá trian do thír hi fogbaithe^f.

faithchi A. ruicce A. rud A. trian *inserted by first glossator* A.
fir A. fodngaib A. tir A. fogbaiter A.

^a .i. inni sin mad seactar [f]aithche dogabar e, iter faiche ⁊ diraind A. ^b .i. na caillead <rofid II> A. ^c .i. in lacha A. ^d .i. in sleibe A. ^e .i. trian do fir dogeib e <*in margin*: Trian d[f]ir [f]rithe and maine mo na trebaire bliadna ⁊ da d[t]rian mad iar mbliadain; no gona beith *acht* trian and do gres, uair ni indiseann leabur a deithbir gid re mbliadain gid iar mbliadain II> A. ^f .i. da trian do [f]ir ind [f]eraind i fagar e A.

§46

The man who finds a stray swarm of bees on a lawful green (the extent of a lawful green in Irish law is as far as the sound of a bell^a, ^b or the crowing of a cock^c reaches): it gives a claim to one quarter of its produce for a year to the man who finds it^d: the other three quarters [go] to the [owner of] the green where it is found^e.

^a i.e. the distance that the sound of the bell reaches <from a church>. ^b <i.e. the green where the bees are found>. ^c <from a hospitaller or a poet>. ^d i.e. it entails a quarter of its produce for a year to the man who finds it <i.e. if they have not been living there for more than a year, a quarter goes to the man who finds them, and if it is greater [than a year] it is a half. Cf. §47>. ^e i.e. to the owner of the green in which it is found.

§47

The man who finds a tree with bees in a lawful green^a: if it be after a year^b, one half [goes] to the man who finds it, the other half to [the owner of] the green where it is found^c.

^a i.e. it seems to us that it is sacred trees which are in this green. ^b i.e. if it is 'then after' the year that it is found. ^c i.e. its other half to the owner of the green in which it is found, to penalise him for its being a year in his green without his finding it <or without making a circuit of it>.

§48

The man who finds a stray swarm if it be outside the green^a up to a great forest^b or inaccessible country^c or unshared land^d, one third [goes] to the man who finds it^e, two thirds to [the owner of] the land where it is found^f.

^a i.e. that, if it is found outside the green, between green and unshared land. ^b i.e. of the wood <great forest>. ^c i.e. of the lake. ^d i.e. of the mountain. ^e i.e. a third to the man who finds it <A third to the man who finds it there if it has not been living there for more than a year, and two thirds if it has: or it may always be only a third, for the book does not say for certain whether it is before a year or after a year>. ^f i.e. two thirds to the owner of the land in which it is found.

§49

Fer fo-gaib fríth mbech hi ruud^a no dírainn^b no écmacht^c: is díles do súidiu^d ar is óenruidles la Féniu^e acht cuit [25b] n-ági fine^f ⁊ cuit n-ecailse frisa mbí audacht^g; noch is sí a cuit-side^h: trian as cach triunⁱ arnacon derbarthar eclais na fine di neoch do-ruillet a membrur^j.

fodgaib A, fogaib L. frithe bech L. rud A. dfirainn A.
la- A. naige A. necl- A. gach B. derbathar A. ecl- A.

^a .i. a chaille A. ^b .i. in sleibe A. ^c .i. in lacha <.i. locha bel set IV> A. ^d .i. is díles don æi fēadha isin A. ^e .i. uair is oen dona hearنالib is rodhiles sein do reir ind fēnechais A. ^f .i. acht in cuid beres inn og-ai bis dond fine .i. flait geline a dualgus cennachta .i. in daerraith A. ^g .i. in cuid ata don eaglais [f]ir-bis aind sin re udacht A. ^h .i. seichim cona i [a] cuid sidhe A. ⁱ .i. trian a hæntrian don chach sin, in nomhadh A, .i. do flaith, a triun flatha; trian do eclais, a trian eclasa; is laisom trian fine fadheisin B. ^j .i. arnara cain-diubarthar ind eglas no ind [f]ine do neoch airiltneigid o mballaib A.

§50

Beich bíte i llugburt^a no i llius^b: cip é foda-rothlae^c no roda-gatta^d di-ren-side amal bid a treib rosn-uccade^e, ar rosuidigthea i comdíriu la Féniu^f.

bech A. llugbart A. lius A. fodarothla A. se
(emendation to side in accordance with gloss seiseideic) A. treb A. rosnaccad
A. rosuidigthi A. comdire A. la- A.

^a .i. imuig A. ^b .i. tall A. ^c .i. im ni de <ni di criathraib III> A. ^d .i. ime uile <na cesa III> A. ^e .i. eirnid seiseideic eneclann and amail bid asin tig rogataid se iat <im lanndire ⁊ im laneneclainn IV> A. ^f .i. uair rosuidiged cutramas eneclainne do reir in [f]einechais isna bechaib bite isin lis tall A.

§51

Beich bíte i llius no i llugburt^a: it comdíri fri séotu trebe^b.

bech A. no luburt A. comdire A.

^a .i. no isin lubghort imuig A. ^b .i. it cutruma sin im eneclainn risna sedaib bis aige ina thigh <amal cleithe na nechtrand i maigin cona gabail for fæsam is fis II> A.

§49

The man who finds a stray swarm in a forest^a or unshared land^b or inaccessible country^c: it is immune for him^d, for it is one of the complete immunities in Irish law^e except for the share of the chief of the kindred^f and the share of the church to which he makes a bequest^g; and this is their share^h: one third from every thirdⁱ lest the church or the kindred be defrauded of anything which their members may be entitled to^j.

^a i.e. of his wood A. ^b of the mountain A. ^c i.e. of the lake
 <i.e. of Loch Béal Sét> A. ^d i.e. it is immune for that 'lawful one' A.
^e i.e. for that is one of the occasions where there is complete immunity according
 to Irish law A. ^f i.e. except for the share which the 'perfect one' of the
 kindred gets i.e. the lord of the *gelfine* by right of his headship i.e. of the fief of
 base clientship A. ^g i.e. the share which is for the church 'which is truly
 there' for a bequest A. ^h i.e. 'I say' that this is its share A. ⁱ i.e. a
 third from every third for that i.e. the ninth A, i.e. [a third] for the lord in virtue
 of the lord's third; a third for the church in virtue of the church's third; he gets
 the third of the kindred himself B. ^j i.e. so that neither the church nor the
 kindred be 'well defrauded' of what they are due from their members A.

§50

Bees which are in a garden^a or in a courtyard^b: whoever carries them off^c or whoever steals them^d, he pays as if it were from a house that he had taken them^e, for they have been fixed at an equal penalty in Irish law^f.

^a i.e. outside A. ^b i.e. inside A. ^c i.e. in the matter of some of
 it <some of the combs> A. ^d i.e. in the matter of all of it <the hives> A.
^e i.e. he pays honour-price for it as if it were from the house that he stole them
 <for full penalty and for full honour-price> A. ^f i.e. for equality of honour-
 price has been fixed according to Irish law for the bees which are inside the
 courtyard A.

§51

Bees which are in a courtyard or in a garden^a incur equal penalty with household goods^b.

^a i.e. or outside in the garden A. ^b i.e. their honour-price is the same
 as the goods which he has in his house <as valuables belonging to strangers in
 a precinct kept with protection and knowledge> A.

§52

Beich bíte i faithchi^a: cip é foda-rothlae^b no foda-roxla^c di-renar lándíre^d. Rosuidiged-són la Féniu hi comdíriu fri húasalneimthiu cethrae^e.

Bech A, Beich C. bid C. a C. faithche A, faiche C.
fodarothla A. fodroxla A. la- A. comdire A. fria A,
fri B. huasalnemeth B. cethra A, cethru B.

^a <.i. dia mbetugad bearar amach a claide no a muine III .i. i *maigin* digona .i. *letheneclann* innta la landire IV> A, .i. *laneneclann* a cutrumus clethe dona bechaib a lios no a lubgort 7 is maighin 7 manab a maighin robo *leth*, etc. C (*full commentary given in Appendix 2*). ^b .i. im ni de <criatraib III> A. ^c .i. ime uile A. ^d .i. icaidh se *laneneclann* <im cetharda II a ceathair i *næn* 7 *letheneclann* III .i. ceth-e (= cethardae? *see Notes*) a *næn* IV> A. ^e .i. rosuidigedh iadside da reir ind [f]enechais i cutrumus *eneclainde* risna cheathraib uaisle <*no* is luga IV> bis aga neimhed <uasal im *letheneclainn* .i. lan *intib* a *maigin* IV> A, .i. lulachacha (= lul(g)acha) 7 daim riata B.

§53

Beich bíte sechtar faithchi^a: cip é foda-roxla^b no roda-gata^c di-renar lándíre^d. Rosuidiged i comdíriu la Féniu fri lú-chethrai^e.

faithche A. comdire A. la- A. lu cethra A, lu cethrai B.

^a <.i. re *det bereas* beos *rocured* amach iat III> A. ^b .i. im ni de <*no* dia *criathraib* III> A. ^c .i. imi uili A. ^d .i. ica[i]dh se *lanenecland* intu <im cetharda II .i. cethr-e (= cethardae? *see note to 52^d*) a *næn* IV> A. ^e .i. rosuidigedh iad i cutrumus *eneclainne* da reir ind fenechais risin ceathra is lu a maighin im *leitheineclainn* intu <.i. cairig, a tri (*or* a *leth*? *see Notes*) indib 7 *sechtmad* *neneclainni* IV> .i. *laneneclann* isna beachaib i lis 7 i lubghort 7 i faigthi 7 leath i *maigin* 7 *sechtmadh* seactar *maigin* A, .i. luain (= lu-uain) 7 luoirce 7 luluígh 7 mendain B (cf. *CIH* 1109.22 *lulaig no luuan no luorc*).

§52

Bees which are in a green^a: whoever may steal them^b or remove them^c, a full penalty is paid^d. That has been established in Irish law at an equal penalty to that for noble dignitaries of livestock^e.

^a <i.e. for feeding them, it (the hive) is brought out to a bank or thicket i.e. in an inviolable precinct i.e. half honour-price for them with full fine> A, i.e. full honour-price in equality with large [animals] for the bees in a courtyard or in a garden and in a precinct, and if it is not in a precinct it is half, C. ^b i.e. in the matter of some of it <of the combs> A. ^c i.e. in the matter of all of it A. ^d i.e. he pays full honour-price <with four-fold [restitution] II four for one and half honour-price III i.e. four(?) for one IV> A. ^e i.e. they have been established according to Irish law with equality of honour-price to the noble <or smaller> animals possessed by a <noble> dignitary <with half honour-price i.e. whole [honour-price] for them in a precinct> A, i.e. milch cows and trained oxen B.

§53

Bees which are outside a green^a: whoever may remove^b them or steal them^c, a full penalty is paid^d. It has been established in Irish law at an equal penalty to that for small livestock^e.

^a <i.e. doubtless they were put out for a good reason> A. ^b i.e. in the matter of some of it <or of its combs> A. ^c i.e. in the matter of all of it A. ^d i.e. he pays full honour-price for them <with fourfold [restitution] II i.e. four(?) for one IV> A. ^e i.e. they have been established in equality of honour-price according to Irish law with the small animals in a precinct, with half honour-price for them <i.e. sheep, three for them and one seventh honour-price> i.e. full honour-price for the bees in a courtyard and in a garden and in a green, and half in a precinct and one seventh outside a precinct A, i.e. little lambs and little pigs and little calves and kids B.

§54

Beich thetechtai^a: fer foda-coislea di magin i suidigetar^b fo théol^c ⁊ táidi^d ro-ch-fintar [26a] faire^e, ní imdich cíá beth cuit dó indib^f. Di-ren-sede fo choibni^g co tabarr téchte do magin díá foxlaiter^h.

Bech A.	tetechta A.	fodacoisle A.	in suidigethar A.	teol
A. taide A.	choibne A.	tabar A.	di magin A.	dianda-
foxlaiter A.				

^a .i. beich teachtait aid[e] no ait A. ^b .i. fer fòxlas leis iad dan inadh i suidig^{ther} iad A. ^c .i. toigleanman a gaidi bunaidh A. ^d .i. dichelta iar tain A. ^e .i. ⁊ dafintar *air* e A. ^f .i. nochon em-didnend gein fiachu gaide uaidh ge beith cuid do intib *cona* nescaire <Ma ruc amach iat gan fis d[f̊]ir *in feraind*, gid les fen iat *no* co tuctha in roind bud coir orro II> A. ^g .i. eirnid side fiach gaide and fo cobintius *amal* na (= no) beath cuid do intib *cona* neascaire A. ^h .i. co tabair se a dlighedh d[f̊]ir ind [f̊]eraind o foxlait^{ther} iad. Duini fuaraistir frithi beach and *sin* ⁊ fiach gaidi ata intib *uair* na dearna a nesgairi, ⁊ da nesgairied iad dabiad cuidig frithi do <ní nimdich ge *bet* cuit do indib .i. in aithgin ⁊ landire leo uile a etrocar; mad troccar *imorra*, is dilsí a cota fen do ⁊ doren landire la cuit *in* fir aile, no *gin* dire uad la cuit *fen*; ⁊ is landire uad la cuit a celi III> A.

§55

Is for sund rosuidigthea bechbretha la Féniu.

rosuidigthi A.	la f-e A.
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§54

Tracked bees^a: the man who removes them from the place where they settle^b by surreptitious removal^c and secret theft^d and who is discovered^e; he has no defence even though he has a share in them^f. He pays an appropriate penalty^g so that the due is given to [the owner of] the open land from which they are removed^h.

^a i.e. bees which 'have a dwelling or a place'. ^b i.e. the man who takes them away with him from the place where they have been settled. ^c i.e. the profit from his original theft. ^d i.e. concealed afterwards. ^e i.e. and it is discovered in his possession. ^f i.e. it does not 'quickly protect' him from [paying] fines for theft though he has a share in them with proclamation of them (i.e. public notice that he had found them) <If he took them out without the knowledge of the owner of the land, though they are his own, until they be properly divided>. ^g i.e. he pays a fine for theft for it at the same rate as if he had a share in them with proclamation of them. ^h i.e. so that he gives his due to the owner of the land from which they are taken. A man who found a stray swarm of bees there and there is a fine for theft for them because he did not proclaim them, and if he had proclaimed them, he would get the share of an estray <he has no defence even though he has a share in them i.e. the restitution and full penalty for them all if he (the owner) is severe; if he is lenient, however, his own share is not forfeit and he pays a full penalty together with the share of the other man, or he pays no penalty, but pays his own share; and it is full penalty together with the share of his co-owner>.

§55

It is on this that bee-judgments have been established in Irish law.

NOTES

Bechbretha is not given as the title at the beginning of the text in A, but nevertheless it was clearly the old title of the tract. In §18 the phrase *imbechbrethaib* marks the return to the subject of the tract after the excursus on *fidbretha* in §§12-17. In §27 the same phrase characterizes the subject of the tract. In §§36 and 55 (the colophon) it is used for judgements made by *brithemain* within the area covered by the tract, judgements which should be in accordance with its teaching. *Breth* is always used in the plural in the titles of law-tracts; cf. *Bretha Comaithchesa*, *Bretha im Gatta*, etc. The title is No. 32 in the list, mostly of law-tracts, printed by Thurneysen, *ZCP* xviii 362ff.

§1

This sentence introduces the first topic of Part I of the tract, the *tairgille* 'fore-pledge'. That the giving of fore-pledges in respect of bees was indeed a practice which caused difficulty and dispute is shown by other texts. An O. Ir. text on the law relating to flying animals (Appendix 5 of this edition) takes a different line from that adopted in *BB*, denying that a *tairgille* should be given for bees 'because they are swift . . . and they do not all commit leaping-trespass together.' For hens, on the contrary, one should give a fore-pledge as for live-stock, since they can be kept in by a fence. The assumption is clear: a fore-pledge is given by a man to his neighbour when he can and should prevent trespass by his animals. The fore-pledge guarantees the payment of compensation and fine for such trespass. But he cannot prevent bees from trespassing, and therefore he should not have to give a fore-pledge. *BB*'s point of view, to judge by §§1-10 and 24, is that the fore-pledge guarantees the neighbours that if they allow the new hive its three years of *soíre* (immunity from claim), they will receive their rightful dues, in the shape of one swarm each in the next two years. Once they have received their rightful due, the *tairgille* has performed its function, and should be returned. In effect, therefore, *BB* accepts the argument that a *tairgille* cannot be used as for other animals; but it requires the *tairgille* to guarantee a form of compensation to the neighbours which is special to bees. The neighbours are to be assured that, if they do not complain about the bees, they will themselves acquire their own hives from the swarms of the fourth and fifth years. Then they will all have hives and the trespasses will cancel out. Though this solution successfully adapted the main principles of the law of *comaithches* to the special case of bees, it was plainly not universally accepted. The text already quoted takes a different line, and yet another is taken by a text on the forms of distraint (ed. D. A. Binchy, *Celtica* x 80 §11 = our Appendix 6), again an O. Ir. text somewhat later than *BB*. This text identifies the *tairgille* with either a payment of produce of the bees (*torad*) or a swarm given by the owner of the hive to his neighbour. If such a *tairgille* is not given, then the owner of the land trespassed upon by the bees may destroy any he catches. This is a much less satisfactory line than that taken by *BB*. The *tairgille* no longer, as elsewhere, guarantees compensation; instead it is itself the compensation. This is a violent change to the meaning of *tairgille*, whereas *BB* provides a genuine legal solution. *Gúbretha Caratniad* §12 (*ZCP* xv 319) appears to agree with *BB* (see note on §10).

annsam. For the syntax here, with a superlative opening the sentence and functioning as a predicate, see Binchy, *Ériu* xviii 49.

For the meaning of *annsam* see note to §15 of *B Crólige* (*Ériu* xii 60). Dr. Binchy distinguishes three meanings: (a) 'most difficult to determine' (e.g. *B Crólige* §§30, 38, 52); (b) 'most troublesome, most oppressive' (e.g. *B Crólige* §15); (c) 'most remarkable, most curious'. Here it has the first meaning. Similarly, *asu* in §§36 and 39 means 'easier to determine.'

For the spelling in *-om* of the MS, see Introd. p. 3.

tairgille. Most other cpds. of *gell* retain the neuter *o*-stem inflexion of the simplex, e.g. *forgall*, *fuigell*, *airgell* (*aurgell*). *Tairgell* occurs in CG 241 (see note) but the normal form of the cpd. *to-air-gell-* is *tairgille* [n. *io*]. *Gell* is also replaced by *-gille* in the cpds. *lethgille*, *lángille*, *ingille*, *firgille* (*Grammar* §254).

A tends to spell the word with *taur-*, §§1, 26 (see Introd. p. 3) but has *tairgille* in §24, and *targillib* in §3. The spelling with *tair-*, supported by other MSS in §§1, 3 and 26 is clearly correct: cf. *do-airgella* vb. n. *tairgellad*.

§2

álid-side. It is not easy to say what is referred to by *side*. *Álid*, 'entails, is entitled to', is a verb much used in some law-tracts (e.g. *B Crólige* 35 exx.), but not in others (e.g. CG no exx.). Even those tracts which favour the verb use it differently. In *B Crólige*, all but seven exx. clearly have a personal subject; and in some of the others the subject is a word which can be used personally (e.g. *fuil* 'wound; wounded man'). In *BB*, however, a clear majority have a non-personal subject. We may compare §§41 and 42. In both cases we have a paragraph which begins with a *nominativus pendens*. This serves as a heading which defines the situation for which the rest of the paragraph will provide a solution. First the problem is set out—and sometimes the problem is *annsam* 'most difficult'—and then the solution is given (cf. Introduction p. 35). In §41 the problem is *beich thetechtai gaibte barr nemid no maigin no brat scarthae*, 'tracked bees which settle in the branches of a dignitary or on open land or on a spread cloth'. The solution begins *álid nemed* 'the dignitary is entitled . . .'. Here, then, *álid* has a personal subject. In §42 there is the same pattern of problem and solution. The problem is set out by a *nominativus pendens* construction, the solution by a sentence beginning with *álid-són*. *Són* does not refer back to any particular word in the statement of the problem: it seems to refer to the problem as such. Similarly in §46 we have a statement of a problem, *fer fo-gaib fríth mbech* etc. The solution begins *álid cethramthain a thoraid . . . do fiur fod-gaib*. Here again the subject of *álid* seems to be the whole situation stated by the *nominativus pendens* phrase.

There are some more familiar exx.: in §19 the pronouns *ed* and *ón* seem to refer back to *tír* in §18; in §29 *fuil* (in a non-personal sense) is the subject; in §16 the implied subject of *ní áili* is perhaps *fid*. In §10 the MS variation between A and B makes firm conclusions impossible (see note).

There remain §12, *álid-side cró ime thorad*, and the present ex. In both *álid* is followed by the anaphoric pronoun *side*. They are distinguished from the ex. in §42 by the use of a masc. rather than the neuter pronoun *són*. At first sight the use of the masc. *side* rather than the neuter *són* seems to exclude the idea that the pronoun refers to a situation or a problem and not a person. In §52, also, it is the neuter *són* which refers back to a situation previously described. Yet the difficulty is not insuperable: in §39 the clause *ní asu araile* introduces a new problem and *araile* refers to the whole situation, not to a particular word; and

yet the pron. is masc. (cf. *CIH* 467.6; 474.4, 24). In §12 one might have expected *són* referring to *barr-bunad*, or *ade* referring to *breth*; *side* unless it refers to an unmentioned *fid* must refer to the situation. Similarly in §2: §1 has stated a problem; as *araile* in §39 shows, a masc. pron. may be used to refer to such a problem and there is no objection to interpreting *side* in the same way.

Another solution is suggested by Professor Quin. Since the opposition between final [t], [θ], [ð] and [d] is neutralized before *s* (all are realized as [t], *Grammar* §§139, 185(d)) both *áilid* and *áilit* would have had [t] before *side* or *sidi* (cf., with *s* followed by *d* giving *-s t-*, *bes tech* §20). One might, therefore, suggest that *áilid side* is the result of false etymological spelling, and that the original had *áilit sidi*, *sidi* referring to the bees mentioned in §1 (cf. *dlegait beich* §5). While attractive in isolation this solution takes account of a narrower range of evidence than the one proposed above and is therefore less satisfactory.

tír bes-da nesam cach leth. Cf. *CIH* 1712.4-6 (normalised): *ocus arindi do-n-airgella cách ara chethrai a coir comathchesa frisna .iiii. comaitchiiu ata nesam immid-mbiat fri da thoib ⁊ fri da n-airchemm* ‘and it is for this reason that each man gives a fore-pledge in respect of his livestock, in accordance with the law of neighbourhood, to the four neighbours who are closest, who surround him on the two sides and on the two ends [of his own holding].’ The tendency was to visualize holdings as rectangular blocks lying side by side and end to end. Neighbours were normally kinsmen; cf. *CIH* 64.18: *Cair: can for-beir comaitches? A ilchomarbus.* ‘A question: whence grows joint-husbandry? From plurality of heirs.’ Hence the tendency was to think of the five neighbouring holdings as the lands of a kindred, all the more so since the terms *nessam*, *comnessam*, *comoccus* were regularly used of proximity of kinship. Proximity of holding and proximity of kinship were expected to go together. As a result it was quite natural for the compiler of *BB* to treat the divisions of swarms by neighbours as an instance of the division of kindred-property, *fintiu* (§§10, 11, 18-22). Examples of *cóic threba* being used for the lands of a kindred (e.g. *Stud. E. Ir. Law*, pp. 148, 149) show that the idea of five adjoining holdings as the *finteda* of kinsmen was a standard legal schema. One man was, therefore, supposed to have four kinsmen-neighbours.

The compiler of *BB*, however, gets tangled in the ramifications of this idea just as he does in *CU* (cf. the introduction to *CU*, *Ériu* xvii 59-60). His muddle has been further compounded by subsequent revision. His mistake was to mix his analogies by not keeping separate two forms of inheritance: first, inheritance from a man whose land did not pass to a descendant, and, secondly, inheritance by more remote kin of the lands of a group of close kinsmen who had all died without issue. In the first case the close kin took all the inherited property of the dead man; in the second, different kindreds, related more remotely to the extinct kindred, shared its property between them. The conception of five neighbouring kinsmen is tied to the idea of a single kindred co-operating in farming; but in §§18-22, as in *CU*, the compiler uses the analogy of different but related kindreds sharing property between them. He changes analogies in mid-stream because he wishes to give an order of precedence according to which the neighbours received their swarms: the nearer the neighbour’s land and the better the grazing it provided, the sooner was a swarm received. He cannot extract such an order of precedence from the first analogy because in such a case the kinsmen took equal shares at the same time.

CU and *BB* both make attempts to lessen the confusion. *CU* has only three neighbouring holdings so that they can then be identified with the *derbfine*,

íarfíne and *indfíne* (used for close kin, remoter kin and most distant kin). *BB* has four neighbouring holdings, but abandons the second analogy after mentioning the *derbfíne* in §18. The insertion of *gelfíne* in §11 appears to be a later addition (see note to §18).

ciapa méit ciapa laget. On the difficulty of analysing forms of the indefinite pronoun, *ce*, *ci*, *cía*, followed by the copula or substantive verb, see *Grammar*, §458; Bergin, *Ériu* xii 208 and *DIL* s.v. 1 *cía*, B. *Ciapa* is probably *cía* (weakly stressed: class (a) of *Grammar*, §458) + *-p*, 3 sg. pres. subj. of the copula, + *a* 3 sg. possessive pronoun; cf., with subst. verb rather than copula, *MI*. 61b28, *cía-bé a mmét*. The analysis is supported by the following exx. from *BFG*: *ciapa lin cipa u-uaite* (*CIH* 470.6); *ciaba lin cipa u-u[a]ite* (470.23); *cía lin cipa n-uaite* (470.31); *ciaba lin ciba n-uaite* (471.11). The nasalisation suggests that the analysis is *ci(a)p aⁿ* ‘whatever be their’. Cf. *ciapa lin ciapa u-uaite*, *B Crólige* §57. Elsewhere the indefinite pronoun appears before the 3 sg. pres. subj. of the copula in the reduced form *ci*; for exx. see *DIL* s.v. 1 *cía*, B. We have, however, hesitated to emend to *cipa*. While *BFG* always has *cípe* before a relative verb (*CIH* 467.9; 476.28) and *cip* before a noun (*CIH* 474.13), it usually has the fuller form *cía* in the present construction (9 exx.) as opposed to *ci* (4 exx.): *CIH* 465.21-22; 466.18; 467.38; 470.6, 23, 31; 471.11. Cf. *ciapa lin ciapa u-uaite*, *B Crólige* §57, but *cip magen* §40, *cip cía* §44.

For exx. of the idiomatic use of *méit* and *laget* see *DIL*, s.v. *lagat*. The quality of the *g* in *laget* fluctuates: the only ex. from the glosses, *Sg*. 26a11, has a broad *g*; but later MSS tend to show a palatal consonant. For the related comparative of *becc*, *laugu/lugu/laigiu*, the glosses show forms with both broad and slender *g*; for exx. see *DIL*, s.v. *bec*.

§3

a tairgillib. We translate ‘according to fore-pledges’ since we understand the *tairgille* to be a pledge given at the outset guaranteeing the payment of a swarm to each neighbour after the end of the three years of immunity. Dr. Binchy points out that it could be translated ‘out of fore-pledges’ and taken to imply that payments for *tairsce* etc. were subtracted from the *tairgille*. This interpretation finds some support from the text on distraint, Appendix 6 (see general note on §1) and from the B gloss ^a to this paragraph which would have the value of the *tairgille* vary according to the ‘nearness and contiguity of the grazing’. The value of the *tairgille* would then vary according to the expected penalties for *tairsce* etc. It would not be a good argument against this interpretation to point to the third glossator’s *.i. geall da screpall*, ‘i.e. a pledge of two scruples’ in gloss ^b to §1 (similarly the glossator in C, and the first glossator in gloss ^a to §2). Two scruples would be an inadequate sum from which to subtract several fines; however, the much earlier B gloss ^a assumes, as we have seen, that the value of the *tairgille* can vary. The later glossators appear to have thought that the fore-pledge for bees was the same as the ordinary fore-pledge given according to the rules of *comaithches* which they also believed to be two scruples (cf. *CIH* 64.33-4, gloss on *cach tairgilli*; similarly 64.24-6). In this belief, however, they must be wrong since the fore-pledge for bees only operated until the neighbours had received their swarms in the fourth and fifth years, while the fore-pledge of normal *comaithches* guaranteed a relationship of indefinite duration. Whereas *BB* §24 envisages the return of the *tairgille*, *B Comaithchesa* appears to assume that neighbours will keep the fore-pledges exchanged at the initiation of their

relationship. The evidence of the glossators, therefore, on the value of the *tairgille* in *BB* must be rejected. On the other hand, *B Comaithchesa* itself lends no support to the theory that penalties might be paid out of the *tairgille*. A permanent *tairgille* would probably consist of some durable commodity such as the articles of silver or bronze or yew mentioned in *CG* 282-3, whereas the penalties of *B Comaithchesa* consist of sacks of grain (*CIH* 66.32ff.), or a proportion of rent (69.14-5; 71.23; the rent itself consisting of a bovine animal: 70.19, 26), or the temporary alienation of pasture (70.34; 71.14-5; but this may be the *colainn féich* as opposed to the *smacht*: 75.2). In *BB*, the *smachta* seem to be identical with the gratis payments of swarms to the neighbours (cf. §§7, 9 and 19-22). It is probable, therefore, that the *tairgille* of *B Comaithchesa* and the *tairgille* of *BB* were given to guarantee compensation and not to provide compensatory penalties should they be due.

tairsce. *Tairsce* is a type of trespass defined in *B Comaithchesa* (*CIH* 75.15) as ‘coming across a holding or across two; also going across a road, going across a river which it is not necessary to swim, crossing over the deserted land of an absentee’. It is distinguished, as the lesser of two trespasses, from *ruiriud* ‘stampede’, *ro* + *reth* (*CIH* 77.38). Both *tairsce* and *ruiriud* seem to be used for trespass over unfenced land, as opposed to *airlim*, ‘leaping’, and *feis*, ‘spending the night’, which are the corresponding two grades of trespass in enclosed land. Here again *BB* and the later text on *caithchi bech* (Appendix 5) adopt different views. For *BB* trespass by bees is *tairsce*, presumably because fences are no obstacle to bees. For the other text, it is *airlim* since, where there are no fences, animals should be prevented from trespassing (*tairsce* or *ruiriud*) by a herdsman; but bees are too swift and fly off at different times, so that no man could possibly prevent them from trespassing. If neglect by a herdsman is not in question, it cannot be *tairsce*, and if it is not *tairsce* it must be *airlim*. The difficulty is caused by the refusal of the lawyers to abandon the traditional terminology of the law of *comaithches*, even when the implied distinctions are wholly out of place.

gloss 3^a B. tír tarraill. We are uncertain of the meaning of this gloss on *tairsce*. There are two possible explanations. First, *tarraill* may be for *tarail*, 3 sg. perf. of *do-aidlea* ‘visits’, i.e. ‘land which it (the bee) has visited’. This gloss might then have to be taken as later than the rest of B’s gloss^a, as it has a singular subject (‘the bee’?) whereas the preceding verb has a plural subject (‘the bees’). Alternatively, one could read *tír tar aill* ‘land across another [land]’. *B Comaithchesa* understood *tairsce* as including the preposition *tar*, giving the definition *tuidecht tar seilb no tar a di* ‘coming across a holding or across two’ (*CIH* 75.15; cf. the corresponding etymological definition of *ruiriud* as *rith tar teorú selbu no cetheorú selbu*, *CIH* 77.38, and the later glosses, *CIH* 198.13, 15). In *BB*, the working assumption is that the bee-keeper is surrounded by four immediately adjacent holdings (§§2, 3). Hence the very definition of *tairsce* may have raised a problem in the glossator’s mind in that it suggests the possibility that not only the bee-keeper’s immediate neighbours but also their neighbours might be entitled to compensation. In a discussion of *tairsce*, probably of the late O. Ir. period, the maximum group of neighbours among whom there can be *imuaim folad* ‘mutual binding of obligations’ consists of the four immediate neighbours and the four neighbours nearest to them (*CIH* 198.26-8; the corresponding text *CIH* 579.23-4 contains an omission). *Tír tar aill* might therefore refer to the neighbour’s neighbour’s holding mentioned in *B Comaithchesa*’s definition of *tairsce*.

i cinaid. *Cin* appears to refer, in *BB*, to personal injuries committed by bees; cf. §§29, 31, 33, 34. In the text on the forms of distraint (Appendix 6) it seems to be used of grazing by bees on another man's land: *cin a mbél* is identified with *orgain do bechaib*, 'damage by bees', which is one of the three injuries to land most difficult to assess (*ar at hé téora fogla ata annsam file do thír orgain do bechaib ⁊ echaib ⁊ mucaib*). *Cin* is the most general word in Irish law for an offence and thus its particular application is at the will of the compiler. A's gloss *iman cæchad* is on the right lines but too restricted, an example not a definition.

i llóge. In *BB* *lóg* is only found here and in §4. Its meaning is value, worth or price considered from the point of view of exchange, whether by sale, gift or compensation. If *tairsce* and *cin* both refer to offences by the bees (against the neighbour's land and against persons respectively), then *lóg* seems to be out of place. Even if it refers here to compensation paid for some offence committed by bees, this will not distinguish it from the payments in respect of *tairsce* and *cin*. In §4 *lóge* appears to refer to the payments of swarms to the neighbours which are due in the fourth and fifth years after the first acquisition of a hive, the *deolaid* referred to in §§4, 9 and 19. It is apparent from these later sections that the neighbours have a claim against the owner of the hive because his bees trespass on their land while grazing. This claim cannot be pursued during the three years of immunity, *soíre*, enjoyed by a new hive, but becomes operative in the fourth and fifth years. The basis of the claim is, therefore, twofold: (a) the bees commit *tairsce*, (b) the bees graze the neighbours' land while committing *tairsce*. It is this fine distinction upon which the glossator in B seizes: the value of the *tairgille* should correspond to the extent to which the bees graze a particular neighbour's land. If, then, the land is close to the hive and thus heavily grazed, the *tairgille* should be that much greater (B's gloss ^a). B's gloss ^d then draws the further conclusion that, as a large *tairgille* implies heavy grazing, so it should imply a smaller price to be paid by the neighbour to the owner of the hive for a swarm. B's argument here contradicts the text, for the latter lays down the rule that the swarm given to the neighbour by the owner of the hive is a *deolaid*, a *gratis* gift for which no payment, large or small, is due. Though B's explanation cannot be entirely correct, it may have caught the meaning of the text insofar as it distinguishes between the claim arising out of trespass and the claim arising out of the value of the grazing, for the text itself appeals to the latter criterion in §§18-22. This interpretation accords with the use of the plural, *lóge*, both here and in §4, for the four lands mentioned in §3 may, according to §§18-22, afford grazing of different values. *Lóg*, then, seems to refer to the swarms given *gratis* insofar as they compensate for the bees' grazing rather than their trespass.

ar chethardóit tíre. The conception of four neighbouring holdings has already appeared in §2. The phrase *cethardóit tíre* occurs here and in §9. *Cethardóit* is otherwise unattested; but the word appears to be a collective, meaning 'group of four'. *Cethar-* is plainly the compositional form of the numeral *cethair*, and *-dóit* appears to have been abstracted from *trindóit* 'trinity'. In an etymological gloss the A glossator equates *-dóit* with *dóid* (earlier *doe*) 'arm', but this explanation does not provide a suitable meaning for *cethardóit*.

§4

dlegait-sidi. Both *sidi* and *side* are found in the Glosses for the nom. pl. of *side*, although *sidi* is more common, and must be the older form.

deolaith. This word is written *deolid*, Wb. 2c19, and the plural is written *deuladte* in the glosses on St. Augustine's *Enchiridion* (ZCP vii 485), in both cases without an accent on the first syllable. It also occurs as *deolaith* in *Gíbretha Caratniad* §12 (ed. Thurneysen, ZCP xv 319). Thurneysen, *Grammar*, §831, analyses the word as *dí* + *folad* and marks the *e* long. Greene, *Ériu* xxvii 37, suggests that syncope in such forms took place before the loss of intervocalic *w* and thus the sequence **-ewa-* was transformed into the long diphthong *-éu-* before *-w-* was lost. For *deolaith* this would presuppose a development **dewolōtis* > **dewalōtis* > **déuloth* > *déolaith/déulaid* (cf. *deuladte*). This is certainly possible, but it assumes that *deolaith* is an old compound, which may well not be the case. (In any event the preposition *di-* must have the by-form *dē-* since **dī-wo-* regularly yields *dú-*; Greene, p. 34). It is also possible that *deolaith* is a post-syncope formation or that it has been reformed by analogy with the simplex *folad*. If either of these suppositions were correct, one would expect a hiatus form with a short vowel in O. Ir. *dēolaith*, later *déolaid*. This would account for the attested forms.

§5

The bee-keeper does not have to give any of his bees' produce to his neighbours for the first three years, with certain exceptions (§6). This three-year period is common in *BB* (e.g. §§13, 17, 37, 44, 45). The author seeks to relate the three-year period of immunity to the bees' life-cycle, but there seems to be no scientific basis for this approach. See below.

The text is not explicit as to whether the three years of immunity are enjoyed by a new hive or a new bee-keeper. If a man already has bees, does he, for example, start a new period of three years for each swarm that he hives and retains in his possession? Practical considerations suggest that it is the first hive of the new bee-keeper that enjoys the period of immunity. The immunity is from claims arising out of trespass (*tairsce* §3, *orcun* §§7, 8, 38). The trespass is the grazing by bees of the lands of neighbours (§8). Yet it would be very difficult to distinguish the bees of different hives belonging to the one owner. As Appendix 6 shows, one early Irish lawyer was prepared to contemplate such a procedure, but his ideas are unclear in detail, possibly unrealistic, and find no echo in *BB* itself. It might reasonably be objected that *BB* just assumes that adjacent holdings will be grazed and holdings not adjacent will not (§§3, 4 etc.). Even if this be granted, one is still left with the further argument that once a neighbour has received his 'due' or 'fine' in the shape of a swarm (§§18ff.) he is not entitled to receive any further *smachta* 'fines' (§24). As the B glossator reasonably implies, this is because the neighbour's bees will now be grazing the land of the original bee-keeper so that trespasses should cancel out (§24, gl.^d). One would expect this to apply to all the hives of the neighbours, new and old, for this would be by far the simplest solution. It might also be objected that *BB* speaks of bees being entitled to three years of immunity (§§4, 5), not of a bee-keeper being thus entitled, but this proves nothing: the bees in question may be those of a new bee-keeper and, furthermore, *BB* slips easily into talking of land when it means the owner of the land (§§12, 13, 24, 37). Finally, the whole point of the procedure appears to be that it allows a new bee-keeper to get well established in the three years of immunity, but gives his neighbours the right to receive a swarm each subsequently and then prevents them from making any further claim. To allow any new hive to start the process all over again would be to produce chaos out of a neat and satisfying scheme.

lasa n-aithgenatar. As *gu aith no gu eadha* (in gloss^b) is the regular gloss on *a(i)th-*, we emend *aidgenetar* to *aithgenatar*, cf. §6 *aithgeniter* A (read *-atar*).

We take *-aithgenatar* to be 3 pl. pres. subj. prototonic of *ath-gainethar* (**aith-gain-*, VKG ii §735). The basic meaning of *ath-gainethar* (see DIL s.v. *ad-gainethar*) is 'is re-born.' In Ml. 66b6 *ad-gainenimar* glosses *regenerationis*, and in the Laws it is used of the growing-again of grass, and of the restoration of loans and levies. In our context *ath-gainethar* clearly refers to the establishment of a colony of bees by a person who is starting off bee-keeping. He presumably acquired a swarm from some other bee-keeper, or found a stray swarm on his land. The author of *BB* seems to regard the emergence of a swarm as the 'birth' of a colony and its hiving as its 're-birth'—hence his use here of the preverb *a(i)th-*. One can compare Welsh *modrydaf* lit. 'mother of a colony of bees' which is sometimes used of an established colony capable of producing swarms (see Appendix 7 p. 202).

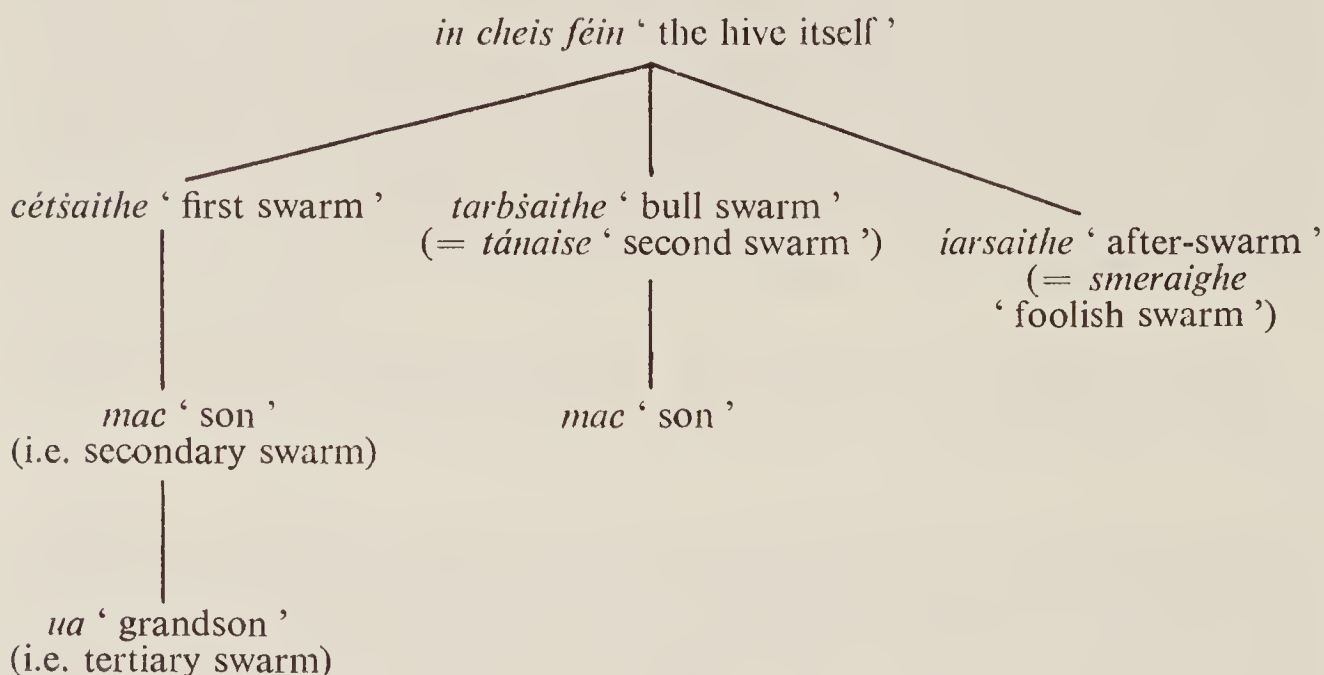
blíadain a tuisten. 'The year of their origin' is presumably the year in which a swarm is introduced into a new hive. Swarming usually takes place in the months of May or June.

blíadain a séoil. The word *seol* (apparently a neuter *o*-stem) is not given in DIL and is to be distinguished from *seol* 'sail, covering, bed, etc.' It occurs also in AL v 352.18 = CIH 1377.38; 1921.24 where the false judgement of a *brithem* causes *seol netha* ⁊ *blechta* ⁊ *mesa*, and in AL iv 52.8 = CIH 219.18; 1866.10 where the injustice of a king causes *disce mblechta*, *millead measa*, *seol neatha*. From these contexts it is clear that *seol* means 'scarcity, dearth' which is confirmed by glosses, e.g. CIH 809.5 *seol .i. caile no gan[n]ugud, ut est seol neatha*; 1866.11 *seol netha .i. beg don arbur*. The author of *BB* seems to be mistaken in believing that the second year of a hive is one in which there is normally a scarcity of bees. If the weather is reasonably good, a bee-keeper could expect his hive to be well stocked with bees in its second year.

blíadain a síl. The third year is called 'the year of their multiplying', i.e. the year in which the hive sends out swarms. *Síl* 'seed, progeny' is used elsewhere of swarms. Thus in a text on the forms of distraint (Appendix 6) one of the two possible fore-pledges given by a bee-keeper to his neighbour is *saithe dó do síl bech* 'a swarm to him of the progeny of bees.' In a tract in H.3.18 p. 394^b (CIH 920.34), which lists the *somulue* 'interest, return' of various domestic animals, the profits of bees include *saithe do síl bech* 'a swarm of the progeny of bees.'

The author's description of the third year as the 'year of their multiplying' does not agree with the general experience of bee-keepers—medieval or modern. A colony will normally send out a swarm or swarms in its *second* year, and may even do so in its first year. The strain of honeybee kept by the Early Irish was doubtless the 'British Brown bee' (*Apis mellifera mellifera* var. *lehzeni*), which, owing to the depredations of the 'Isle of Wight disease' in 1909-17 was largely replaced in Britain and Ireland by imported Italian and other varieties. According to Butler (*The World of the Honeybee* p. 21) the British Brown bee was reputed to swarm frequently. This characteristic is confirmed by the Welsh law-texts from about the 13th century (Appendix 7). These texts assess the value of 'the first [secondary] swarm' that comes from 'the first [primary] swarm' and 'the first swarm that comes from the bull (second) swarm'. This shows that 13th century Welsh honeybee colonies sometimes sent out swarms in their first season.

The evidence from Early Modern Irish legal commentary (c. 12th-13th century) is more obscure. Commentary in H.3.18 (Appendix 4 (c)) refers to the 'son' (*mac*) and 'grandson' (*ua*) of the first swarm, and the 'son' of the bull (second) swarm. This passage is preserved in two versions and is best illustrated diagrammatically:



It seems that the commentators envisage that three generations ('first swarm', 'son', 'grandson') can emerge in the same season. However, we are informed by bee-keepers that this would be most unlikely in Irish conditions. A secondary swarm might emerge from the first swarm in a good summer, but this secondary swarm would hardly itself produce a further swarm in the same season.

§6

These three cases where the three-year period of immunity does not apply are also mentioned in §25.

a ccáin chuisc. The phrase *cáin chuisc* 'due of punishment' does not occur outside *BB*. Presumably it means that if a person is injured by his neighbour's bees, he is entitled to receive compensation in honey, even during the three years of immunity. One can compare §29, where a man who is stung by a bee is entitled to 'his sufficiency of honey'.

The first glossator explains *cáin cuisc* as *riagail na dighe cuisg* 'the rule of the [thirst-] quenching drink.' The term *deoch cuisic* (see *DIL* s.v. *cosc* (c)) is used of a thirst-quenching drink, particularly for an invalid (*CIH* 421.16 gloss) or old person (*BNuÉ* 315 §11). We have come across no other cases of it being used of honey (or mead), but commentary on *Cáin Lánamna* (*CIH* 177.18) says that a divorced wife is entitled to *domna coisc di du mil no saithe beach matrollae* 'enough for a thirst-quenching [drink] of honey for her or a swarm of bees if it has emerged.'

According to the first A glossator the *deoch cuisic* consists of what is left over (perhaps after the extracted honey has been put in containers) and is not a fixed

proportion. The third glossator, however, sets out a scheme in which the *deoch cuisg* is related to the quantity of honey obtained. Thus, if the largest size of vessel is filled with honey, the *deoch cuisg* is a half-cup, etc. This scheme is doubtless a glossator's fiction, and bears no relation to actual practise at any period.

gloss^b III. lestar lulaice, etc. We take *lestar lulaice* to mean 'a vessel in which a milch-cow (*l(a)ulgach*) can be cooked.' This term (also *lestar samaisce*, *lestar colpthaige*, etc.) is found in other commentaries (e.g. *CIH* 920.32; 2104.32) but not in the text of the laws. However, in the text of *Cáin Aicillne* (*CIH* 483.30) we find *caire lulaice lan do lemnacht* 'a milch-cow cauldron full of new milk.' Thurneysen (*ZCP* xiv 358) takes *caire lulaice* to mean here 'a cauldron in which a milch-cow can be cooked'; cf. *CG* 197 *táithi caire umai hi talla(i) torc* 'he has a copper cauldron in which there is room for a boar', 405 *caire i talla boin co timniu* 'a cauldron in which there is room for a cow and a fitch of bacon'.

no. We emend *na* to *no*, cf. §25 *cáin chuisce no mían ngalair no allabruig n-aí*.

allabrig n-aí. We have no explanation for the second exception *allabrig n-aí*, a phrase which does not occur outside *BB* and its glosses and commentary. The original spelling of the phrase is uncertain. Here, the main scribe wrote *allabrig naie*, which was subsequently changed (either by himself or by a later scribe) to *allabraig naiaë*. In *B* the two words are quoted separately in the spellings *allabrig* and *aie*. The glosses in both *A* and *B* indicate original *-brig* and *aí*. In §25 *A* (the only MS) has *allabruig nai*. Spellings in *A* Commentary (App. 1 (a), (b)) are *ollabruig nai*, *ollobraigh nai*, *allabrug næ*, *allobrugh næ* and *allabrigh næ*. *C* Commentary (App. 2 (a)) has *ollbrughe noe* and *ollbrugh næ*.

Allabrig. The *B* glossator (probably working in the 9th century) explains *allabrig* as *.i. ala brig* 'i.e. another meaning', taking *alla-* to mean 'second, other'. However, in compounds this ordinal is only attested in the forms *all-*, *ala-*, *aili-*, never *alla-* (*Grammar* §§394, 488). We have no suggestions for *-brig*, taken by the glossators of both *A* and *B* to be the fem. *ā*-stem *bríg* 'force, power, value, meaning.' The nasalisation of *aí*, however, shows that the preceding word is neuter.

n-aí. We emend *aiaë A*, *aie B* to *aí*, which is the reading of *A* in §25, and is indicated by the glosses of both MSS (*uman ai A*, *is si ind ai B*). Moreover, the spelling *aie* occurs as a variant of *aí* (*áe*) in other texts, e.g. *ZCP* xii 364.9.

On the analogy of *cáin chuisc* and *mían ngalair* one would expect *aí* to be a gen. sg. The *B* explanation *is si ind ai a timgaire* 'the *aí* is the demand' indicates that it was taken to be *áe* (*aí*) 'law-suit, litigation' which has an identical gen. sg. This seems more likely than the suggestion by the third *A* glossator that the word is *aí* 'poetical inspiration, poetry, etc.' as it has gen. sg. *uad* or *uath* in early material (e.g. *Ériu* xxvi 83 §12).

mían ngalair. There are many cases in Irish law where rules can be waived in times of stress, danger, sickness, etc. Thus an invalid (presumably from the four neighbouring lands) is entitled to an unspecified amount of honey, even during the three years of immunity. The phrase *mían ngalair* 'the desire of [one in] sickness' occurs also in *B Crólige* §24 (*Ériu* xii 20), cf. *mír méin(n)* 'a desired morsel' (for an invalid) *CIH* 242.17; 387.30.

The use of honey in Early Irish medicine seems to have been limited to certain types of illness. Thus in §25 of *B Crólige* (repeated in *Triads of Ireland* 184) honey

is included among the three condiments which are forbidden in the rule of nursing (*cáin othrusa*). The explanation given is: *conalai mil broinn i mbi lir* ‘honey disturbs the stomach in which there is looseness of the bowels.’ (In the Carlsruhe Beda 35a2, *Thes.* ii 24, *lir* glosses *colera rubea*, a stomach infection causing severe vomiting and diarrhoea. As honey is a substance of quite high acidity—see *Honey, a comprehensive survey* ed. Dr. Eva Crane pp. 168-70—it would aggravate a stomach infection). In §45 of *B Crólige*, on the other hand, honey is included among the three condiments to which an *aire ard* is entitled, except when it is prohibited by a leech.

The medical properties of honey have been highly regarded throughout the world for thousands of years (*op. cit.* pp. 453-88). The earliest known written reference to honey is in a medical prescription on a Sumerian clay tablet of c. 2000 B.C. Honey has antiseptic effects, and is of use in preventing infection of wounds, burns, etc. Its consumption is also of help in restoring the strength of an invalid as it contains energy-giving carbohydrates. For a full treatment of its antiseptic and nutritive properties, see *op. cit.* pp. 258-66, 388-9.

§7

óthá. There is uncertainty about the case taken by the preposition *óthá* (*ó* + *tá*) in O. Ir. According to *DIL* it is followed by the nom. in O. Ir. and by the acc. or dat. in Mid. Ir. In law-texts it seems normally to take the dative e.g. *otha cetgradaib CIH* 466.22, *otha .x. mbl-naib* 2300.27; *otha suidiu* 469.30; 470.6; 471.10; 473.21 etc. On the other hand, there is MS evidence for the use of the acc. e.g. *otha airig nard CIH* 2286.33 with nasalisation after *airig*, cf. *Grammar* p. 684 (translators’ note 169).

Other cases are ambiguous e.g. *otha leth nun[ge] CIH* 475.26 where the nasalisation of *unge* merely indicates that *leth* is either nom. or acc. A passage in the *Additamenta* to the Life of Patrick (*Thes.* ii 238 = *Patric. Texts* 172 §8) also contains ambiguous examples, all with the fem. *i*-stem *glais*. These are *Thes.* ii 238.6 *otha glais telchae* (nom. acc. or dat.); 238.7 *otha glais conacolto* (nom. or acc.); 238.8 *otha crich drommo* (nom. or dat.).

The examples of *óthá* in the O. Ir. Glosses do not provide evidence one way or the other. Consequently in our reconstructed text of *BB* we follow the MS readings: §§7, 9, 38 *óthá inna téora bliadnai* (*ot(h)a na teora bliadna* MS), 29 *óthá suidiu* (*ota suidiu* MS).

ind n-oircne. The ‘limit of trespass’ of the bees is defined in §8. We read *for ind n-oircne* with B, against *for rind oirggne* A. This reading is confirmed by the gloss *foro roichid ind a noirgne* A.

fo-ceirt. The MS has *focert* which we emend to *forceirt* as at Wb. 32c11 (for the spelling of *-rd* as *-rt* in O. Ir. see *Grammar* §31). Dr. Binchy tells us that Thurneysen suggested reading *focerdatar* here, as a passive form seems to be indicated by the glossator’s *chuirtir*.

smachtu. For *smacht* see notes to §§24 and 26.

§8

ind n-oircne. Thurneysen (*ZCP* xvi 267) translates *ind* here as ‘das Geringste’ (the least amount). This may well be its meaning in the old rule *CIH* 336.30-31 *ind i n-arail érenar*, which Dr. Binchy would translate ‘a minimum [penalty]

is paid for another (minimum offence)'. However, the normal meaning of *ind* [n.o] 'end, limit' fits the *BB* context better. The text seems to be saying that for legal purposes a bee is regarded as collecting food as far from the hive as a (loose) cow would graze in one day. One can compare *Audacht Morainn* §25 *Is tre fíir flathemon rosaig cech bó cenn a hingelte* 'it is through the justice of the ruler that each cow reaches the end of its grazing-land' (i.e. gets enough to eat). Here *cenn* corresponds to *ind* of *BB*.

For a similar rough measurement of area, cf. §46 where the extent of the *faithche* is said to be 'as far as the sound of a bell or the crowing of a cock reaches.' According to Dr. Butler, bees generally collect their food within a radius of about a mile from the hive, (though they sometimes forage as far as three miles away). It seems likely that a cow would also reach about a mile if allowed to graze unchecked for one day.

For *orcun* used of 'grazing-trespass' by bees, cf. *BB* §38 and Appendix 6 (c) *orgain do bechaib*.

ro-saig. This word is absent in the text, but has been added in the margin by the third glossator. It must have been in the original as it is glossed (.i. *roindsaigidh*) by the first glossator (the bulk of his glosses are older than the MS—see Introd. p. 15). It is also required by the sense of the passage. For another textual insertion by the third glossator, see §43 *do fiur* and note.

tecmallad. We emend *tecclamad* to *tecmallad*, as this is the form attested in O. Ir. (Wb. 14a1, 16c25, 16c26). It is vb.n. of *do-ecmalla* [*to-in-com-ell-] 'collects.'

§10

álith. The reading in A, *ailit*, is also possible. In *BB*, however, *álid* is not used in the plural to mean 'they are entitled'. It is used in the singular and usually with a non-personal subject (see note on §2). Furthermore, the gloss in B supports *álith*. In the text *álith* has no direct object, though elsewhere it is always transitive. The gloss in B must be correct in taking *deolaithe* or *deolaid* to be the implied object, and it may be that the text has dropped *deolith* by homoeoteleuton with *álith*. But it is clear from the first part of B's gloss^a that in his text *álith* had no direct object since his immediate gloss is .i. *deolaithe doib* etc. It is only in the second part of the gloss, on *a cobdailib crích*, that he has *ailith deolaid*. Hence the dropping of *deolith* would have to be early. An early date is also suggested by the form *deolith* required for homoeoteleuton with *álith*, and by its absence from both MSS. In spite of these difficulties the emendation to *álith deolith* remains attractive.

a cobdailib crích. The gloss in B is clearly correct in explaining this phrase by reference to §§18-22.

ar ní fulaing nech deolaid díalailiu la Féniu. This maxim is also quoted in *Gúbretha Caratniad* §12 (ZCP xv 319) where Caratnia uses it to support his judgement that a *tairgille* should be given in respect of bees. Here it is used to support the rule that the neighbours are each entitled to a swarm after the three years of immunity. The two texts are not in conflict since one of the things guaranteed by the *tairgille* was the giving of a swarm *gratis*. The grazing of bees

on neighbours' land is, therefore, not *deolaid*, but requires a counter-gift or payment. But this payment is a *gratis* gift since it requires no further payment (cf. note on §4).

ar is sí trisfintiu inso. The three are given in §11. For the point of *fintiu* see note on *tír bes-da nesam cach leth*, §2.

§11

cobdaili saithe ⁊ bretha barr-bunaid ⁊ usci thairidne tar crícha. *Cobdaili saithe* is the main topic of this section of *BB*, *bretha barr-bunaid* refers to the excursus §§12-17 but perhaps also to a lost tract on *fidbretha*; cf. note on §14 *a bésaib fidbreth*. The ownership of trees is also important later in *BB* since swarms usually settle in or on a tree. Neither in the excursus, §§12-17, nor later in *BB* is there any appeal to the metaphor of sharing by kindreds when discussing trees. It therefore seems likely that the metaphor was used in the lost tract, and that the reference here is in the first place to that tract, from which the material in the excursus may derive. *Usci thairidne tar crícha* refers to *CU*. *Usci* is gen. sg. depending on *bretha*.

Barr-bunad here and in §12 we take to be a dvandva compound: see Binchy in *Indo-Celtica*, ed. Pilch and Thurow, pp. 38-41 (where he compares the title in a late list of the qualifications of a judge, *i mbechbrethaib itir bun ⁊ barr*, *ZCP* xviii 363 §32). The reading of A here is *bairr bunaid*. In §12 A has *bairr bunaid* at the beginning of the paragraph but *barr bunaid* at the end. In the latter case the compound is the subject of a singular verb, *dílsigithir* (-*igthir* A).

The situation envisaged in §§12 ff. is of a tree standing by a boundary. Its base is in one holding but some of its branches overhang the adjoining holding. The issue is the ownership of fruit falling onto the adjoining holding. *Barr* denotes the branches. *Bunad*, i.e. the place where the *bun*, the trunk, 'sits' (< **bunosedon*, cf. Med. W. *bonhed*), is the ground from which the trunk grows. Later in *BB*, however, *bunad* has a wider meaning, approximately 'origin'. A swarm has a *bunad*: the hive from which it has flown. The owner of the hive is then *fer in bunaid* (§38) or *fer bunaid* (§37) or *fer bes bunadach doib* (§§37, 41). The hive itself is *bunadach doib* (§43). If the swarm passes into the possession of the man on whose land it settles, his land will then become its *bunad*, i.e. the *bunad* of any swarms it may subsequently send out (§44). The cognate Welsh term could be used in a similar way as in *WML* 81.1: *Bonhed gwenyn o paradwys pan yw*, 'the origin of bees is from paradise'.

gelfine ⁊ derbfine, íarfine ⁊ indfine. For the most recent discussion of these terms see Binchy, 'Irish History and Irish Law: II', *Studia Hibernica* xvi (1976), 31-38. For their use in *BB* see notes to §18.

hi fintedaib griain. This spelling of the gen. sg. of the n. *o*-stem *grian* also occurs in §18 and elsewhere in the laws (e.g. *Irishes Recht* 65 = *Fuidir* tract §7). Thurneysen's rule, *Grammar* §105, is as follows: 'unstressed *a* between *i* and a palatal consonant is narrowed only to *e*.' Forms with *i* or *a* instead of *e* (e.g. *liic* or *liaic* for *lieic* a.sg., d.sg. of *lie*, *lia* 'stone') he regards as later. Thus, for Thurneysen, the rule for unstressed vowels between consonants (altogether dependent on the quality of the flanking consonants, *Grammar* §101) cannot be universally applied to heterosyllabic sequences of the form VVC. Otherwise one would expect O. Ir. **grīin*. We have hesitated, however, to restore *griain*, even

though the latter form seems to be attested in O. Ir. (*Thes.* ii 241.1 = *Patric. Texts* 176.3). It is not certain that there is in this case one single sequence of universal sound-changes: so much is suggested already by the co-existence of forms such as *liic* and *liaic* in MSS subsequent to the O. Ir. period. Later forms such as *grín* may descend from **grīin* which itself developed from **grisanī* according to the sequence normal for unstressed vowels between consonants. Another difficulty is that it is unclear whether raising of unstressed *a* occurred before old final *-ī* or *-ĩ*. Stressed *a* was not raised (except later before palatal consonants and those only in special contexts, *Grammar* §80). But evidence for unstressed *a* has been effectively obliterated by the general weakening of unstressed vowels. Thus it is not clear whether the *e* in *griēin* represents an unstressed *a* raised to *e* and preserved only in hiatus (elsewhere >[ə]). A further difficulty is the possibility of influence from the type of dissimilation found in *aig/ego*, *saigid/segait* (*Grammar* §83). Since the syncopation of *īa* yields *e* there are such pairs as *liaig/lego* (both CG): if *lieig* is indeed the older form (*Thes.* ii 24.38) then *liaig* may be an instance of this tendency to dissimilation (cf. *diaid*, *Thes.* ii 340.3, but *deid* Wb. 13d9, Sg. 212a13, in the *ā*-stem inflexion of *dead*: W. *diwedd*; *iain*, *Thes.* ii 249.6, but *iern*, *Thes.* i 2.15; *iain* n.du. of *īan* f. *ā*-stem, CG 184). For these reasons the emendation of *grīain* to *griēin* seems to us to be unjustifiable.

§12

The general problem in §§12-13 is that of sharing the fruit of a tree some of whose branches overhang a neighbouring holding. On the face of it the solution is highly favourable to the neighbour. The distribution of the fruit runs on a cycle of four years: for three years they share it equally between them (§13), and in the fourth year all the fruit goes to the neighbouring holding (§12). This suggests that the fruit in question is only that part of the tree's crop which falls on the neighbour's land. There can be no dispute as to the rest. The solution, then, gives a certain preference to the claim arising out of ownership of the land onto which the fruit has fallen, but still gives some weight to the claim arising out of ownership of the tree. It is clear that *barr-bunad* is used in §12 to denote the tree under its two relevant aspects: the branches (which partly overhang the neighbour's holding) and the base which is equivalent to the phrase used in §13, *tír asa n-ássa*.

cró ime thorad. *DIL* suggests that the O. Ir. form was a disyllabic *croë*, m. *io*-stem. We have kept the MS form because the evidence makes it doubtful whether there was only one form of the word. *Crau*, O'Mulc. 208, seems old. Moreover, in Mid. Ir. the usual forms are *cró* and *crú* though *crua* also occurs. The changes *ua* > *ō* and *ua* > *ū* are, however, exceptional even in Mod. Ir. (e.g. *snódh* for *snuadh*; see *DIL* under 1 *snuad*; and cf. B. Ó Cuiv, *The Irish of West Muskerry*, §291). The Mid. Ir. exx., therefore, suggest two distinct O. Ir. forms: *crau/cró* (cf. *góo* for *gáu* as early as Wb. 5a8) and **craü/croë*. *Crau/cró* would be the exact cognate of Mid. W. *creu* (< **krāwo*-: see *GPC* under *crau* and Pokorny *ZCP* xviii 71; and compare *gáu*: Mid. W. *geu* < **gāwā*, *Grammar* §69, gen. sg. *gne* < **gāwiās*, Mid. W. *noe* < **nāwiā*, but O. Ir. *náu* < **nāwā*).

The *cró* in question is presumably some kind of fence, but it is not easy to see where it was supposed to be put. The phrase *ime thorad* suggests that it was around the fruit in question, namely that which fell onto the neighbour's land, perhaps separating it from the rest of the neighbour's land in order to delimit

the area into which the owner of the tree could go to recover his share of the fruit. Alternatively, and this would make better sense, it was again around the fruit in question, but separating it from the fruit deposited on land belonging to the owner of the tree. The *cró* would then distinguish the fruit belonging solely to the owner of the tree from that which he had to share with his neighbour. One can imagine that, without a clear boundary fence, disputes could easily arise.

We read *ime* with the B gloss against *im(m)a* AC. This may be a case of archaic unstressed *e*; see Introd. p. 13.

fo bíth snuaid (?) tíre. The interpretation of this phrase is rendered difficult by the obscurity of the term *snuaid* or *snuad*. O'Davoren's explanation (*i.e. ecosc no sainfeth*) agrees with the explanations of the first and third glossators in A, assuming that *seanaith* is a misreading of *sainfeth*. B's gloss implies a quite different meaning for *snuaid*. The possibilities will here be discussed in order: (a) the reading, (b) the explanation given by the glossators in A and in O'Davoren, (c) the explanation given by B, (d) other explanations in glossaries.

(a) The reading. A and O'Davoren both give a neutral final *-d* as opposed to B's palatal *-d*, and B has *snaid* in the lemma but *rossnuaidter* in the gloss. It is, therefore, safe to assume that the reading reflected by B's gloss was *snuaid*.

(b) The explanation given by the glossators in A and by O'Davoren assumes that *snuad* is the reasonably common word meaning 'appearance, colour, aspect', (1 *snuad* in *DIL*). There are no early exx. which would determine the inflexion of *snuad*. In *Irish Grammatical Tracts* (Declension §95) it is treated as a m. *u*-stem which would require reading *snúado* here if that were the earlier inflexion. The earlier exx. (apart from this one) are in chevilles, which suggests only that a favourable sense was often given to the word. If, therefore, we accept this explanation *snúad* may well mean something like 'good condition'.

(c) The explanation in B apparently gives an otherwise unattested sense to *snuad(i)d*, something like 'damage' or 'trespass' since the purpose of the *cró* is *arna rossnuaidter a tir oc cuinchid (sic leg.) in toraid* 'so that the holding be not damaged/trespassed upon while seeking the fruit.' The negative shows that B cannot be thinking of *snuad* 'appearance'. The verb *snuaidid* is unattested (Mod. Ir. *snúadhaim* 'I flow', Dinneen, cannot be relevant) and, therefore, gives us no clue. It looks as though B is supposing that a fence should be put up to separate the neighbouring holding from the one to which the tree belongs. This would then separate the fruit deposited upon the neighbour's holding from the rest of the fruit and prevent the owner of the tree trespassing onto the neighbouring holding, and perhaps causing damage, while collecting the fruit. It would also prevent either party from collecting fruit to which they were not entitled. If, then, we assume some such meaning as 'trespass' or 'damage' for *snuaid*, B's explanation makes sense.

(d) A number of other apparent homonyms of *snúad* 'appearance' are given by glossaries: see *DIL* under 2 *snúad*—6 *snúad*. None of them fit the context here except, conceivably, 6 *snúad* 'herb, plant', but this is only a glossary word.

The explanation in B seems the best hope. The verb *snuaidid* in B's gloss cannot be derived from *snúad* 'appearance' since the latter seems to have a favourable sense unless further qualified, and hence the negative in *arna rossnuaidter* would be inexplicable. It seems likely that there was a word *snúad*, of different inflexion from *snúad* 'appearance', that was still current when the B glossator was working (probably ninth century) but went out of use soon afterwards. B may just be guessing; the verb *snuaidid* may be only his own creation; but it is more likely that his explanation is a genuine attempt and not just word-play. He does not indulge elsewhere in such empty interpretation. In

the absence of corroboration the explanation is of course uncertain, but provisionally we read *snuaid*, gen. sg. of *snuad*, an *o*-stem, to be distinguished from *snuad*, *u*-stem, ‘appearance’, and we assign it the meanings ‘trespass, damage’.

inid-chuirethar a torad. This phrase occurs twice in §12. In its second occurrence A has *incuirither*, but the inf. pron. can be restored from the gloss *in-ada-cuirither* (*ada* ‘lawful, proper’ is a frequent ‘etymological’ gloss on *-id-*). We take the subject of *inid-chuirethar* in both instances to be the tree, and regard *-id-* as a proleptic use of the inf. pron. (*Grammar* §421), anticipating *torad* ‘fruit’.

In §13 the text has *inid-chuirethar*, not followed by *a torad*. We take *-id-* here to refer back to §12 *torad*, and translate ‘into which it (the tree) deposits it (the fruit)’. Our reason for taking the implied subject of *inid-chuirethar* in §13 to be the tree is the parallel between the two phrases *tír inid-chuirethar* and *tír asa n-ássa*. In the latter phrase ‘land from which it (the tree) grows’ there is no doubt as to the implied subject: it can only be the tree. If this is admitted it then becomes easier to take the implied subject of *inid-chuirethar* also to be the tree. Otherwise there would be an awkward change of subject between the two parallel phrases. It then becomes simpler to assume the same subject, the tree, for *inid-chuirethar* in §12.

Dr. Binchy, on the other hand, would prefer to take the subject of *inid-chuirethar* to be *a torad* in both paragraphs. He would regard the inf. pron. as reflexive rather than proleptic, and translate ‘into which the fruit projects itself.’ This makes equally good sense.

cacha cethramthae bliadnae. We follow B’s reading *cacha cethram- bl-*, taking it to be genitive of time (*Grammar* §250.4). One might also emend A’s *in cethramad bliadain* to *in cethramad mbliadnai*, taking it to be accusative of time (§249.3), or to *ind chethramaid bliadnai* (or *bliadain*), taking it to be dative of time (§251.3).

§14

da llíno. The *n*-stem *lín* fluctuates between masc. and neut. in O. Ir. (*Grammar* §309). Here, the reading *da llina* of A indicates neuter declension, as *da* is followed by lenition when masculine, and by nasalisation when neuter (*Grammar* §385).

imid-chomba. We tentatively emend *inidicoimge* A, *indacomgne* C to *imid-chomba*, 3 sg. pres. subj. of **im(m)-combuing* [**imb-com-bong-*] ‘destroys’ with 3 sg. neuter infixed pronoun, Class C (referring back to §12 *barr-bunad*).

The preverb and infixed pronoun are a relatively minor problem. The emendation of *in-* to *im-* is justified by the gloss *emh-cuimhges* in the hand of the first A glossator. *É(i)m* is regularly used as an ‘etymological’ gloss on the preverb *im(m)-* (for exx. see *AL* vi s.v. *eim*; *DIL* s.v. 2 *éim*). Consequently, when the main A glosses were composed (they are mostly older than the MS—see *Introd.* p. 15) it is probable that the text had *imid-*. This seems to have been corrupted during the course of transmission—perhaps by the main scribe—to *inidi-* with *ni* for *m* and transposition of *i* and *d*. There may also have been contamination from *inid-chuirethar* of the preceding §§12 and 13. We take the form *indacomgne* C to be an example of the spread of the inf. pron. *-da-* to the 3 sg. masc. neut. This is already happening in the 3 sg. masc. Class C in O. Ir.

e.g. *ruda-nordan* ‘which has dignified him’ Wb. II 33c5. In *SR* *-da-* (*-do-*) is attested a few times as 3 sg. inf. pron. e.g. l. 3705 *roda-car* ‘she loved him’. One can compare §12 of *BB* where original *inid-chuirethar* appears in O’Dav. as *indocuirither*, with *-id-* replaced by *-do-*. Also comparable is §32, where the original probably had *conid-tubart* (*comidubart* A). The readings *conatab-t* E, *conatabairt* F may go back to an intermediate form *condatabart*, with *-id-* replaced by *-da-*.

Much more uncertain is our emendation of *-coimge* (glossed *cuimhges*) A, *-comgne* C to *chomba* which we take to be from **com-bogs*. The only other clear example of the prototonic 3 sg. pres. subj. of *con-boing* which we have noted is CG 519 *arna ’mmaconbba doib* ‘lest they destroy one another’ (with *imma-* as reflexive preverb). Here Dr. Binchy emends to *-comba*. *DIL* (s.v. *con-boing*) also gives *-coimb* as a prototonic 3 sg. pres. subj. of this cpd. (with reduction of the root, cf. *Grammar* §§626, 627). However, this form is very doubtful, as its sole occurrence is in the rather corrupt A recension of *Audacht Morainn* (spelled *-choinb*). Even there, it is the reading of only one of the three MS-groups. See Kelly: *Audacht Morainn* p. 63 l. 90 v. ll., cf. p. 8 l. 56 v. ll.

We suggest that *-coimge* A is a scribal modernisation reflecting the development of O. Ir. *con-boing* to Mid. Ir. *coimgid*. The scribe—or succession of scribes—who changed *-comba* to *-coimge* may have been influenced by forms with syncope, such as the plural past participle *comgithi* O’Mulc. 298 (from **combgithi*) where the cluster *-mbg-* would have been simplified to *-mg-* already in O. Ir.

There may be a similar case in the O. Ir. Rule of Mo Chuta. In §41 of this poem (*Arch.* iii 316) the MSS have *rothoibge* A, *arcontoibge* L, (*dobera* N). As *-toibge* would not be possible in O. Ir. the original may have had some such form as *-torbais*, 2 sg. perfective pres. subj. of *do-boing* (for a discussion of this stanza, see forthcoming ed. by Prof. Ó Cuív).

di-renar. This form occurs also in §§15, 35, 52, 53 and there are two instances of the active *di-ren* (§§50, 54). The preverb *di-* is normally *do-* in the O. Ir. of the Glosses (*Grammar* §831B) but *di-* is also quite frequent, so its presence in our text cannot be used as dating evidence.

a bésaib fidbreth. This reference suggests that there was a tract entitled *fidbretha* ‘tree-judgments’ which is now lost. H.3.17 p. 658b (*CIH* 2106.3) quotes what may have been the opening sentence of this tract: *Can rosuidigthea fidbretha la-?* ‘whence have tree-judgments been established in Irish Law?’ One can compare the final sentence of *BB*: *is for sund rosuidigthea bechbretha la Féniu*. *CU* and *BFG* close with the same formula—see note to §55. There is also reference to *fidbretha* in the *Senchas Már* tract on distraint (*CIH* 388.18 = *AL* i 182) and in a late list of the legal topics which should be familiar to every judge (*CIH* 2103.14 = *ZCP* xviii 363 §30).

The gloss *ba [f]is gnæ* (in origin an ‘etymological’ gloss on *bésgne*, e.g. *CIH* 408.2; 520.3) here glosses *bés*, cf. *CIH* 210.3; 468.10.

fo sóiri cach fêdo, ‘depending on the status of each tree.’ This must be a reference to the division of the 28 commonest kinds of tree and shrub into four classes, in accordance with their economic importance. The most valuable are the seven *airig fêdo* ‘nobles of the wood’, next are the seven *aithig fêdo* ‘commoners of the wood’, then the seven *fodla fêdo* ‘lower divisions of the wood’ and lastly the seven *losa fêdo* ‘bushes of the wood’ (*CIH* 78.18 ff. = *AL* iv 146-8). For suggested identifications see *Celtica* xi 107-24.

§15

tairdbe. Here *tairdbe* must refer to the cutting of branches, as it contrasts with *bun-epe* ‘base-cutting’ (§16).

coceniuil. The gloss *is comaith cenel* A raises the possibility of emending to *comcheniuil*, cf. *Stud. E. Ir. Law* p. 46 §22 (= *CIH* 519.29-30) *Mad be cetmunterasa techta comaith ⁊ comceniuil*—*sech is comceniul cach comaith*, etc. Here *comceniuil* is glossed *.i. commaith a cinel*.

However, the composition form of *com* before *c* is usually *coⁿ* in O. Ir. (*Grammar* §830) e.g. *cocad* ‘war’ (*com* + *cath*), *cocéle* ‘companion’ (*com* + *céile*). Moreover, the form *cocénél* occurs at Sg. 198a19, whereas *comchenél* is not attested in the O. Ir. of the Glosses.

acht ní sóeras nemed de, ‘except that which *nemed* increases of it.’ The fine for lopping a *nemed* tree is greater than for lopping a non-*nemed* tree. This distinction is implicit also in *Do fástud Chirt ⁊ Dligid* (*CIH* 239.11 = *AL* v 474.6). Here a list of offences entailing the same penalty include *epe cacha feada acht fidnemead no de(g)fidh* ‘the cutting of any tree, except a *nemed* tree or a sacred tree’.

We take *de* ‘of it’ (glossed *de sin* A) to refer to *díre* ‘fine’ which is implicit after *di-renar*, cf. §14 *di-renar lethdíre*.

nemed. The word *nemed* is used in a wide range of situations, many of which occur in *BB*.

(1) *Abstract.* In the phrase *acht ní sóeras nemed de* we take *nemed* to be an abstract noun ‘sacredness, privilege’ with much the same meaning as *nemthes*. That it is a neuter *o*-stem is clear from instances such as *neimed n-eclasa neimed n-espuic* ‘the privilege of the Church the privilege of a bishop’ in *CIH* 588.1 (= *AL* iv 362). Other examples of the abstract use of *nemed* are *Romiodhair Neire nemhedh gach baird* ‘Neire adjudged the privilege of every poet’ (*Ériu* xiii 43.6 = *CIH* 1131.40) and *Don-eim dano huasalneimeth righ no espuic no cilli no primduine rig no ollaman filed* ‘the noble privilege of a king or of a bishop or of a church or of the chief fort of a king or of a chief poet protects him’ (*Bürgschaft* §45 = *CIH* 594.30).

The Welsh cognate *nyfet* ‘sanctity, privilege’ is feminine (< **nemetā*, *LHEB* p. 279).

(2) *Place.* It is sometimes not possible to distinguish *nemed* ‘sacred place, sanctuary’ from the abstract *nemed* ‘privilege’ above. Like (1), *nemed* (2) seems to be a neuter *o*-stem cf. Gaulish *nemēton*, *drunēmeton*, British *Medionemeton*, *Vernemeton*, etc. (see Holder: *Alt-celtischer Sprachschatz* s.v. *nemeton*). In Sg. 13b *nemed* glosses *sacellum* ‘(small) sacred place’ and in CG 54 it is used of a sanctuary where a man cannot be pursued by his enemies: *atnaig tar fót críach i n-ardnemed dia díte, di-eim ar díantólae shúaig* ‘he brings him away over gory sod into a high sanctuary for his protection, which protects [him] from the swift tide of a [hostile] throng’ (for discussion of this passage see Binchy, *Ériu* xii 83-4, cf. *B Crólige* §21).

In the laws it seems to be used more commonly of *any* land owned by a *nemed*-person (see (3) below) or by the Church. Thus *CU* (*Ériu* xvii 70 §11) says that water cannot be conducted over *nemed cille* (church land) *no dúin* (land owned by a king or noble) *no maigen fe[i]rt* (a pagan(?) grave-mound). According

to *BG* (*ZCP* xxv 221) *ní gatar a úasalnemiud di-renar fo choibni trebe* ‘anything which is stolen from a noble *nemed*-place is paid for as if it were a household object.’

(3) *Person*. In *BB* the commonest meaning of *nemed* is ‘a privileged person’, that is, somebody who is privileged because of his rank or profession. It is a masc. *o*-stem, e.g. §39 *ind nemid* (nom. pl.). The tract on status *UB* distinguishes between *sóernemed* ‘free *nemed*’ and *dóernemed* ‘base *nemed*’ (cf. *Audacht Morainn* §52). The *sóernemed*-persons are *ecalsi, flatha, filid, feine* ‘clerics, kings, poets, nobles’ (*CIH* 1593.5-6 = *AL* v 14.10) and the *dóernemed*-persons are *saeir, gobaind, umaide, cerda, legi, breitemain, druid* ⁊ *aes caca dana olcena* ‘carpenters, smiths, coppersmiths, goldsmiths, doctors, judges, druids, and people of every other art’ (*CIH* 1612.6-9 = *AL* v 90.19-21).

The glosses and commentary of *BB* (e.g. 42^d, 44^a, Appendix 1 (c), App. 2. (e)) distinguish two categories of *nemed*-person: *úasalnemed* ‘noble dignitary’ and *íselnemed* ‘lower dignitary.’ There is no mention of the *íselnemed* in any O. Ir. law-text, and it seems to be merely a grandiose term for ‘commoner’ employed in the later law-schools. This is supported by the substitution of *grád féine* for *íselnemed* in commentary in H.3.17 (App. 3 (b)).

In the text itself there appears to be no distinction in meaning between *nemed*, *úasalnemed*, and *ard(d)nemed*. Thus the *úasalnemed* ‘noble dignitary’ in whose tree bees have settled (§36) is referred to simply as *nemed* in the next paragraph. The same category of person is referred to as *arddnemed* ‘high dignitary’ in §42. It seems probable therefore that *nemed* in our text always refers to the more exalted members of the privileged class (kings, nobles, hospitallers, higher grades of poet and cleric) and so corresponds to the *sóernemed* of *UB*.

In the Heptad quoted in §39 there is a distinction (repeated in §40) between *nemed Dé* ‘a person privileged from God’ i.e. a cleric and [*nemed*] *duini* ‘a person privileged from man’ i.e. a king, poet, etc.

Finally, it seems that a person could be temporarily *nemed* and so immune from legal processes, e.g. *CIH* 2147.10 *nemed duine guba* ‘a person in mourning is *nemed*.’

(4) *Animal*. In §§52-3 *BB* distinguishes *úasalneimthiu* (-*nemeth* B) *cethrae* and *lú-chethrai*. According to the B glossator *úasalnemid c[h]ethrae* refers to large animals (he mentions milch cows and trained oxen) while *lú-chethrae* refers to lambs, piglets, calves and kids (for discussion see notes to §52).

The term *nemid c[h]ethrae* is used elsewhere in the laws of livestock which are temporarily or permanently immune from distraint, cf. *nemed duine guba* in (3) above. These include *bó co ngalur* ‘a sick cow’ *nuíthlech iar toud* ‘a milch cow after calving’, *bó císs flatha no eclasa* ‘a cow for the rent of the lord or church’ (*CIH* 38.19 (= *AL* v 260); 897.11). Other *nemid* included in *CIH* 897 are oxen when under yoke, bulls when the cows are in heat, race-horses at the time of racing and swine being fattened.

When used of an animal (male or female) *nemed* seems always to be a masc. *o*-stem.

(5) *Tree*. The most common meaning of the cpd. *fid-nemed* seems to be ‘a tree which grows on the land of a *nemed*-person.’ As the A glossator to 15^c points out, such a tree (*fidhneimhidh*) derives its sacredness from the rank of the person who owns it rather than from its species. In the archaic legal poem edited by Binchy (*Celtica* ix 157.40) the penalty for cutting a non-*nemed* tree of the highest class (*airig fedo*) is one cow, whereas for cutting a *fidnemed* the penalty is three cows (though this seems to be contradicted by H.5.15 26b (*CIH* 2183) *dire fidnemid náir bó i slan sluind* ‘the penalty of a noble *fidnemed*, declare a cow for compensation’).

It is unclear whether cutting a tree of the less valued classes (*aithig fêdo* and *fodla fêdo*) would also entail a fine of three cows if it was growing on the land of a *nemed*-person. The stiffer penalties attached to the cutting of *nemed*-trees reflect the privileged position of the *nemed*-classes in early Irish society, and can be paralleled from many other areas of law (e.g. *Celtica* x 34).

Fidnemed also has the more specialised meaning of a particular tree held in veneration by the inhabitants of an area. The cult of sacred trees was very important among the Celts (Anne Ross: *Pagan Celtic Britain* (London, 1967) pp. 33-8) and survived well into Christian times in Ireland. Thus the word *dé-fid* (*degfid* MS), apparently used as a synonym of *fidnemed* in *CIH* 239.11, is a compound of *día* 'god' + *fid* 'tree' (*DIL* s.v. *defid*). The *Annals of Tigernach* (*RC* xvii 350.12) record the burning of a sacred tree (*fidhnemidh*) at Armagh in 995 A.D. (another word for such a sacred tree is *bile*: see *DIL*).

In Irish *fidnemed* (usually spelt *fid ne(i)mid* in later MSS) always refers to a single tree, except in translations from the classics where it is used for *nemus* 'sacred grove'. Among the Britons and Continental Celts there seems to have been more emphasis on sacred groves than on individual sacred trees. Thus Lucan refers to the Druidical rites which took place in groves (*Pharsalia* I 450-8) and Tacitus speaks of 'the groves consecrated to savage cults' in Anglesea (*Annales* xiv 30). According to Strabo, the holy place of the 6th century Galatians was called *Drunémeton* 'the sacred oak wood' (*Geographia* xii 5.1), and in the 11th century Cartulary of the Abbey of Quimperlé in Brittany, there is a reference to *silva quae vocatur nemet*.

gloss 15^c A. We are unable to make sense of *ita in aind side* in this gloss, and suggest that the glossator omitted a word such as *dire* 'penalty' after *in*.

The spelling *aind* for *and* 'there, in it, for it' shows sandhi before the palatal initial for *side*, cf. 17^c, 49^g *aind sin*. The spelling *aind side* is also found in a gloss by the first glossator on *BG* (H.2.15A 38b7 = *CIH* 478.23). He glosses *acht ní etirscara lu de* by *.i. uair is leitheineclann bias aind side* 'i.e. since it is half of the honour-price which will be for it'. Hull (*ZCP* xxv 220) takes *aind* to be *a ind* 'its smallest amount' but this would give a **tá sé fear* sentence.

gloss 15^c B. Dr. Binchy points out that the term *etarbe* lit. 'cutting between' seems to be used for the boundary between two holdings, cf. *draigneach bis i fal etarba* 'a blackthorn which is in a boundary wall' (*AL* iv 150.10 = *CIH* 582.20 etc.). The B glossator may therefore be correct in his claim that the cutting of a tree in the boundaries of a man's holding (*i netarbib*) entails a greater penalty than cutting a tree in a wood.

§16

In the Laws, the seriousness of an offence sometimes depends on the season in which it is committed. Thus the penalty for grazing-trespass is more severe in winter than in summer (*CIH* 69.19 = *AL* iv 88), and the penalty for stealing a billhook is doubled during 'the period of fencing' (*CG* 247).

This paragraph does not say what time of year lopping is regarded as an equally serious offence as trunk-cutting, nor why. The B glossator suggests that it is in summer and autumn, and is because of the fruit which is on the branches (he also adds the unlikely suggestion that it is because of the swarms which may alight during those seasons). The main difficulty with this explanation is that it applies only to fruit-bearing trees, whereas the text has *tairdbe cach fêdo* 'the lopping of every tree.' The A glossator suggests that *tairdbe* (which he glosses

airdtimchell ‘high cutting-around’) entails two-thirds the penalty of *bun-epe* (which he glosses *lantimchell* ‘full cutting-around’) during a month of growth, but only one third during a month of dormancy. Although this explanation diverges slightly from the text (where there is no mention of a two-thirds penalty) it seems in general more probable than that of B. Less harm is likely to be done to a tree if its branches are cut during the dormant months. If branches are cut during the growth-period, disease may set in.

In the section of *B Comaithchesa* which deals with the cutting of trees (*CIH* 78.15 = *AL* iv 146) there are some differences from *BB*. Firstly, the penalties do not vary at different seasons. Secondly, it distinguishes three types of cutting: base-cutting (*bun-béim*), the cutting of a fork (*gabul*) and the cutting of a branch (*cráeb*). *BB*, on the other hand, distinguishes only base-cutting (*bun-epe*) and *tairdbe*, which we translate ‘lopping’ and take to include both fork- and branch-cutting.

inid. The reading *inad* ‘in which is’ of B is the *lectio difficilior* and seems to make better sense than as A. We restore O. Ir. *inid*.

comdíri. We read *comdíri* with B taking it to be predicative gen. sg. of the noun *comdíre* ‘equal díre’ cf. §51 *it comdíri* (-e MS) *fri séotu trebe* and *Ériu* xii 6 §3 *comdíre* (read -i) *a ben fri cach recht*. It does not seem necessary to distinguish an adj. *comdíre* ‘of equal díre’ (*DIL* s.v.), cf. *comgráid* (gen. sg. of *comgrád*) *bringu fri flaith* ‘a hospitaller is of equal rank with a lord’ (*CIH* 1608.8 = *AL* v 76).

§17

This paragraph deals with the division of the honey from a tree which grows at or near the boundary between two properties, cf. §12.

in tíre. For our emendation of *itire* A to *in tíre*, cf. §44 *acht is in tíre i suidigethar is coir bunad a tuisten*. The emendation is supported also by the definite article in the corresponding glosses: *ind fearaind asa nfasand se* A, *in tir asa nasaid na bich* B.

in toraid. Our emendation of *torad* A to gen. sg. *toraid* is supported by the gloss *a thoraidh* A. B has the ambiguous *tor-* in both text and gloss.

§18

Fintiu griain i mbechbrethaib. This phrase serves as a heading announcing a return to the subject of *bechbretha* after the excursus on *fidbretha*, §§12-17, and in particular a return to the topic raised in §§10 and 11, *cobdaili saithe*. The legal metaphor mentioned in §§10 and 11 is here taken up and applied (cf. §11 *hi fintedaib griain*). The point of the metaphor may be seen from such a passage as the following (*CIH* 2011.30 f. etc. Text normalized and emended):

Con-beir cinaid cach bráthair; cot-mbeir derbfíne. Saigthech cach fine, érentach cach fine iar n-élud chintaig. Dina-bé derbfíne, fo-loing iarfine a chin ⁊ a flaith, a rí, a recht. ‘Every kinsman jointly bears liability for an offence; the *derbfíne* jointly bears it. Every kinsman/kindred is suable, every kinsman/kindred is liable to pay as a result of the default of the offender. If there be no *derbfíne*, the *iarfine* sustains his offence (i.e. pays for it) and [sustains his obligations to] his lord, his king [and his obligations under] his ordinance.’

Just as kinsmen sustain (*fo-loing*) the offence (*cin*) of a fellow-kinsman, so do neighbours sustain (*fo-loing*) the grazing of the bees (§23), a grazing which can be described as a *cin*, ‘offence’ (*cin a mbél*, Appendix 6 (b)). Moreover, the notion of proximity of kinship, of close kinsmen, facilitates the analogy. Just as the nearest kinsmen, those of the *derbfine*, sustain a fellow-kinsman’s offence, leaving remoter kin only responsibilities contingent upon there being no close kinsmen, so the nearest holding to the bees, *tír bes-da nesam*, has sustained most grazing and so takes the first swarm. The other holdings follow in order of proximity to the bees.

This passage is notable evidence for the earlier role of the *derbfine* as the primary kindred, the *íarfine* and *indfine* being supplementary. The primary role was later taken over by the *gelfine*, as in the tract later called *D’fodlaib cineoil tuaithi*, *CIH* 429.14 ff. (see also Binchy *CLP* 101 f. = *Proc. Brit. Acad.* xxix 222 f.). This latter tract was probably compiled in the early eighth century, up to two generations later than *BB*. In this paragraph in *BB* the *derbfine* is clearly primary and the *gelfine* is not mentioned. *CU* also shows that the *derbfine* was the primary kindred (see *Ériu* xvii 59-60). Since *BB* and *CU* are the work of the same compiler, it is highly probable that mention of the *gelfine* in §§11 is due to a later scribe, though the B gloss 11^f suggests that the insertion was made during the O. Ir. period. There were four *crícha* and hence such a scribe may be forgiven for supposing that his text should have four *fini*: *gelfine*, *derbfine*, *íarfine* and *indfine* (cf. glosses 18^{e,d} *deirbine ar geiline*).

In §18, however, the *derbfine* still has the primary role. Here the scribe has made no change, the *derbfine* is identified with the land closest to the hive; and it is the *derbfine* that takes the *fintiu griain*, ‘the kindred-share of land’. When a man died without descendants the *derbfine* took and shared out his *fintiu*. The *fintiu* must, therefore, correspond to the *cétsaithe* of §19. The metaphor is suggested by verbal parallels (*fo-loing*, *cin*, *nessam*); but its purpose is to set out an order of priority between the claims of the neighbours. It justifies this order of priority by appealing to an analogy with a more fundamental set of rules in Irish law, those governing the inheritance of land. In the second note to §2 it was pointed out that the text’s use of this metaphor involved serious confusion.

The gloss on *fintiu griain* in B betrays complete misunderstanding. Because B does not grasp the metaphor, he attempts to make *fintiu griain* into the place where the hive is situated, but this makes nonsense of the whole passage: it is the first swarm and not any land that the nearest holding acquires.

§19

The three years of freedom are now finished and the neighbours claim their *deolaithe*. The neuter *ed ón* refers back to *tír bes-da nesam* in §18; cf. *CU* §1: . . . *tír asa tairidnither. Ar is ed ón áiles cach cétlá ndeolaid sech na crícha olchenae.*

The fanciful interpretation of *deolaid* in gloss^b also appears in gloss⁷ to §1 of *CU*.

cétsaithe. The first swarm is referred to in a fragment of H.3.18 commentary (*CIH* 663.17): *Cetsaithi a ndire na saileach, ⁊ is as-sin gabar cona samaisc is fiu in saithi do reir dligid hi cinn .ix. noidche iarna cur amach 7c* ‘The first swarm in payment for the willow, and it is from that that it is deduced that the swarm is worth a heifer according to the law nine nights after its emergence, etc.’

The commentator has assumed (1) that cutting a willow entails a heifer as a fine, (2) that a first swarm can be paid for cutting a willow, and infers (3) that the first swarm (after nine nights) is worth a heifer.

§20

bes tech. Cf. *as tech* 'which is best', *MI.* 37d3, 73a10 and *Grammar* §139. For the omission of *a* in *bes tech torad*, see note to §33 *batar beich*.

tánaise. For B's gloss *.i. tarbsaithi* see note to §25 gloss^a.

§21

Mat comoicsi. *DIL* under *ocus* gives a *u*-stem inflexion for both the noun and the adjective; but under *com(f)ocus* it gives the adjectival inflexion as *o - ā*. The early forms are, however, the same: nom. pl. fem. *oicsi* *MI.* 78c2, *comaicsi* *MI.* 26b11. If the adjective is inflected as an *o - ā* stem, the ending in *-i* is in accordance with *Grammar* §353. Thurneysen, however, *Grammar* §878, suggests that *ocus* 'near' is related to Welsh *agos*, Corn. *ogas* 'near'. Presumably he must think that the Welsh and Cornish words are borrowed from Irish since Ir. *g* does not correspond with Welsh and Cornish *g* and it is difficult to disassociate these words from Ir. *oc* 'at, by' Welsh *wnc*, *wng* 'close, near'. But, if this is correct, Ir. *ocus* should not have had an original front vowel in the second syllable (cf. the *o* of Welsh *agos*), and, therefore, should not have fallen under the rule stated in *Grammar* §353 ('Disyllabic adjectives with palatal consonance resulting from syncope have the ending *-i* in the nom. acc. pl.'). The palatal clusters in *oicsi* and *comoicsi* may, therefore, be secondary, in which case the adjective may have *u*-stem inflexion. The noun *comocus*, however, in the sense 'kindred' or 'kinsman' has *o*-stem inflexion: *CA* §33; *CIH* 429.28; 430.5, 22; *Stud. E. Ir. Law*, pp. 140, 144, 148, 155.

commaith. The main scribe wrote *coma*, which was corrected to *commaith* 'equally good' in a later hand, probably that of the fourth glossator. This correction makes good sense cf. §20 *bes tech* (= *dech*) *torad*.

fo-cerdar crann etarru. For the casting of lots when dividing the inheritance of an extinct kindred, see *CCF* p. 42 (H Recension §65) and Thurneysen's commentary on *Gúbretha Caratniad* §10 (*ZCP* xv 317).

The casting of lots when distributing the swarms applies only to the second and third of the surrounding lands. The compiler does not refer to the possibility that *all four* may be equidistant from the hive.

cía de. *De* here is an unstressed form of the numeral 'two' as in *cechtar-de*, *nechtar-de* see David Greene in *Indo-European Numerals* ed. Ross (forthcoming).

meraige. The third swarm is of less value than the first two, and is called the *meraige* 'fool' (see *Introd.* p. 47). In the gloss (21^o) and commentary (App. 1 (b), App. 4 (c)) the word has a prosthetic *s*: *smeraighe*.

§22

gloss^a. The alternative explanation ‘or at the end of that same year’ conflicts with the text. In the fourth year (after the three years of immunity) three swarms are assigned to the first three neighbours. The fourth neighbour must wait until May of the fifth year.

§23

dlegair. The subject is the clause *ara mbé fer úaidib occa n-imchomét*.

na rré sorche. This is correct observation: see Introduction p. 46. *Ré* is already fem. in most of the glosses, e.g. nom. sg. *ind ré* Ml. 133b7, but is neuter in the Carlsruhe glosses on Bede, *Thes.* ii 12.31; 18.33. *Na rré* could be either (1) *na* neut. of *nach* ‘any’ + *ré* acc. sg. neut. or (2) the article + *ré* acc. pl. neut. (either ‘during any period’ or ‘during the periods’). We opt for (1), though the gloss *na ree solusta* could be taken as evidence for (2), cf. dat. pl. *i n-inbuithib cuir saithe* in §44.

Good early evidence for the gender of *sorche* is lacking. The antonym, *dorche*, was a n. *io*-stem (see *DIL* s.v.). In Mid. Ir. *sorche* is a f. *iā*-stem, *dorche* a m. *io*-stem, but it seems likely that they were both neut. at an earlier period. On the other hand, *sorche* may here be the adjective rather than the noun, in which case emendation to *sorchi* would be unnecessary provided that *ré* were sg.

úaidib. *DIL* gives *úaidib* as a Mid. Ir. form and only *(h)úadib* as O. Ir. This is as a result of a less complete collection than that of Zeuss-Ebel: *uaidib* Wb. 24b29, 27d1, 31d18; *huaidib*, 32a29.

arna érlat a saithi. *As-luí* is used of the swarm which gets away without being tracked; cf. §§44-45. It should not be translated ‘absconds’ if bees are in question, since that has been used as a technical term for the departure of all the adult bees from a colony, and absconding is thus quite distinct from any form of swarming: C. G. Butler, *The World of the Honeybee*, p. 13. In the year in which the neighbours are to receive swarms they must provide a man to ensure that the swarms are tracked.

§24

ro-ucca. We follow A and read *ro-ucca*, 3 sg. perfective pres. subj. of *beirid*. The 3 sg. perf. *ro-uc* of D is also possible, but it is more likely that its omission of *-a* is a scribal error caused by the following poss. pron. *a*.

a téchtae. A’s gloss is correct as an example though not as a full explanation. *Téchtae* may refer to both the *saithe* received by each neighbour and to the *cáin chuisc*, *allabrig n-aí* and *míán ngalair* due during the three years of immunity. All these form part of the *téchtae*, ‘due’, of a neighbour.

ní dlig-aide tairgille na smachtu. Cf. note on §1. The implication that a neighbour was entitled to either a *tairgille* or *smachta*, but not both, is apparently supported by §26 and also by *B Comaithchesa CIH* 64.26-27; normalized:

Cach n-imbe cona śmachtaib, cach tairgille cona chaithchib, ar i mbiat smachta ní biat caithchi, i mbiat caithchi ní biat smachta. ‘Every fence has its fines; every fore-pledge has its penalties; for where there are fines there are no penalties, where there are penalties there are no fines’.

The *caithig* is the penalty for an offence against the land of a neighbour through direct personal neglect or a deliberate personal act; for example, failure of a herdsman to prevent trespass (*CIH* 77.38-39: *Ogcachach in sin ar is og a follugud*). A fore-pledge is given to guarantee payment. Fencing changes the situation for then personal neglect has only indirect results. Failure to maintain adequate fences leads to distraint on the offender or his kindred to compel them to make good their neglect (*CIH* 75.24f.) or to certain specified penalties: for example, an axe is due for an oak-fence (*CIH* 65.13, where they are termed *smachta*, for no obvious reason). Trespass by animals in fenced pasture, where no herdsman was required, is penalised by *smachta* (*CIH* 66.32-71.15). But it is not always clear that no *tairgille* was given to guarantee payment of *smachta*: one may owe *smachta tairgilli* (*CIH* 66.32), and the early poem edited by Dr. Binchy, *Celtica* ix 157.23-5, assumes that a *tairgille* is given to guarantee payment of *smachta*. But if the distinction between a *caithig*, in the sense of a penalty for neglect or an offence committed by a person, and *smacht*, in the sense of a penalty for trespass when personal neglect is not immediately responsible, is not always maintained in the texts—which it is not, see *CIH* 69.5; 71.15—then it is not surprising that further distinctions concerning the need for a *tairgille* are not maintained either.

The evidence of *BB* is not easy to reconcile with the exclusive alternatives of *B Comaithchesa* (either *tairgille* and *caithchi* or *smachta* and no *tairgille*). *BB* talks of *smachta*, §§7, 24, 26, 38 but never of *caithchi*, and yet according to the statement in *B Comaithchesa caithchi*, not *smachta*, go with a *tairgille*.

One important issue is what it is that *smacht* refers to in *BB*. It is, after all, a general term used in *B Comaithchesa* for a set of fines for trespass; the fines mostly consist of sacks of malted barley (*CIH* 66.35-36; 70.3-6). There is, however, no suggestion in *BB* that its *smachta* consisted of such sacks. The main clue to their nature lies in their relationship to the three years of immunity enjoyed by a new bee-keeper. §7 shows that the immunity was from *smachta*; §24 suggests that, as soon as *smachta* have been paid once, the neighbours have no right to demand other *smachta* or to retain the *tairgille*; according to §26 (see notes) a man might be allowed to retain the *tairgille* and forego the *smachta*. In §38 *smachta* are clearly related to trespass by bees and also to the period of three years (the three years in which *torad* is shared coincide with the three years of immunity for the new hive.) The *smachta* then are paid after the three years of immunity but only once to any neighbour: once he has his *smachta* he has no further claim. The fourth (and perhaps fifth) year is crucial for *smachta*: this justifies the glossators' conviction that *smachta* consist of one swarm to each neighbour (e.g. §24^{e,d}). Everything said of them suggests that they are the swarms given *gratis* to the neighbours in the fourth and fifth years.

If we return to examine §§24 and 26 more closely they can be seen not to offer any real support for the alternatives posed by *B Comaithchesa*. If a neighbour has received his swarm from the bee-keeper, we can expect that trespasses of the one hive of bees will now be cancelled out by the trespasses of the other hive of bees. Neither *tairgille* nor *smachta* are now due: the *tairgille* has performed its job of guaranteeing the giving of swarms to neighbours; the *smachta* are excluded since the trespasses of the bees cancel out. Similarly in §26 (see note) the neighbour who does not wish to receive a swarm may prefer to take the *tairgille*. This has the advantage that, although he will probably have no bees to cancel out the trespasses of his neighbours' bees, the *tairgille*, by passing into his possession, will no longer guarantee the payment of *smachta*. He, too, therefore, will be excluded from making further claims against the original bee-keeper. For him the *tairgille* can be an alternative to a swarm (i.e.

the *smachta*) because, first, the *tairgille* is presumably not very different in value from a swarm, and, secondly, the *tairgille* for bees is returnable once one has received one's swarm. This, however, is not true of the *tairgille* of *comaithches*: its function is permanently required while the neighbours continue to farm alongside their fellows. The choice of §26 (either *tairgille* or *smachta*) presupposes conditions peculiar to the law of bees and has no relevance to the alternatives posed by *B Comaithchesa*. In *BB*, then, a *tairgille* guarantees the payment of *smachta*, just as it does in the poem edited by Dr. Binchy (*Celtica* ix 157.25). Even *B Comaithchesa*, as noted above, does not consistently follow its own rule assigning the *tairgille* to *caithchi* rather than to *smachta*. This rule appears to have been an attempt, made in a text compiled some time after the date of *BB*—probably in the first half of the eighth century—to advocate a terminology foreign to older texts.

ar is ed úathath insin con-oirg fri sochaidi la Féniu. This is a general legal maxim quoted for the particular purpose of justifying a rule concerning bees, i.e. the rule stated at the beginning of this §. It is also quoted in the commentary, Appendix 1 (b). It should, then, be interpreted as resolving the possible dispute between the neighbours who have received their *téchtae* on the one hand and the owner of the bees on the other. The neighbours are the many and the owner of the bees is the one or the few. Provided they have received their *téchtae*, they have no further claim in respect of the bees: though they are in the majority they now have no right to *tairgille* or *smachta*, and thus the one defeats the many. This explanation is consistent with the B gloss but not with that in A. The B gloss appears to add something to the text, and its early date is confirmed by the neuter gender of *lestar*; it therefore deserves particular attention. The *fer tíre* is the neighbour who receives a swarm of bees as a *deolaid* and so acquires a *lestar*. The bees from his hive will then graze together with the bees of the other neighbours who have also received swarms and with the bees from the original hive. Such joint grazing (*con-geil*, *congelt*) implied a partnership in which claims arising out of grazing-trespass would not normally arise; cf. *CG* 83 and note, *con-gel(l)at .i. tír i mbi tuinidhi flatha la fine imalle*, *CIH* 913.28-29 (O. Ir. gloss), and also the short tract (O. Ir. but written as commentary) on *comingaire*, 'joint-herding', *CIH* 576.24ff. As the main text does elsewhere, B here uses the analogy of rules of *comaithches*, primarily concerned with cattle, to justify a rule about bees.

§25

inscuchud. It is most probable that *inscuchud* here means nothing more than a move whereby the hive came under new ownership by gift or, as the A gloss would have it, by sale; cf. §27 *cumscuchud*. The B gloss raises the possibility that the move in question is what bee-keepers term 'migrating' or 'absconding'. This is where a whole colony leaves its home due to lack of food in the locality (Butler, *The World of the Honeybee* p. 154). But this is very unlikely to be the intended meaning of our text: see following note on *tóla tarb*.

gloss 25^a. *tóla tarb*. The B glossator, who probably worked in the 9th century, explains *mad inscuchud* 'if [the colony of bees] should move' with the words *ni bi tola tarb aun doib do gres* 'there is not an abundance of bulls for them continually.' We very tentatively suggest that *tarb* 'bull' is here used to mean 'drone'.

In an article entitled 'Bees in Indo-European languages' (*Bee World* 55 (1974) 15-26, 46-52) D. E. Le Sage discusses the Indo-European words for

‘drone’. He points out that ‘biological knowledge has brought us to dissociate the male bee from that aspect of it which first made it conspicuous to our forebears: its loud and low-pitched buzz.’ None of the words for ‘drone’ in his collection reveals a knowledge of its reproductive function. It is therefore unlikely that *tarb* refers to the maleness of the drone. Most words for ‘drone’ seem to be of onomatopoeic origin, e.g. Sanskrit *bambhara*, Latin *bombo*, Spanish *zángano*, Old English *drán* (> Modern *drone*), Greek *thrônax*. We suggest that *tarb* is used for ‘drone’ because the deep-throated lowing of a bull is similar to the buzz of a drone.

But even if we are correct in our identification of *tarb* with ‘drone’, the B gloss is still unclear. Why should the B glossator have thought that lack of drones would cause a colony to move? One possibility is that he knew that migrating swarms contain few or no drones, and assumed that this was the reason why entire colonies sometimes abandon their nests. In fact, starving bees may destroy their larvae and pupae—particularly those of the drones—sometime before moving to another locality (*The World of the Honeybee* p. 154), so lack of drones is a *result* rather than a cause of migrating. An even more remote possibility is that *tóla tarb* refers to a ‘drone assembly’ where drones and queens from a wide area congregate for mating (ibid. pp. 65-6). Both these explanations presuppose a considerable knowledge of bees on the part of the B glossator or his informant. However, it is clear from his gloss^e to §29 that he was sufficiently expert to know that a bee dies if it leaves its sting in a person’s skin.

We have found no evidence that *tarw* (*tarv*) ‘bull’ was ever used for ‘drone’ in the British languages. The Welsh word used to gloss *fucus* ‘drone’ is *bygegyr* (see *GPC* and *IEW* 116). In Old Breton *fucus* is glossed *satron vel guohi* (the correct meaning of *guohi* is ‘wasps’ cf. Med. Welsh *gwychi* ‘wasps’, Old Cornish *guhien* gl. *vespa*). O. Bret. *satron* survives in the modern language as *sardan* ‘drones’, *sardanen* ‘a drone’ (Ternes: *Breton de l’Île de Groix*, p. 203). In the O. Corn. *Vocabulary* *fucus* is glossed by *sudronen* (read *sadronen*). Apart from the possible use of *tarb* in 25^a, we have come across no Old or Middle Irish words for ‘drone’. In Mod. Ir. it is *ladrann* (lit. ‘robber’ < Lat. *latro*) and in Scottish Gaelic it is *seilleán diomhain* (lit. ‘idle bee’).

tarbsaithe. The word *tarb* occurs also in the B glossator’s term for the second swarm (20^b *tanaise .i. tarbsaithe* lit. ‘bull swarm’). A later commentator uses the same term (Appendix 4 (c)). Through the kindness of Dr. Séamas Ó Catháin of the Department of Irish Folklore (University College Dublin) queries were sent out to collectors in Cork, Kerry, Clare, Tipperary, Galway, Mayo and Donegal to see if this term had survived in Modern Irish. Replies were received from all these areas, but no trace was reported, apart from a possible use of the term ‘bull swarm’ in the English of Co. Tipperary.

Exact correspondances to *tarbsaithe*—both in form and meaning—are found in Welsh and Breton. *Llyfr Iorwerth* (Appendix 7 p. 192) uses *taruheit* (*tarbheit*) for the second swarm. The manuscript Peniarth 32 (our D) gives a variant *karuheit* lit. ‘stag swarm’ but this probably goes back to a mistranscription of *c* for *t* in an earlier exemplar. In *Llyfr Blegywryd* the term used is *eil heit* ‘second swarm’, agreeing with *secundum examen* of the Latin Redactions ABDE. *Taruheit* is obsolete in Mod. Welsh (Spurrell’s *Welsh-English Dictionary* s.v. *tarwhaid*) but the Breton cognate *tarvhed* is well attested from the modern language e.g. Vallée: *Grand Dictionnaire Français-Breton* (1931) s.v. *essaim*, Le Gonidec: *Dictionnaire Breton-Français* (1850) s.v. *tarvhed*, cf. Ernault: *Glossaire Moyen-Breton* (1895) s.v. *taru*. The agreement of O. Ir. *tarbsaithe*, Med. W. *taruheit* and Mod. Bret. *tarvhet* indicates a Common Celtic **tarwo-saios* ‘bull swarm’. A difficulty is the fact that W. *heit* ‘swarm’ is fem. whereas its Ir.

cognate *saithe* is masc. However, as Bret. *hed* is also masc. it seems that Welsh has innovated. See Watkins, *Études celtiques* xvi 191-4.

In both Irish and Welsh, the prefixing of *tarb* (*taru*) 'bull' to a noun generally indicates fierceness, e.g. O. Ir. *tarbflaith* 'fierce ruler'. However, as the second swarm is not particularly aggressive, this explanation does not suit *tarbsaithe*. In a letter, Ken Stevens of Bickton Agricultural College, Devon, has suggested to us that the term 'bull swarm' may refer to the liveliness of the second swarm, which generally contains a vigorous young queen. Mark Daniel of Crowthorne, Berkshire writes: 'It is possible that "bull swarm" refers to the great number of drones present in the second swarm, which usually has an unmated queen.' He points out that the noise of the drones milling around the hive often becomes a loud roar, audible 80 yards away. Perhaps, therefore, the term 'bull swarm' refers to the noise made by the second swarm.

It is very unlikely that *tarbsaithe* means 'mating swarm'. In *The World of the Honeybee* p. 64 Dr. Butler points out that a queen normally leaves on her mating flight unaccompanied by drones or workers (see Introd. p. 46). The mating behaviour of the honeybee is difficult to observe, and still not completely clear (Butler pp. 63-7), so it is unlikely that the early Celts knew much about it. Early Greek and Roman authors generally held that the honeybee did not mate at all. Aristotle (*Historia Animalium* v chapter 21) records the belief that bees collected their young from certain types of flower. Virgil (*Georgics* iv 295-314) puts forward the theory that bees issued spontaneously from the corpse of a bullock which had been clubbed to death. (For further discussion on early views about the bee's reproductive system, see note on Welsh *modrydaf* 'queen-bee' in Appendix 7, p. 202.

ess. For the spelling *ess* for *ass* 'out of it, away' in this gloss, see Introd. p. 9.

acht cáin chuiscc. The lenition of *cuiscc* indicates that *acht* is here followed by the nom. (see Index s.v. *acht*). Alternatively, it is possible that one should emend to *acht a ccáin chuiscc*, as in §6.

ar dlegair doib-som. The implied subject must be *deolaid*; cf. §§4, 9, and, for the omission of *deolaid*, §10. The B gloss, .i. *cobdaili saithe*, is a correct explanation.

soid fora téchtae. For this idiom cf. *Bürgschaft* §§29 and 32 = *CIH* 593.12, 17 (with *do-soí*). For a different phrasing of the same rule that the rights of the neighbours to gifts of swarms *gratis* become operative after the three years of *soire*, see §7. The idiom found here is to be distinguished from two other uses of *soid* found in the laws: (1) *soid X for Y*, 'Y becomes liable to X' (e.g. *CA* §8 = *CIH* 481.28-29: *Mana airigt[h]er fair isin treide-seo ní sui meth forsin ceili de*; *CA* §43 = *CIH* 493.18: *Ní sai for fine nach [n-]ecur n-inndligtech in-cuirither [é]cond (u)ina(i) recht*); (2) *soid X fri Y*, 'X turns to Y' (e.g. *CIH* 22.9-10: *mac fir rotuislither fo grad na tinntae i tuaith acht soid fri haithrige*). In (1) the subject is a word referring to some legal offence; in (2) the subject is personal. In the construction found here and in *Bürgschaft* §§29 and 32 the subject is a noun or pronoun referring to the case in question, or else the verb is impersonal.

This paragraph is, therefore, simply an assertion that the general rule given in §7 applies not only to new hives formed from swarms but to hives which have moved and so changed ownership. A mere change of ownership with no change of site could hardly confer three years of immunity, nor could a movement of a hive without change of ownership, for then it would be a simple matter for the owner of the bees to maintain perpetual immunity.

§26

This is a very difficult paragraph, partly because it is difficult to be sure what *foma* means, and partly because of the difficulties over *tairgille* and *smachta* discussed in the notes to §§1 and 24. *Recht* is also a difficult term. A new subdivision of the tract begins with §27, the discussion of injuries to persons committed by bees. §26, therefore, should be a concluding note to the topic of *cobdaili saithe*, divisions of swarms. Since §25 is a supplementary rule coming after the main rule governing the divisions of swarms, §26 may well be another supplementary rule. It envisages a preference, presumably on the part of a neighbour, for a *tairgille* rather than *smachta*. The *smachta* in question must be the swarms owed to the neighbours in the fourth and fifth years (cf. §7). Hence it looks as though the neighbour in question in §26 is a man who does not wish to receive a swarm as his *téchtae*, his due. He does not wish to become a bee-keeper. Yet the gift of a swarm *deolaid, gratis*, was to be compensation for the grazing of his land by the bees. This, then, is probably the difficulty with which §26 is concerned. It may be useful to continue the analysis of the first clause (*Cip dune . . . smachta*) a little further before tackling the difficulties of the rest of the sentence. The neighbour, according to this interpretation, may have the alternative of a *tairgille* if he does not wish to receive a swarm. But up to this point the *tairgille* has served to guarantee the gift of swarms after the three years of immunity. In the ordinary course of events the *tairgille* would have served its purpose once the neighbours had received their swarms. The *tairgille* given to his neighbours by the man who first acquires bees is, in this respect, quite different from the *tairgille* which is given according to the ordinary rules of *comaithches*, for the latter guarantees the payment of *caithchi*, penalties for personal offences or neglect, and thus is required as long as the parties continue to be neighbours. The *tairgille* in ordinary *comaithches* is a permanent requirement of neighbourhood; the *tairgille* of *BB* is attached to the cycle of three years of immunity followed by the gift of swarms in the fourth and fifth years. The *tairgille* of *BB* is thus temporary, unlike the *tairgille* of ordinary *comaithches*. In §26 a neighbour is envisaged as preferring a *tairgille* at the point at which it should normally have fulfilled its function, and should presumably have been returned. The obvious interpretation is, then, that the neighbour does not want to become a bee-keeper and would rather acquire permanent possession of the *tairgille*. This would cease to be a guarantee of future *smachta* and would become, instead, the property of the neighbour.

is foma do cach recht oca mbiat. This clause remains obscure to us though it is possible that the interpretation given by Cairbre in gloss^c III is correct. First, different syntactical analyses are possible. One might read *is foma dó cach recht oca mbiat*, in which case *cach recht* would be the subject, or *is foma do chách recht oca mbiat*, in which case *recht* alone would be the subject, or, finally, one might retain the reading which we have given, following the glossators, in which *is* is impersonal 'it is'. Secondly, the meaning of *foma* is uncertain. This example of the word (together with the quotation in O'Davoren) is the only example given in *DIL*, which suggests reading *fo ma* or *fo mu* comparing *fo chen* 'welcome'. *Ma*, however, is a word only found in *Bérta na Filed* and two of the three exx. in *DIL* are probably late. It is glossed *maith* and may well have been extracted from an etymological gloss on *maith* itself. In any case, it is difficult to see how this suggestion would yield satisfactory sense. Thirdly, *recht* in the laws is a word of different and sometimes uncertain meanings: (1) 'law', 'authority', 'person of authority' (e.g. *Irishes Recht* p. 6, tract on

dire, §5; *B Crólige* §21; *Bürgschaft* §61; *CIH* 400.31 f.), (2) ‘condition of person, class of person’ (e.g. *Irishes Recht* p. 64, tract on the *fuidir*, §4; *CA* §43; *B Crólige* §§17, 43, 44; *CIH* 463.30). Thurneysen took *recht* in the second sense to be a common spelling in the laws for *richt* (*ZCP* xiv 380, n. on *CA* §43); but, although the spelling *richt* does occur, it seems rather to be a special development of *recht* ‘law’ etc. in the sense of ‘legal condition’ and then ‘person belonging to some legal class’. The best approach in all this uncertainty seems to be a consideration of the meaning of the phrase *recht oca mbiat*. *Atá X oc Y* is used, first, in a locative sense ‘X is *chez* Y’, and then to express possession ‘X belongs to Y’. In both cases Y should normally be a word for a person or place. The further sense ‘X is within Y’s power, or capacity’ (e.g. *TBC Rec. I*, ed. C. O’Rahilly, 2575) also requires a word denoting a person after *oc*. Where the term governed by *oc* is not a verbal noun, these seem to be the three possibilities in O. Ir. On this basis we should expect *recht* to refer to a person or persons of some kind, since it cannot refer to a place. Moreover, if *recht* were to mean ‘law’ here one would expect *fo* to be used rather than *oc* (*Fél. Óen.* Jan. 1; *Wb.* 20a12). *Cach recht* in the sense of ‘person of any class or condition’ is particularly well attested in *B Crólige* (§§17 (two exx.), 43, 44), and it seems that *cach recht* in our text probably has the same meaning. This is the way the glossators all understood the phrase. Cairbre’s gloss on *foma, rogo* ‘choice’, will then give good sense. The implied subject in *oca mbiat* is likely to be *beich*, as O’Davoren saw. The whole sentence will then mean that the decision as to whether the neighbour will be allowed to retain the *tairgille* rather than receive a swarm belongs to ‘every class of person on whose land the bees are’ or ‘to whom the bees belong’. One can take this in two ways: the tract may be including those neighbours who have accepted swarms as their *téchtæ* or he may only be referring to the original owner of the bees. The first seems the more likely. If the text were referring to the original owner only, it would have used a phrase such as *fer in bunaid* (§38) rather than *cach recht oca mbiat*. The latter seems rather to be intended to include all those who have bees, both the original owner and the recipients of the swarms.

§27

ruirset. We doubtfully insert an *s* in *ruiret* of the MS, and take it to be 3 pl. pres. subj. perfective of *rethid* ‘runs, rushes’, cf. §28 *in-ruirset* (*inruiret* MS).

collud. When used with regard to bees, *collud* seems normally to mean removing the honey, rather than destroying the hive or its occupants. In App. 5 (e) *coillid* refers to the legal removal of honey by the owner (*amser i coillter in beich*). In the present example *collud* may refer to the illegal removal of the honey by a thief, or its legal removal by an agent of the owner.

During the extraction of the honey, particularly if it were done by a thief, it would be common for some bees to be killed. However, the purpose of the *collud* would have been to get the honey, not to destroy the bees. It is therefore surprising that the 16th century A glossator, Cairbre, refers only to the destruction of the bees (*oca marbad*). A possible explanation is that the practice of smothering the bees before extracting the honey may have become general by the 16th century. See *Intro.* p. 43 and note to §41^b.

cumscuchud. The glossator takes this to refer to the moving of bees from one hive to another. The true meaning is no doubt wider, and would include any

shaking or disturbance of the hive. A person who moves a hive may be acting with malicious intent or with the consent of the owner. In either case the owner is apparently free from liability for any injuries which may result.

gabál. The glossator believes that *gabál* refers to the taking of swarms 'from branches and from open places'. We think, rather, that it refers to any seizure of bees, whether in a hive, tree or swarm.

ind amsir. We emend *in am* to *ind amsir* (dat. sg. of *a(i)mser*) on account of the gloss *isan re suthain*. *Ré suthain* is the normal 'etymological' gloss on *amser* (-ir) with *ré* 'period' corresponding to *am*, and *suthain* 'long-lasting' to *sir* (taken to be for *sír*), e.g. *BB* §4 *íar n-aimseraib .i. iarsan re suthain*; *CIH* 213.30 *teora aimsera .i. teora re suthaine*. However, there is the possibility that *re suthain* may also be used to gloss *am*, in which case our emendation would be unnecessary. One can compare the occasional glossing of *bés* by *ba-fis gnae*, the regular etymological gloss on *bésgne*, e.g. §14^c (see Introd. p. 18).

i tochumlat. We follow the glossator in taking *i tochumlat* to refer to the emergence of a swarm of bees from the hive. The general experience of bee-keepers is that bees are docile when swarming as they are gorged on honey (Schofield: *Teach Yourself Beekeeping* p. 67). However, for some days before the emergence of a swarm they may behave in a restless and inquisitive manner, and are liable to become entangled in people's hair, clothing, etc. Cases where onlookers have been stung at the actual time of swarming have also been recorded, and swarms have even been known to settle on the head or body of an onlooker (who might be severely stung if he panicked). It should be stressed, too, that a swarm contains up to 10,000 bees and emerges suddenly from the hive with a loud and frightening noise. It is therefore not surprising that swarming bees acquired an undeserved reputation for aggressiveness. One can compare Redaction E of the Latin texts of the Welsh Laws (ed. Emanuel p. 483) *si autem heit exiens hominem occiderit . . .* 'if an emerging swarm has killed a man . . . ' (Appendix 7 p. 198).

Alternatively, one might again regard the glossator's explanation as being too particular, and translate 'when they (the bees) are mobile'. In this case *do-cumlai* would refer to bees emerging from their hive at any time, not just for swarming. However, if this is the meaning one might have expected some such verb as *do-imthiret* 'goes to and fro', cf. *timthirecht bech i llau ánlí* 'the going to and fro of bees on a fine day' *TBDD* 1169.

§28

in-ruirset. We emend *inruiret* to *in-ruirset*, 3 pl. pres. subj. perfective of *in-reith* 'attacks'. The gloss *gibe foro roindsaiged* seems to refer back to §27 *cip é forsa ruirset* (*ruiret* MS), which we similarly take as 3 pl. pres. subj. perfective of *reithid*. It must be admitted that *indsaigid* normally glosses *saigid* (*AL* vi s. v. *saigim*) but it is hard to see how *ruiret* and *inruiret* of the MS could contain the root *saig-*.

gloss 28^a. Glossators and commentators regularly make a distinction between four categories of person: (1) *torbach co n-arm* 'an armed man on lawful business', (2) *torbach cen arm* 'an unarmed person on lawful business', (3) *esbach co n-arm* 'an armed man not on lawful business' and (4) *esbach cen arm* 'an

unarmed person not on lawful business'. This fourfold distinction does not appear in the O. Ir. texts, and is probably a fabrication of the later law-schools. It seems totally irrelevant in the present case.

na. MS *nach* for *na* 'nor' is a Middle Irishism. See *DIL* s.v. 6 *nach* (*nách*).

annrecht. We retain the MS spelling, as non-lenition of *l n r* in consonant groups is often indicated by gemination in O. Ir. e.g. *dígallre* Wb. 18a1, *annse* 6d9 (*Grammar* §120), cf. *BB* §1 *annsam* (*annsom* A, (*a*)*ndsom* CD).

The first glossator takes *olcc* to refer to the killing of somebody else's bees and *annrecht* to stealing them, but this distinction seems artificial. The third glossator's *bualad na ces* may refer to the striking of bee-hives with purely destructive intent. More probably (as his gloss is an addition to I's *anndirgidetaidlí gaidi riu*), it may refer to the thumping of a hive by a bee-robber with the purpose of driving out the bees into an empty hive which he has placed nearby.

§29

is sí-ede. We emend *isesede* to *is sí-ede* as *fuil* is normally fem. in O. Ir. (though there is evidence that it was originally neut., *Ériu* xx 3).

sáith. Our emendation of *said* to *sáith* is in accordance with the gloss.

gloss 29^e. The B gloss refers to the fact—not mentioned by the author of the text—that a bee normally dies soon after stinging a person, as it is unable to remove its sting from human skin, and so ruptures the tip of its abdomen.

manis. The form *manis* in this gloss is irregular, as *mani* is normally followed by conjunct and prototonic verbal forms. Thus *mani* with 3 sg. pres. ind. of the copula is *manid*, and with 3 sg. pres. subj. is *manip*. *Manis* may be a scribal error for *manip* or *manid*, influenced by *is* later in the sentence, or it may be an otherwise unattested by-form of *manid*.

There is a possible case of 3 pl. *manis* 'if they are not' in a short legal passage on cows and calves (*CIH* 1267.17-31 = 967.35-968.15). The MSS have *os manes carait comsa* (*CIH* 1267.24) and *ocus mana sgara comamsa* (*CIH* 968.9), which might be reconstructed as *os manis carait chomsa* 'and if they are not kinsmen in co-operation(?)'. But the whole passage is very obscure. See also Thurneysen's note on *nis* (= *nídat*) in *ZCP* xx 371 and *Grammar* §796, and on *cis* in *Grammar* §457.

amal chách, 'as in every other [case].' This refers to the general rule that the killing of an animal atones for any injury which it may have inflicted, cf. *AL* iv 102.8 = *CIH* 192.24.

§30

In addition to A, the text of §§30-5 is preserved in E and F (for which see Introduction pp. 10-11).

mad súil rocháecha. As the eye-closing reflex of the human is very rapid, injury to the eye by a bee-sting is extremely rare. Dr. Eva Crane of the Bee Research Association has kindly sent us a note on 'Bee-stings and the Eyes'

by Dr. C. Allan Birch in *Bee Craft* vol. 45 (1963) p. 17. He points out that the sting of a worker honeybee penetrates for about 1 millimetre, whereas the average thickness of both the upper and lower human eyelid is 3 millimetres at the free border and double that at the base. Consequently, the sting cannot reach the conjunctiva of a closed eye. There may however be damage from 'seepage' of venom.

Dr. Crane has also sent us two Russian references: an account of 'Eye injuries caused by a bee-sting' in *Oftalmologicheskii Zhurnal* (1975) 30 (1) 55-6 and a description of two cases of men suffering bee-stings on the cornea in *Pchelovodstvo* 36 (10): 54-5 (1959).

It would seem therefore that the story of Congal being blinded in one eye by a bee-sting is unlikely, but not impossible. In later tradition (*Fled Dúin na nGéd* ed. Lehmann l.315) Congal is said to have been stung when a baby, whereas *BB* implies that the injury took place in adulthood (§32). We are informed that bees are extremely unlikely to carry out unprovoked attacks on young children, but are sometimes blamed for the misdeeds of wasps.

gloss 30^d. The commentary on *cin bech* 'injury by bees' in *CIH* 316.37 = *AL* iii 432 (the first words of which are quoted here by the second glossator) remarks that 'the book tells of a hive [in recompense] for his blinding and does not tell of two hives for killing.' The book referred to by the commentator presumably contained a portion of the *Senchas Már*—including *Bechbretha*, which indeed does not discuss the legal consequences of a person's death from a bee-sting or stings. Such deaths are very rare (Butler: *The World of the Honey-bee* p. 137) but can occur when a person becomes hypersensitive to bee venom. Death from bee-stings is mentioned in Recension E of the Latin texts of the Welsh Laws (App. 7 p. 198) and, in closely similar words, in Anglo-Saxon, Frankish and Spanish penitentials (Wasserschleben: *Die Bussordnungen der abendländischen Kirche* pp. 212, 316, 467, 534).

cocrann. A parallel is found in *CIH* 192.23 ff. = *AL* iv 102.6 ff. (which is in O. Ir. though written as commentary). If an animal is killed in a jointly owned herd and the culprit cannot be identified, a lot is cast on the whole herd; the animal on which it falls is held to be responsible.

forsin lestrai n-uili. The sense requires the emendation of *naile* A to *n-uili*, which is supported by *uile* of the A gloss and *uil-* E (though F has *nail-*).

The collective *lestrae* 'vessels, bee-hives' is formed from *lestar* 'vessel, etc.' by addition of the suffix *-iā*. This suffix is often used to form abstract nouns, but its use as a collective suffix is not recorded in Thurneysen's *Grammar* (§§263-5) or Pedersen's *VKG* ii (pp. 16-7), though referred to by Stokes in his *Criticism of Dr. Atkinson's Glossary to AL* i-v (London, 1903) pp. 47-8. Stokes's examples include *cethrae* 'cattle' from *cethir* 'quadruped', *aire* 'satires' from *áer* 'satire' and other more doubtful cases. Dr. Binchy suggests in *Ériu* xvii 83 that *fert(a)e* may similarly be a collective in *-iā* from *fert* 'grave-mound.' Another possible example is *roilbe* 'mountain range' which seems to be from *ro-* 'great' + **slébe*, a collective from *slíab* 'mountain.' If we are right in taking *lestar* to be a 5th-6th century borrowing from British (Introduction p. 44), the collective suffix *-iā* must have been productive at least until this period.

The suffix *-io-* forms a collective in a few cases, e.g. *daire* (orig. neut.?) 'oak grove' from *dair* (*daur*) 'an oak-tree', *cenéle* (esp. in the phrase *a cenéle ndoíne* 'the human race') from *cenél* 'tribe, nation', *aithre* 'paternal kin' (declension confirmed by rime, *Ériu* xxvi 84 § 18) from *athair* 'father', *máithre* 'maternal kin' from *máthair* 'mother'.

cip lestar. We emend *lestra* A to *lestar*, supported by *lestar* of the A gloss and *lestar* E (against *leastr*- F).

§31

ceta-rucad. E and F here give the better reading, as *berid brith* is the normal phrase for 'he passes judgement', cf. §33 of *BB* and *CIH* 356.5. However, *cetaraced* A (emending to *ceta-rochet* 'was first proclaimed') is just possible, cf. *citaroichet* Ml. 44b4.

for Congail Cháech. *Congal*, like other names in *-gal*, appears to have originally been an *ā*-stem, except that the acc. sg. is *-gal*, though the dat. sg. is *-gail* (O'Brien, *Celtica* x 224; *Grammar* §288). The phrase *berid brith for* seems to occur with both acc. and dat.: *berat brith fuiri* Wb. 13a11; *berid brith for arele* Wb. 29b9. Confusion between *Conall* and *Congal* is also attested in the genealogical tradition, but it would have been facilitated by an exemplar which had *Congail* which a later scribe might easily change to *Conall* (F) or *Conaill* (A). *Conall* is a m. *o*-stem so that *Conaill* is not a possible reading; rather it points to an original with *Congail*. It is curious that A and F should largely agree here against E, while in general E and F are close. The changes made by A and F must be quite independent. Genealogical MSS similarly confuse the names *Dúngal* and *Dúnlán*.

Congal Cáech is a person of some historical interest and the evidence of *BB* is crucial. Here we shall confine ourselves to the evidence for the identity of *Congal Cáech*, and leave till later the problem posed by *BB* in giving him the title *rí Temro*, king of Tara.

There is no doubt about his floruit. He appears in the annals from 626 until his death in 637 at the battle of Mag Rath. In the regnal list of the province of Ulster he is given a reign of ten years and it is noted that he died *i cath Roth* (*LL* i 193). The date 639 for the battle of Mag Rath also has some annalistic support but this discrepancy does not matter for present purposes (see J. Bannerman, *Studies in the History of Dal Riada*, 6 n. 1).

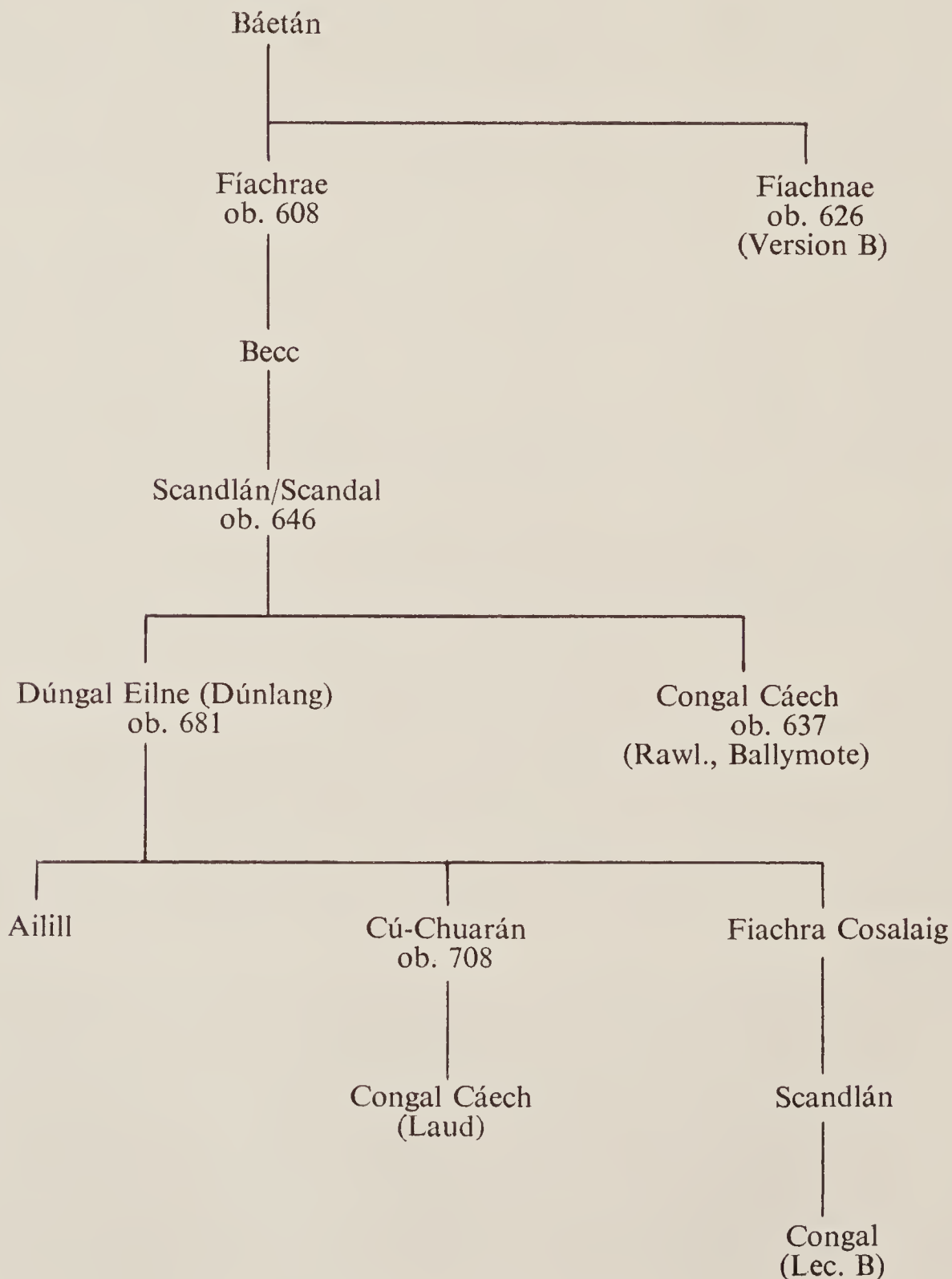
There is little doubt that he belonged to the Cruithni, a federation of peoples stretching from the lower valley of the Bann in the north to the present county of Louth in the south, and including, among others, the kingdom of Eilne in the north between Bann and Bush, the kingdoms of Mag Line and Latharnae (Larne) in the centre, and the kingdom of Mag Cobo in the south. *Congal Cáech* appears in the Dál nAraidi regnal list (*LL* i 195). Though the genealogists, as we shall see, do not agree on his pedigree, they do agree in assigning him to the Dál nAraidi. Since the latter became the dominant dynasty among the Cruithni, this suggests at least that he belonged to the latter. For the distinction between the Dál nAraidi and the Cruithni at this period, cf. Adomnán, *VSC* I 49 *Cruthini populi*, but III 17 *mocu Aridi*; Byrne, *Irish Kings and High-Kings*, 108; O'Rahilly, *EIHM* 344f.

There is considerable room for doubt, however, to which royal kindred among the Cruithni *Congal* belonged. Not all genealogical texts include his name in the dynasty of Dál nAraidi (it does not appear, for example, in H.2.7. p. 155a and the *Book of Uí Maine* f. 67r (old fol.), 15r (new fol.), col. a, l. 61 ff.); those that include him do so in different places. In the early seventh century the main line of the dynasty divided into two branches descended from two sons of Báetán with the confusingly similar names *Fíachrae* and *Fíachnae*. In the mid-seventh century the descendants of *Fíachrae* (*cenél Fíachrach*, *Patric. Texts* 180.23-24), appear to have conquered the old kingdom of Eilne whose bishop had his seat at Coleraine (*VSC* I 50; cf. the name *Dúngal Eilni* in their pedigree

given below). The descendants of Fíachnae remained in control of Mag Line in the south of County Antrim, and were usually the most powerful dynasty among the Dál nAraidi.

The genealogists appear not to have been sure to which of these two dynasties they should assign Congal Cáech. Those who assign him to cenél Fíachrach cannot agree on where precisely they should place him, as shown in the following stemma:

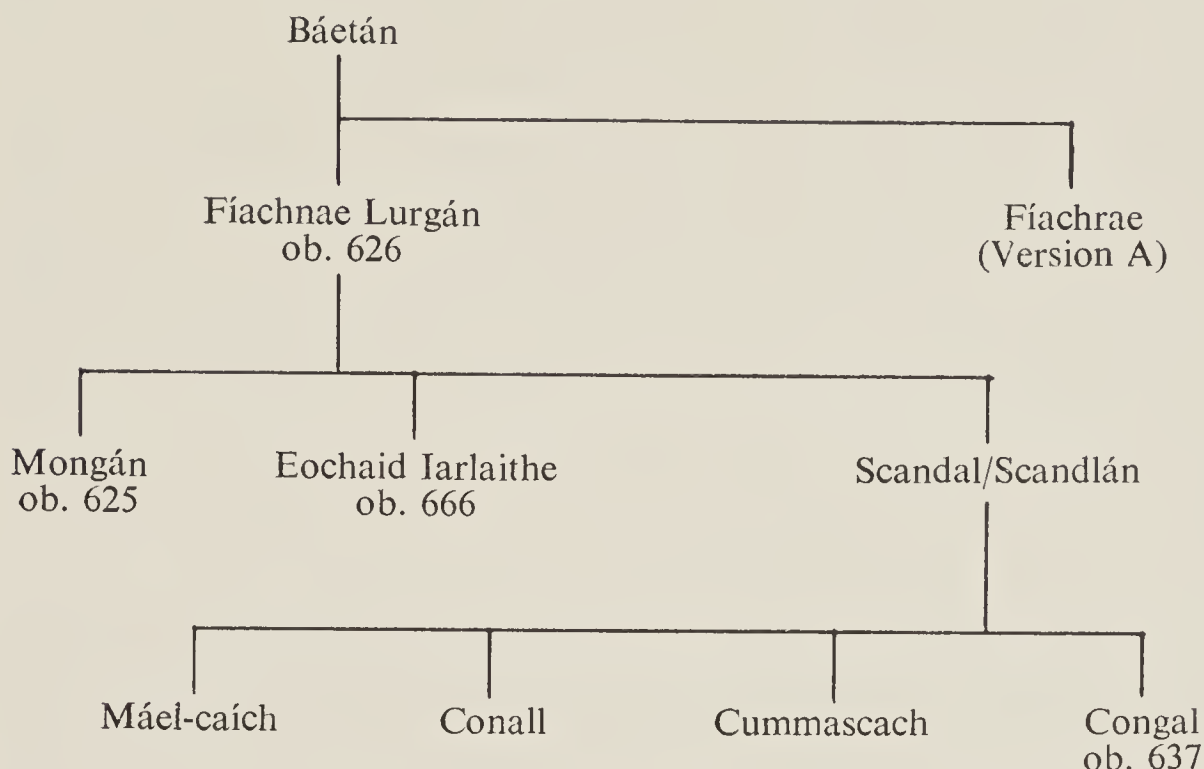
Version A: Congal Cáech assigned to cenél Fíachrach: O'Brien, *CGH* p. 326 = Rawl. B 502, f. 162b5; *ZCP* viii 336.1-3 (= Laud 610 f. 110b); *ZCP* xiv 113 (Lec. B = *Book of Lecan* f. 137v col. d.); *Ballymote* f. 168 of facs. col. a, ll.17 ff.; *Book of Uí Maine*, f. 72rb61 ff. (old fol.), f. 19r (new fol.):



Since Congal Cáech died in 637 Laud and Lecan B have plainly erred (unless Lecan B's Congal m. Scandlái is a different person, which is unlikely) and Rawl. and Ballymote have very probably affiliated him to the wrong man.

The chronology of Version B is not so difficult:

Version B: Congal Cáech a descendant of Fiachnae Lurgán: *Ballymote* (f. 168, col. e, ll.36 ff.), *ZCP* xiv 111 (Lec. B, f. 137r col. d, l.20):



Chronologically Version B looks much more plausible than Version A, and it has accordingly won favour with historians (Byrne, *Irish Kings and High-Kings* 287; Mac Niocaill, *Ireland before the Vikings* 156). Furthermore *Lecan B* has the following ascending genealogy: Congal Claen m. Scandlain m. Fiachna Find m. Baedain m. Echach m. Conla m. Cælbád m. Cruind ba druí (*ZCP* xiv 111).

A closer look at the evidence is, however, disquieting. The main evidence for Congal comes in what one may call descending genealogies which enumerate the sons of Scandal/Scandlán mac Fiachnai (or Fiachrach). We may examine the following four witnesses:—

- (1) *Ballymote* f.168e: Tri meic Scannlan: Mael-caich, Congal, Cumascach.
- (2) *Lec. A* (facs. f.125v. col. b, l.43): Tri meic Scandail meic Fiachrach .i. Mael-caith, Conall, Cumascach.
- (3) *Lec. B* (facs. f. 137r. col. d, ll.26 ff.) = *Book of Uí Maine* f. 70v col. b¹ ll.25ff.: Ceithri meic Scandail .i. Mael-caith (*Uí Maine*: mac elcaig) ⁊ Conall ⁊ Cumascach ⁊ Congal Caech qui cecidit a Muig Rath.
- (4) verse in *Lec. B* and *Uí Maine* (*ibid.*):
 Scandal dixit:
 Ad-gen mo maccu uili
 Mael-caith, Mael-ruain, Mael-ruibi.
 Ad-gen Conall ar a dath,
 ⁊ ad-gen Cumascach;
 ⁊ ní aithgen mo bru
 as mac Scandail Cu-citu.

It looks very much as though a process of accretion has been at work, favoured not only by the confusion between *Fíachrae* and *Fiachnae* (as in *Lec. A*), but also by the presence of a *Scandal* and a *Scandlán* in the branches of the *Dál nAraidi* dynasty, and by confusion between *Congal* and *Conall* (as in MSS *A* and *F* of *BB*). The crucial question is whether *Lec. A* or *Ballymote* preserves the original. There are three arguments for preferring *Lec. A* (apart from its addition *meic Fiachrach*). First, apart from *Ballymote*, all the witnesses recognise a son *Conall*, but *Congal* is recognised only by *Ballymote* and *Lec. B*, and in the case of the latter only in the genealogy and not in the verse. Secondly, the majority of the annals (*AU* (gloss), *AT*, *AFM*, *LL*) give *Congal*'s father as *Scandlán* but *Máel-caích*'s father as *Scandal*; only *CS* among the annals gives *Scandal* for both, although *Fland Mainistrech*, too, has *Congal*'s paternity as *mac Scannail* (*LL* iii 511). Perhaps *Scandal* and its derivative *Scandlán* were interchangeable; but this seems unlikely, especially in face of the agreement of the majority of the annals. Thirdly, it is evident from Version *A* that *Congal Cáech*, a figure famous in saga and probably the last of the *Cruithnian* kings to be King of Tara, excited a certain interest among genealogists who were, however, ignorant of his true lineage. The use of the epithet *Cláen*, rather than *Cáech*, in the ascending genealogy in *Lec. B* suggests the influence of saga; moreover this genealogy cannot be said to confirm the descending genealogy in the same text for it is very probably extracted from it. The truth seems to be that there is no good evidence for *Congal Cáech*'s ancestry.

On the other hand, the efforts of the genealogists to insert *Congal* into the ruling kindred of *Dál nAraidi* are symptomatic: if he had originally belonged to that kindred, his pedigree would have been firmly fixed in the genealogical tradition. Since *Congal* was almost certainly a *Cruithnian*, the likelihood is that he came from another royal kindred of the *Cruithni* subsequently displaced by the *Dál nAraidi*. The following have some claim to be early kingdoms of the *Cruithni* (excluding those west of the Bann conquered in this period): *Eilne*, *Bóinrige* (*Dál mBúain*), *Uí Derca Céin*, *Mag Line*, *Latharnae*, *Seimne* and *Mag Cobo*. *Eilne* we have already met: the name *Dúngal Eilni* (ob. 681) suggests that it was conquered by the *Dál nAraidi* at the latest in the third quarter of the seventh century. That the old dynasty of *Bóinrige* had been conquered by the late seventh century is shown by *Muirchú* (*Patric. Texts* 80.11-15); the appearance of a *Feidlimid Buan*, *a quo Dail mBuain*, in a descending genealogy of *Dál nAraidi* in *Ballymote* f. 168 is doubtless symptomatic. On the other hand, the way the genealogists connect the kings of *Mag Cobo* and *Latharnae* to the *Dál nAraidi* at a much earlier point in the genealogy (three sons of *Cronn ba druí*, *CGH* p. 155, f.143a 52ff.) suggests that these dynasties were able to resist conquest and thus had to be fitted into the ruling kindred through a legendary link. The *Uí Derca Céin* are fitted in at the same point but by means of a second marriage which indicates that this dynasty was, in the genealogist's day, less closely allied to *Dál nAraidi* than the others (*CGH* *ibid.*). *Congal*, however, is more likely to have come from one of the casualties than from one of the survivors among the *Cruithnian* dynasties. Their defeat will explain why *Congal*'s ancestry was so obscure to later generations.

cáechsite beich. See first note to §30.

§32

Ba-ch rí Temro. On the connective *-ch* see Introduction p. 13. There is no direct corroboration of *BB*'s statement that *Congal Cáech* was king of Tara, but it remains plausible. It is easy to show why other texts might not include his

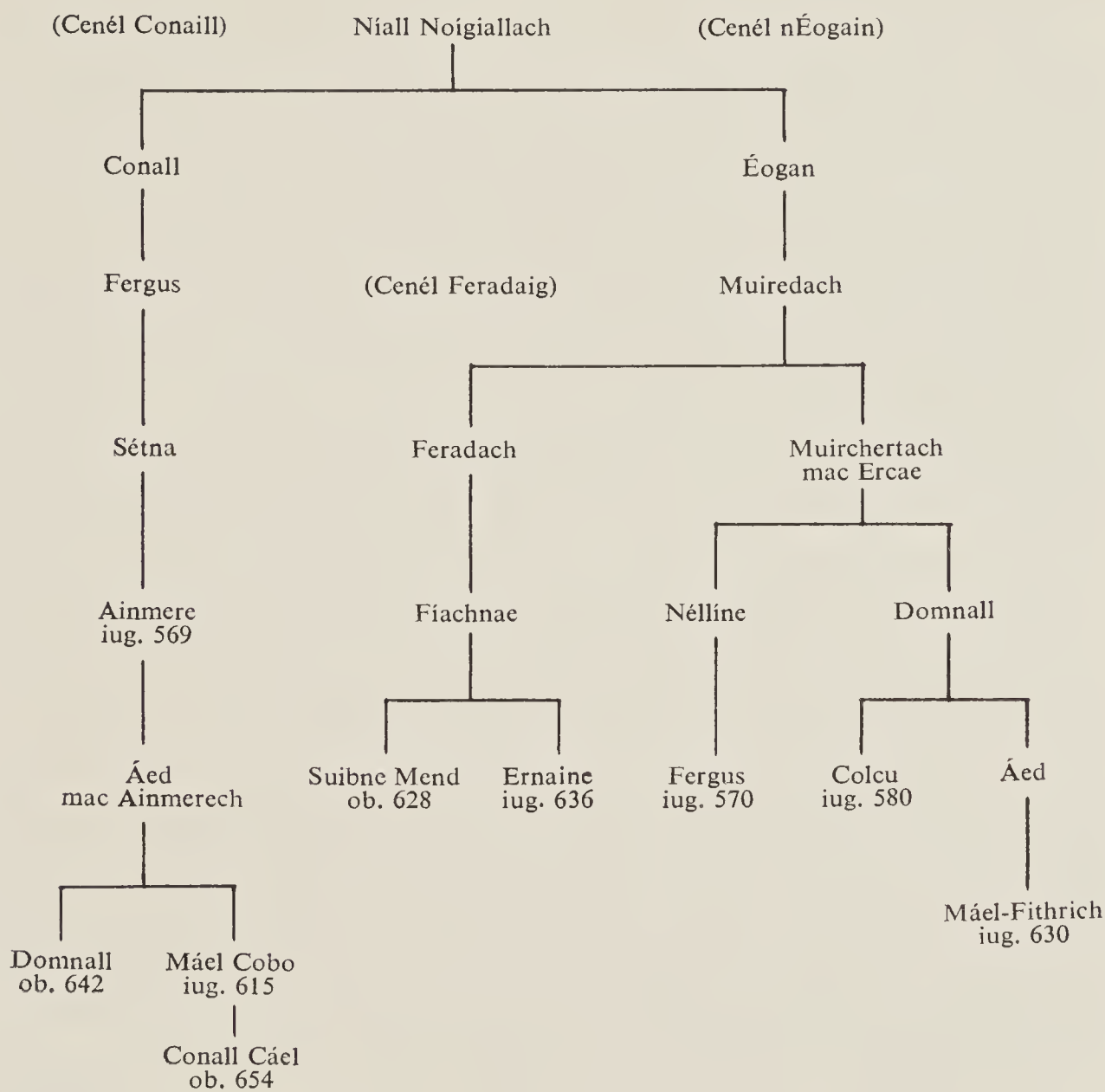
name among the kings of Tara, and also why he could have acquired the necessary political weight and prestige to gain the title. Later lists of kings of Tara (or Ireland) were produced by men who accepted the theory that the Uí Néill had monopolised the kingship of Tara in the sixth and seventh centuries, whereas the late seventh century list in *Baile Chuind* (ed. Murphy, *Ériu* xvi 145-51), although plainly composed from an Uí Néill standpoint, did not recognise the claims of several of their kings included in later lists. The evidence of *Baile Chuind* is quite irreconcilable with the idea, embodied for example in *AFM*, of an uninterrupted succession of Uí Néill kings of Tara (cf. Binchy, *Celtic and Anglo-Saxon Kingship* 32-38; F. J. Byrne, *The Rise of the Uí Néill and the High-Kingship of Ireland* 18). Two other Ulster kings of this period may have been kings of Tara: Báetán mac Cairill of Dál Fiatach (Ulaid proper) and Fiachnae mac Báetáin of the Cruithni. Báetán's claims appear in the genealogical tradition (*CGH* p. 275, 156b 40f.; p. 406, *LL* 330ab 55). Fiachnae may well, as Professor Byrne has suggested (*Irish Kings and High-Kings* 112), be the Féachno included in *Baile Chuind*. The battle of Móin Daire Lothair (563) was not the final blow to the power of the Cruithni, but rather an early high-water mark of Uí Néill conquest.

Admittedly, Congal's name does not appear in *Baile Chuind*. This is not, however, a conclusive objection. Since *Baile Chuind* was composed from an Uí Néill standpoint it cannot be appealed to as a final judge in these matters. For the period of Congal's kingship *Baile Chuind* has first Suibne Mend of Cenél nÉogain and then Domnall mac Áeda of Cenél Conaill. They are also given in later lists (e.g. *LL* i 95-6). Suibne, however, was killed by Congal Cáech in 628 and Domnall was probably not in a dominant position for some years in spite of his defeat of Congal at the battle of Dún Ceithirn in 629. Of this battle Adomnán says: *In quo bello ut multi norunt populi Domnallus Aidi filius victor sublimatus est* (*VSC* I 49). The phrase *victor sublimatus est* has been conjectured to mean that 'Domnall Aid's son became the king of Ireland after the battle' (Anderson's note *ad loc.*). Yet it is notable that Adomnán, who was prepared to term Diarmait mac Cerbaill *totius Scotiae regnator* (I 36), and who gives Domnall a relatively prominent place in the *Vita*, only terms him *rex valde famosus* in a prophecy attributed to Columba (I 10). Even though Domnall was termed *rex Hiberniae* by *AU* at his death it is worth examining the real balance of power in the years 627-637 more closely.

It will be useful to begin by considering the participants at the battle of Mag Rath and the associated battle of Saitire, fought on the same day. Domnall mac Áeda's allies were the sons of Áed Sláine (of Brega), the king of Mide, Airmetach mac Conaill Guthbind (*LL* i 197, l. 5923) and his son Fáelchú (*AT*, *CS*). Congal's allies were the Dál Riata (Adomnán, *VSC* III 5: extract from the *Liber de virtutibus S. Columbae* of Cumméne, 657 x 669), and the Mugdorna (*LL* i 197, l. 5924). In the battle of Saitire the victor was Domnall's nephew Conall Cáel mac Maíle-Coba who defeated the Cenél nÉogain. Domnall, therefore, depended upon the Southern Uí Néill, while among his enemies were the Dál Riata, of Scotland and Ireland, the Mugdorna of S. Armagh and the Cenél nÉogain.

The hostility of the Cenél nÉogain to Domnall is less remarkable than the presence in his army of the kings both of Brega and of Mide. What makes Congal Cáech's acquisition of the kingship of Tara plausible is, first, the stance of the Cenél nÉogain and, secondly, the bitter feud between the dynasties of Brega and Mide which can only have been healed, and then only in part, after 635. If Congal Cáech took the kingship of Tara, he did so through the feuds of the Uí Néill.

killed by Fergus mac Néllíne, probably of Cenél nÉogain. Ainmere was avenged the next year by his son, Áed, Domnall's father, who then defeated and killed Colcu of the Cenél nÉogain in 580. Máel Cobo, Domnall's brother, was killed by Suibne Mend in 615; and the latter also defeated Domnall in 628. Cenél nÉogain was not, however, a united kindred: Suibne Mend belonged to the Cenél Feradaig, and he appears to have had a co-ruler or rival, Máel-Fithrich, who survived until 630, when he was killed by Suibne Mend's brother Ernaine mac Fíachnai. The genealogists' and annalists' view of their relationships is set out below: the names of those who appear to have died through feud with kinsmen are again marked by *iug.*:



It seems possible from the speed with which the killing of Máel-Fithrich by Ernaine followed the death of Suibne Mend in battle with Congal Cáech that Máel-Fithrich may even have supported Congal in the battle, or at the least have sat on the fence. If this is true it was the struggle between two branches of Cenél nÉogain which gave Congal his chance, for it followed Suibne's defeat of Domnall in 628.

It also, however, gave Domnall a chance which, in the short run at least, he exploited more vigorously than Congal. In the same year as his defeat by Suibne and Suibne's death at the hands of Congal, Domnall attacked the Laigin. With

this *crech rí* the annals mark the beginning of Domnall's reign (*regnare incipit: AU*). Presumably they refer to the kingship of Tara, for Domnall was already king of Cenél Conaill. In 629 Domnall defeated Congal at the battle of Dún Ceithirnn, a few miles west of Coleraine. Adomnán's reference to this battle (*VSC* I 49) describes it as being fought between the *Nellis nepotes* and the *Cruithni populi*, Uí Néill and Cruithentúatha. However, it is not clear that Cenél nÉogain participated one year before the death of Máel-Fithrich and one year after that of Suibne Mend. Yet whether they did or not, the victory of a king of Cenél Conaill here, in an area in which the Cenél nÉogain had the more obvious hopes of domination, is proof of Domnall's power as against Cenél nÉogain (contrast *AU* 681).

There is no reason to suppose that the battle of Dún Ceithirnn was particularly decisive, even though Adomnán thought it worthy of Columba's prophetic powers. The internal balance of power within the province of Ulster was in flux and though in the event this was to be all to Congal's good it was as yet incomplete. He had only recently become over-king of the Cruithni, at the earliest in 626, with the death of Fiachnae mac Báetáin of Mag Line in battle against Fiachnae mac Demmáin of Dál Fiatach. Fiachnae mac Demmáin, however, was killed in battle against Dál Ríata in 627; and it is from 627 that the regnal list dates Congal's rule over the province of Ulster. In the same year as the battle of Dún Ceithirnn, Máel-caích mac Scandail, *rex Cruithne*, defeated and killed Connad Cerr king of Dál Ríata, the victor of 627. Máel-caích was probably king of Mag Line. Since we do not know his attitude to Congal's rule it is impossible to be sure whether this constituted a threat to Congal. He may well have been acting in concert with Congal for Dál Ríata was probably at this stage still in the alliance with the Uí Néill, and Cenél Conaill in particular, to which it had adhered since the previous century. It has been claimed by Banner-man (*Studies in the History of the Dál Riada* p. 5) that this battle was primarily a struggle among the Cruithni since among the Dál Ríata casualties the annals mention a Dicull mac Eachach, *rí ceneóil Cruithne*, who was probably king of Latharna (CGH p. 155, 143b1 f.). It is, however, unsafe to assume that Dicull must have been fighting against Máel-caích: the annalist lists first among the dead the kings and then two princes of Dál Ríata. His list is not necessarily organised according to allegiance. The only consistency to be found in the political stance of Dál Ríata at this point is opposition to the currently dominant people in the province of Ulster: when it was Dál Fiatach they fought them and won; now it was the Cruithni and against them they lost. It is clear from the extract from Cumméne Find that the Dál Ríata switched in the years after the disastrous battle against Máel-caích to a new alliance with the Cruithni and opposition to Domnall mac Áeda. This change will have immensely improved the military strength of the *ardrí* of the province of Ulster.

The immediate opportunity for Congal to gain the kingship of Tara was probably created by a new phase in the feud between the dynasties of Brega and Mide. In 634 Conall Guthbind slew two of the sons of Áed Sláine, Congal and Ailill; in 635 he was himself slain by Diarmait mac Áeda Sláine. Conall Guthbind had been victorious in battle against Leinster only in 633, so that if Domnall mac Áeda was to sustain the position he gained in 628 by his *crech rí* against Leinster he had to rely on the support of the king of Mide; and yet he could hardly maintain himself as king of Tara against the active opposition of the sons of Áed Sláine. Ionan tradition, sympathetic to the political fortunes of Domnall mac Áeda and Cenél Conaill, the kindred of almost all its seventh century abbots, was hostile to Áed Sláine. It seems likely that Domnall supported the king of Mide. If, however, the sons of Áed Sláine did facilitate Congal Cáech's

acquisition of the kingship of Tara in the early 630's they would naturally have changed sides once they had killed Conall Guthbind in 635, and would have reverted to the normal Uí Néill opposition to the claims of any outsider to the kingship of Tara.

We began with the bare statement of *BB* that Congal Cáech was king of Tara. If *BB* was indeed composed in the seventh century, its evidence must have great weight. The only evidence to set against it, of equal antiquity, is the negative evidence of *Baile Chuind*; but that text, as has been observed, was not disinterested. It is unlikely that *BB* was composed in a law school in Ulster, and hence its evidence is the weightier. The probability is, then, that Congal Cáech was *rí Temro* for a year or two in the period 630-635. *BB* itself shows that he lost the position before the battle of Mag Rath.

conid-tubart assa flaith. A's *comidubart* may be explained as a misreading of *conidubart* = *conid-tubart*. That the first element is the conjunction *co*ⁿ is supported by gloss^b *gur cuireadh he*. The graphic assimilation of the final *d* of *conid* with the nasalised initial of *tubart* would have been easy, since in ordinary speech the final [ð] would have been assimilated to the following [d]. We take the forms *conatab-t* E, *conatabairt* F to reflect the spread of the Class C inf. pron. *-da-* from fem. to masc. (i.e. *conid* > *conda* > *cona*); cf. *Ériu* i 174 for examples.

The *u* attested by A's *-dubart*, against *-tab(air)t* EF is early O. Ir. (see *Introd.* p. 14).

E and F also innovate in substituting *flaithemnas* for *flaith* 'kingship, kingdom, lordship'. This sense of *flaith* appears to have become less familiar during the Mid. Ir. period, cf. *Thes.* ii 326.4 where gloss⁵ has *flaithius* and gloss⁶ explains *flatho* by *.i. flaithemnasa Herenn*.

Congal Cáech's deposition can be compared with other losses of sovereignty in Early Irish tradition. The blinding of Cormac mac Airt in one eye is said to have prevented his entering Tara (Expulsion of the Déssi; *Y Cymmrodor* xiv 104-6 §§2-3; *LU* 4377-9). It is not actually stated in any O. Ir. text that he lost his kingship, but the whole tenor of the 9th c. *Tecosca Cormaic* implies that he had abdicated in favour of his son Coirpre Lifechair. The late introduction to *Bretha Étgid* is more explicit (*CIH* 250.13-15 = *AL* iii 84.3-7): *ba geis rig co nainim do bith a temraigh, ⁊ rocuired cormac amach da leighes co aicill araici temair . . . ⁊ tucad rigi nerenn do coirpri lifechair mac cormaic*. 'it was tabu that there should be a king with a blemish in Tara, and Cormac was put out to be healed at Aicill near Tara . . . and the kingship of Ireland was given to Coirpre Lifechair, son of Cormac'.

For other examples see *Ériu* xii 148 §§9-10 (*Tochmarc Étaíne*) and *Ériu* xvi 38 §§6-7 (The Saga of Fergus mac Léti). For an example from outside Ireland (Sassanian Persia) see Procopius, *History of the Wars* I, 11, 4 (also blinding in one eye).

§33

To-bert a chin forsin fer. The syntax and meaning of the sentence *do-beir X a chin(aid) for Y* derive from two simpler types of sentence: (1) *berid X a chin(aid)* (e.g. *Bürgschaft* §76d; *CIH* 74.26; 2011.30) and (2) *a chin for X* (e.g. *Cáin Lánamna* §36 = *Stud. in E. Ir. Law* 74; *CIH* 2011. 13, 16, 21; similarly *téit a chin for X*, e.g. *CIH* 2011.19; *biid a chin for X*, *CIH* 2011.24, 26). In type (1), without a prepositional phrase *for Y*, the subject is the man who is liable for an offence; in type (2), if a person is referred to in the prepositional phrase *for X*,

it is he who becomes liable for the offence. He is usually not the person originally liable, whereas in type (1) the subject generally is the person originally liable. In our case the owner of the bees becomes liable as a result of Congal's action in charging him with liability for the bee-sting and the subsequent judgement confirming the liability. We have a clear distinction, therefore, between *berid X a chin* and *do-beir X a chin for Y*.

A's reading *a chin* is probably correct as against EF *a cin*: as the phrase *cin óenfir*, §34 shows, it is thought of as the offence of one bee not of them all.

batar beich. Here E and F have the better reading as against A's non-relative *batair*. According to the rule given in the *Grammar* §507 one would expect *batar* to be followed by the possessive pronoun *a* 'his'. Thurneysen's rules govern genitival relative clauses which are copula sentences. Of the constructions distinguished by him two are as follows:—

A. copula + predic. adj. + subj. In this type there is no possessive pronoun expressing the genitival relation:

- (1) *don bráthir as énírt menme*, Wb. 10c1, and not
- (2) **don bráthir as énírt a menme*, nor
- (3) **don bráthir as-a énírt menme* (though this construction is found in verse.):

B. cop. + predic. noun: "the possessive pronoun is always inserted between the relative form and the substantive itself"; e.g.

- (4) *fir as-a c[h]athach*, *CIH* 245.29 = 424.2, and not
- (5) **fir as chathach*.

But these rules may not be universally valid for legal prose:

A. (2) is exemplified in *CIH* 491.25; *cach mac beo[a]thar nabi saer a c[h]or* = 1794.4, *gach mac beoathur nadbi saor a chor*; but 2052.34-5, *cach mac beoathar nadbid saor cor*, keeps to the pattern of A(1).

B. (5) is exemplified in *CIH* 193.30 *do fir bede heich* = 577.32 *do fir bete heich*; *CIH* 193.34 *fer bide heich* but 577.36 *fer beta heich*, perhaps *bete + a*, conforming to B(4), cf. *din fir beta beich* *CIH* 578.31.

In verse a parallel to *fer batar beich* is provided by *Blathmac Poems* ed. Carney l. 166 in *fer batar congbála*. Moreover, although the use of *a* when the stressed possessive pronoun *aí* is the predicate is compulsory according to *Grammar* §507(e), a contrary case is to be found *CIH* 577.20: *berid in fer bes ai mart a aighe*. The reading is confirmed by the other MS, *CIH* 192.29, so that though it would be easy enough to emend to *bes a ai* to conform to Thurneysen's rule, it is doubtful whether one should. In this case the unstressed possessive *a* occurs before *aighe*, not before *aí* as in Thurneysen's rule. It is likely that Thurneysen's rules are only correct for standard O. Ir. and that a more flexible system obtained in early O. Ir. as in ordinary O. Ir. verse. Whether *a* in *asa* etc. was originally the possessive pronoun, as Thurneysen would have it, or derived from *-yo*, as Liam Breatnach argues (*Ériu* xxxi 1-9), is irrelevant to the issue here.

noch is sí breth inso. Here *noch* is clearly just a connective, although *DIL* gives it as the first ex. of an explanatory meaning to be found in the laws. We accept Dr. Binchy's argument (*Celtica* v 87-8) that in the laws *sech is* and *noch is* are in essence only connectives, as against the view expressed in *DIL* that *noch is* is (a) contrastive or adversative in Wb. and Sg. and occasionally in Ml., (b) explanatory in Ml. and in the text of the laws. It is essential to distinguish between two things: (1) the meaning of the connective itself, and (2) the semantic

relationship between two clauses joined by the connective. For example, *ocus* may introduce a clause which is merely added to the previous clause, or serves to explain the previous clause, or is contrasted with the previous clause (see exx. in *DIL* under *ocus*). But these are not separate meanings of *ocus*. The examples of *noch is* in *BB* illustrate the same point:

- (1) *noch is ed ro-saig ind n-oircne* (§8). This whole clause may be construed as introducing an explanation, but *noch is* is not thereby explanatory.
- (2) The ex. in this paragraph. *Noch is* introduces a clause which is neither explanatory nor adversative.
- (3) *noch ní asu a béim in chrainn fo bíth ind nemid na asu dano a túaslucud* (§36). We translate ‘for it is not easier . . .’ because *noch ní* introduces an explanation, not because the phrase *noch ní* is itself explanatory in meaning.
- (4) *noch as-rulai saithe* (§45). Plainly just connective.
- (5) *noch is sí a cuit-side* (§49). *Noch is* introduces the specification of the amount of their shares.

These examples show that the meaning of *noch is* is compatible with different semantic relationships between the clauses connected. The same is true of the examples of *noch is* etc. in *Wb*. The collection of examples in Zeuss-Ebel 700-701 (fuller than that in *DIL*) makes this clear: *Wb*. 10b9 cannot be contrastive; in *Wb*. 19c4 *noch ba* introduces an explanation. Moreover, one of the examples which is cited in *DIL* is incorrectly interpreted, perhaps because of the wrong translation in *Thes.*, *Wb*. 5a18: *.i. is follus isindí nachimrindarpai se noch ém amisrahélde* gl. *Numquid repulit Deus populum suum? Absit; nam et ego Israhelita sum*. Stokes and Strachan translate ‘i.e. it is manifest in that He has not cast me away, although indeed I am an Israelite’. To *absit* corresponds *is follus* with the negative verb; *isindí* introduces the explanation why it is manifest; *nachimrindarpai se noch ém am israhélde* is the explanation and corresponds to the Latin *nam et ego Israhelita sum*. The translation ‘although’ obscures the correspondence between *noch ém am* and *nam et ego . . . sum*. It should be: ‘i.e. it is clear in that he has not cast me away and I, indeed, am an Israelite’. God has not rejected the people of Israel, because he has not rejected me and I am an Israelite. In *Wb.*, then, *noch is* introduces clauses which are contrasted with the preceding clause or the Latin text, but also clauses which are explanatory. In itself it is simply connective.

la Ultu 7 Féniu. The lawtracts and associated tales maintain that Ireland is divided between three free *cenéla*: *Féni*, *Ulaid* and *Gailni/Gaileóin/Laigin*. These three are the *prímchenéla*, the *cenéla sóera*. A late glossator, *CIH* 356.15-16 introduces the Érainn, but an earlier glossator, *CIH* 883.33, still preserves the old division: *.i. feini 7 nlaid 7 laigin*. That the Éoganachta are Féni is shown by lawtracts of Munster origin (*Uraicecht Becc*: *CIH* 2256.13, 14; 2262.20; 2277.12; 2279.1; *Córus Bretha Nemed*: *CIH* 2211.3; *Ériu* xiii 14.20 = *CIH* 1112.11; 17.1, 6, 25 = 1113.40; 1114.4, 18; 19.13 = 1115.24.). Interest in relations between the Féni and the Ulaid is characteristic of the *Senchas Már* though it is by no means absent from Munster material. The tract on *athgabál* opens with two ‘leading cases’ both of which appeal to legendary events involving the Ulaid and the Féni. The Féni and Ulaid are each given a legendary jurist, Brig (a woman) for the Féni and Sencha (or in other places Sen) for the Ulaid (*CIH* 209.12-13, 22-23; 380.14ff.). The O. Ir. tale of Nin mac Mágach (*CIH* 907.36-908.6), which relates a leading case on *tellach*, turns on the same division between Féni and Ulaid. To judge by early glosses in H.3.18 (*CIH* 908-909) the leading cases in the tract

on *tellach* all concerned relations between the Ulaid and the Féni. In the *Privileges and Responsibilities of Poets*, there is only one reference to the Gaileóin (*Ériu* xiii 20.18 = *CIH* 1116.12) but four references to the Ulaid. (It is doubtful whether Laighne at 34.22 = *CIH* 1126.8 is a genuine example of the name Laigin). In this respect the standpoint of the legal texts is the same as that of the Ulster cycle except that they tend to see things more from the side of the Féni (notable examples are the superior wisdom of Brig, *CIH* 209. 22-23 and the threat, *Mairg d'Ulltaibh madh ala Boinn beid*, *Ériu* xiii 20.4-5 = *CIH* 1116.1).

Admittedly, in the laws, Féni often refers to the free Irish in general so that *la Féniu* means, in effect, 'in Irish law', and *Fénechas* is the traditional oral law of the Irish; but there still remains a consciousness of heterogeneous origins. With this belief may be contrasted the doctrine, developed in the O. Ir. period by the genealogists and the synthetic historians, of the single origin of the *sóerthúatha* as opposed to the *aitheclthúatha* (cf. O'Rahilly, *EIHM* 154ff.). The older idea of the *tri chenéla sóera rannsaite in n-insi so* (*CIH* 356.6) suggests an explanation of the origin of the term *cóiced* 'province'. The term *cóiced* can be used of a holding of land which comes to a man through sharing with his kinsmen (*Thes.* ii 238.5,6, *cóiced Caicháin*; 238.16-17, *cenél Caicháin* = *Patric. Texts* 172.14-15, 25-26). If this term were applied to the sharing of Ireland between three free *cenéla*, and still more to the sharing between the sons of Mil Espáine in the synthetic doctrine, this would account for the origin of the term. There is, perhaps, no need to search for five primitive provinces: the shares will be those of the Ulaid, Féni and Laigin.

Our text, in restricting the judgement on the kingship of Tara to only two of the three *cenéla*, the Féni and the Ulaid, may have been influenced by the relative decline of the power of the Laigin: in the fifth century, it seems, the Laigin had been active contenders for the kingship of Tara and had held lands in Brega, but this was no longer true in the seventh century (cf. Byrne, *Irish Kings and High Kings*, 137-8). The Ulaid, however, still are serious contenders until, at least, 637.

§34

nad forúachtatar. The gloss in A, *.i. ⁊ nochor fuactnaigedar* etc. suggests that we have to do with a form of *fo-fich*. We read *forúachtatar*, 3 pl. perf. of *fo-fich*, taking *foruchatat* in A to be an example of transposed letters. This is supported by the readings *forfuachtadar* E, *for(f)uachtadar* F. For the use of the *t*-pret. with this verb, see *Grammar* §682.

fo-reccar la cona. The MS readings and the A gloss show that the verb is *fo-ricc* and not *fo-fich*: they give no support to the emendation *fo-rechar*. The B gloss to this sentence is clear enough until *.i. dolinat selba fri seilb fortuit mat illselbu*. This may be a quotation. It may be interpreted with the aid of the short O. Ir. text *CIH* 577.19ff. The relevant portion (normalized) is as follows:

It é a mbretha inso trá mani festar guinde forsa n-ag riam. Día festar, berid in fer bes aí mart a aige ⁊ as-ren a chéile ag fo 'laill dó; ⁊ mad ed ro-orr a n-ag, fo-certar crannchor forru a aurlunn selb dús cía díb día-toth bibdu do thabairt; ⁊ da-mbeir iarum intí día-tuit ⁊ inérenad a chéile dó a aurlunn selb ⁊ cethrae. 'The preceding are the (appropriate) judgments on them if the *ag* (bovine animal) be not known as a gorer previously. If it be known, the man to whom belongs the carcase of his *ag* takes it and his partner pays him a substitute *ag*; and if it be this one (the dead *ag*) which has gored the *ag* (the killer), lots are cast for them according to the pattern of landholdings to know on which of them it may fall to give the guilty one (to the other partner); and he upon whom it falls then gives it and let his partner pay him according to the pattern of landholdings and cattle.'

Reference is made elsewhere to the casting of lots to determine the ownership of land: *Gúbretha Caratniad* §10 (ZCP xv 316), CCF (H Rec.) §65. These both refer to the sharing of land between kinsmen; but the analogy referred to in the phrase *a aurlunn selb* must refer to the allocation of an indivisible asset (or liability) between claimants of equal standing, or of an asset which the claimants agree not to divide between them but to allocate by casting lots.

In B gloss^c *for-tuit* appears to be a form of the prepositional relative *for(s)a-tuit* with elision, or omission, of the relative particle *-(s)a-*. It therefore seems that the quotation envisages a liability falling upon one *selb* among many *selba*. This makes it likely that *do-linat* is 3 pl. pres. ind. of *do-lin* in the sense 'swarms, abounds' rather than of *do-lína fri* 'adds to' which yields no clear sense.

nadid-lamethar airthech na fortach. Both text and meaning are uncertain: cf. §44 *ro-ch-lamethar forgall* etc., 45 *nach laimethar nech luge bed lais*, and *inna laimther forgall na airthech bid neich int sainreduch*. The MS readings in A, *aurthuch na forthuch*, *forgull*, *luigu*, *forgull na airthiuch*, suggest that one should construe these terms for swearing as instrumental datives. Although A can write *u* for *a* in final syllable it only does so occasionally. The regularity with which *u* appears in these phrases makes it difficult to argue that the *u* is merely scribal. The other MSS, however, do not confirm these readings: for this paragraph we have the testimony of F, which has *a* rather than *u* (note that *fortach* is written out in F but omitted in E). In §45, B has *luga* for A's *luigu*. So far as one can see there are three independent witnesses: A, B and EF. Readings suggesting the dative are confined to one of these witnesses. It would, however, be very unsafe to argue merely on the basis of the apparent concurrence of B and EF: genuine forms with *o-* and *io-*stem datives in *-u-* and *-iu* are more likely to have been removed than introduced in the course of MS transmission. Provided that one can exclude the possibility that the dative forms are merely scribal then they must be early readings. Some legal MSS have a penchant for employing *u* where it is not justified (notably H.3.17), but A is not one of them. We have then, so far as the MS evidence is concerned, two possibilities demanding serious consideration, and we shall begin by examining the syntax of the phrases given an interpretation following A, that is, accepting that *airthiuch* etc. are indeed in the dative case.

The syntax of *ro-laimethar* is characterized by frequent ellipsis of the logical object, namely a noun or nominal clause denoting the action someone dares to perform or the role he dares to assume. The following examples may help to explain the difficulty of interpreting the use of *ro-laimethar* in BB:

- (1) *ro-laimethar* is transitive:
 - (a) the logical object is also the grammatical object:
Ní lomethar nech dul don imdae (TBDD 1207),
 'No one dares to go to the apartment'.
 - (b) the logical object is not the grammatical object:
brethem na laimetar gell fri hiuincosnum a brethe (CIH 1377.39 = AL v 352),
 'a judge who does not dare [to give] a pledge in respect of dispute as to his judgment.'
Laumur ar dochondaib dílsi cailli (Celtica ix 157.44-5),
 'Let me venture for [the benefit of] the immature [to state] the immune things of the forest.'
- (2) *ro-laimethar* is intransitive:
ma ro loídib lammis (Fél. Óen. Feb. 27), 'if we dare in lays'.

Only the last of these translations will provide a parallel to §34 of *BB*. It should be noticed that Y and W have a different reading in 468: *ni laimtis-[s]eom diuscad*, ‘they used not to dare an awakening’ (Y); this conforms to the usual type, (1) (a) in the classification above.

The difficulty in accepting the readings of A is not only that they lack corroboration from other MSS. They also lack clear parallels in other texts. If they followed the pattern of (1) (b) above (*brethiem na laimetar gell* etc.) all would be plain sailing, but they do not. We have preferred to read *airthech, forgall* etc., therefore, for three main reasons: A’s readings are not confirmed by another MS; there is no certain parallel for what must be a most complex construction; there is a direct parallel if one reads *airthech*.

Nadhlidlamiter in A is also difficult textually. Although E is partially illegible, it does not look as though it agreed with F’s reading; hence the latter is probably a recent innovation in the MS tradition. Similarly, the apparently pass. form in E, *laimt-*, receives no support from *noch ni laimither* F. It is difficult to decide whether to emend A’s *-lamiter* to sg. *-lamethar* or pl. *-lametar*: F’s reading and the A gloss argue in favour of the sg. Following A’s *nadhid-*, we read *nadid-* (a rare use of *nad-* with infixed pronoun, *Grammar* §419) rather than emending to *nachid-*.

The meaning of the clause is, in general, clear (cf., as before, §§44 and 45). The particular significance of *airthech* is not so evident: in §44 *forgall* is used alone, in §45 (opening sentence) *luge*, and (closing sentence) *forgall* and *airthech*. On *fortach* and *forgall* see *CG* legal glossary under *aire forgill* and *luge*; for *airthech* see Binchy, ‘Irish Law and Irish History, II’, *Studia Hibernica* xvi 21. In the text known as *Mac Ardde’s Synod* or *The West Munster Synod* (*ZCP* viii 315f.) a number of saints are said to have guaranteed on behalf of their *túatha* that the latter would abide by an eternal alliance, *bithbráthirse*, between them. The patron saints gave this guarantee by means of an *airthech*: *dodeochaid tra aurthach Bréndain ⁊ Mochuta Rathin ar Chíarraigiu . . . ⁊ aurthach Comgáin airchindich Imleochu Ibair dar cend forthúath*, ‘the vicarious oath of Bréndan and Mochuta Rathin went as surety for the Cíarraige . . . and the vicarious oath of Comgán, superior of Emly, on behalf of the forthúatha’. The term *airthech* can, then, be used with the phrase *do-tét* (or *tét*) *ar* ‘goes surety for’: a vicarious oath may guarantee future performance. Cf. *ZCP* viii 316.27-9: *ní thiagat hi slúagheth for cech túaith de Mume frisi ndernsat bráthirse fobíth aurthig na nóeb dodeochaid etorro ⁊rl*. In *Conall Corc and the Corco Luigde* (*Anecdota* iii 59) Conall Corc’s mother-in-law, father-in-law and wife, each in turn, compel him to stay a further year in Albu by a vicarious oath:

Trath atchondairc mathair a mna-som aní-sein gaid essomon bliadna do ⁊ aretoing. ‘Ni rag thorat,’ ol se, ‘em dia taithmenaid dia bliadna,’ ol Corc. Aretoing in ri in bliadain aile. Aretoing a ben in tres bliadain. ‘When the mother of his wife saw that, she begged him for a year’s respite and swore a vicarious oath for him. “I shall not go past you (i.e. I shall not violate your oath),” said he, “if you call it to mind in a year’s time.” The king swore for him the next year. His wife swore for him the third year’.

Just as the patron saint can swear an oath on behalf of his client *túath* and to guarantee its behaviour, so can affines compel performance by a vicarious oath. In *TBC* Rec. I, 1150, Lóg says: ‘*Artung-sa déu . . . firfassa ardchless ar bélaib eirred*.’ Here he can scarcely be swearing an oath for the gods, rather he swears in the presence of the gods (a different meaning of *ar-*). In the passage from H.3.18 already quoted the vicarious oath appears to determine liability to debt: the division into two may be upset by an oath which presumably must be sworn

by a third party. It looks as though the precise responsibility was uncertain so that a rough and ready division into two was the standard solution. This is much the closest parallel to our passage: here uncertainty again requires a rough and ready solution unless *airthech* or *fortach* are forthcoming. The available material does not suffice to answer fully the two main questions: who was entitled to swear a vicarious oath? and on what issues was such an oath admissible? Family relationships are plainly relevant to the first question, the uncertainty of the issue relevant to the second, but that is as far as one can go. In our passage it must presumably be some third party, not under suspicion of injury or killing, who swears on behalf of a person who might be liable. It is difficult to see how this might work in the case of a bee-sting, but a third party might easily have seen which animal had killed another or which man had been the slayer. Even then the immediate companions of the slayer, because they were his companions, were not allowed to clear themselves by oath (*díthech*), nor to fix the guilt on one of their number by oath (*fortach*). The oath of the third party would then replace an oath sworn by the participants in an act, and so be vicarious, and would fix the guilt on one man. In the case of the animals the third party was presumably someone who did not own any of the animals who might have been the killer. His *airthech* would replace an oath by an owner.

Airthech is not attested in the O. Ir. Glosses. In later MSS it is very often spelled with *aur-*, *ur-*, or *er-* (e.g. *BB* §34 *aurthuch* A, *urtach* E, *urrthach* F against §45 *airthiuch* A). The preponderance of spellings with (*a*)*ur-* lead to the suggestion that the cpd. is **air-fo-tong-* (Pedersen, *VKG* ii 653; Marstrander, *Lochlann* ii 213). However, as *ar-toing* is well attested (see *DIL* s.v.) we take there to be only one preverb before the verbal root, and read *airthech*. Thurneysen points out (*Grammar* §823) that (*a*)*ur-* spread from cpds. with *air-fo-* and *air-uss-* to cpds. with only *air-*. This development is rare in the O. Ir. Glosses, but very common in later MSS, cf. *BB* §1 *taurgillib* A for O. Ir. *tairgillib* (see *Introd.* p. 3).

§35

This rule brings to an end, and summarizes the upshot of, the whole section on personal injuries by bees, §§27-35. In these paragraphs the following injuries have been mentioned:

- (1) §§28 and 29: a man is stung by bees although he has not provoked them;
- (2) §§30-33: a man is blinded in one eye by a bee-sting;
- (3) §34, first parallel: a dead animal is found among dogs or pigs or cattle;
- (4) §34, second parallel: a man has been slain in the midst of a crowd.

There is a feature common to all these situations: it is usually impossible to identify the precise animal or the man responsible. If the particular bee which has stung a man has been killed by him, that compensates, according to §29, for the bee's offence. A similar principle, however, governs the cases in which the identity of the man or the animal is unknown, only here the group to which the man or animal belongs, and which itself can be identified, is held liable (§34 *ar-tét sochaide cinaid n-óenfir*). With bees the liable group is a collection of hives, a *lestrae* (§30), in effect the owner of the bees (§33). But allowing for the substitution of a collective liability for the liability of an unidentifiable individual, the same general principle applies: either compensation or vengeance. This

principle is to be seen in §29: if the bee has been killed no honey is to be paid in compensation. The phrase *amal chách* shows that this is only the implication of a more general rule. The application of the principle to the situation of identifiable group but unidentifiable individual is stated in §35. The application is stated only in general terms, and only the compensations for injuries by bees have been specified (§§29 and 30), and vengeance in the case of an ordinary sting. But by inference and the evidence of other texts it is possible to fill out the details as shown in the following table:

<i>Offence</i>	<i>Compensation</i>	<i>Vengeance</i>
§29 sting	sufficiency of honey	killing of bee or, if compensation refused, forfeiture (<i>dílse</i>) of bees.
§30 blinding in one eye	hive chosen by lot from group of hives.	group of hives forfeit
§34 dead animal	equivalent animal (perhaps chosen by lot)	herd forfeit
§34 dead man	honour-price and wergeld paid	<i>slúag</i> liable to vendetta.

For the case of the dead animal cf. *CIH* 192.23-33 = 577.13-24. For the dead man cf. *CG*, legal glossary, under *enech* and *éraic*. The B gloss uses the term *éraic*, but probably not in its narrower technical sense.

do-rochratar. The common uses of the perfect (or present indic. or subj. with *ro*) in *BB* are (a) to state the act which brings about a particular legal state of affairs and (b) to state the establishment of a particular rule (e.g. §11 *rosuidiged*). Perfects of type (a) alternate freely with presents (e.g. §44 *oa n-élat*, but §45 *as-rulai*). In this example *dílse* is a state of affairs brought about by the failure to offer proper compensation and the perfect is properly used for what causes *dílse*.

In the first B gloss *inidrochreta* (divided *inid rochreta* in *CIH*) is obscure to us. *Cuicir* may perhaps be a term for a kindred, cf. *Celtica* ix 157.21 and note; *Stud. E. Ir. Law* pp. 144, 148-9.

§36

The following tables set out the various divisions of the *torad* given in §§36-49, together with the ultimate ownership of the swarm. Facts which can be inferred but are not stated are placed within square brackets. The tables demonstrate how important it was to track the bees: unless a tracked swarm settled in a *cram n-íasalnemid*, the original owner was always entitled to recover possession. If he had failed to track them, yet was able to swear that they originated from his hive, he could only claim a share of their *torad* for three years. The owner of the land where they settled could claim possession. Even when he loses possession the original owner has the advantage that he can claim a share of the *torad* for three years. When he recovers possession, he only has to allow others a share of the *torad* for one year. Finally it is almost certain that when a swarm of bees is found, but not tracked nor sworn to, the owner of the land acquires possession while the finder gets a share of the *torad*. Only when, as in §49, there is no owner of the land is the swarm and its *torad* the absolute property of the finder.

paragraph	place where swarm settles	owner of land where swarm settles	how many years of sharing?	shares of <i>torad</i>			who gets swarm?
				owner of land	neigh- bours	original owner of bees	
BEES TRACKED BY ORIGINAL OWNER							
36-37	<i>craun</i>	<i>úasalnemed</i>	3	$\frac{1}{3}$	$\frac{1}{3}$	$\frac{1}{3}$	owner of land
41	<i>barr/maigen/brat scarthae</i>	<i>nemed</i>	1	$\frac{1}{3}$	—	$\frac{2}{3}$	original owner
42	“ ”	non- <i>nemed</i>	1	$\frac{1}{4}$	—	$[\frac{3}{4}]$	[original owner]
BEES TRACKED BY THIRD PARTY							
43	<i>maigen</i>	[non- <i>nemed</i>]	[1]	$\frac{1}{3}$	tracker $\frac{1}{3}$	$\frac{1}{3}$	[original owner]
UNTRACKED SWARM (<i>but ownership established by oath</i>)							
44	—	[non- <i>nemed</i>]	3	$\frac{1}{2}$	—	$\frac{1}{2}$	owner of land
UNTRACKED SWARM (<i>swarms leave each hive of apiary; no individual ownership established by oath</i>)							
45	—	[non- <i>nemed</i>]	3	$\frac{1}{2}$	—	all original owners $\frac{1}{2}$	[owner of land]

paragraph	where found?	when?	shares of <i>torad</i>	
			finder	owner of land
46	<i>faithche théchtae</i>	within 1 year of swarm settling	$\frac{1}{4}$	$\frac{3}{4}$
47	<i>faithche théchtae</i>	after 1 year	$\frac{1}{2}$	$\frac{1}{2}$
48	<i>sechtar faithchi co rricci ruud már etc.</i>	—	$\frac{1}{3}$	$\frac{2}{3}$
49	<i>ruud etc.</i>	—	1	—

úasalnemed. In *BB* there appears to be no distinction in meaning between the terms *nemed*, *úasalnemed* and *arddnemed*. See notes to §15 *nemed* (3).

noch ní asu a béim in chrainn. We emend *nach* of the MS to *noch*, translating ‘for it is not easier to cut the tree’ (for *noch* see notes to §33). This explanation gets some support from the B gloss *ar ni hurusa a imdibe* where *ar* seems to indicate an original *noch* in the text. This gloss occurs out of order in B (at the end of the gloss on §17, see *CIH* 923.40). It was presumably taken from §36 on account of the fact that both §§17 and 36 deal with swarms which settle on trees.

We take the *a* of *a béim in chrainn* to be the possessive pronoun, lit. ‘its cutting of the tree’ i.e. ‘cutting the tree.’ It could also be the neuter definite article, in which case it would be necessary to emend to *a mbéim*.

§§36-8 deal with bees which have occupied a cavity in a neighbour’s tree, whereas §§39-42 deal with bees which have (temporarily) swarmed on a branch. The latter can easily be removed by the bee-keeper without damaging the tree, but to remove the former would entail severe tree-cutting, and a consequent heavy fine if this was done without authorisation. It is likely that under these circumstances the bees were usually left *in situ*, and the bee-keeper had to be content with one third of the honey for three years.

Unauthorised cutting of trees for the purpose of extracting bees and/or honey is mentioned also in Welsh law (e.g. Appendix 7: Redaction D 9^c).

na asu. Note omission of copula, cf. *Grammar* §865.

gloss^e. Note the insertion of the conjugated preposition *as* between *tuaslugud* and its dependent gen. *na mbeach*.

§37

do-etet. We follow Thurneysen (*Grammar* §§627, 771) in taking *do-etet* to be the same verb as *do-autat* (see *DIL* s.v.) which he analysed as **to-ad-uss-tét* (*ZCP* xii 410) against Pedersen’s **to-in-tét* (*VGK* ii 644). For the alternation *-au-*, *-e-*, *-i-*, in this verb see *Grammar* §80 (c), e.g. *dan-autat*, *LU* 6199, *tan-ettat* 5285, vb. n. *titacht*, *Wb.* 25d13, *tetacht*, *Thes.* i 496.26, *tuttacht*, *SR* 2330, *tauttacht* 4420.

The forms which occur in *BB* are 3 sg. pres. indic. *do-etet* (§§37, 41, 43), passive *do-etegar* (§42), pres. subj. *do-eit* (§45) and nom. pl. past participle *tetechtai* (§§36, 39, 41, 54). *Do-etet*, *do-etegar* and *tetechtai* display an archaic feature in their preservation of unstressed *e* after a non-palatal consonant—see Introd. p. 13. In Class. O. Ir. the expected forms would be *do-etat*, *do-etagar* (which is found in O'Davoren's quotation of §42) and **tetachtai*.

In the subjunctive one would expect *do-et* (or *do-aut*) with non-palatal *t*, rather than *do-eit*. Another compound of *téit* with an unexplained palatal *t* in the subjunctive is *in-otat* (**in-oss-tét*) with 3 sg. pres. subj. *in-uait* (the vocalism is also irregular, *Grammar* §849) but 1 pl. *in-otsam*. The palatal *t* in *con-éit*, 3 sg. pres. subj. of *con-étet* (**com-in-tét*) is regular and may have influenced other *téit*-compounds. One can compare also the alternation between *-op* Ml. 20b6 and *-oip* 42a2, both 3 sg. pres. subj. of *as-boind* (*Grammar* §627).

In *BB* *do-etet* has the technical meaning of 'tracks (a swarm of bees) to the place where it settles.' This fits in with the verb's more general meanings such as 'comes up to, attacks, catches, strikes.' Another *téit*-compound which is used with exactly the same technical meaning is *in-étet* (**in-in-tét*): see note to §43.

A completely different interpretation of *do-etet* would be to postulate an otherwise unattested *do-étet* (**to-in-tét*). This would avoid the difficulty with the pres. subj. *do-eit*, as *do-éit* would be quite regular cf. *con-éit* from *con-étet*. However, as the meaning of **to-ad-uss-tét* suits the *BB* examples perfectly well, there seems to be no justification for postulating another compound.

i suidigetar. We emend *-suidigther* to *-suidigetar*, 3 pl. pres. ind. conjunct of *suidigidir* (*-ithir*) 'settles, alights', cf. §43 *i suidigetar* (*insuidegetar* MS). In the O. Ir. Glosses *suidigidir* is always transitive 'places, sets, fixes' (see *DIL* s.v.) as in *BB* §§11, 14 *rosuidiged*, 50, 55 *rosuidigthea*. In *BB* it is also used intransitively of a swarm of bees settling on a tree. The examples are §§37 *i suidigetar* 'where they (the bees) settle', 43 *frisa suidigetar* 'on which they settle', 44, 45 *i suidigethar* 'where it (the swarm) settles', 54 *i suidigetar* 'where they settle.' In §42 the verb may be transitive or intransitive (see note).

This intransitive use of *suidigidir* seems to have been unfamiliar to most later copyists and glossators. Thus the active endings sg. *-ethar*, pl. *-etar* have been changed during the course of transmission to passive *-ther* (§§37, 44, 45). This distorts the meaning of the text: bees settle on trees of their own accord and are not placed there by any external agency. In the main A glosses originally intransitive forms of this verb are generally taken to be transitive and passive, and are explained by such glosses as 37^f *suidigthir no samaigtir iad* 'they are settled or established' cf. 44^e, 45^g, 54^b. However, gloss 43^b *i suidigend siad* 'in which they settle' on *i suidigetar* shows that the glossator here correctly took the verb to be intransitive. Likewise in commentary in D (Appendix 3 (c)) the intransitive *tairisid* (O. Ir. *do-airissedar*) 'settles' corresponds to *suidigidir* of the text.

§38

dó. For the construction *dligim ní duit* 'I am entitled to something from you' cf. §4 *dlegait-sidi deolaith doib*, §6 *ní dlegat in chethardóit-sin ní doib*, etc. The same construction is found in Welsh, see *BBCS* vii 364-6 'dylyaf it: dligim duit.'

neoch ma. In *ZCP* xvi 270 Thurneysen lists ten examples of the use in legal texts of *neoch ma* or *i mneoch ma* in place of the simple conjunction *ma* 'if'. With one exception (*CIH* 387.31 = *AL* i 176.2) all these examples are from *BB*, *CU* and *BFG* (for the relationship between these three texts, see Introd. p. 28). The other examples from *BB* are §§40 *i mneoch ma*, 42 *neoch mani*, 48 *i mneoch mad*.

ma fō-rúasat orgguin. Our emendation of *ma ruasasat* to *ma fō-rúasat* (3 pl. perfective pres. subj. of *fo-fich*) is uncertain, and is dictated largely by the sense. Though the phrase **fo-fich orgguin* ‘commits trespass’ is unattested, *fo-fich* is used elsewhere in the Laws with both *fogal* and *cin*: *cia foghal friu foruastar CIH 1114.11*, *ma forae neach cinuid nainceas CIH 1818.29*. In §11 of ‘a text on the forms of distraint’ (Appendix 6 of this edition) *cin*, *fogal* and *orgain* are all used to refer to grazing-trespass by bees. In *B Comaithchesa (CIH 69.14 etc.)* the terms *gaimorgain* and *gaimfuacht* (<*fo-fich*-) are used with the same meaning of ‘winter trespass.’

It is not easy to explain how an original *ma fō-rúasat* became *ma ruasasat* of the MS. We suggest that the second *-as-* arose by dittography, cf. *asasatairinider* for *asa tairidnider* in p. 26a10 of this MS (= *Ériu* xvii 64 §1 (CU)). For other examples of dittography in *BB* see Introduction p. 2. For the omission of *fō-*, one can compare the elision of the *a* of the preverb in cases such as *masbo* (= *ma as-bó*) *CIH 493.32*, *madrodma* (= *ma ad-rodma*) *CIH 494.17*.

Our emendation is not supported by the gloss *madia roindsaigea siad*, as forms of the cpd. *fo-fich* are usually glossed by *fuachtnaigid*. *Indsaigid* indicates *saigid* or *ro-saig* in the corresponding text (for examples see *AL* vi s.v. *indsaigim*). One might therefore read *ma ruśásat orgguin a thíre* lit. ‘if they reached trespass of his land.’ *Ro-saig* is used of the extent of bees’ ‘grazing’ in §8 *noch is ed ro-saig ind n-oircne* (glossed .i. *ind aired roindsaiges seig*). However, although to read *ru-śásat* would require less violent emendation, it would not make satisfactory sense.

§39

The section on bees which settle on the branches of a tree, open ground or a spread cloth belonging to a *nemed* includes §§39-41. In §36 it was difficult to return the swarm to the original owner because there would be objection to cutting the trunk of the tree and it would not be easy to release the swarm in any other way. Here there is no such problem since the bees have settled on a branch of the tree or on open ground or on a spread cloth. The only difficulty is the capacity of a *nemed* to protect those who come to him. By §42, however, the owner of the land is no longer a *nemed*.

The heptad quoted here also appears in the collection of Heptads; see Introd. p. 11. So far as it goes, J (H.3.17) agrees with A against H (Rawlinson B 487). Unfortunately the evidence of J is lacking after *fer airm deirg*.

barr nemid. *Barr* is contrasted with §36 *cramn*; for *nemed* see note on §15.

maigin. Cf. §42 *bretha bairr 7 maigne*. *Maigen* appears to mean ‘piece of open land’ in this context; this meaning is not distinguished in *DIL* s.v., but cf. *mag* ‘open land’, ‘large stretch of open land’, as opposed to wood, mountain or bog, and such phrases as *maigen feirt CU §11*. In origin *maigen* may be a diminutive to *mag* (cf. the W. singulative *-yn* (m.), *-en* (f) < **-ino-*, **-inā*). If so, ‘piece of open land’ would be the original sense.

A swarm sometimes settles temporarily on open land i.e. grass or low-growing vegetation (see Introd. p. 47) but more often on a tree, bush or fence, cf. gloss^d B.

brat scarthae. For the use of a spread cloth during the capture of a swarm, see Introd. p. 47.

cain dimet ind nemid. Lúcas's gloss^f (*aisneidh leat*) shows that he took *cain* to be 2 sg. ipv. of *canaid* 'sings, tells'. However, as this does not suit the context, we take it to be the short form of the neg. interrog. *cani* (*Grammar* §465). One can compare *B Crólige* §25 (*Ériu* xii 20) *cain comlai eslaine i mbroinn carna eich fri fuile caurad?* 'does not horseflesh stir up sickness in the stomach of wounded heroes?' (The glossator to this passage likewise takes *cain* to be 2 sg. ipv. of *canaid*, as is clear from his gloss *can-su*). Originally, both texts may have had *cani* rather than *cain* here, as *ni* could easily have been mistaken for *in*.

An alternative explanation would be to read *cain-dimet* 'well do they (the dignitaries) protect,' as *cáin* (*cain*) is often prefixed to verbs in O. Ir. (see *DIL* s.v. 1 *cáin*). This would make equally good sense in *BB*, but would not be possible in *B Crólige*.

The ability of persons of high rank to give *dítin* 'protection' is often mentioned. One example is *CIH* 37.1 *athgabail atagar i faiche neimied is coir dia dítin*; in another, *CIH* 361.6, discussed by Binchy, *Celtica* xi 25 n.26, one of the *trebaegal aigni* is to bring cattle in distraint *li faithchi uasalnemid is tualaing a diten*. The classes excluded from that protection are illustrated by another heptad (*CIH* 46-7 and 1847-8). A normalized text is as follows:

Ataat .uii. frithberta la *Fénii* i ndligiud ata annsam do airsciathud. Ní fil cert do flaith na d'eclais na d'airechaib febe na snádud foísiten dia ndítin: (1) dítu ar bithráith, (2) dítu maic as-luí ara athair, (3) dítu ingine as-luí ara máthair, (4) dítu mogo as-luí ara flaith, (5) dítu manaig as-luí ar eclais, (6) dítu fir as-luí a recht Dé no duini, (7) dítu mná as-luí a cáin lánamno. Ní con-áraig Día i tossuch na etarscarad duine.

'There are seven "oppositions" in Irish law which are most difficult to shield. Neither lord nor church nor nobles have a right, nor is there acknowledged safe-conduct, to protect them: (1) protection in the face of a standing surety, (2) protection of a son who absconds from his father, (3) protection of a daughter who absconds from her mother, (4) protection of a slave who absconds from his lord, (5) protection of a *manach* who absconds from his church, (6) protection of a man who evades the law of God or man, (7) protection of a woman who evades the law of marriage. What God has first joined together let not man put asunder.' (Mark 10.9.)

Frithbert, literally 'opposition' is used of the offence by which a subordinate or other person under obligation 'resists' his obligation and evades it or absconds from a person who has rights over him (*as-luí, éluíd*). Nos. 1-4 and 7 involve obligations to persons, 5 an obligation to an institution or the head of that institution, 6 more general obligations under law. Yet there is only partial overlapping with the heptad of *élodaig*: no. 7 is identical with no. 5 in the list of *élodaig*, nos. 2 and 3 partly coincide with nos. 6 and 7, assuming that the *ben* and *fer* are counted separately. It is surprising that the slave who absconds from his lord does not appear among the *élodaig*: in the *Heptads* he is the one most often mentioned (*CIH* 17.18; 28.11-2; 29.3, 11). The *élodach fine* is the *élodach as-luí ara fine* of *CIH* 38.31 and the *ben as-luí a cáin lánamno* reappears *CIH* 39.6.

The unusual character of the heptad of *élodaig* in *BB* may stem from the inclusion of the first two items: *beich to-choislet* ⁊ *táidchú foindil*. The second may be a term for a human thief (cf. the glosses, the term *cú glas* for the alien from outside Ireland and the term *foindledach*, e.g. *CIH* 38.30-1), but coming as it does after *beich to-choislet* this is far from certain. As for the first item, it seems probable that the original home of the heptad was *BB*: this alone would explain the inclusion of bees and their position as the first item. If one supposed that *beich to-choislet* was put as the first item only as a consequence of inserting an already existing heptad into *BB*, one would face a serious objection: *beich*

to-choislet is also the first item in the version in the *Heptads*. We must presume that the compiler of the *Heptads* took it from *BB*, probably in the early eighth century. If this is correct the clear divergence between the form of the heptad in *BB* and that in the collection of *Heptads* would be explained.

Against this it could be argued that the inclusion of *beich to-choislet* among the seven absconders is quite inappropriate at this stage of the tract. We shall not reach bees which are *élodaig* until §44; in §39 it is still a question of *beich thetechtai*, tracked bees; hence, perhaps, the use of the neutral *to-coislea* to mask the distinction between tracked and un-tracked bees. Moreover, the bees in this heptad could hardly be *élodaig* in the technical sense to be found from §44 onwards: according to *BB* a bee-keeper can never have asserted any claim to a swarm of un-tracked *élodaig*. A *nemed* would therefore not need to provide *ditiu*. Though these bees are among the seven *élodaig* they must have been tracked, and therefore precisely not be *élodaig* in the sense proper to *BB*. One might, therefore, claim that the *Heptad* is a later insertion into *BB*.

Such a conclusion would be premature. Because *as-luí* is used in a special sense from §44 onwards, we are not thereby compelled to conclude that it could not have been used in a wider and more normal sense earlier in the tract. There is no cogent reason for dismissing the heptad as an insertion. True, heptads as a class may be relatively late compared with triads, but they may well have been coming into use by lawyers in the second half of the seventh century, early enough for the date of *BB*. Finally, there are two heptads in the sister-tract *CU* which suggests that this form became popular at an early date in the school from which these tracts derive.

We write *-dimet* with a short *i* though Thurneysen, *Grammar* §831, writes *-dimea* with a long *i*. The exx. in the Glosses do not mark the *i* long; moreover, three exx. of *di-ella* in the Glosses have a short *i* in the prototonic (see *DIL* s.v. *do-ella*).

doda-airret. We emend *dodauret* A to *doda-airret*; the substitution of *aur-* for *air-* is common in this MS—see Introd. p. 3. The cpds **to-air-reth-* and **to-ad-reth-* seem to have become confused in Mid. Ir. MSS (see *DIL* s.v. *do-airret* and *Grammar* §822). Consequently, the original of *BB* may have had *doda-airret* (from **to-air-reth-*) or *doda-áret* (from **to-ad-reth-*).

éludaig. A has *eludaig* here but *eolodaig* later in the same paragraph. H's spelling *elaidthi* provides yet another way of spelling the second syllable. The evidence suggests that the vowel of the second syllable was sometimes long, sometimes short (see *DIL* s.v. *éhidach*). Moreover, even when the vowel was long, there was still variation between *ā* *ō* and *ū* in words of this type (adjectives in *-ach* or *-ech* derived from verbal nouns of A III verbs). A good example is *impáidach* Sg. 60a8 from *impúd/impód*, though it is difficult to see how a long *ā* arose. Since the vowel of the second syllable of these words seems to vary in quantity and quality, we have not supplied a mark of length, and have retained A's variation in the quality of the vowel.

na dim nemed Dé na duini. Cf. §§28 *na déni*, 39 (last line) *na dama*. J here reads *nadh dimh*, and at the end of the paragraph K has *nad dama*, but there is no need to restore the final dental of *nad* against the testimony of most of the MSS, cf. Ml. 23c20: . . . *fri nech nadeni olc friut* 'to someone who does not do evil to you'. Here assimilation of final and initial lenited *d* has yielded *d*, presumably [d] in accordance with *Grammar* §231.3. The H variant *-dime* may possibly go back to an original pres. subj. *-dimea*, cf. §40.

The H version of this heptad has *nach nanrachtaig* after *duini*, but these words are not present in A or J. In §40 H has *nac nanrechtaig* after *duini*, again disagreeing with A (J breaks off before this point). The same phrase is found in Eg. 88 f. 46a (= *CIH* 1402.39-41): *ar ni dim neimed dé na duine nach nanrechtaigh forai* ‘for the dignitary of neither God nor man protects any criminal (*anrechtaid*) who has committed an offence (3 sg. perfective pres. subj. of *fo-fich*?). Here *nach nanrechtaigh forai* is glossed *inti bis for amhdiartaid gaite ⁊ braite* ‘he who is engaged in illegality of theft and plunder’.

beich to-choislet. We restore *docoislet* of the MSS to *to-choislet*. This is suggested by the ‘etymological’ gloss *.i. toich aslaiet* by Cairbre, the third A glossator (see *Introd.* p. 14).

táidchú foindil. See note on *cain dimet ind nemid* above.

fer airm deirg. This appears to be the man who has just committed homicide and whose responsibility is undeniable. Cf. *deirgfine*, *CIH* 429.26, for the kin-slayer, and the old gloss *CIH* 917.28; *fer láime derge* (*DIL*, L, col. 37.11-20), Welsh *llofrudd* (see D. Jenkins (ed.) *Llyfr Colan*, n. on §144). The glosses in J and H may perhaps be correct in claiming that a man remains a *fer airm deirg* until the wergeld has been paid; but, if so, it would be strange that no *nemed* could afford him protection, even if he were willing to pay compensation and his kindred could help him to pay. An alternative explanation is that the *fer airm deirg* is an habitual killer, who may even have been ‘proclaimed’ by his kindred. This would account for the inability of the *nemed* to give *dítiu*.

ben as-luí a cáin lánamno. The third glossator in A has used a phrase from another gloss, *CIH* 233.24, on *ben deiraig a lanamnus*, possibly without understanding it fully.

mad nech na dama coir iar sétaib táide. Cf. the early gloss in K which suggests that this person has gone into exile secretly evading his obligations. This, however, is too literal an interpretation of *iar sétaib táide*: cf. *B Crólige* §63 and note *ad loc.*; *CIH* 40.21-2, *tech tadut nacon daim cert na dlige[d] do duine*. The condition is stated generally *CIH* 534.27-8: . . . *muna dena a mac a gaire acht mad athair anfoltach*. On the duty of *goire* see D. A. Binchy, *Celtica* iii 228-31.

§40

In this sentence the differences between the two textual traditions, that of the *Heptads* and that of *BB*, are at their most troublesome. For *dime* H see note on §39 *na dim*, and for the addition *nac nanrechtaig* in H see end of same note.

ara-fogna. A and B (namely the textual tradition of *BB*) have *oirngne* and *oirgne* against *arafogna* H. For the spelling *oirngne* cf. §8 where A has the same spelling for the gen. sg. of *orcun*, and such forms as *do-ringensat*, *Ml.* 16d6, explained by Thurneysen, *Grammar* §681, as due to the influence of a following nasal. The textual problem was noticed by Atkinson, *AL* vi 723. He interpreted *oirngne* as acc. pl. meaning ‘spoils’, but this sense of the word is not attested before the late Mid. Ir. period. There is also an early gloss in B. His explanation is that the thievish parents may have young children who, in the absence of an adult brother or sister, would be likely to die of want and hunger. If this gloss

applies to the text as preserved in B, *duine oirgne* must have been understood by the glossator to mean a person liable to die for lack of care. This, however sensible an explanation in itself, seems rather unlikely as an interpretation of the phrase *duine oirgne*. Another problem is the relationship of this phrase to the cpd. *duinorcun* 'homicide'. If one were to emend to *duinorcnea* this might accord better with the explanation in the B gloss. It is perhaps possible that an old set phrase consisting of a preposed gen. + noun might survive as late as the seventh century, even in straightforward prose, but in fact the comparison, however problematic in detail, with Welsh *dyniorn* suggests that the old term was the cpd. *duinorcun* and not any phrase such as **duini orcun*.

In effect, if we follow A and B it is possible to think of explanations but none of them is sufficiently likely to justify adopting their reading as against H's *arafogna*. The maxim of the *lectio difficilior* should, however, prevent the reading *oirgne* from final rejection.

The use of the cpd. *ar-fogni* in the context of *goire* is natural and can be paralleled: *Irishes Recht i. Díre* §26, *cach manach arda-fogna mámaib gaire* 'every *manach* . . . who ministers to it (his church) according to the obligations of piety.' *Ar-fogni* is distinguished in meaning from *fo-gní* in that it usually means 'ministers to' rather than simply 'serves'; it may, in particular, be used with *biad* as object and mean 'prepares (food)'. Hence it is entirely appropriate when used of a person fulfilling his duties in respect of *goire*. The subject of *ara-fogna* must then be the person bound by the duty of *goire*. If his parents are prone to denying the rights of others and to theft, he is exempt from *goire*, but not if he should leave behind him a *duine* to whom he should minister. At this point we may return to the gloss in B, according to which the *duine* would be a child, or children, who, if *goire* is not performed, 'may suffer a death of want and hunger.' It is an important argument in favour of *arafogna* that the early gloss in B still makes perfectly good sense—indeed, it provides the only plausible explanation. The gloss in B—probably 9th century—is, therefore, no proof that the text on which the glossator was working had *oirgne* rather than *arafogna*.

A quite different explanation would be to take *arafogna* etc. as a prepositional relative clause, and to translate 'instead of whom he should serve.' His father might be a client or other dependant and owe his lord *fognam* which he was not able to perform. Initially this interpretation seems plausible, but it is not likely that a thieving, non-law-abiding parent would still be in such a relationship. It is much more likely that we have here the cpd. *ar-fogni*. Cf. Thurneysen, *ZCP* xvi 271 ll. 19-24.

frisimbi coir dó tintúth. The sense of this clause is clear but syntactically it may be taken in two ways. Cf. *CG* 505-6: *cis lir ata chórai do ríge do giull fora thúatha* where two phrases with *do* follow *coir*. The first defines the person whose actual or possible conduct is described as *coir*, the second specifies the conduct which is *coir*. We may therefore write *frisimbi coir dó tintúth*, in which case *coir dó* is paralleled by *chórai do ríge*; or we may write *frisimbi coir do thintúth* where *coir do thintúth* corresponds to *chórai . . . do giull*. Cf. also *CG* 553, *Cía as choir 7 as téchtae do dénum biid ríge*. The first construction is also well instanced in the O. Ir. Glosses (see *DIL*, C, col. 314.19-36).

§41

gloss^b. In B *co cend mbliadna* is glossed *.i. rannait i suidiu etarru, no marbaid madh ferr leo, no bit etarru dana beos* 'they divide between them then, or they

kill if they prefer, or they (the bees) still remain between them.' At 44^d *co cenn teora mbl-* is similarly glossed by B .i. *marbaid no rannait* γ (? read *no*) *bit etarru beoss*.

It is difficult to reconcile these three alternatives with the procedure laid down in the text of §§41 and 44. *Rannait* in both glosses no doubt refers to the division of honey between the original owner of the bees and the land-owner. It can hardly refer to a division of the bees: a colony normally has only one fertilized queen, so a share of the bees would be of no use unless there was a queen among them.

Marbait could be taken to mean that the bees are to be killed at the end of the first year (as in §41) or at the end of the third year (as in §44). However, this would conflict with the evidence of the text and its commentaries. In §41 the bees become the sole property of the original owner *after* the first year (*is ó súidiu a n-imchomét* cf. Appendix 1 (c) *is diles dfir na mbeach otha sin amach iad*). Similarly in §44 the bees become the sole property of the land-owner *after* the third year (*is in tíre i suidigethar is coir bunad a tuisten* cf. App. 1 (c) *is diles dfir in craind iad ota sin amach*). It is implicit in §§19-22 (see Introd. p. 43) that the bees were normally not killed at the extraction of the honey from the hive. See, however, note to §27 *collud*.

The third alternative *bit etarru beoss* 'they still remain between them' (i.e. they both retain a share in the ownership of the bees) seems also to contradict the text, as in §41 the bees become the sole property of the original owner after a year, and in §44 they become the sole property of the land-owner after three years. In *CIH* 192.32 = *AL* iv 102.17 (in the tract on *comingaire* 'joint grazing') *bith mart an aighe atarrtu* means 'the flesh of the bullock is between them' i.e. is divided between them. However, in our B gloss *bit etarru* cannot mean '(the bees) are divided between them' for the reason given under *rannait* above.

To conclude, it would seem that the B glossator took his glosses here and at 44^d from some other context, and applied them inappropriately to bees.

is deolaid a trian ticc a nnemed. The parallel passage in §37 has *is deolaid a trian tic fer mbunaid* where the object of the verb is a person. This raises the possibility that we should emend *annemed* of the MS to *in nemed*, as *nemed* seems normally to be a masc. *o*-stem when used of a person (see note on §15 *nemed*).

However, *BB* does not always express a clear distinction between a holding of land and its owner. Thus the literal translation of §37 *a trian n-aill do nemud i suidigetar, a trian n-aill do thír do-melat* is 'the second third [of the honey] comes to the *nemed*(-land) in which they settle, the other third comes to the land where they feed.' The meaning is clear: 'the second third comes to the *nemed*-person on whose land they settle, the other third comes to the owner of the land where they feed.' The neuter noun *tír* 'land' thus stands for 'the owner of the land.' Similarly the neuter *a nnemed* 'the *nemed*-land' may stand for the *nemed*-person who owns the land.

Another argument against taking *annemed* to be a scribal emendation of *in nemed* is the fact that the O. Ir. def. art. *in* is not modernised to *an* elsewhere in A's text of *BB*.

§42

In both A and B the initial letter is a large capital, as if marking the beginning of a fresh tract. However, as §42 is closely linked with the preceding paragraphs, this is certainly a scribal error: see Introd. p. 31 (note).

gloss^b. In B *.i. bitt suidiu dō ni gaibther* glosses γ *maigne*. We take *bitt* to be 3 sg. consuetudinal present of *attá*, *suidiu* to be for *i suidiu* ‘seated, settled’ (or ‘there’), and *dō* to be for *dano* (*dono*) ‘indeed.’ There may originally have been two separate glosses here: ‘they are settled indeed’ (referring to the bees) and ‘that which is settled upon’ (referring to the *maigen* ‘open land’).

gloss^c. We have not been able to translate the gloss *.i. di neoch ateagear daigh dibh go aith* by the first glossator. The form *ateagear* clearly corresponds to *do-etegar* (3 sg. pres. ind. pass. of *do-etet*) in the text, but we do not know how to interpret it. It may be from an artificial compound of *ad-* and *téit* or a mistake for *eteagar* (the original composer of the gloss having simply glossed *do-etegar* by omitting the first preverb: *ete(a)gar*). It is surprising that *do-etegar* was not glossed by some phrase containing *coimitecht*, vb. n. of *con-éitet* ‘accompanies’, as the three occurrences of *do-etet* in the text are glossed *.i. bis ina coimidecht* by the first glossator.

The rest of this gloss *daigh dibh go aith* is obscure and probably corrupt. *Go aith* ‘quickly’ usually glosses *a(i)th-* (occasionally *ad-*) but there is no trace of either preverb in the text.

The fourth glossator adds two further glosses: *.i. do neoch dib dochum a nínaitcither a tiachtain* in the right margin and *.i. doinchuitchet* in the left margin. Elsewhere in *BB* *inaitchid* [**in-ad-tét*] is used to gloss *in-otat* ‘enters’. Thus in 44^a and 45^d the first A glossator uses the 3 sg. perf. *rā inaitcestar* to gloss *in-otat*. Here, however, the context seems to demand some such meaning as ‘tracks, follows’. Possibly the fourth glossator is thinking of O. Ir. *in-étet*, used of tracking bees in §43 (glossed *ineitces* by the first glossator).

The fourth glossator’s other gloss *.i. doinchuitchet* seems to be 3 pl. pres. ind. of **to-in-com-tét* ‘enters together (?)’. This cpd. is otherwise unattested and perhaps not genuine.

B’s gloss *o bechaib* ‘of bees’ refers back to *di neoch* of the text, cf. *la nech húain* Wb. 6b20. It cannot mean ‘by bees’ (agent).

arddnemed. In *BB* there appears to be no distinction in meaning between the terms *nemed*, *úasalnemed* and *arddnemed*. See note to §15 *nemed* (3).

áilid. Following Thurneysen (*ZCP* xvi 272) we emend *ailed* to *áilid*, taking the *-id* to have been altered to *-ed* through contamination with the preceding *nemed*.

són. Here we take the neuter anaphoric pronoun *són* to mean ‘that case, that situation’ and to refer back to the entire heading *Bretha bairr γ maigne di neoch do-etegar, acht arddnemed*. Cf. note to §2 *áilid-side*.

mani-ro foiscet. The MSS have *mani rofoiscet* (with *f* erased) A, *mana rofoiscet* B. We read *ro foiscet* which we take to be 3 pl. perfective pres. subj. of *fo-scoichi* [**fo-scoch-*] ‘moves, shifts’. This identification is supported by the B gloss *.i. foscugud* (vb. n. of *fo-scoichi*).

We take the form *foiscet* to have arisen through reduction of the verbal stem *scoch-* to *sc-* after syncope. One can compare deuterotonic *di-rósci* Ml. 57a1 ‘surpasses’ (< **de-rósc’chi* < **de-ro-oss-scochi*) but prototonic *-derscaigi* Sg. 40a17 (*Grammar* §137 (3)).

Elsewhere this reduction has not taken place in O. Ir. Thus *conosc(a)igi* ‘moves’ [**com-uss-scoch-*] has 3 pl. pres. ind. *conosciget* Sg. 65b9, 3 sg. fut. *connoscaigfe* Ml. 61d1. In legal MSS, however, the reduction is well attested,

e.g. 3 pl. pres. ind. *conoiscet* CIH 1483.10; *conoiscead* (gl. .i. *cumscaidit*) CIH 239.13; 3 sg. pres. subj. *conidnoisce* CIH 581.26; 3 sg. fut. *conidnoiscfe* CIH 2316.2 (*Ériu* xx 46 §37). It seems unlikely that forms in *-scig-* are to be restored in all these cases. We therefore do not emend to *mani-ro fosciget*.

We are unsure of the correct interpretation of *neoch mani-ro foiscet crích* ‘unless they (the bees) have shifted territory’. This paragraph deals with tracked bees which have settled on the branches of a tree or on open ground in the property of a non-*nemed* land-owner, who gets one quarter of the honey for a year from the bee-keeper. As has been described in the Introduction p. 47, when a swarm of bees emerges from the hive it usually settles for a few hours on a nearby tree or bush, while scout bees are choosing a permanent nesting-site.

The compiler may have added the stipulation *neoch mani-ro foiscet crích* to meet a situation of the following type. A swarm belonging to X might have settled temporarily on property belonging to his neighbour Y. Although X had followed his swarm into Y’s property, it moved off again before he could capture it, and went to a permanent nesting-site in a tree on Z’s property. In this case Y would have no claim to a share in the honey. A similar situation is dealt with in Recension E of the Latin texts of the Welsh Laws (ed. Emanuel p. 483): *si heit alicuius in arborem alterius hominiis intraverit, et possessor arboris eam recipere non permiserit, licitum est possessori apum post annum et unum diem suum heit capere, ita tamen quod mel in duas partes inter eos dividatur. Examina tamen si qua ex arbore exierunt, possessor arboris non habebit* (translated in Appendix 7, p. 199). The fourth A glossator may have the same idea in gloss^f when he refers to the bees being *isin crand asin crand* which seems to mean ‘in and out of the tree.’

If our interpretation of *neoch mani-ro foiscet* is correct, it is strange that the compiler does not add it also in §41.

autsad. The original meaning of *autsad* seems to be ‘store-house, treasury’ (glossing *thesaurus* Ml. 51d8) but it is also used in a wider sense: ‘abode, lodge, apartment’ (*DIL.* s.v. *etsad*). Its etymology is obscure. Thurneysen (*Grammar* §80 (c)) takes its first element to be *ad-uss-*, but makes no suggestion about the rest of the word. The late Prof. David Greene told us that he had retracted the suggestion which he made in *Fingal Rónáin and other stories* (note to l. 558) that *autsad* is from **ad-šossad*, but he was still inclined to see *sossad* ‘abode, etc.’ as the second element (**ad-uss-sossad?*). He compared *domsod* ‘dwelling-place’ from *dom* ‘house’ + *sossad*.

The precise meaning of *autsad* in *BB* is unclear. The general sense of *dligid cach tír autsad di neoch suidigther fris* seems to be that every land-owner is entitled to a share in anything valuable which may settle or be deposited on his land. Apart from bee-swarms, this principle may have applied to valuables deposited by wind or flood. It may also have applied to articles buried or hidden on another’s land, cf. *ALIW* i 552 §30 which states that anything hidden on another’s land belongs to the land-owner, except for a hoard of gold (which must be handed over to the king).

Apart from *BB*, the only legal attestation of *autsad* which we have found is O’Dav. 101 (*CIH* 1469.30) *cidh forsa sui[dí]gedh techta cana tafuinn do autsudhaibh tuaithe?* ‘on what is the due of the law of hunting fixed for treasure-stores (?) of the tribe?’ This may refer to the right of a land-owner to a share of any wild animal killed on his land. In Welsh law one can compare *ALIW* i 736 §1 which deals with the division of a stag between the huntsman and the owner of the land in which it was killed.

On the basis of the B gloss to our text *.i. log autsada*, Dr. Binchy suggests that *autsad* may possibly be a technical term for the ‘storage fee’ due to land or buildings for ‘enclosing’ i.e. sheltering objects.

suidigther. We read *suidigther* (following *suidigthir* MS) ‘is deposited’ rather than *suidigethar* ‘settles’. When used of bees, *suidigthir* is always intransitive in *BB* (see note to §37 *i suidigetar*). Here, however, the rule does not apply to bees only (see note on *autsad* above), so we do not feel justified in emending to *suidigethar*.

§43

in-étet. This cpd. (<*in-in-tét) seems to have exactly the same meaning as *do-etet* (see notes to §37). Emendation to *do-etet* is out of the question, however, as the preverb is confirmed by the gloss *ineitces*. The only other attestation of *in-étet* is *CIH* 427.3 (= *AL* v 516.5) *fer inetet toin a mna tar crich* ‘a man who follows the backside of his wife over a boundary.’ Here Thurneysen (*Irishes Recht* p. 64 §4) suggests emending to *in-otet* (= *in-otat* [*in-oss-tét]). However, its meaning ‘enters’ suits neither context. In *BB* the cpd. *in-otat* occurs in §§44 and 45.

suidigetar. We suggest that both cases of *suidigidir* in this paragraph are intransitive. If not, *suidegetar* and *suidigethar* of the MS must be emended to *suidigter*. See note to §37.

gloss 43^c. The reference here to ‘the fourth hostile territory not beyond an arm of the sea’ is mere pseudo-learning on the part of the glossator, and has no relevance to the text. This phrase is quite common in glosses and commentary, e.g. *CIH* 295.33 (= *AL* iii 318), *CIH* 228.20 (= *AL* v 442).

do fiur. The main scribe omitted these words by jumping on from the *do* of *do fiur* to the *do-* of *doda-étet*. The third glossator inserted *dofir* above the line; his correction is confirmed both by the sense of the passage and by the gloss *don fir* of the first glossator. For a similar correction by the third glossator, see §8 *ro-saig* and note.

oa n-élat. Our emendation of *oatelat* to *oa n-élat* (3 pl. pres. ind. of *as-luí*, -élai [*ess-lu-] ‘escapes’) is supported by the gloss *o nelan siad* and also by the reading *oanelat* in §44. We take the intrusive -t- to be a scribal slip, perhaps suggested by the cpd. *do-érnai*, -térnai (*to-ess-ro-sni-) which likewise means ‘escapes.’ There may also be influence from the rare cpd. *do-élai*, -télai (*to-ess-lu-) ‘escapes.’

§44

This and the following paragraph treat of the situation in which the claim of the original owner of the bees is at its weakest. Not only have the bees swarmed without being tracked by him, but they have not been tracked by anyone else (as in §43). Nevertheless the original owner can swear that the swarm entered his neighbour’s land at the time of the day when swarms might be expected; he

must be assumed to have seen them leave his hive but have been unable to keep up with them. He thus at least knows the direction in which they have swarmed. The fourth glossator (under gloss^a) has a different explanation which relies on the phrase *i n-inbuithib cuir saithe*: for him the original owner can testify that the bees are his, but he cannot testify which of his bees they are. He cannot correlate the swarm on the land of his neighbour to one particular swarm as it left the hive apparently because more than one swarm was leaving his apiary at much the same time. But this is the situation of §45, not §44. The glossator's arithmetic will become clear if one compares this gloss with his gloss 42^d. There the division was $\frac{3}{4}$ and $\frac{1}{4}$; here it is $\frac{1}{2}$ and $\frac{1}{2}$; the difference, as he says, is due to the doubt raised because the bees have not been tracked.

ro-ch-lamethar forgall. The use of the *punctum delens* under *-ch-* was presumably subsequent to the writing of the standard gloss on *-ch-*, *seichim no indsaigim . . .*; but it does illustrate the usefulness of this gloss since, in the next stage of copying, *-ch-* would probably have been omitted (for this and other exx. see Binchy, *Celtica* v 83). For MS *forgull* see third note to §34. For the MS's *lainethar* for *-lamethar*, cf. *motat* for *inotat* in the same sentence.

a chéli. *Céle* is, in this context, synonymous with *comaithech*: cf. §45 and the tract on *comingaire*, *CIH* 192.1-33; 576.25-577.24. In the second, and better, MS *céile* is used for a neighbour co-operating in joint-herding at 576.28; 577.20, 22, but *comaithech* at 577.7.

i n-inbuithib cuir saithe. Cf. Introd. p. 46. *Cora* of the MS is no doubt the later *u*-stem gen. sg., as in *Irish Grammatical Tracts*, Declension §70. One can compare Appendix 1 (b) *aimsear cora saithe*.

gloss 44^c. The lenited initial of *fodailet* suggests that the glossator has omitted *is cain*. The normal 'etymological' gloss on *con-fodlat* is *is cain fodailet*, cf. 17^b, 45^e.

each torad is in opposition to *saithe* and makes it clear that it is not the swarm itself which is to be divided (impossible since there is only one queen), but the produce. B's gloss, under ^d, seems wide of the mark in referring to the possibility of killing the bees: see note to §41^b.

is coir bunad a tuisten. B has preserved the older construction with *is* rather than rel. *as*: see *Grammar* §506.

We have been unable to understand B's gloss *is ann is coir domsud na mbech do buith occ lus*. When used in a local sense, the prep. *oc* normally means 'next to, beside, at' (see *DIL* s.v.). However, it is difficult to see why the B glossator would claim that the proper abode for bees is beside a bush (hardly for shelter?). It is true that swarms frequently settle temporarily *on* a bush, before the scout bees have found a suitable nesting-site (see Introd. p. 47). The B glossator refers to this in 39^d *argaib-som sonnach no lus* 'it (the swarm) settles on a fence or bush.' But his use of the word *domsud* here in 44^e implies a permanent abode, as in gloss 18^a.

§45

The syntax of this paragraph is of unusual complexity (cf. Introduction, p. 36). The entire paragraph is one conditional sentence of which the protasis, with subordinate clauses, runs from *Mad* to *comoccus doib uilib* and the apodosis

from *con-fodlat* to *int sainreduch*. The legal situation is however, clear: it is undisputed that the swarm in question has come from the place where there are many hives: what cannot be shown is from which hive it came. Not merely has it not been tracked, there is no one who can swear an oath so as to claim it.

noch as-rulai. We emend *arrulla* (gl. *gur ela*) to *as-rulai*, 3 sg. perf. of *as-luí* (**ess-lu-*). The MS shows a misreading of *-rr-* for *-sr-*, and the common doubling of the *l* (see *DIL* s.v. *as-luí*), presumably influenced by verbs with initial *sl-*. We take the ending to have been *-ai* in the original text, cf. *asrochumlai* Sg. 7b19, 3 sg. perf. of *as-comlai* (**ess-com-lu-*); *conhúalai*, Thes. ii 320.7, 3 sg. pret. of *con-úala* (**com-uss-lu-*). On the other hand, the ending *-ae* occurs in *asruchumláe* Ml. 17b2. See *Grammar* §679 and Greene, *Ériu* xxvii 32.

Another course of action is suggested by Dr. Binchy (*Celtica* v 90). He points out that one might expect a prototonic form of the verb after *noch*, cf. *Ériu* xx 44 §35 = *CIH* 2315.20 *noch* (*nocha* MS) *dlig* ‘and he is entitled to’. Consequently, he would emend here to *noch-ér(a)i*.

nach laimethar. This is presumably the negative to *ro-ch-lamethar* (§44), as suggested by Thurneysen *ZCP* xiii 299. If so, *nach* appears to derive from **na-k^{we}* since **na-k* (W. *nag*) yields *na*. The exx. collected by Thurneysen, *Grammar* §866, are, however of *naich* or *nach* in what appear to be copular sentences: e.g. *naich díless du[a]is diupartæ*, *Bürgschaft* §81, may be from **nak-ess* rather than directly from **ne k^{we}* as suggested by Watkins, *Celtica* vi 10. Yet, just as *ní* (< **níss* < **ne est*) is used before verbs, replacing **ne*, so may the use of *nach* (< **nak-ess*) have been extended. Elsewhere *na* and *nach* are in complementary distribution, *Grammar* §§862, 863 and 865. The difficulty is that one might have expected this complementary distribution to extend to this present construction, yielding *na laimethar*. But since the different forms of the negative other than *ní* have all been appropriated to some particular construction or constructions narrower than their original function it may well be that *nach* was used to co-ordinate negative clauses. Certainly *nak^{we}* was not entirely ousted by **nak* since it is reflected in such constructions as *nacham-dermainte* Ml. 32d5 (*Grammar* §419) where *nacham-* derives from **nak^{we} me*: see Watkins, *Celtica* vi 10. As Watkins argues the distribution of *-ch* in O. Ir.—only after proclitics—must be a relatively recent innovation, since, for example, the proclitic status of *ba* in *ba-ch rí Temro* is itself recent; similarly the distribution of *nad* as opposed to *nach* is probably late in the pre-history of Irish (*ibid.* p. 26). One may, therefore, explain *nach* in *nach laimethar* as either (1) from **nak-ess*, ultimately **ne k^{we} est*, or (2) from **nak^{we}* < **ne k^{we}*. The first explanation appeals to the parallel with *ní*, the second to the survival of **nak^{we}* before infixed pronouns beginning with a consonant, and to the relative lateness of the distribution of *nach*, *nad* and *na*. There is no need to emend our text to *na laimethar*.

B’s gloss ^c reasserts the old doctrine about the *fiadu* (see Binchy, *TPS*, 1959, 23 = *CLP*, p. 119), quoting, in the process, an archaic maxim.

in-otat saithe do-eit. For *do-eit* see note to §37 *do-etet*. The syntax at this point is most complicated. There seem to be two ways to construe *in-otat saithe*. First, it may be taken as co-ordinate either to *noch as-rulai* and *nach laimethar* or to *bed lais* even though it lacks a connective. Secondly, it may be taken as a nominal clause and as the subject of *bed*. With the first explanation the meaning will be straightforward: it is simply a further condition that the swarm enters the land of a man who is neighbour to all the owners of the hives in that place, *comoccus doib uilib*. The second explanation is more difficult: here the oath

which is not sworn would be to the effect that the swarm, which the swearer was in a position to track, *do-eit*, entered the land of the neighbour with him, *lais*. Here *lais* would refer not to ownership but to the physical proximity of a tracker. A comparison with §44 argues in favour of the first explanation and in favour of taking *in-otat saithe* as co-ordinate with *noch as-rulai* and *nach laimethar*: the owners of the bees know (a) that the swarm has entered the neighbour's land and (b) that it comes from one of their hives. The only point for which none of them can swear is to which of them the swarm belongs. The absence of a connective argues for the second explanation. With some hesitation we have opted for the first.

hi tír. The preposition *i* is here used exactly as *do* is used elsewhere in the text (e.g. §§37, 41, 43).

forgall na airthech. For the MS spelling with *-u-*, see note to §34 *nadid-lamethar airthech na fortach*. The third glossator suggests that the *forgall* is the oath of the neighbours, whereas the *airthech* is the oath of the land-owner ('the owner of the branches'). However, these are just guesses on his part.

For *forgall*, see *CG*, Legal Glossary, s.v. *aire forgill*; for *airthech* see note to §34 above.

§46

fo-gaib. We read *fogaib* with D against *fongaib* A. A's infixed *-n-* cannot be correct, as in O. Ir. the nasalizing relative clause can only be used in place of the leniting relative clause when the antecedent is felt as the *object* of the verb (*Grammar* §501).

A also has an intrusive *-n-* when this phrase recurs at the beginning of §47, but in §48 it has *fogaib* without *-n-*. In §49 it has *fodgaib* (with contamination from §§46, 47, 48 *fod(n)gaib* with infixed pronoun) but the correct reading *fogaib* is present in L.

fríth mbech, lit. 'a finding of bees'. In O. Ir. both *fríth* and *fríthe* are used for 'something which is found, a waif, an estray' and there seems to be no distinction in meaning between them. *Fríthe* [m.io] is a past participle formation from *fo-gaib* (cf. *Grammar* §§691(d), 763) and Dr. Binchy suggests in the vocabulary to *CG* that *fríth* may be an old verbal noun. The gender and declension of *fríth* is uncertain and we provisionally take it to be a neuter *o*-stem, cf. note below to *fod-gaib*. Outside *BB*, the only legal occurrence of *fríth* is *CG* 257 *fríth faithche* where the context is difficult (see note). Heptad lxiv (*CIH* 55.18 = *AL* v 320) lists the seven *fríthi* of Irish law, which include *fríthe fai[th]che* 'the estray of a green' as well as *fríthe ro(f)ida* 'the estray of a great wood' (cf. *BB* §49 *fríth mbech hi ruud* 'an estray of bees in a great wood').

faithche. This word is usually translated 'green', which is slightly misleading, as it suggests a large uninterrupted area of grass. This was clearly its meaning in cases such as *forsin faichthi ina Temrach*, *RC* xxiv 190 'on the green of Tara' (for further examples see *DIL* s.v.). In our text, however, *faithche* is used to describe the area around a typical farm-house, presumably including the best and most carefully managed part of the farm, i.e. the 'in-field'. It would include land used for pasture, as in *CG* 198 where the *bó-aire* is said to have a *faithche* in which there is always sheep. It would also include land used for tillage as in *B Comaithchesa* (*CIH* 72.18 = *AL* iv 108.10) where a fine is laid down for trespass by a pig in a *gort faiche*, probably an inclosed corn-field.

The *faithche* is felt to be owned more exclusively than the area which is described as *sechtar faithchi* (§48). Consequently, the finder of a stray swarm gets one third of its produce if it is *sechtar faithchi*, but only one quarter if it is in a *faithche*. *BB*'s definition of the extent of the *faithche* as being 'as far as the sound of a bell or the crowing of a cock reaches' is not found elsewhere in the text of the Laws (though repeated in commentary, e.g. *CIH* 57.18; 1753.11). Also in commentary (*CIH* 57.15 = *AL* v 328.8) the *faithche* is defined as *na ceithri guirt is nesa don baili* 'the four fields which are nearest to the house' but the evidence of *BB* shows that in Old Irish law it embraced a larger area than this.

In general, short measurements of length, breadth, height, etc. are quite precise in the law-texts (as in the description of proper fences, ditches and walls in *CIH* 73.7-18 = *AL* iv 112). Longer measurements are vaguer, and the use of numerals is avoided. Thus in *BB* §8 the extent of a bees's grazing is defined 'as far as a cow reaches on pasture until milking-time' and in *CG* 219 the *airlise* is said to extend the length of a [spear] cast all round the house (for other examples of this use of *airchor* 'a cast' see *DIL*). In Welsh law (*ALIW* i 94) the wife of a *taeog* is allowed to lend only her sieve, 'and that as far as her voice can be heard from the dunghill requesting its return'. One can compare also the modern use of 'a stone's throw', 'an ass's roar', etc. as approximate measurements of distance.

guth cluicc. The reference here to 'the sound of the bell' suggests a monastic environment. The 8th century *Félire Óengusso* (Feb. 13) preserves a tradition that honeybees were introduced to Ireland by a monk named Mo Domnóc. However, the linguistic evidence suggests that bee-keeping is much older than Christianity in Ireland (see *Introd.* pp. 40-42).

fod-gaib. The gender of *fríth* is uncertain. The MS has *fodgaib* here (indicating that it is neuter) but *fodngaib* in §48 (indicating masculine). We provisionally take it to be neuter, reading *fod-gaib* in both cases.

hi fogbaithe. This verbal form must be examined together with §47 *hi fogabar* and §48 *hi fogbaithe* (*fogbaiter* MS). In all three cases the context requires the 3 sg. pres. indic. passive (prototonic) of *fo-gaib*. Here *hi fogbaithe* is glossed *i faghabar he*, in §47 *hi fogabar* is glossed *i faghabar e* and in §48 *i fogbaiter* is glossed *i fagar e* (confirming that the text originally had a singular verb).

The main problem is whether the variation between forms with and without *-th-* could have been present in the original text. Bergin (*Journal of Celtic Studies* i 184) points out that the passives *-dleg(h)ar* and *-dligther* occur in consecutive paragraphs of *Berrad Airechta*, an early tract preserved in H.3.18 (Thurneysen, *Bürgschaft* p. 17 §§52, 53). In such a case, however, the variation in spelling could be scribal, reflecting the apparently indiscriminate use of forms with and without *-th-* in Mid. Ir. e.g. *co[n]ggarar* *Trip.* 462, *congairther* *LU* 5348.

From the few examples of the pres. indic. passives of *gaib*-compounds in the O. Ir. Glosses, it appears that when the verbal stem is stressed, one gets *-th-* as in the simplex (*con-gaibther* *Wb.* 21c6, *do-gaibther* *Sg.* 28b20) but when it is unstressed, there is no *-th-* (*túargabar* *Wb.* 14b22, *do-furcabar* *Sg.* 43a3, *con-ocabar* *Mb.* 57d8). Thus, on the evidence of the Glosses, *hi fogabar* is likely to have been the original reading in §§46, 47 and 48 of our text. However, as the Glosses may show a later more uniform state of development than *BB*, we have thought it best to keep the MS readings.

§47

This paragraph deals with an exception to §46. A man finds a colony of bees in a tree in a *faithche* belonging to someone else. If the colony has been in existence undetected for more than a year the landowner gets half of the produce, rather than the regular three-quarters. As the third glossator points out (gloss^c) this is to penalize him for ‘not making a circuit’ of his property. If this rule was ever applied in practice, it must have been difficult to establish whether a colony had been present for more than a year or not. In favourable conditions bee numbers can increase rapidly, so a large colony with considerable stocks of honey might be only a few months old. One possible indication of the age of a colony is the condition of the honey. If much of the honey in the combs was granulated, this would prove that the colony had existed for a considerable length of time (Schofield: *Teach Yourself Beekeeping* p. 100).

crann mbech. A swarm of honeybees which has not been hived by a beekeeper almost always makes its nest in a hole in a tree. The late Professor Greene has drawn attention to the occurrence of the phrase *crann beach* in Muireadhach Albanach’s elegy on his wife (Quiggin: *Poems from the Book of the Dean of Lismore* xxvii §7). Here the poet compares the death of his wife to the robbing of the honey from a bee’s nest: *crann beach arna argain im fhail* (*cran beat er ni ergin malli MS*) ‘a tree of bees has been plundered beside me.’ The phrase also occurs in H.3.18 p. 425b (our L—see Appendix 4 (c)) *diri craind bech bí[d] co .uii. saithi*. But here *crand* [*m*]bech seems to be taken by the commentator to mean ‘a hive of bees’ (cf. *in cheis fein*) which would not suit the *BB* context.

gloss^a. The first glossator suggests that the tree in which the bees have made their home is a *bile* or ‘sacred tree’ (often growing at tribal inauguration sites). However, this narrowing-down of the application of *crann* is quite unjustified by the text.

do fiur. These words have been omitted by the main scribe (cf. §43) and added above the line (*do fir*) in a hand which seems to be that of the second glossator (see Introd. p. 5).

fod-gaib. As *crann* is neuter, we cut out the *-n-* of *fodngaib* A.

§48

The finder of a colony of bees in private property which is not *faithche* gets one third of their produce (one can take *trian* to stand for *trian a thoraid*, cf. §46 *cethramthain a thoraid*). In old Swedish law the finder of a colony of bees in privately owned forest gets the same proportion (*Das Ostgötenrecht* ed. Strauch p. 217). However, the Swedish lawyer seems to have known less about bees than his Irish counterpart, as he awards one third of the bees (not of the honey) to the finder. Only in exceptional circumstances does a colony contain more than one fertilized queen (*The World of the Honeybee* p. 157). Hence a share of the bees of a colony would be of no value unless there was a queen among them.

ruud. Here and at §49 we emend *rud* of the MS to *ruud* (*ro* ‘great’ + *fid* (<**widus*) ‘wood’). The form *ruud* is unattested but Thurneysen suggests in *ZCP* xiv 5 that the spelling *rund* in *AL* iv 278.8 (= *Ériu* xxii 82^w) is for *ruud* with *-n-* miswritten for *-u-*.

The only occurrence of the word in a MS of the O. Ir. period is gen. sg. *roída* (*Thes.* ii 290.11) from **roídeo* with depalatalization of the *d* through influence of the nom. Heptad lxiv (*CIH* 55.19 etc. = *AL* v 320) includes the *fríthe roída* (*raedha, roeda, raoda, rofida, rofeda* v. ll.) as one of the seven estrays in Irish law.

Words of similar formation to *rund* are *roilbe* < *ro* + *slébe* (probably a collective of *slíab*, see note to §30 *lestrae*) lit. 'a great expanse of mountain' and *romuir* < *ro* + *muir* lit. 'a great expanse of sea'. Already in O. Ir. these words seem to have become synonymous with their bases *fid*, *slíab* and *muir*. Hence the compiler of *BB* felt it necessary to supply the adjective *már* 'great' after *ruud*.

Down to the 17th century, large areas of the country were wooded; see G. F. Mitchell, *The Irish Landscape* pp. 192-199.

écmacht. Thurneysen (*Grammar* §345) takes *écmacht* 'impossible, hardly possible', *soch(u)macht* 'possible, capable', *dochumacht* 'hardly possible' to be compounds of the O. Ir. neuter *io*-stem *cumachtae* 'power' (a noun formed from the vb. *con-icc* 'is able', vb. n. *cumang*). However, there are no certain cases where a noun in *-(a)e* has lost its ending when compounded with *so-*, *do-*, or a preposition. In his list of adjectives of this type (*Norsk Tidsskrift for Sprogvidenskap* xiii 340-3) Marstrander includes *dothe(i)ng* 'evil-tongued' (< *tengae*) and *sulabair* 'eloquent' (< *labrae*). However, *dothe(i)ng* seems to be merely a scribal variant of the much commoner *doithnge* (also *dothenga*), cf. *soithnge* 'well-spoken' (never **sotheing*). The adjectives *sulb(a)ir* 'eloquent', *dulbair* 'slow of speech' may be from *labar* 'talkative' rather than the noun *labrae* 'utterance' (though it must be admitted that such adjectives are usually formed from nouns rather than from another adjective).

We suggest that *écmacht*, *soch(u)macht* and *dochumacht* are compounds of an earlier **cumacht* (cf. W. *cyfoeth* 'power') rather than O. Ir. *cumachtae* (> Mid. Ir. *cumachta*). In the *Irish Grammatical Tracts* Decl. §25 *cumhacht* is given as a by-form of *cumhachta*, but this is perhaps a later development rather than a survival of **cumacht* postulated above.

In *BB* *écmacht* is used as a noun in the meaning 'a place which is difficult of access'. Both here and in §49 it is glossed *.i. in lacha* (cf. *CIH* 59.7 *ecmacht .i. loch*) but Plummer points out in *Ériu* ix 40 that a lake is to be taken merely as one case of an *écmacht*: glossators often use '*i.*' to introduce an example rather than an identification. Presumably in practice a person who found a colony of bees in a cliff-face or in a tree growing in a marsh, lake-edge, lake-island, river or cliff would claim that it was in an *écmacht*, and so belonged to him (§49 *is díles do súidiu*).

dírainn. The literal meaning of *dírainn* is 'that which is undivided', whence, 'land which has not been shared out.' No doubt this term overlaps to some extent with *ruud* and *écmacht*. The A glossator takes it to refer to mountain (*.i. in sleibe*) and it seems probable that even at the time of the text's composition most unshared land would have been mountain or moor. Thus the phrase *dír[a]ind úas cách* 'the unshared land above all' occurs in the O. Ir. text of the laws (*CIH* 241.28; 394.33) implying that unshared land was generally at a higher altitude than shared land. However, there is a reference in 'Privileges etc. of Poets' to *díorainn do muigh no sleibh no uisge* 'unshared plain or mountain or water' *CIH* 1125.16 (*Ériu* xiii 33.19; see note on p. 225). In O. Ir. commentary to *B Comaithchesa* (*CIH* 198.4-6 = 579.6-8) *dírainn* includes *rudh* ⁊ *roilbe* ⁊ *foach tuaithe* 'forest and mountain and tribal wasteland (?)'.

§49

écmacht. The example given in gloss^c by the fourth glossator *.i. locha bel set* is perhaps a lake in the Galtee mountains; see Hogan's *Onomasticon* and Dr. Charles Bowen's forthcoming ed. of the *Dinnshenchas* of Munster. There was also a lake of the same name in Donegal (*Onomasticon*). Cf. *CIH* 49.15.

óenruidles. A number of *ruidlesa tíaithe* are discussed at the beginning of *Berrad Airechta* (*CIH* 591.9—592.21, transl. *Bürgschaft*, §§1-20), but they are all cases in which assets change hands, not exact parallels to the present case. This is, however, only a consequence of the pre-occupation of that text with such transactions and the sureties by which they are guaranteed. The nature of the immunity is always determined by the context, e.g. *CU* §13 (*Ériu* xvii 70), *Patric. Texts* 174.7 (*ógdiles*).

acht cuit n-ági fine. For *acht* governing the acc. see note on *CU* §5 (*Ériu* xvii 79), V. Hull 'Old Irish *acht*', *ZCP* xxv 237-42. This usage is reliably attested in the lawtracts. Though *DIL* s.v. *acht* puts a number of non-legal exx. under the heading 'as prep. with acc.' none of them clearly governs the accusative.

The claims of a man's kindred to a share of his acquisitions are also referred to in the tract *Córus Béscnai*, *CIH* 532.28-30; 533.17f.; 534.20-1. In the first two passages it is a question of *adnacal cona aurtechtaib imnai* (532.1) 'burial with its perquisites in regard to bequest'. If a man was buried in the *relec* of a church he was expected to make a bequest to that church. The value of the bequest was limited by four considerations: the status of the testator, the balance between his acquisitions and losses while in control of his inheritance, the extent to which his inheritance was instrumental in securing his acquisitions, and the residual claims of his kindred even if the acquisitions were not secured by means of his inheritance. A third share seems to be the extent of the kindred's due if the inheritance is not instrumental in the acquisition, as in the case of bees being found (533.19). In our text, however, we have to do with the *cuit ági fine*, not the *téchta fine* of *CIH* 532.29. This, presumably, is the explanation of the *trian as cach triun*: one third is the share of the *fine*, one third of that third the share which goes to the head of the kindred. His authority within the kindred is clearly indicated (contrary to the argument of Thurneysen, *ZCP* xiv 369-70, that he acquired this position after the period of the tracts). The B glossⁱ is either a misunderstanding or, more probably, represents a significant change in the law. It appears to presuppose an initial division by which one third was the *trian flatha*, one third the *trian eclasa* and one third the *trian fine* cf. *CIH* 910.27-8. The notion that the man in question retains the *trian fine* is a complete misrepresentation of the text. The text itself, moreover, does not refer to a *flaith* at all, only the *áge fine* and the *eclais*.

‡ **cuit n-ecailse frisa mbí audacht.** A's *ecl-* is presumably for Mid. Ir. *eclaise*, a metathesised form of O. Ir. *ecailse*, (Ml. Wb.) alongside O. Ir. *ecolso* (Wb.). Prim. Welsh **eglēs* was treated in Ir. as a fem. *ā*-stem or *i*-stem. On the other hand it may be that, at the period of composition, the svarabhakti vowels had not yet appeared so that the forms were then **eclse* and **eclso* with syllabic *l* (cf. *Grammar* §112).

Eclais appears to have two senses in this paragraph, not only 'church' but also 'head of a church' (cf. *flaith* 'lord, ruler/lordship, realm'; for exx. *CIH* 2211.3; 2262.19). Hence *eclais* here is the counterpart to the *áge fine*, as the sense requires. The head of the church is to receive a ninth share as will the head of a kindred. In the last line of the paragraph, however, *eclais* is the counterpart

to *fine*, the whole social group belonging to a particular church, and has members (*membur*) as does the *fine*.

For the meaning of *audacht* see F. Kelly (ed.), *Audacht Morainn*, p. 22. The present text is important evidence for its significance. There are two main types of evidence: some rather obscure legal material and the references in the *Additamenta* in the *Book of Armagh*. These may be taken in turn.

It is not clear that the legal texts (as opposed to glosses) make any absolute distinction between *imnae* (*timnae*) and *audacht*. *CIH* 529.23-4 lists six things due from the *túath* to a church when the latter is in a proper spiritual and moral condition: *ubairt*, *dechmad*, *primate*, *primgeine*, *udacht*, *imna*. After more general material, this theme is taken up again at *CIH* 530.32 where *dechmada*, *primate*, and *primgeine* are cited as *dliged ecalsa dia memraib* (probably the *manaig*). These are then discussed in reverse order (531.3f., 16f., 20f.). With 532.1f. begins discussion of *imnae* which continues until 534.15, whereupon the tract turns to a brief note on *ubairt*. After this it concerns itself with *goire* almost till the end of the full text (534.26-536.15). Unless *audacht* has something to do with *goire* or *imnae* it appears that it, alone of the six, has received no further treatment. Undoubtedly the *goire* owed to, and sometimes by, churches was of importance, but it is clear that the discussion of *imnae* is likely to have covered, by implication, *audacht* as well. The glosses tend to distinguish the two (for ex. 529.34 *.i. fri bas* for *udacht* in the text and *.i. a nertslainte* for *imna*), but the actual discussion of *imnae* opens with the sentence (532.1): *Cach n-adnacal cona urtechta imnai do eclais caich iarna miad*, 'every burial together with the perquisites of bequest belongs to each person's church in accordance with his rank'. *Imnae* here appears to be a *donatio mortis causa* though not necessarily a *donatio ad mortem*. Similarly in the Heptad (incomplete), *Bürgschaft* p. 21 = *CIH* 596.29-30, we have *timnae fri héc* as one of the seven things which defeat any dissolution of ownership. It is, then, evident that the *imnae* may be as much *fri héc* as is the *audacht*.

Two texts among the *Additamenta* in the *Book of Armagh* use the term *audacht* (*edocht*, *idacht*). The first (*Patric. Texts* 172) determines the rules by which the head of the monastery of Druim Lias is to be appointed. It is a *coibse* (*confessio*, in the sense here of public declaration rather than private confidence) and an *edocht*, made two years before Féith Fio's death. Féith Fio appears to be the *érlam*, founder of the monastery, and the text thus makes provision for the succession after his death. It can, therefore, be said to be *fri héc*, in the sense of *mortis causa* rather than 'at death'. Furthermore, *edocht* here is not a bequest of property but an ordinance determining what shall happen after the death of the man making the ordinance.

The second (*Patric. Texts* 178) describes provisions made by Bishop Áed of Sléibte (Sletty, Co. Carlow) by which his church was subjected to Armagh. Áed is said to have gone to Armagh and to have taken an *edoct* to Segéne at Armagh (*Birt edoct cu Segéne du Ardd Machae*). Segéne then returned Áed's *idacht* to him and Áed offered his *idacht* and his *cenél* and his *eclis* to Patrick till Doomsday. Áed is then said to have left his *idacht* with Conchad who went to Armagh where Fland Feblae gave his church to him and 'accepted him also as abbot'. The following interpretation of the text is based upon that given by MacNeill in his paper 'The Earliest Lives of St. Patrick' *JRSAI* lviii, part i (1928) reprinted in his *Saint Patrick* (Dublin and London, 1964). For further observations see K. Hughes, *The Church in Early Irish Society* (London, 1966) pp. 86, 115-9. Áed's *edocht* or *idacht* is apparently a written text which can be taken to Armagh and left there. It exists in more than one copy since one is offered to Patrick till Doomsday and another is left with Conchad. The people involved are

identifiable: Áed died in 699 = 700 (*AU*) but had probably already retired from the bishopric of Sléibte since his obit describes him as *anchorita*. Segéne was bishop of Armagh from 661 to 688. It is likely that Conchad was Áed's successor as bishop of Sléibte; and, if so, he may well be the Conchad whose obit as bishop is given in *AU* s.a. 691 = 692. Fland Feblae was Segéne's successor as bishop of Armagh and died in 715. Sléibte is the chief church (*prímchell*) of Uí Bairrche, a dynasty of considerable importance in Leinster during the sixth and seventh centuries (Byrne, *Irish Kings and High-Kings*, 131, 136-7). During the lifetime of Áed the Uí Dúnlainge of the Liffey plain had not yet finally won the unbroken dominance in Leinster that they were to hold from the mid-eighth to the eleventh century, but the Uí Bairrche were already threatened by the aspirations of their northern neighbours, as they were by the Uí Felmeda branch of Uí Chennselaig, their close neighbours to the south-east (cf. the supposed burial of Crimthann Mac Éndi Ceinnselich at Sléibte, *Additamenta* §14(3), presumably a claim by Sléibte to the patronage of the Uí Chennselaig). The claims of Kildare followed those of the rising Uí Dúnlainge in the seventh century (Byrne, 152), but a note appended to the *Liber Angeli* in the *Book of Armagh* (*Patric. Texts*, 190) shows that the heirs of Patrick had no intention of abandoning their claims to authority in parts of Leinster. Kildare, of course, held an unchallengeable position in North Leinster. Áed then had every reason to turn to Armagh: further away and enjoying little secure authority in Leinster, Armagh's demands would be far less onerous than the ecclesiastical wing of the grasping Uí Dúnlainge. Aed's *edocht* was a defensive move. Admittedly it effected the subjection of Sléibte to Armagh; but the text itself indicates that Áed could secure the succession of Conchad who was subsequently accepted as abbot (not the more lowly *praepositus*) of the monastery, in addition to being bishop of the see. It is important to note that Áed offered his *cenél* and his *eclis* together with his *idacht* to Armagh. These were not, one may suppose, separate transactions. The *idacht* is likely to have contained provisions subjecting the kindred and the church to Armagh, and perhaps also securing the continuance of the abbacy in Aed's kindred. On the translation of this passage see now F. J. Byrne, *Ériu* xxxiii 169.

The *audacht*, then, is a solemn declaration, occasionally written down, by a man in authority which prescribes the conduct of affairs, within a sphere considered subject to that authority, after his death or retirement. It is a device which prolongs authority beyond its natural span and thus secures a continuity of arrangements over a generation or more. The crucial point shown by the Armagh texts is that the *audacht* could be used to determine the conduct of a man's kindred and even to subject it to a new authority external to the kindred itself. One external authority to which a man—provided, we may suppose, he was head of his kindred and had their agreement—might seek to subject his kindred was that of a church (cf. *CGH* p. 90. f. 127a25: *Ad-rópart Barr a huu ⁊ a hindhuu eter biu ⁊ marbu do epscup Ibar co bráth*). It may be in such a way that churches acquired most of their *manaig*, monastic tenants. These *manaig* were part of their churches and to the latter they owed the *trian n-imnai* referred to in the O. Ir. *Ríagail Pátraic* (*Ériu* i 219 §8). It is very probable that this *trian n-imnai* is identical with the *trian* mentioned here from which the head of the church took his third. The reference in this paragraph will, therefore, be to the relationship between a church and a *manach*, a relationship created by an *audacht*. Part of the relationship is that, in respect of acquisitions, his church stands to a *manach* as a *fine* does to an ordinary layman. If, then, it is a *manach* who acquires a *fríth mbech*, his church is entitled to a third, and the head of the church to a third of that third.

arnacon derbarthar. Gloss^j *arnara cain-diubarthar* suggests that one should read *derba[r]thar*. There is a similar problem in *B Crólige* §47 where there is a form *na derbabar*, glossed *na rodiubarar*, which Dr. Binchy emended to *na derbarthar*. In both cases the sense is clearly ‘defrauds, deprives unjustly’, and this is precisely the meaning of *do-opir* (*di-uss-ber-*). The reading of the MS can only be defended if the verb *do-rorban* (*di-ro-(ro-)ben-*) can have the same sense as *do-opir*. This is very doubtful: *do-rorban* means ‘prevents, obstructs’. It governs either the person prevented (e.g. *ni derban cách a chele*, *Thes.* ii 294.1) or the action prevented (vb. n. or clause). In this case one would have to interpret *arnacon derbathar eclais . . . di neoch* as ‘so that a church may not be hindered from [receiving] anything’. On the whole it is much more likely that *derbarthar* is the original reading.

a membur. Since *do-slí* is used, e.g. *CIH* 533.19, in the context of acquiring something, it is probably correct to construe *membur* as nom. pl. neut. as in the Cambrai Homily (*Thes.* ii 246.6). It would also be possible to take *a membur* as the prep. *a* ‘from, out of’ with dat. sg. *membur*. In either case the clause refers to the share due to church or kindred from the acquisitions of their members.

§50

The last part of *BB*, apart from the colophon, deals with theft of bees. Interpretation is made more difficult because the tract on theft, *Bretha im Gatta* (*BG*) is incomplete (ed. V. Hull, *ZCP* xxv 211-25). Yet this makes the evidence of *BB* all the more precious, indeed indispensable to an account of the law of theft. The penalty for theft is divided into two parts, *aithgein* and *lóg n-enech*. *Aithgein* is due to the owner of the stolen article, the *sét* in the terminology of *BG* and *BB* (§51). The owner of the *sét* receives a sum which is the value of his *sét* multiplied by a figure which varies according to the nature of the *sét* (*CIH* 478.8-10). The owner of the place from which the *sét* was stolen receives the whole or a part of his honour-price according to the nature of the place—for example, if the *sét* was stolen from a man’s house he is entitled to his full honour-price (*CIH* 478.21). The owner of the *sét* and the owner of the place are not necessarily the same person. If the *sét* of a king’s neighbour is stolen from the house of a king, the full honour-price of the king is due. Of this, however, the king keeps only two thirds; one third goes to the owner of the *sét* who also, of course, receives *aithgein* (*CIH* 478.26-7). The places from which a *sét* may be stolen are divided into three categories: (1) *tech* or *treb* (cf. *BB* §50 *amal bid a treib rosn-uccad*; §51 *it comdíri fri séotu trebe*); (2) *faithche* (*BB* §52) or *airlise* (*CG* 218, cf. 123 for *tech*); (3) *sechtar faithchi* (*BB* §53). The evidence of *CG* 218 suggests that half the owner’s honour-price was due if it was the *airlise* or *faithche* from which a *sét* was stolen. The fraction due if it was *sechtar faithchi* is not known. The glosses 53^e, first and fourth glossators, put the rate at one seventh of the honour-price. They may be right, though a third and a quarter are also familiar fractions of an honour-price (e.g. *CIH* 437.13-4, 19-20, 24, 26-7).

BB’s use of the term *díre* is far from clear. The text is concerned to do two things: (1) establish a rate of *díre* for bees which should be the same as the rate for certain other possessions; (2) assert that the full rate of *díre* should be paid (what that full rate is depends upon the circumstances). To make the first point *BB* uses the phrases *rosuidigthea i comdíriu fri* (§50; similarly §§52, 53) and *it comdíri fri* (§51). To make the second it uses the phrase *di-renar lándire* (§§52, 53). The trouble is that *díre* can mean either ‘penalty’ or, more specifically ‘honour-price’. *Lándire* in §§52 and 53 cannot simply mean ‘full honour-price’ since the whole point of the distinction between *treb*, *faithche* and *sechtar*

faithchi, in the context of theft, is that full honour-price is due for theft from a *treb*, but diminishing fractions of a person's honour-price are due if the theft is from a *faithche* or *sechtar faithchi*. The *lándire* of §§52 and 53 cannot, therefore, mean 'full honour-price' since those §§ refer to the thefts from *faithche* and *sechtar faithchi*, not to thefts from a *treb*. Yet, if *lándire* cannot mean 'full honour-price', it cannot refer to a full restitution (*aithgein*) either: not only would it be highly confusing for *dire* to refer to *aithgein*, but the distinction between *treb*, *faithche* and *sechtar faithchi* is relevant to the issue of honour-price and not to that of restitution. For honour-price one asks 'From where has it been stolen?'; but for restitution the question is 'What has been stolen?' It seems, therefore, that *lándire* must refer to honour-price. The only possible interpretation is that *lándire* means 'honour-price at the full rate of honour-price appropriate to *treb* or *faithche* or *sechtar faithchi*, whichever it may be.' This may seem over-elaborate, but it only shows again that the law of bees is being grafted onto the stock provided by old and fundamental areas of Irish law.

It may still be thought strange that bees are equated with *séoit trebe* in §51, with *úasalnemid chethrae* in §52 and with *lú-chethrae* in §53. *Sét*, as has been pointed out above, can simply be a general term for an article of greater or less value, in this context a stolen article. There is, therefore, nothing odd about the equation with *séoit trebe*. What remains to be explained is why bees are equated with *úasalnemid chethrae* in §52 but *lú-chethrae* in §53. A clue to the point of difference is provided by a rule in *BG* (*CIH* 478.21-2): *Ni gatar a treb direnar lanlog enech caich asa treb(a) acht ní etirscara lu de*, 'Anything stolen from a homestead is paid for at the full honour-price of him whose homestead it is except for anything which low value (*hú*) remits from it.' According to the gloss, if an article is of low value, half honour-price is due. This may be right, but it cannot be relied upon especially as the phrase *ní etirscara lú de* 'anything which low value remits from it' does not suggest a single standard reduction. In the case of *lú-chethrae*, however, there must have been a standard reduction, otherwise they would not provide a standard to which bees could be equated. The point of equating bees within the *faithche* with *nemid chethrae*, and bees *sechtar faithchi* with *lú-chethrae*, can now be examined. What it does is to reduce the proportion of the honour-price relatively quickly for bees *sechtar faithchi* compared with bees within a *faithche*. Whatever the rate of reduction for other animals may have been, the reduction for bees will have been greater. A large and valuable animal such as a milch-cow will still have been a *nemed cethrae* even if *sechtar faithchi*. Ordinary animals, in other words, will have been intrinsically either *nemid chethrae* or *lú-chethrae*. Bees, because they are a colony or hive rather than individuals for legal purposes, fit neither category obviously and so could be shifted from one to the other. It appears that *airlise* in *CG* 218ff. plays a part in the law of theft equivalent to *faithche* in *BB*. It may also be true—though this is less certain—that the general term *forus* in *CG* 220 refers back to *airlise* in the previous sentence. If these two suggestions are correct then the scheme for ordinary animals was as follows (values dependent on the unreliable evidence of glosses are in square brackets):—

	<i>Lóg n-enech/dire</i>	
	ordinary possessions (including <i>nemid chethrae</i>)	small possessions (including <i>lú-chethrae</i>)
<i>treb/tech</i>	full honour-price	[½ honour-price]
<i>faithche</i>	½ honour-price	[¼ honour-price]
<i>sechtar faithchi</i>	¼ honour-price	[⅛ honour-price]

If this scheme is correct the corresponding scheme for bees has two notable differences:—

bees within <i>les</i> or <i>lubgort</i>	:	full honour-price
bees within the <i>faithche</i>	:	$\frac{1}{2}$ honour-price
bees <i>sechtar faithchi</i>	:	$[\frac{1}{8}]$ honour-price]

First, *treb* includes everything within *les* and *lubgort*. The inclusion of the *les* is unremarkable: *CG* 210 assigns the same honour-price to entering a *les* without permission and opening the house without permission; so *treb* in *BB* might include everything within the *les*, even though *CG* talks only of *tech* as opposed to *airlise* in the context of theft (ll. 211-9). A *lubgort*, however, may often have been sited outside, though adjacent to, the *les*. That it is covered by the full honour-price suggests that it was standard practice to place a hive in a vegetable garden. By contrast the small fraction of honour-price due to the owner of the land for theft of bees *sechtar faithchi* suggests that it was not usual for bee-keepers to move their hives far from the house in order to find good grazing, or at least that the author of *BB* did not favour the practice. The value of one eighth of the honour-price—derived by halving the quarter due for ordinary possessions—is pretty close to the seventh of the glossator, §53^e, but in general the glossators seem to have been at sea partly because they used the term *maigen* or *maigen digona* meaning ‘precinct’ and were unsure how to relate *maigen* to *faithche* (§§52^a, 53^e; cf. Appendix 1 (h), Appendix 2 (k)). The interest of this section of *BB*, then, stems from the way in which the rules for theft are modified to suit the particular case of bees: the author of *BB* adheres to the general law of theft, as he does for *comaithches*, but he does not allow his adherence to prevent him from stating special rules for bees which are not in strict agreement with the ordinary law.

The final point of interest about this part of *BB* is not something which it states, but something which it omits. *BB* makes no mention of *aithgein* for theft of bees, only of *díre* (namely *lóg n-enech*). Yet *aithgein* was the main compensation for the normal owner of an animal. Its importance is much reduced if the owner of the animal is a king or other *nemed*, but to a freeman such as the ordinary *bóaire* with an honour-price of five *séts aithgein* is vital. If the owner of the land from which something is stolen is a king or other *nemed*, the owner of the stolen article receives a third of the king’s or *nemed*’s honour-price leaving two thirds to the king or *nemed* (*CIH* 478.26-9). If the owner of the stolen article was a king or other *nemed*, but the owner of the land from which it was stolen was of lower status, the thief must pay separately the honour-price of the king or other *nemed* to the king or *nemed* and the honour-price of the non-*nemed* to the non-*nemed* (*CIH* 479.6-9). To see what all this implies let us assume that one cow, worth two *séts*, has been stolen, that the king has an honour-price of seven *cumals*, that the other party is a *bóaire* with an honour-price of five *séts* and that the *cumal* has the value of five cows (one of several values given it in the texts):—

- (1) the owner of the land is a king; the owner of the stolen cow is a *bóaire*:—
 - king gets (rounding up) 24 cows from *lóg n-enech*;
 - bóaire* gets (rounding down) 11 cows from *lóg n-enech*;
 - bóaire* gets 5 cows from *aithgein*, i.e. a total of 16 cows.
 - Total: 40 cows
- (2) the owner of the land is a *bóaire*, the owner of the cow is a king:—
 - the king gets 35 cows as his *lóg n-enech*;
 - the king gets 5 cows as his *aithgein*;
 - Total: 40 cows;
 - the *bóaire* gets $2\frac{1}{2}$ cows (= 5 heifers) as his *lóg n-enech*;
 - Total: $42\frac{1}{2}$ cows.

The arrangement clearly favours the king; but whereas *aithgein* is only $\frac{1}{8}$ of the total received by the king in the second case, it is nearly a half of the total received by the *bóaire* in the first. If the owner of the land had been, not a king, but another *bóaire*, the *aithgein* would form the greater part of the sum received by the first *bóaire* (5 cows as against, probably, $2\frac{1}{2}$ cows).

We have no reason to suppose that ownership of bees was restricted to kings, and *nemid* such as high ecclesiastics. The absence of *aithgein* from *BB*, therefore, is a puzzle. The solution may be that a bee-hive was unlikely to be moved from its owner's land unless it were sold or given away. The reason why the ordinary law of theft is interested in valuables stolen from land belonging to a third party may be that 'joint-herding', *comingaire*, made this a very common situation. A short tract makes special provision for the pasturing of cattle, pigs and sheep in a joint herd which spent a certain period on the land of each participant (*CIH* 576.24—577.24). If this practice was at all common, the law of theft would be bound to pay particular attention to valuables stolen from a third party's land, quite apart from the widespread use of pledges to guarantee obligations. Bee-hives, however, may hardly ever have been sited on another's land. It may not have been common for bee-hives to be moved to another place for the sake of special grazing (though see *Introd.* p. 45). In this case the whole compensation for bees may have consisted of the owner's honour-price or a fraction of it. Bees may have been considered as *lú-chethrae* by nature, so that their elevation to the status of *nemid chethrae* within the *faithche* will have counteracted the effect of the absence of *aithgein*. Furthermore, if the bees kept in seventh-century Ireland produced a large number of swarms, the supply of bees may have tended to exceed the demand, in which case the value of a hive, and thus of its *aithgein*, may have been relatively low. (But cf. the values of Welsh hives and swarms tabulated in *Appendix 7*, pp. 204).

It should also be noted that the whole principle of the scheme was stated very well in §54: *Di-ren-sede fo choibni co tabarr téchte do magin día foxlaiter*, 'he pays according to "kinship" so that the due is given to [the owner of] the open land from which they are removed'. *Coibne*, 'kinship', is the metaphor used in *BG* (*CIH* 479.8) for the equality of the honour-price due to persons of the same rank for theft from their houses.

i llugburt no i llius. Cf. *Patric. Texts* 174.7 (= *Thes.* ii 239.16) *cona llius ⁊ a llubgort*. We emend *llubgart* of the MS to *llugburt*. We retain the metathesis, as *lub-gort* 'garden' is spelt with *b* and *g* transposed in O. Ir. texts e.g. *lugbart* *MI.* 121c12, *hi lugburt* *Thes.* ii 294.16. In §51 we emend *luburt* to *lugburt*.

foda-rotlae no roda-gatta. The use of the verbs for theft in *BB* is interesting. Here *fo-tlen* is paired with *gataid*; in §52 *fo-tlen* is paired with *fo-coislea*; in §53 *fo-coislea* with *gataid*. In §54 *téol* and *táide* are used to define the meaning of *fo-coislea* more closely. *Gataid* is a general word for 'steals', but the others are capable of more limited meanings. *Foxal*, the vb. n. of *fo-coislea*, may contrast with *tothlae*, vb. n. of *do-tlen*, as in *Cáin Lánamna* §4 (*Stud. E. Ir. Law* p. 16). *Lánamnas foxail* is a form of union in which a man removes a woman against the will of her kin. It is normally public. *Lánamnas tothlai*, also termed *lánamnas táide* or *lánamnas tothlai i táidi*, is a union in which the man secretly visits the woman. There is a contrast of direction and a contrast between publicity and secrecy. *Fo-coislea*, however, is not necessarily public: e.g. *Ní fo-roxla táide no cnet no fogurred no forcomul n-écne as-renar . . .* (*Cáin Lánamna* §18) where the removal is first secret, then attended with groans, then with loud protest and finally is forcible. *Fo-coislea* then is capable of contrasting with compounds of

tlenaid and with *táide*, but need not do so. Among the compounds of *tlenaid*, *fo-tlen* has, it seems, no specific directional sense, though in the nature of things it is frequently used of taking something away; in *CIH* 578.10f. there is an over-ingenious distinction between *tothlae* and *fothlae* which presupposes that in both cases something is brought onto a particular piece of land. *Tothlae* and *díthle* have, however, opposite directional sense: *tothlae* is bringing something in, *díthle* taking something away. In both cases it is usually secret, and thus unlawful, but need not be (e.g. *Celtica* ix 158, l. 50). On *téol* (to *tlenaid*) see Thurneysen, note *ZCP* xx 212. In *BB* §50, therefore, there may be a distinction between *foda-rothlae* and *roda-gatta* in that the former refers specifically to secret theft; and there may be a similar distinction in §52 between *foda-rothlae* and *foda-roxla*; but in §53 there can hardly be any distinction. In §54 the reference to secrecy is explicit, but only through use of the phrase *fo théol* ⁊ *táidi* (for this phrase, with similar glosses, cf. *CIH* 2336.14).

For the glosses on the various verbs for theft in §§50-53, see Introd. p. 20.

diren-side. We emend *dirense* to *diren-side* on the basis of the gloss *eirnid seisideic*, as *side* is regularly glossed by *seiside*, *seisideic*, *seisideig*, *sideic*; cf. §2 *álid-side* gl. *airiltnigid seisidhe*, §12 *álid-side* gl. *airiltnigidh seisidheig*.

DIL s.v. 4 *se* suggests that *dirense* contains a 3 sg. masc. emphatic pronoun *se* (?), but this suggestion is not supported by the gloss. The other example given in *DIL* is not genuine as it derives from a wrong word-division by the editors of *AL* iv 202.3 (= *BB* §54). Here the MS has *dirensede* (gl. *eirnid side*) where *sede* is a variant spelling of *side*, cf. *ni farnic sede* Wb. 2a21. The *AL* editors divide *diren se de* which makes no sense.

§52

fri húasalneimthiu cethrae. We read acc. pl. *-neimthiu* with A, cf. *nemthiu*, *LU* 9786; *neimte* (< *-iu*), *CIH* 580.37. B has *-nemeth*, which is probably acc. sg. but might possibly be acc. pl. neuter (it is glossed by plural nouns *i. lulachacha* ⁊ *daim riata*). However, when used of persons or animals *nemed* seems always to be masculine (see notes to §15).

It is clear from the context that *úasalnemid chethrae* here refers to the larger and more valuable domestic animals, while *lú-chethrae* in §53 refers to the smaller ones. This two-fold division of domestic animals is not found elsewhere in the text of the laws, but is quite common in later commentary, (e.g. *CIH* 833.22; 864.16 *morcethra*, *mincethra*). The term *nemid chethrae* is attested in *CIH* 38.19 (cf. 897.11), but is used with a more specialised meaning of livestock which are temporarily or permanently immune from distraint (see note to §15 *nemed* (4)). The term *lú-chethrae* is not attested elsewhere.

The B glossator gives ‘milch cows and trained oxen’ as examples of *úasalnemid chethrae* and ‘little lambs, little pigs, little calves and kids’ as examples of *lú-chethrae*. However, this classification omits full-grown sheep, pigs and goats. It seems probable that the compiler of *BB* intended the *úasalnemid chethrae* to include cows, oxen, bulls and horses, and the *lú-chethrae* to include sheep, goats, pigs and the young of the cow and horse. One can compare the distinction between large and small animals in Welsh law (*ALIW* ii 708). Here the sow, goat, sheep and calf are given as examples of small animals (*anifeil bychan*).

A glossators II, III, and IV attempt to explain §§52-3 with the help of §2 of *Bretha im Gatta* ‘judgments about thefts’. Like *BB*, *BG* deals with the theft of domestic animals. However, it does not mention the theft of bees, and does

not make *BB*'s distinction between larger and smaller domestic animals. Its regulations concerning the restitution of stolen animals are from *Exodus* xxii (see note to 52^d) whereas *BB* contains nothing of Biblical origin.

glosses 52^{b, c}. See Introd. p. 20.

gloss 52^d III. The third glossator's *a ceathair i naen* 'four for one' is a quotation from *BG*. This fragmentary text has been edited by Hull in *ZCP* xxv 211-25. The main source is H.2.15A p. 38, but a few quotations are found in other MSS. §2 of *BG* deals with restitution for the theft of domestic animals, and is quoted by *BB* glossators because of its supposed relevance to the theft of bees. Hull points out in a note on p. 218 that the same rate of restitution is found in *An Irish Penitential* (ed. Gwynn, *Ériu* vii 154 §3) and in *Die irische Kanonensammlung* Lib. xxxix cap. 3 (ed. Wasserschleben p. 99) and has its source in *Exodus* xxii 1.

The H.2.15A text has *diabul naithgeua i marbdile ⁊ i neochu ⁊ mucca cetarda i churcha cethuir i noen cuicthe i naithgin i mbu ⁊ i dumu* (CIH 478.8). The only other text (H.3.17 col. 487A) has *dublad naigena a marbdil- ⁊ a ueacha ⁊ a nuic- cethardha a caorcha ceathair a naon cuic- a uaithgin i mbu ⁊ damh-* (CIH 1977.4). Hull reads *diabul u-aithgeua i marbdile ⁊ i n-eochu ⁊ mucca; cetharda i curcha; [a] cethuir i u-oencuiced i naithgin i mbu ⁊ i dumu* which he translates 'a double share of the restitution for inanimate chattels and for horses and pigs; a fourfold amount for sheep; four(-fold) for the one-fifth [that constitutes the restitution is] the restitution for cows and for oxen.'

Our gloss *a ceathair i naen* shows that Hull is right in his restoration [a] *cethuir*, but suggests that he is wrong in taking *oen* to be compounded with the following *cuicthe* (which he emends to *cúiced*). We put forward the following reconstructed text and translation: *diabul u-aithgeno i marbdile ⁊ i u-echu ⁊ i mucca, cethardae i caírcha, a cethair i n-óen, cóicde i u-aithgin i mbu ⁊ i ndamu* 'double restitution for inanimate objects and for horses and for pigs, fourfold [restitution] for sheep—four for one—fivefold in restitution for cows and oxen.' We take *cuicthe* H.2.15A, *cuic-* H.3.17 to be for *cóicde* 'five things', *Grammar* §387. It must be admitted that *a cethair i n-óen* seems to be superfluous, and may possibly originate as an early gloss which became incorporated in the text of *BG*.

gloss 52^d IV. The fourth glossator adds *ceth-e a naen* here and *cethr-e a naen* at 53^d. The abbreviation *ceth(r)-e* usually stands for *cethraim(th)e* (<O. Ir. *cethramthu*) 'a quarter', but as this does not suit the context we suggest that it was intended for *cetharda(e)* 'four things', cf. *im cetharda* II.

§53

fri lú-chethrai. Following the reading of B, we take *lí* to be an adjectival prefix, and *cethrai* to be acc. sg. of *cethrae* 'animals, livestock' (it could equally be acc. pl.). Alternatively, one could read *lí cethrae* lit. 'a small one of livestock', with *lí* used substantively and *cethrae* as gen. sg. For the meaning of *lí-chethrae* see note on §52 *fri híasalneimthiu cethrae*.

gloss 53^e. The fourth glossator's addition to this gloss presents problems. We read *.i. cairig, a tri indib ⁊ sechtmad neneclainni* 'i.e. sheep, three for them and one seventh honour-price' taking this to mean that the penalty for stealing a sheep was to restore three sheep to the owner and pay him one seventh of his

honour-price. However, as we have seen in the note to gloss 52^d, *BG* states that *four* sheep are to be restored for the theft of one. It is therefore possible that we should here read *leth* rather than *tri*, taking it to be an *l* with a stroke through it rather than a *t* with an *i* over it. The glossator may be expanding the first glossator's statement that the theft of small animals in a precinct entails half honour-price (*letheineclann*). One can compare 52^e where the fourth glossator says that the theft of large animals in a precinct entails full honour-price (.i. *lan intib a maigin*).

§54

téol ⁊ táide. For different types of theft, see notes to §50.

ro-ch-fintar. For the enclitic connective *-ch*, see *Introd.* p. 13.

ní imdich. *DIL* gives the deuterotonic form of this verb as *imm-dích*. The long *i* is frequent in later manuscripts, but may not have been regular in O. Ir. This verb is from **imb-di-wik-* (lit. 'around-from-fights' i.e. protects) and is thus a further compound of *do-fich* (*di-wik-*) 'punishes, avenges'.

The treatment of **di-wik-* is variable in the O. Ir. Glosses. Thus in the 3 sg. pres. ind. *-díg* (= *-dích*) *Ml.* 24b17, the original disyllabic *i-i* has coalesced to form long *i* (Thurneysen points out that such contractions in fully stressed syllables are still rare in O. Ir., *Grammar* §114). In *nimdichimse form naimtea* *Ml.* 38c21 (sic leg. *Corrigenda Thes.* i 719, translating 'I do not avenge myself on my enemies') *-dichim* seems to be 1 sg. pres. ind. with original *i-i* contracted to short *i*. Alternatively, one might read *dichim* on the model of *-díg*.

The disyllable seems to be preserved in 2 sg. ipv. *deich* *Ml.* 72d11 (for *deich*, *Grammar* §114) unless it is merely a variant of *dich*, cf. *dofeich* *Wb.* 6a16 for regular *dofich*.

Where *di-wik-* has suffered vowel affection the resultant combination seems always to be a disyllable (*ië* or *iä*) rather than a diphthong (*ia*) in O. Ir. Thus the manuscript has no lengthmark over the *i* in *diagar* *Ml.* 101c16, *diachtae* 111b6, *diachti* 23d18, *diachtid* 19d15. The disyllabic *iä* in the latter is confirmed by the spelling *diechtaid* *Ml.* 83c2, as *ie* is very rarely written for the diphthong *ia* in O. Ir. (*Grammar* §53).

To conclude, it is likely that at the time of *BB*'s composition the forms of the cpd. **imb-di-wik* were 3 sg. pres. ind. deuterotonic **imb-diüch*, prototonic *-imdich*. For the reduction of disyllabic *ii* to short *i* in unstressed syllable, cf. 3 sg. cons. pres. of the substantive vb. *biid* > copula *bid*.

fo choibni. The basic meaning of *coibne* [*com* + *fine*] is 'kinship, consanguinity' but it is also used to mean 'equivalence, appropriateness' (see *DIL* s.v.). See end of first note to §50.

tabarr. We take *tabar* of the MS to be for original *tabarr*, prototonic 3 sg. pres. ind. pass. of *do-beir*. Singular pres. ind. passives of this and other compounds of *beirid* are usually spelt with single *-r* from the Milan Glosses onwards, e.g. *dober* *Ml.* 56b11 (*doberr* *Wb.* 3cl), *-tabar* *Ml.* 52a2 (*tabarr* *Wb.* 17a3), *eiper* *CG* 1 (*-eperr* *Sg.* 73a11).

do magin. The sense requires the emendation of *di* MS to *do*. This is supported by the gloss *dir ind eraind* 'to the owner of the land' where *dir* = *do fir*, cf. 23^b, 37^c, 46^d, 48^e.

día foxlaiter. We tentatively emend *diandafoxlaiter* MS to *día foxlaiter* and translate 'from which they (the bees) are removed'. The intrusive (*n*)*da* may possibly have come in through confusion between *fo-coislea* [*fo-com-sel-*] and *do-foxla* [*to-fo-com-sel-*] of the same meaning. The spelling of the preverb *do-* as *da-* is frequent in later MSS, and is particularly common in the glosses in A, e.g. 54^e *dafintar*, 54^h *dabiad*.

Another possible explanation of this intrusive (*n*)*da* is that it arose through contamination with *foda-rothlae*, *foda-roxla*, *roda-gata*, *foda-coislea* of the preceding sentences, in all of which *da* is 3 pl. infixed pronoun.

§55

The same formula is used to close *Coibnes Uisci Thairidne* (Ériu xvii 72): *is for sund ro suidiged coibnius uisce tairidne la Féniu* and to close *Bretha im Fuillema Gell* (CIH 477.23 = AL v 422): *is for sunu ro suidiged imchomus gell la Feine*. The lost tract *Fidbretha* probably opened with the similar formula *can rosuidighthea fidbretha la-* which is quoted in CIH 2106.3. See note on §14 *a bésaib fidbreth*.

ADDENDUM

Note to §8 **ind n-oircne**. Dr. Binchy points out that Thurneysen's interpretation of *ind n-oircne* is supported by the gloss *ind eirci i n-ind fogla* ('the minimum of penalty for the minimum of injury') on *ind i n-arail eirana*, CIH 336.30-1 = 2215.29. The latter phrase is from a passage on the fines for various degrees of personal injury (CIH 336.20 ff. = 1266.1 ff.). The least serious injury (*ind fogla* of the gloss) is the *bánbéim* 'white blow', i.e. a blow which causes no swelling or bruising.

APPENDIX 1

We print here marginal commentaries from A (H.2.15A = *CIH* 444-57). The numbers in brackets refer to the corresponding paragraphs of the main text. Unmarked commentary is in the hand of the first A glossator (see Introduction p. 4). Commentary in the hand of the second or third glossator is marked <II or III>. We omit some short sections of A commentary which have been included with the A glosses (pp. 50-89 above), e.g. §§ 6^b III, 23^b II, etc.

(a) p. 21 *bottom margin*: (§§1-7) geal da screaball fri dighuin, ⁊ ni uil fri turgabail, *ar* ni heigen ime riu gia daned fogla comaithgesa; ⁊ ni hiad na gealla so thoites and *acht* cain cuisg ⁊ mian galair ⁊ ollabruig nai re re tri mbliadan; *no* dano is e geall is choir and geall is cutruma risin cain cuisce .i. smact comhaithchiusa do rith riu iar tabairt na ngeall so amal ceatra eile; *no* gumadh i in chain chuisg ⁊ mian galair ⁊ ollobraigh nai, ⁊ a tabairt a triur du gach thir; *no* guna tuctha *acht* einni dib do gach thir; ⁊ gidh mor da sealbachaib beas i ngach thir, nuchu dleaghair *acht* in cutruma sin doib uili re re na tri mbliadan, ⁊ in ceduine rig a leas isan crich is a breith deo (*read* dó), ⁊ gidh sochaidhi ita ina riachtanas a leas isan crich a neineacht, nogo nuil *acht* in cutruma sin doib uile.

(b) p. 22 *left margin*: (§§1-7) <Duine sein ⁊ beich aige ⁊ nocho tuillit (= noch- nuilit D [H.3.17 col. 432 l. 34]) beich ic lucht na ferann is nesa do, ⁊ ised dlegar de: cain cuisce ⁊ mian ngalair ⁊ allabrug næ do tabairt do lucht na ceitri fearann is nesa do re re tri bliadan, (§§10-12) ⁊ comraind saithe doib isin cethrumad bliadain; (§19 ff.) ⁊ isi comraind dlegar doib .i. cetsaithe ⁊ tanaisi ⁊ smeraiige, ⁊ in crich dib is nesa ⁊ is ferr torad isi beires cetsaithe gan crandchar ⁊ tanaisi ⁊ smeraiige do breith dona tri crichaib aile; (§21) ⁊ ma ta dib side crich is nesa *no* is fearr toradh a ceile is tanaisi do breith di cen crandchur, ⁊ crandchur do cur itir na da crich aile, (§22) ⁊ inti dib da riacht beith can [n]i in bliadain sin is cetsaithe do breith di ar is gen crandcur; ⁊ in cain cuisce ⁊ in mian ngalair ⁊ in allobrugh næ do tabairt do lucht na cethri fearann is nesa doib sium in bliadain sin; (§23) ⁊ ind uair bes aimsear cora saithe doib iss *ed* dlegar d[f]ir na mbech a focra doib sium nech uaithib aca coimet arna raelat; ma rafocair sium doib, iss *ed* dlegar dib a tabairt ⁊ maine tugad, da nelat na beich, nocon fuil comraind saithi doib in bliadain sin.

(§25) Mad indscuchud donead lucht na saith[e], iss *ed* dlegar cain cuisce ⁊ main ngalair ⁊ allabrigh næ do tabairt doib re re tri mbliadan, ⁊ ænfeacht cachá bliadna dlegar na neiche isein; maine dearndsat

indscuchud imorra nochon uil ni doib sium and sidhe, (§24) [*now illegible*: ar iss *ed*] uathadh conoirc fri sochaide ied II>.

(c) p. 23 *bottom margin*: (cf. §§36-7) Beich [f̊]easa i mbun craind uasalneimid, da trian <dfir crainn ann 7 trian II> d[f̊]ir na mbeach gu ceand tri mbliadan, 7 is diles d[f̊]ir in craind iad otha sin amach; beich cuntabartacha i m[b]un craind uasalneimid, teora ceathraimthe ig fir in craind 7 ceathraimthe ag fir na m[b]each gu ceand tri mbliadan, 7 is diles d[f̊]ir in craind iad otha sin imach.

(§41) Beich [f̊]easa a mbarr craind uasailneimhidh, trian dfir in craind 7 da trian dfir na mbeach gu ceand mbliadna, 7 is diles dfir na mbeach otha sin amach iad. (cf. §45) Beich cuntabartacha i mbarr craind uasalneimhidh, leath dfir in chraind 7 leath dfir na mbeach gu ceand mbliadna, is diles dfir na mbeach iad otha sin amach *no* gumadh dfir in craind.

p. 23 *top margin*: (§44) Beich [f̊]easa i mbun craind isilnemidh, leath dfir in craind 7 leath dfir na mbeach gu ceand tri mbliadan, 7 is diles dfir in craind iad ota sin imach. Beich cunntabartacha i mbun chraind isilneimhidh, 7(*omit*) leath 7 octmadh ig fir in craind 7 leath genmotha octmadh ig fir na mbeach gu ceand tri m[b]liadan, 7 is diles d[f̊]ir in craind otha sin amach, (*added in a rougher form of the same hand*:) fer o nelat beich imaig is dir tic seo. (§§31 ff.). <In tan atbeir cin bech cin con cin cethra, im dala in chrandchair sein nama 7 nugun im dala chomchinad do beith doib fo chutrumma II>.

p. 24 *top margin*: (§42) Beich [f̊]eassa i mbarr craind isilneimhidh, ceathraimthe ig fir in craind 7 teora ceathraimthe ig fir na mbeach gu ceand mbliadna, 7 is diles d[f̊]ir na mbeach iad otha sin amach. Beich cuntabartacha i mbarr craind uasalneimhidh (*read* isilneimhidh), leath geinmotha in seisedh rand dec ig fir in craind 7 leath 7 seisedh rand deg ig fir na mbeach gu ceand mbliadna, 7 is diles d[f̊]ir na mbeach iad otha sein imach, *no* gumad ag fir in craind.

(d) p. 24 *bottom margin*: Ma ta teachtugudh ara clarad *no ar* chælach na cælle uili 7 nochon uil fora beachaib, is beich [f̊]easa i mbun chraind isilneimhidh do riagail riu; ma ta teactughudh fora beachaib 7 nocon uil ara claradh na fora cælach, is beich cuntabartacha i mbarr craind isilneimid da riagail ru; is ead is bun and gach uair nach fetar a neatarsgaradh gen leadradh in craind, is eadh is bharr and gach uair rafetar a netarsgaradh gen ledradh in craind. Comhraind tri mbliadan for beachaib bona di gres 7 comraind bliadna for beachaib barr; ceathraimthe a choda beres cuntabairt o fir beach do gres, gidh i mbun gid i mbarr gabaidd.

(e) p. 25 *bottom margin*: (§49) Trian a chodach frithi o dærmanach eagalsa do eclais ⁊ o dærcheilib flatha do [f̊]laith gu rudh *no* egmact no diraind, ⁊ .ix.madh madh aind sidhe; cethraimthe a chodach o særmhanach eagalsa d'eaglais gu rudh *no* egmacht no diraind, ⁊ aili dec madh aind sidhe, ⁊ nochon uil ni o særcheile flatha do [f̊]laith. Can asa ngabar ind aile dec, uair nach indisid liubair? is as gabhar: amail is e trian a chodach ata o dærmanach eagalsa do eaglais ⁊ o dærcheilibh flatha do [f̊]laith gu rudh *no* egmacht no diraind ata uathib i rudh, cubaid de side gemadh he trian na codach ita o soermanach eagalsa da eglais gu rudh *no* ecmacht no diraind do beith uaithib i rudh fon cuma cetna .i. aili deg.

(f) p. 25 *top margin*: < (§49) Trian a triun do gres o dærmancaib ⁊ o dærceilib asna frithib fogabait i necmacht; ar annsacht doib in baile asa tucsat is aire as bec berar uaithib. Mainip rud no dirainn no ecmacht, is trian frithe na ndærmanach do eclais ⁊ na ndærceile do [f̊]laith.

Mad særmanach imorra, is ceathramu in [f̊]rithi fogabait dia neaclais mainib rud no ecmaicht no diroind. Mad rud no dirainn, is in dara rann *dec* no in seised rann *dec* do eclais *acht* ri. Mad ri imorra, is trian asint seot is uaisle fogaib ⁊ cethramu as *cach* seot olcena III>.

(g) p. 25 *top margin*: < Tri bruige rig: rot ⁊ dirainn ⁊ muir; trian do do neo[c]h docuirither muir, ⁊ nomad do a cuit [f̊]rithe a cele do neoch fogaib a ndirainn. Dileas do dano do nec fogabar *for* rot, *acht* cuit frithe do nech fogaib, man[i] festar fear bunaid III>.

(h) p. 25 *top margin*: (§50) < Mas a lis *no* a lubgort rogatait na beich is laneneclann, (§§52-4) mas a faichi is letheneclann, mas a sechtarfaiche is sechtmad neneclainni, gid i maigin sin gid sechtar maigin, gid cutrumus lui gid cutrumus clethe, *no* dano cena *acht* mas a maigin ⁊ is cutrumus cleithi is laneneclann, masa chutrumus lui is leitheneclann, mas a secht[ar]maigin ⁊ is cutrumus clethe is letheneclann, masa cutrumus lui is sechtmad neneclainni, ⁊ ceithri cesa diri ⁊ ceis aithgeana in *cach* cesaig in *cach* inut dib sin II>.

TRANSLATION

(a) A pledge of two scruples in respect of immunity from trespass and there is not anything for erecting, for it is not necessary to erect a fence against them though they commit trespasses according to the

law of neighbourhood; and it is not these pledges which become forfeit then, but ‘ the due of punishment ’ and ‘ the desire of sickness ’ and *allabrig n-aí* for the period of three years; or else the proper pledge for it is a pledge which is equal to ‘ the due of punishment ’ i.e. a fine in the law of neighbourhood is taken for them after giving these pledges as in the case of other animals; or possibly it is ‘ the due of punishment ’ and ‘ the desire of sickness ’ and *allabrig n-aí* and to give the three of them to every land; or only one of them may be given to each land; and though there be many owners in each land, only that amount is due to them all for the period of three years, and the first person in the holding who needs it is to get it, and though many may need it in the holding together, they all get only that amount.

(b) That is [the case of] a person who has bees and whose nearest neighbours do not have bees, and this is what is due from him: to give ‘ the due of punishment ’ and ‘ the desire of sickness ’ and *allabrig n-aí* to the people of the four nearest lands for a period of three years, and to divide the swarms among them in the fourth year; (§19 ff.) and this is the division which is due to them i.e. the first swarm and the second and the foolish [swarm], and the land which is nearest and whose produce is best gets the first swarm without casting lots and the second and the foolish [swarm] are to be given to the other three lands; (§21) and if one of these is a land which is nearer or whose produce is better than the others, the second is to be given to it without casting lots, and lots are to be cast between the two other lands, (§22) and whichever of them is without anything that year gets the first swarm subsequently (i.e. next year) without casting lots; and ‘ the due of punishment ’ and ‘ the desire of sickness ’ and *allabrig n-aí* are to be given that year to the people of the four lands which are nearest to them; (§23) and when it is their time of putting out swarms, the owner of the bees must warn them to send somebody to guard them so that they do not escape; if he has warned them, they are obliged to supply [a guard] and if they do not [and] if the bees escape, there is no division of swarms for them that year.

(§25) If the owners of the swarms move, this is what they are obliged to give: ‘ the due of punishment ’ and ‘ the desire of sickness ’ and *allabrig n-aí* for a period of three years, and once every year these things are due; if they do not move, however, they have nothing [to give] then, (§24) for that is [a case of] ‘ a few defeating many ’.

(c) Bees of known origin in the trunk of the tree of a noble dignitary, two thirds [of the produce] <go to the owner of the tree there and one third> goes to the owner of the bees for three years, and they belong to the owner of the tree from then on; bees of doubtful origin in the trunk of the tree of a noble dignitary, three quarters go to the owner of the tree, and one quarter goes to the [presumed] owner of the bees for three years, and they belong to the owner of the tree from then on.

(§41) Bees of known origin in the branches of the tree of a noble dignitary, a third goes to the owner of the tree, and two thirds go to the owner of the bees for a year, and they belong to the owner of the bees from then on. (cf. §45) Bees of doubtful origin in the branches of the tree of a noble dignitary, a half goes to the owner of the tree and a half goes to the owner of the bees for a year, and they belong to the owner of the bees from then on, or possibly to the owner of the tree.

(§44) Bees of known origin in the trunk of the tree of a lower dignitary, half goes to the owner of the tree and half to the owner of the bees for three years and they belong to the owner of the tree from then on. Bees of doubtful origin in the trunk of the tree of a lower dignitary, a half and an eighth go to the owner of the tree and a half less an eighth goes to the owner of the bees for three years, and [they] belong to the owner of the tree from then on; ‘the man from whom bees escape outside’ should come here. (§§31ff.) <When it says ‘the crime of bees, the crime of dogs, the crime of cattle’ it refers only to the casting of lots and does not refer to equal liability for them in proportion>.

(§42) Bees of known origin in the branches of the tree of a lower dignitary, a quarter goes to the owner of the tree and three quarters go to the owner of the bees for a year, and they belong to the owner of the bees from then on. Bees of doubtful origin in the branches of the tree of a noble dignitary, a half less one sixteenth goes to the owner of the tree and a half and one sixteenth go to the owner of the bees for a year, and they belong to the owner of the bees from then on, or possibly to the owner of the tree.

(d) If the planks (i.e. the trunks used for making planks) or the branches of all the wood are owned and the bees are not, then the rule of ‘bees of known origin in the trunk of a lower dignitary’ applies to them; if the bees are owned and the planks or branches are not, then the rule of ‘bees of doubtful origin in the branches of

the tree of a lower dignitary ' applies to them; ' trunk ' there means whenever they cannot be removed without cutting the tree, ' branches ' there means whenever they can be removed without cutting the tree. There is always a division for three years of bees of the trunk, and a division for one year of bees of the branches; doubt (as to their origin) always deprives the owner of the bees of one quarter of his share, whether they settle in the trunk or in the branches.

(e) A third of his share [of the produce] of a stray swarm is due from a base church-tenant to the church and from base tenants of a lord to [their] lord up to (i.e. unless the swarm is found in) forest or inaccessible country or unshared land, and one ninth is due if it is there; a quarter of his share is due from a free church-tenant to the church up to forest or inaccessible country or unshared land and one twelfth is due if it is there, and nothing is due from the free tenant of a lord to [his] lord. Whence is the twelfth derived, as [law-] books do not mention it? It derives from this: as a third of the share that is due from a base church-tenant to the church and from base tenants of a lord to [their] lord up to forest or inaccessible country or unshared land is due from them in forest [etc.]; hence it is right that one third of the share which is due from a free church-tenant to the church up to forest or inaccessible country or unshared land should be due from them in forest [etc.] in the same way i.e. one twelfth.

(f) A third from a third is always due from base church-tenants and base tenants (of a lord) from the stray swarms which they find in inaccessible country; on account of the difficulty of the place from which they brought them, little is taken from them. If it is not forest or unshared land or inaccessible country, a third of [the produce of] the stray swarm of the base church-tenants goes to the church and of the base tenants (of a lord) to [their] lord.

If it is a free church-tenant, however, one quarter of the stray swarm which they find goes to their church unless it is in forest or inaccessible country or unshared land. If it is forest or unshared land, a twelfth part or a sixteenth part goes to the church, except for a king. If it is a king a third is due from the most valuable thing which he finds and a quarter from every other valuable.

(g) Three areas of a king: a road and unshared land and the sea: a third of whatever is washed up by the sea goes to him and a ninth of his tenant's share of what he finds in unshared land goes

to him. Whatever is found on a road is his property, except for the finding share of whoever finds it, unless the original owner is known.

(h) If the bees are stolen in a courtyard or in a garden it is full honour-price, if it is in a green it is half honour-price, if it is outside a green it is one seventh honour-price, whether that be in a precinct (see *DIL* s.v. *maigen* (b)) or outside a precinct, whether it be equal to a minor theft or a major theft; or alternatively if it is in a precinct and it amounts to a major theft it is full honour-price, if it amounts to a minor theft it is half honour-price, if it is outside a precinct and it amounts to a major theft it is half honour-price, if it amounts to a minor theft it is one seventh honour-price; and there are four hives as penalty and one hive as restitution for every hive in each of those places.

APPENDIX 2

C (Egerton 88 f. 8a-c = *CIH* 1286-7) has five quotations from *Bechbretha* with commentaries.

(a) ANDSOM A TAIRGILL- TAIRGILL- AR BECHAIB .i. (§§1-7) geall da screabhall o fir bunadh na mbeach do lucht na ceithre ferann as nesa do na roisit a *beth* (*read* beich) do milliud na feronn; ⁊ ma romillsid na *beth* (= beich) an feronn iar tabairt gill tara chenn, *smacht* coimaitchesa dioc uadhaibh amail na cethra aile no gomo cain cuisc ⁊ mion ngalair ⁊ ollbrughe noe robeth uadhaibh & muna tardsad an geall sin is geall *da* screpall uadha do gach tir dona *cethri* tire is nesa dho resinn gcain cuisc ⁊ re mian ngalair ⁊ re hollbrugh næ ⁊ a tabairt sium a triur do gach tir diobh, no gona tuctha *acht* aonni dib do gach tir dibh ⁊ cidh mor do sealbaib bias i *ngach* tir dibh noch a tabhair *acht* a cutruma sain doibh uile re re na tri mbliadan ⁊ an *cetduine* ata ina *riachtanus* a leas isin crich is a tabairt sin do ⁊ noch a tabhair in eiric uadha do neoch aile isin crich no go mbeth in eiric uadha do gach duine da ta cuid isin tir & cid sochaide isin [crich] ata ina *riachtanus* a leas noch a thabharthar *acht* an cutruma sin doibh uile.

(b) AILID SIDE CRO IMMA TORUD .i. (§§12-13) Is *ed* dlegar dfer bunadh na craibe cro do dhenam uma torud nach decha an craobh uadh a ferann in fir aile amach; ⁊ da ndecha, ciamod ail do a tabairt cuigi amaich iar dain, noch a [d]legar do *acht* a thorud do roinn doibh eturru ar dho go cenn tri mbliadan ⁊ a breth dfer barr a aonur an cethruimed bliadain ⁊ in comrainn sin do *beth* eturru do gres.

(c) GIPE DA LINA INDACOMGNE .i. (§§14-16) ma roletair nechtairde dhibh in craobh coitchenn fuil eturru, *acht* mas fidnemed doibh araon hi, lethdire craibe fidnemid dioc donti roletair hi resin fer aile & masa fidh coimchesa (= comaitchesa) doib araon hi lethdire fedh *comaitchesa* dic do resin fer aile & masa nech aile roletair an cra[e]bh coitchenn robui eturru, a dire fen d[o] cechtar aca fo aigni fidhnemid no fidh *comaitchesa* ⁊ ata ana fidnemed do nechtar aca ⁊ na fid *comaitchesa* [di]araile a naoninadh & mas *da* bun roletad in crann i fid *comaitchesa*, dire an crainn do breth dfer buna aonur go ro an cutruma ata ar scath craibhe dhe, ⁊ o rosia in cutruma ata ar scath craibe dhe, dire na craibe do roinn doib

eturru *ar do & mas da bun roltrad i fidnemed*, dire an croinn uile do roinn doib *ar dho*, uair nochan fuil dethbir bona na gabla na craebh do riaghail res i *fidnemed*.

(d) MADH BEICH ROGABAD .i. (§17) masa beth (= beich) rogabsad isin craibh coitchenn uil eaturru, torad na mbeach do roinn doib eturru *ar dho go cenn tri mbliadan* ⁊ a mbreth dfer crainn a aonur otha na tri bliadhna amach gan comrainn uadha dfer barr; amail beiris fer an barr ó chianaib torud na craibe aonar gacha cethramad bliadain gan comroinn uadha dfer bunad an croinn, coir no (= dano) dheisidhe cia dobera fer bunad crainn sunn na beth (= beich) aonar otha na tri bliadhna amach gan comroinn uad dfer barr.

(e) (§§36 ff.) Comroinn tri mbliadan ar beachaib fesa u (*read a*) mbun (*inserted above line: gid i mbun*) crainn uasailneimid cidh i mbun chrainn isilneimid gabait iat, ⁊ a nimcomét o fir crainn frisin re sin ⁊ a ndilsi dó otha in ré sin amach.

(f) Comruind bliadhna ar beachaib fessa a mbarr, gidh a mbarr crainn uasailneimid gidh i mbarr crainn isilneimid gabait iat, ⁊ i (*read a*) nimchomet o fir bunaid beach risin ré sin, ⁊ a ndilsi dó ótha in ré ader dliged amach (*sin is inserted above the line as an alternative to ader dliged*).

(g) Comroind tri mbliadan ar beachaib cundtabartacha, gidh i mbun gid i mbarr gabait iat ⁊ a nimchomét o fir bunaid beach risin re sin ⁊ a dilsi dó ótha in ré sin amach; ⁊ is *ed* is bunad (*read bun*) ann gach uar na cumangar a tabairt as gan leatradh craind, iss *ed* is barr ann cach uair na (*read a*) cumangar a tabairt ass gan leatrad crainn.

(h) Is ann ata bun ⁊ barr do riaglad ann: in tan ata teachtugud for connadh ⁊ for claruidh na caille; ⁊ muna bhuil techtugud fora connad no fora claraid, giamad bun rogabdaois is amail beacha barr iat; ⁊ ginco fuil techtugud ara connad no ara claraid, nocho lughaiti is dir techdugud forna beachaibh.

(i) Masa beich fessa i mbun crainn uasailneimid, *da trian dfer crainn ann* ⁊ aontrian dfer bunaid beach; masa beich fessa a mbarr in crainn sain, trian dfer crainn ann ⁊ *da trian dfer bunaid bech*. Masa beich fessa i mbun crainn isilneimid, is roinn ara dó. Masa beich fessa i mbarr in crainn sin, cethraimthe dfer crainn ann ⁊ teora cethraimthe dfer bunaid bech.

(j) Masa beich cundtabartacha i mbun crainn uasailneimid, *tri cethraimthe dfer crainn* ⁊ cethraimthe dfer bunaid beach .i. dá rann dec do dénum don lan ann: cethre ranna dib cuit fir bunaid beich

(*read* bech) in tan robo beich cinnti iat, ⁊ *ocht* ranna cuit fir crainn; ⁊ *beirigh* cunntabairt *cethraimthe* a cota dfer *bunaid* beach, *uair cethraimthe* cota fis *beiris* cunntabairt uadh .i. rann iside; *tabair* in rann sin risna *hoch*t rannuib ata dfer crainn, *conad* nai ranna dfer crainn ⁊ tri ranna dfer *bunaid* beach .i. *tri cethraimthe* sin dfer crainn ⁊ *cethraimthe* dfer *bunaid* beach.

(k) BEICH BID A FAICHE .i. (§§50-54) *laneneclann* a *cutrumus* *clethe* dona *bechaib* a lios no a *lubgort* ⁊ is *maighin*, ⁊ *manab* a *maighin*, robo *leth*; [*leth*]*eneclann* a *cutrumus* a *clethe* dib i *faichi*, ⁊ is *maighin*; ⁊ *munab* *maigin*, is *cethraimthe*; *sechtmad* *eneclainne* *imorra* i *cutrumus* *clethi* dibh i *sechtarfaichi*, ⁊ is *maigin*, ⁊ *munab* *maigin* robo an *cethramad* rann *dec*; *lethenecclann* a *cutrumus* lai dona *beachaib* a lis no a *lubgort*, ⁊ is *maigin*, ⁊ *munab* *maigin*, robo *cethraimthe*; *cethraimthe* *eneclainne* *imorra* a *cutrumus* laoi dona *bechaib* i *faichi*, ⁊ is *maigin*, ⁊ *munab* *maigin*, robo *seachtmad*; & in *cethramad* rann *dec* *imorra* a *cutrumus* laoi dona *beachaib* i *sechtarfaichi*, ⁊ is *maigin*, ⁊ *munab* *maigin*, robo int *ochtmad* rann *fichit*; ⁊ *dire* *comlan* *imorra* *cidbe* inadh asar gada iad .i. *cethre* cesa *dire* ⁊ *cis* *aithgina* i *ngach* *cis*, ⁊ *nochan* *fuil* *dethber* laoi na *clethi* do *riagail* re *bechaib*; no dono chena *laneneclann* a *cutrumus* *clethi* dib i *maigin* ⁊ *lethenecclann* *unnta* a *sechtarmaigin*: *lethenecclann* a *cutrumus* laoi dib i *maigin* ⁊ *sechtmad* *eneclainne* a *sechtarmaigin*.

(l) Is *ed* dlegar dfer *frithe* na *mbeach*, a *nesgaire*; ⁊ *mana* *derrna*, is *fiach* *gaidi* *dhioc* *dho*, no *gomo* *aisag* na *haithgina* *uadha* gan *fiach* *gaidi*.

Misi *domnall* ⁊ *bibh* a *barr* so er *bechbrethaib*.

TRANSLATION

(a) ‘ Most difficult among fore-pledges is a fore-pledge for bees ’ i.e. a pledge of two scruples from the original owner of the bees to the owners of the four nearest lands that his bees should not come to despoil the lands; and if the bees despoil the land after giving a pledge for it, they pay a fine of neighbourhood as in the case of other animals, or they must give ‘ the due of punishment ’ and ‘ the desire of sickness ’ and *allabrig n-aí* and if they have not given their pledge, he must give a pledge of two scruples to each of the four nearest lands before ‘ the due of punishment ’ and before ‘ the desire of sickness ’ and before *allabrig n-aí*; and to give the three of them to

each land; or that only one of them should be given to each land; and though there be many owners in each land, he only gives that amount to them all for the period of three years; and the first person who is in need of it in the holding is to get it, and he does not give the fine to anybody else in the holding; or that he should give the fine to everybody who has a share in the land and although many may be in need of it in the holding, they all get only that amount.

(b) ' It requires an enclosure about its fruit ' i.e. the owner of the base of the branch is required to make an enclosure about its fruit so that the branch does not extend into the land of another man; and if it does, though he may wish to pull it back afterwards, he is only entitled to divide its fruit in half between them for three years, and it is due to the owner of the branches alone in the fourth year, and it is divided between them in that way for ever.

(c) ' Whichever of the two destroys it ' i.e. if either of them cut the common branch which is between them, unless it is a sacred tree to them both, the man who cut it pays a half fine for the branch of a sacred tree to the other man, and if it is a ' tree of neighbourhood ' (i.e. a non-sacred tree) to them both, he pays a half fine for a ' tree of neighbourhood ' to the other man, and if it was somebody else who cut the common branch which was between them, he pays a fine to both of them in accordance with the nature of the sacred tree or the ' tree of neighbourhood ' and if it is a sacred tree to one of them and a ' tree of neighbourhood ' to the other in the same place and if the tree has been cut in a ' wood of neighbourhood,' the fine for the tree is given to the owner of the trunk of the tree until he gets the equivalent for a branch from it, the fine for the branch is to be divided in half between them, and if it has been cut at the base in a sacred tree, the fine for the whole tree is to be divided in half by them, for there is not the distinction of trunk or fork or branches to take into account in a sacred tree.

(d) ' If it is bees which have settled ' i.e. if it is bees which have settled in the common branch which is between them, the produce of the bees is divided in half between them for three years and they are given to the owner of the tree alone after the three years and he does not divide [them] with the owner of the branches; as the afore-said owner of the branches gets the produce of the branch alone every fourth year without dividing it with the owner of the trunk of the tree, it is proper accordingly that the owner of the trunk of the

tree here should alone get the bees after the three years without dividing them with the owner of the branches.

(e) Bees of known origin in the trunk are divided for three years, whether they were taken (*with some uncertainty we take gabait iat to be 3 plural preterite passive of gaibid*) in the trunk of the tree of a noble dignitary or in the trunk of the tree of a lower dignitary, and they are guarded by the owner of the tree during that period and they belong to him from then onwards.

(f) Bees of known origin in the branches are divided for one year, whether they were taken (?) in the branches of the tree of a noble dignitary or in the branches of the tree of a lower dignitary, and they are guarded by the original owner of the bees during that period, and they belong to him from the end of the period which the law says onwards.

(g) Bees of doubtful origin are divided for three years, whether they were taken (?) in the trunk or in the branches, and they are guarded by the original owner of the bees during that period, and they belong to him after that period; and 'trunk' there means whenever they cannot be removed without cutting the tree, 'branches' there means whenever they can be removed without cutting the tree.

(h) Here there is regulation by 'branches' and 'trunk': when the branches and planks of the wood are owned; and when the branches or planks are not owned, though they should settle on the trunk, they are treated as bees of branches; and although the branches or planks are not owned, it is no less proper that the bees should be owned.

(i) If they are bees of known origin in the trunk of the tree of a noble dignitary two thirds go to the owner of the tree, and one third to the original owner of the bees; if they are bees of known origin in the branches of that tree, one third goes to the owner of the tree and two thirds to the original owner of the bees. If they are bees of known origin in the trunk of the tree of a lower dignitary, they are divided in half. If they are bees of known origin in the branches of that tree, a quarter goes to the owner of the tree, and three quarters to the original owner of the bees.

(j) If they are bees of doubtful origin in the trunk of the tree of a noble dignitary, three quarters go to the owner of the tree, and one quarter to the original owner of the bees i.e. to divide it all into twelve parts: four of those parts are the share of the original owner

of the bees when they are bees of certain origin, and eight parts are the share of the owner of the tree; and the doubt deprives the original owner of the bees of a quarter of his share, for the doubt takes the quarter of the share of knowledge from him i.e. his part; it adds that part to the eight parts which go to the owner of the tree, so that nine parts go to the owner of the tree and three parts go to the original owner of the bees i.e. that is, three quarters to the owner of the tree and one quarter to the original owner of the bees.

(k) ' Bees which are in a green ' i.e. full honour-price in equality with a large [animal] for the bees in a courtyard or in a garden, if it is a precinct, and if it is not in a precinct it is half; half honour-price in equality with a large [animal] for them in a green if it is a precinct, and if it is not a precinct it is one quarter; one seventh honour-price in equality with a large [animal] for them outside a green, if it is a precinct, and if it is not a precinct it is one fourteenth; half honour-price in equality with a small [animal] for the bees in a courtyard or in a garden when it is a precinct, and if it is not a precinct, it is one quarter; one quarter honour-price in equality with a small [animal] for the bees in a green if it is a precinct and if it is not a precinct it is one seventh, and one fourteenth in equality with a small [animal] for the bees outside a green if it is a precinct, and if it is not a precinct it is one twenty-eighth; and there is full penalty from whatever place they were stolen i.e. four hives as penalty and one hive as restitution for each hive, and the distinction between large and small [animals] is not taken into account with bees, or further, full honour-price in equality with a large [animal] for them in a precinct and half honour-price for them outside a precinct, half honour-price in equality with a small [animal] for them in a precinct and one seventh honour-price outside a precinct.

(l) The man who finds a stray swarm of bees must proclaim them, and if he does not he must pay the fine for theft or he must return the restitution without paying the fine for theft.

I am Domnall (O'Davoren) and let anyone do better than this on bee-judgments.

APPENDIX 3

Commentary from D (H. 3. 17 cols. 430-2 = *CIH* 1916.36-1917.20).

(a) Beich fesa 7 beich aerda 7 beich cundtabartacha 7 anfesa. (cf. §§36-7) Mat *beich* fesa gabait bun craind uasailneimid is da trian do neimid 7 is trian dfir *bunaid* 7 is a comraind doib eaturru. (§§41 ff.) Ma barr gabait is trian don neimed 7 da trian dfir *bunaid* 7 is co cend mbliadna bis comraind etarru, ar is barr.

(b) Mat *beich* aerda a mbun craind graid fine is *leth bech* don grad fein[e] 7 leth dfir bunadh. Mad barr is *ceathraimthe* dfir barr 7 teora *cethraimthe* dfir *bunaid* bech.

(c) Mat *beich* cundtabartacha na randa flit eissib dona fiib atat i re i tairisit 7 *bethaib* (= beich?) fessa ci bun cidh barr (barr- MS) gabait 7 in cuid noberadh fer *bunaid* a *bethaib* (= bechaib) fesa is *ed* beiris fer *bunaid* (*read* bairr) dara eisi 7 comrainnet aturru *for* do 7 fer *bunaid* in cuitsin 7 ni fil deithbir aile aturru *acht* is fer bunaidh bis i coimitech *bech* fesa 7 ni ee bis i ndiaidh *beth* (= bech) aerda *acht* eolodh doibh on adba 7 noscomaitcend co maigin i ngabait 7 is co cenn teora mbliadhan bis comr[a]inn forsna bethchaib gabait i mbun cidh bun crainn uasail no isil cidh *beth* (= beich) fesa cidh beich ærda 7 is co cenn mbliadhna nama bis comr[a]ind forra ma barr gabait cidh eidh barr uair nosbeir fer bunaidh *immach*.

(d) Mat *beth* (= beich) cunntabartach[a] 7 anfesa gabait i mbun uasailneimidh i[t] teor[a] *cethramthana* don neimhidh 7 *cethraimthe* do fir *bunaid* bech. Ma barr is *leth* do neimhidh 7 *leth* do fir *bunaid* bech. Mad a bun craind graidh fine is da trian don graidh fine 7 trian do fir bunadh bech. Madh barr is trian dfir barr 7 da trian do fir buna[id] bech *no dano* is *leth* do cach do gres i coitcind a bechaib cunntabartach[a] 7 anfesa 7 co cend .iii. [*the rest of this commentary is largely illegible*].

TRANSLATION

(a) Bees of known origin and bees in the air and bees of doubtful origin and [bees] of unknown origin. If bees of known origin settle in the trunk of the tree of a noble dignitary, two thirds go to the dignitary and one third goes to the original owner and they are

divided between them. If they settle in the branches, a third goes to the dignitary and two thirds go to the original owner and they are divided between them for one year, for it is the branches.

(b) If it is bees in the air [which settle] in the trunk of a tree of a commoner (= *iselnemed* 'lower dignitary' cf. Appendix 1 (c)) a half of the bees goes to this person and a half to the original owner. If it is the branches [in which they settle], a quarter goes to the owner of the branches, and three quarters go to the original owner of the bees.

(c) If they are bees of doubtful origin the divisions which are [made] from them go to those (see *DIL* s.v. 4 *i*) who are [present] at the time in which they settle, and bees of known origin whether they alight on trunk or branches and the share which the original owner gets from bees of known origin, that is what the owner of the branches gets afterwards and he and the owner of the branches divide that share in half between them and there is no other distinction between them, except when it is the original owner who accompanies bees of known origin and he is not following bees in the air, but they have escaped from the hive and he keeps watch on them to the place where they settle and for three years there is division of [the produce of] the bees which settle in the trunk, whether it is in the trunk of the tree of a noble or a commoner or whether they are bees of known origin or bees in the air and they are divided for one year if they settle in the branches, though it be the branches when the original owner takes them (i.e. the bees) out(?).

(d) If it is bees of doubtful and unknown origin which settle in the trunk of [the tree of] a noble dignitary, three quarters go to the dignitary and one quarter to the original owner of the bees. If it is in the branches [that they settle] one half goes to the dignitary and one half goes to the original owner of the bees. If it is in the trunk of the tree of a commoner, two thirds go to the commoner, and one third to the original owner of the bees. If it is the branches, one third goes to the owner of the branches and two thirds go to the original owner of the bees or half goes to each for ever in common from bees of doubtful and unknown origin and for three . . .

APPENDIX 4

Commentary from L (H.3.18 p. 425ab = *CIH* 959.17-31).

(a) (§49) Fer fogaib frithe bech: trian i (= a) triun o daermanach do eclais ⁊ o daercheile do flaith; *ar écaemdhacht* in baile asa tabarthar is aire is becc *berar* uaithib. Manab rú *no* dirainn, is trian a frithi a daermanaigh d'eclais ⁊ daercheili do flaith. Ma saermanach, is cethraime a frithi d'eclais go ruigi rig; mad righ, is trian asin set is uaisli fogaib ⁊ cethraime as gach *set* oilchena.

(b) (cf. Appendix 1 (g)) Tri bruigi righ dochuisin: ród ⁊ diraind ⁊ romuir; trian do neoch fogaib a ndirainn ⁊ trian do neoch docuirither muir; dilus dó a fadhabar for ród, *acht* cuid frithi dontí fogaib, maine festar a bunad.

(c) (cf. §47) Diri craind bech bí co *secht* saithi. Cinnas sin, oir ni cetharda sin, ⁊ ni sed [d]iabulta ⁊ *set* cetharda in mil? ni hed uil ann acht aithgin guna hinnadh ⁊ gona iarloss, ⁊ bídh cetharda re thaeb. In baili a nabair 'secht saithe' tall is amlaid rosoich (-th MS): (cf. §§19-21) cetsaithi ⁊ a mac ⁊ a ua ⁊ tarbsaithi ⁊ mac, iarsaithi a aenar, ⁊ in cheis fein, *conid* amlaid sin it *secht* saithi rena acomal iter los ⁊ iarlos ⁊ aithgin ⁊ cetharda re taeb i[n] ne[i]ch roraidsium. (*Another version of this paragraph is on p. 438a = CIH 982.19-21: Dire crainn bech bidh co secht saithi .i. inni is dir isin crand mbech .i. da saithi laisin cetsaithi ⁊ saithi laisin tanaisi ⁊ in smeraigne a aenur ⁊ in sechtmad int seincheis fein*).

TRANSLATION

(a) 'The man who finds a stray swarm of bees': a third from a third is due from a base church-tenant to the church and from a base tenant (of a lord) to the lord; on account of the difficulty of the place from which it is brought, little is taken from them. If it is not forest or unshared land, a third of [the produce of] the stray swarm of its base tenant goes to the church and of a lord's base tenant to the lord. If it is a free church-tenant, one quarter of his stray swarm goes to the church except in the case of a king; if it is a king, a third is due from the most valuable thing which he finds and a quarter from every other valuable.

(b) There are three areas of a king: a road and unshared land and the sea; a third of whatever he finds in unshared land and a third of whatever the sea washes up; whatever is found on a road is his property, except for the finding share of whoever finds it, unless the original owner is known.

(c) ‘The penalty for a tree of bees is up to seven swarms’. How is that, for that is not a four-fold thing, and the honey is not a double valuable or a four-fold valuable? (cf. *CIH* 478.8-10). It is not that which is in question, but restitution with its increase and with its after-profit, and there are four things besides. The place where it says ‘seven swarms’ above, it extends thus: the first swarm and its ‘son’ (i.e. secondary swarm; see note to §5 *blíadain a síl*) and its ‘grandson’ (i.e. tertiary swarm) and the bull-swarm and its ‘son’, the after-swarm by itself, and the hive itself, so thus there are seven swarms to join with it including profit and after-profit and restitution and the four things besides those which we have mentioned. (‘The penalty for a tree of bees is up to seven swarms’ i.e. that which is proper for the tree of bees i.e. two swarms with the first swarm and a swarm with the second and the foolish [swarm] by itself and the seventh is the old hive itself).

APPENDIX 5

Caithchi bech ‘trespass-penalties of bees’. There are two MSS of this text, H.3.18 (our B; *CIH* 578. 24ff.) and E.3.5 (*CIH* 196. 18ff.). That the two MSS are closely related textually is suggested by four common errors: *i* for *ní* (footnote ² below) and their readings for *do airlimennaib sin* (footnote ⁵), *imid-mbiat* (footnote ¹⁰) and *sáith* (footnote ¹¹). On the other hand, B has omitted about a line and a half of the text by jumping from one *i tri* .i. to the next (footnote ⁸). Otherwise B preserves older forms better than E.3.5.

The date of the text is difficult to pin down at all closely. Once the usual scribal modernizations have been peeled away there is nothing to suggest that this text is not, like similar texts in the same part of B, Old Irish. That it may belong to the ninth rather than to the eighth century is suggested by the use of the dependent form of the negative *nad* in (b) *nad n-airlengat* and *na tuilli*: in the earlier glosses non-relative forms are used when the copula is used to advance a prepositional phrase but exceptions to this rule appear in the ninth century (*Grammar* §506). On this basis we have normalized the text to an O. Ir. standard. The critical apparatus takes no notice of merely orthographical variations.

(a) *Caithchi bech trá, it caithchi fil do suidib¹, ní² tairgille.*
 (b) *Cid fod-era són? Ar it lúaimnig³ ⁊ nad fil⁴ tairgellad foraiB ⁊ fo bíth nad n-airlengat uili imalle; ar is do airlimennaib sin⁵ na tuilli aithgein na smacht la comaithchiu .i. airlim dia n-airister a n-éarae⁶ fris.* (c) *Fo-fechat som trá caithchi conach erassae can ícc a cinad.* (d) *Dí chaithig fil doib .i. caithig dia torud.* (e) *Co hérenar in chaithig dia torud? Ní anse: amser i coillter in beich, do-beir in fer ada-gair⁷ comrac forsin mil sin co tét i lláim gabálae ⁊ fo-gellat iarum.* (f) *Is sí breth is coir iarum imbi: rann na mela i trí⁸.i. trian do aurgnam ⁊ trian do bechaib ⁊ trian do thír.* (g) *A trian in tíre, ranntar són i trí⁸ .i. trian de dond fiur beta beich fo bíth in tíre asa ndérget; in da trian n-aill⁹ ranntar són iter na ceithri comaithchiu beta nessam dó .i. imid-mbiat¹⁰.* (h) *Mad scíth lais in tomus sin cacha blíadnae fair, do-beir sáith¹¹ cach comaithig besa nessam.*

¹ suidiu B, suidhaib E.3.5. ² i B, i *corrected to* ni E.3.5. ³ luaimnighe B, luamnaig E.3.5. ⁴ na fil B, ni fil E.3.5. ⁵ do airlimenna inn sin B, do eirlimeann ann sin E.3.5. ⁶ a nderad B, a nera *with d written above second* a E.3.5. ⁷ atgair B, adhgair E.3.5. ⁸....⁸ .i. trian ... ranntar són i trí *omitted* B. ⁹ in trian naile E.3.5. ¹⁰ imeitbiatt B, imbeith imbiad *with second* im *crossed out* E.3.5. ¹¹ saithce B, saiche E.3.5.

TRANSLATION

(a) Trespass-penalties of bees then. Trespass-penalties are appropriate for them, not a fore-pledge. (b) What is the reason for that? Because they are swift and there is no fore-pledging for them and because they do not all commit 'leaping-trespass' together; for it is in respect of those 'leaping-trespases' that it does not entail restitution or fine among neighbours i.e. a 'leaping-trespass' for which it comes about that they are refused in spite of him. (c) Yet they commit trespass-offences so that it is not easy [to decide] who is to pay for their offence. (d) There are two trespass-penalties for them, i.e. a trespass-penalty from their produce. (e) How is the trespass-penalty from their produce paid? Not difficult: at the time when the bees are deprived [of their honey], the man who brings a claim against them causes a confrontation over that honey so that it (the honey) passes by forcible seizure and they then submit to judgment. (f) This then is the appropriate judgment in that case: the honey is divided into three, i.e. a third goes in respect of care and a third goes in respect of the bees and a third goes in respect of land. (g) The third belonging to the land is itself divided into three, i.e. a third of it to the owner of the bees on account of the land from which they arise; the other two thirds are divided between the four neighbours nearest to him, i.e. who surround him. (h) If he does not care for that apportionment every year at his expense, he gives his fill to each neighbour who is nearest to him.

DISCUSSION

It has already been observed in the notes to *BB* that this text takes the opposite line to the main tract on the issue of how to fit the problems of bees into the framework of the law of neighbourhood (*comaitches*). If animals do not need human supervision, but only fences, to restrain them from trespass, a fore-pledge (*tairgille*) is given by each member of a group of neighbours to the others (or perhaps to his immediate neighbours, those who are nearest). The penalty for trespass by such animals is called *smacht*. If the animals do require human supervision then no fore-pledge is given and the penalty is called a *caithig* (also *cathach* etc.). Faced with the problem of bees *BB* prefers the framework of *tairgille* and *smacht*, whereas this text, impressed by the absurdity of thinking that bees may be restrained by fences, prefers the alternative of the *caithig* even though this should have implied a 'bee-herd' who was obliged to restrain them from trespass.

The first serious difficulty in the text is the clause (b) *dia n-airister a n-érae fris*. B has *derad* but there are no early examples of this word in *DIL* so we have preferred the other reading. The addition of *-d* in E.3.5. may be solely a matter of scribal preference for the later form *érad*. The implication appears to be that the neighbour refuses to permit grazing by the bees on his land and hence they commit trespass. *Fris* may refer to the owner of the bees whose interests are opposed by this refusal to allow grazing.

The neighbour is now entitled to a penalty, a *caithig*. The bees are supposed to have trespassed against his will. The verb *coillter* may refer to the process of extracting honey from the hive (see note to §27 *collud*). At that point the claimant causes a confrontation (*comrac*) over the honey. This looks very much like a technical term for the formal act by which a dispute is brought out into the open. Similarly *téit i lláim gabálae* is evidently a technical phrase for a formal seizure. These are devices by which the claimant can press his claim, presumably before witnesses, and compel the defendant to submit to judgment. The judgment itself is interesting. It bears little resemblance to the *caithgi* in *B Comaithchesa*, but is modelled on the kind of division also found in *Cáin Lánamna* §10 (*Stud. E. Ir. Law* p. 28). In *Cáin Lánamna* §10 the issue is one of the termination of a marital union, and, therefore, of dividing the cattle born during the marriage between the two parties. The cattle born before the marriage still belong to one or the other of the partners: they are not common property. The division is similar: $\frac{1}{3}$ *tír*, $\frac{1}{3}$ *cethrae*, $\frac{1}{3}$ *aurgnam*. The third due to *cethrae* is divided according to the original contributions made by the two parties to the herd; the third due to the land will normally have gone to the man; and the third due to *aurgnam* is assigned according to the extent to which either of the parties has looked after the cattle. With bees, their owner must get the third of the honey due to them and also the third due to *aurgnam*. Because the bees trespass on the neighbours' land they receive a portion of the third due to the land. This scheme then appears to be an adaptation of one that was used in a quite different context. The text implies that the neighbours are entitled to $\frac{2}{3}$ of the *torad* every year; to be contrasted with this idea is the rule in *BB* §24 that the gift of a swarm precludes any further claims to *smachta*. On the whole *BB*'s solution seems much the more skilful of the two.

The alternative penalty given at the end of the text is found in *BB* but in a different context (§29).

APPENDIX 6

Athgabál bech ‘distrain of bees’. We print here a normalised version of §11 of ‘a text on the forms of distrain’ edited in *Celtica* x 72-86 by Dr. Binchy, who dates it to the 8th or 9th century. §11 survives in only one manuscript (H.3.18 p. 377a = *CIH* 898.19-27). Merely orthographical variations are not included in the critical apparatus below.

(a) *Athgabál bech*: íadath foraib; (b) cid ara¹ ngaibther for bechaib? ar chin a mbél; (c) ar at hé téora fogla² ata annsam file³ do thír orgain do bechaib ⁊ echaib ⁊ mucaib. (d) Co fortongar⁴ forsna bechaib fo bíth is annsae athgabál⁵ neich diib sech in n-aile? (e) ní annsae, dotét fer tíre co fíadnaib lais, tideal no barr bláithe lais for⁶ tí inna⁷ mbech (f) ⁊ téit iarum do thimthirecht⁸ in lestair co fíadnaib lais conda accai⁹ cosin comardu adgneth (?)¹⁰ side ⁊ iarum fortongar forru; (g) acht in¹¹ tairgille¹² doairgelltar¹³ dó is fochraicc do thorud, no saithe dó do síl bech co rabat beich lais feissin; (h) mani atma (?)¹⁴ fer tíre donaircelltar¹⁵ dó sin, is é smacht fil fris dílse neich adroir diib inna thír.

¹ ar H.	² fodla H.	³ filet H.	⁴ forcongar H.	⁵ ath- H.
Read athgabál or aithgne ‘to recognise’.			⁶ fori H.	⁷ ina H.
⁸ timtírech H.	⁹ condaccai H.	¹⁰ adgnith H.	¹¹ restore to	
a? ¹² tairgillne H.	¹³ donairgelltar H.	¹⁴ manata H.	¹⁵ doaircelltar	
H.				

(a) To distrain bees: shut them in. (b) What are bees seized for? On account of wrong-doing by their mouths. (c) For these are the three injuries to land which are most difficult to assess: damage by bees, horses and pigs. (d) How is liability fastened by oath on bees, since it is impossible to distrain (*or recognise*) one of them apart from another? (e) Answer: the owner of the land comes in pursuit of the bees accompanied by witnesses, [carrying] a bunch of corn-stalks (?) or a flowering branch in his hand; (f) he then goes round the hive accompanied by witnesses until he sees them with the mark which he can recognise (?) and then liability is fastened by oath on them. (g) But the fore-pledge that is given to him is [either] payment out of their produce or a swarm of the bees’ progeny for him (the plaintiff) so that he may have bees himself. (h) If the owner of the land does not admit (?) that this fore-pledge be given to him, the penalty for it (trespass by the bees) is immunity for [destroying] any of them he may have caught on his land.

DISCUSSION

It is clear from *BB* (§§3, 7, 8 etc.) that bees were considered capable of committing grazing-trespass (*tairsce, orcun*) like other domestic animals. The above passage purports to explain how the identity of trespassing bees can be ascertained. The main difficulty is how to interpret the *tideal no barr blaithe* (e) which the land-owner carries when pursuing the bees. Dr. Binchy suggests 'a bunch of corn-stalks (?) or a flowering branch' identifying *tideal* with Mod. Ir. *teadhall, tadhal* 'a handful of hay or straw'. However, it is difficult to see how the carrying of either a bunch of corn-stalks or a flowering branch would serve to identify trespassing bees. It is possible that carrying them was merely symbolic, but the reference to 'the mark which he can recognise (?)' suggests that they had a practical purpose.

So far as we have been able to discover, the only early method of identifying individual bees was to sprinkle them with flour (Aristotle: *Historia Animalium* 627b19). Experiments described in the *World of the Honeybee* pp. 189-195 have shown that each individual foraging honeybee generally makes repeated visits to the same group of flowers. She does not seek other sources of nectar or pollen until this source has been exhausted. After each visit she returns directly to her hive with what she has collected.

These facts would make it quite easy for a land-owner to demonstrate to witnesses with the aid of flour that bees belonging to a particular bee-keeper were committing 'grazing-trespass' on his land. If he sprinkled flour on the bees as they visited flowers on his land, a witness could stand by the suspect bee-hive(s) and examine the bees which entered for traces of flour on their backs.

We therefore raise the possibility that *blaithe* might be gen. sg. of an otherwise unattested **bláth* (earlier **mláth*) 'meal, flour.' This **bláth* would be cognate with W. *blaut*, Bret. *bleud* from the root *melə-* 'to grind' (*IEW* 716). One can compare the adjective *bláith* (earlier *mláith*) 'ground, polished, smooth, etc.' from the same root. However, there are four serious objections. (1) The usual Irish word for 'meal, flour' is *men* (later *min*). (2) W. *blaut* and Bret. *bleud* are masculine, whereas the postulated Irish **bláth* would have to be a feminine *ā*-stem to give gen. sg. *bláithe*. (3) *Teadhall (tadhal)* seems always to be used of a handful of hay or straw, and never of a granular substance such as flour. (4) If *blaithe* means 'of flour', *no barr* must be regarded as an erroneous gloss on *tideal*, inserted by a later scribe.

To our knowledge, grazing-trespass by bees is not regarded as an offence in any other legal system, and might seem a whimsical aberration on the part of the early Irish lawyers. However, there is some logical basis for including bee-trespass as an offence in the law of neighbourhood. Honeybees generally collect nectar within a radius of about a mile from their hives. They convert this nectar into honey in the hive and store it in honeycombs. The amount of nectar produced in any given area is finite. Consequently, if a land-owner had a particularly good stand of nectar-bearing flowers, the foraging of his neighbours' bees could reduce the honey-yield of his own hives.

This seems to be the explanation provided in legal commentary in H.3.18 (*CIH* 788.11) to which Liam Breatnach has kindly drawn our attention. The commentator explains why grazing-trespass by horses, pigs and bees is most serious (cf. (c) above): *geilit eich co huir, claidhit muca co grian ⁊ beirit beich blasa ⁊ tora eisi* 'horses graze down to the ground, pigs dig down to the clay, and bees take away taste and produce from it' (i.e. from the land, *tír*, mentioned earlier in the commentary).

What exactly the commentator means by *blasa* and *tora* is uncertain. *Blas* (O. Ir. *mlas*) normally means ‘taste, flavour’ but neighbouring bees could only reduce the *quantity* rather than the *quality* of a man’s honey. We take *torad* (often written *tora* in late MSS) to refer to ‘nectar’ here, as at *BB* §§8, 20, 21.

APPENDIX 7

Bees in the Welsh Laws

A short section on bees is a standard element in MSS of *Cyfraith Hywel*, the Law of Hywel. The different versions fall into two main groups: first, two closely related versions, to be called here Ior. I and Ior. II, in MSS of a lawbook from Gwynedd, *Llyfr Iorwerth*; secondly, a wider, less closely knit, collection of versions in MSS generally associated with South Wales. The main concern of these texts is to state the values of different colonies of bees. They thus form a part of a series of short sections each defining the legal worth of an animal. The evidence suggests that in origin the legal worth was intended as some kind of approximation to an average market price (e.g. *Llyfr Iorwerth*, ed. A. R. Wiliam, §§123-128, contains references to sales and loans). The texts seem to have in mind disputes as to whether, for example, a given defect in a horse that has been sold as sound should entitle the purchaser to some of his money back, and if so how much. The focus of interest of the Welsh texts is, therefore, generally different from that of *BB*.

The existence of two distinct versions in MSS of *Llyfr Iorwerth* was not noted by Dr. Wiliam in his edition, and his conspectus of the MSS (pp. xliii-xliv) should accordingly be corrected as follows:—

Ior. I: A f. 35r; B f. 53v; E f. 41r/p. 83.

Ior. II: A f. 36v; D p. 143; E f. 41v/p. 84; G f. 107v; K f. 15r/p. 49.

It will be noticed that two MSS contain both versions (A and E). Ior. I has been published from B in Dr. Wiliam's edition, §135 (though the italicized words do not form a part of this section). Both versions are available from A in Gwenogvryn Evans's *Facsimile of the Chirk Codex* pp. 95 and 98 (in Evans's pagination). Aneurin Owen's edition (*VC*. III. xvi) is based on Ior. I but material from Ior. II is introduced in square brackets. Since *Llyfr Iorwerth* is the most accessible text it will be sufficient to give here Ior. II from the only early MS whose variants for this text were not given by Aneurin Owen (N.L.W., Peniarth MS. 35, Owen's G, s. XIV¹). Clear errors are corrected and important variants noted.

Gwerth gwenyn

1. Gwerth henlle6 pedeir ar ugeint.
2. Gwerth kynheit un ar pymthec.
3. Gwerth tar6heit deudec k.k'.
4. Y tryded heit vyth k.k' a tal.
5. Yr heit gyntaf a del o'r kynheit, deudec k.k' a tal.

The value of bees

1. The value of an old colony, 24d.
2. The value of the first swarm, 16d.
3. The value of the bull-swarm, 12d.
4. The third swarm is worth 8d.
5. The first [secondary] swarm that comes from the first [primary] swarm is worth 12d.

- | | |
|--|---|
| 6. Yr heit gyntaf a del o'r
tar6heit, vyth k.k' a tal. | 6. The first swarm that comes
from the bull-swarm is
worth 8d. |
| 7. Yr heit gyntaf a del o'r tryded
heit, pedeir k. heb
ardyrchael; a honno ny dyly
heidya6 hyt gwedy A6st, a
honno a elwir asgelleit. | 7. The first swarm that comes
from the third swarm, 4d.
without increment; and it
should not swarm till after
the 1st August, and it is
called a 'wing-swarm'. |
| 8. Gwerth modrydaf gwenyn:
pedeir ar ugeint a tal. | 8. The value of a mother of a
hive of bees: it is worth 24d. |
| 9. Ac y uelly hyt kalan gayaf y
bydant. | 9. And thus they remain until
the 1st November. |
| 10. O kalan gayaf allan henlleu
uyd pob un a phedeir ar
ugeint y gwerth, eithyr asgelleit:
ny byd henlle6 hyt kalan Mei,
cany wys a uyd by6 hyt yna. | 10. From the 1st November
onwards each one is an old
colony and its value is 24d.,
except for the wing-swarm:
it is not an old colony until
the 1st May, for it is not
known till then whether it
will live. |

1. Only G and K use the spelling *henlle6* rather than *henlleu*; even in G and K *henlleu* is used in 10 (only in the first clause in G; in both in K). In the earlier MSS (AE) *-eu* might stand either for /eʊ/ or /eu/. D, however, (c. 1400), uses only *-eu*, implying /ei/ from earlier /eʊ/. The fluctuations may perhaps suggest that the word had become obsolete. 3. *kar6heit* D (see note to §25 s.v. *tarb6saithe*), *ail hait* K. In the valuations A and E give only Roman numerals; D writes out the figure and adds *ke* for *keinha6c* (Lat. *denarius*); K gives a figure in Roman numerals but adds *k.* for *keinha6c*; G writes *k.* for *keinha6c* and *k'* for *kyureith*. The opposite of the *k.k'* 'legal penny' is the 'penny without increment' of 7, namely the *keinhawc cota* of the South Welsh laws. A standard increment of half the value of current clipped (*cwta*) coin was added to bring it up to the legal standard (*keinha6c kyureith*): see *WML* 330, *Llyfr Colan* §94n. In the translation 24d. implies 24 legal pennies as opposed to '24d. without increment'. 6. *Omitted* in K; or *gar6heit* D. 7. *yr ail gyntaf* K; *trydeded* G, *trededet* A; *derkauael* A, *drychauael* E, *drychael* K, *ardrychauel* D. 8. G *omits* *gwerth*. 9. *wyl yr holseint* D; *y byd* E. 10. K *omits* *pob*; *un. a phet6ar ugein a tal* K; *eithyr*] *heityr* G, *hait* or K; *kalan*] *kan* G; *hyt yna*] *not* in AEK.

The common error shared by G and K in 10 argues strongly that they derive from a common exemplar. Both have errors peculiar to themselves so that K, the later MS, cannot be a copy of G. Admittedly in 7 A and G have a common error, and in the same sentence G agrees with D in prefixing *ar-* to *dyrchael*/ *drychael*. In both these cases G and K disagree. But these variants are of less weight than the error shared by G and K in 10. The prefixing of *ar-* in 7 by G and D falls well within the scope of variation which Welsh scribes readily allowed

themselves: it might well arise from independent changes made by G, D or their exemplars. The same is true of *hyt yna* in 10, an amplifying phrase probably added by G, D or their exemplars rather than omitted by AEK. We may, therefore, discount the evidence for a close relationship between G and D. The agreement between A and G in 7 (*trydeded* G, *trededet* A) is of rather more weight. Yet it is an error easily made and easily corrected, and is thus of less significance than the error shared between G and K in 10. There are therefore, so far as we can tell, three witnesses: AE (always close to each other), D and GK.

The relationship between Ior. I and II may be shown in a table if we number the sentences (periods) of §135 of *Llyfr Iorwerth*, and also clauses within sentences so that *guerth kyntheyt*, xvi is §135/1/2, i.e. the second clause of the first sentence or period of §135:

I	II
§135/1/1	1
1/2	2
1/3	3
	4
2/1	5
2/2	6
2/3	contrast 7
4	8
2/4	9
3/1-2	10 (very different wording).
5	

The position of §135/4 is peculiar to B; in A and E its position agrees with that of Ior. II (after 2/3), and hence this is probably an innovation in B. On the other hand the singular verb found in AE in 3/1 (*uyd* as against B's *vydant*; Ior. II *uyd pob un*) appears to be a shared error since the statement applies to all the swarms of 1/1-2/2. For Ior. I, then, we have two witnesses, AE and B. The principal differences between the two versions are the absence of a counterpart in Ior. I to Ior. II 4, and in Ior. II the absence of a counterpart to Ior. I 5. The latter is a quotation from a triad and so probably a relatively late addition. The absence of a counterpart in Ior. I to Ior. II 4 is more important since it is connected with the difference between Ior. I 2/3 and Ior. II 7:

I	II
	4. y tryded heit vyth <i>keinha6c</i> kyureith a tal.
2/3. o deruyd heydyau heyt guedy Aust, iiiii .k' a tal, a honno a elwyr asgellheyt.	7. Yr heit gyntaf a del o'r tryded heit, pedeir <i>keinha6c</i> kyureith heb ardyrchauel; a honno ny dyly heidya6 hyt gwedy A6st, a honno a elwir asgelleit.

Ior. I envisages two primary swarms, the *kyntheyt* and the *taruhey*t, each of which may produce, apparently in the same year, a secondary swarm. Ior. II, however, envisages three primary swarms (cf. *BB* §§19-21). Each of these may produce a secondary swarm. In Ior. I the *asgellheyt* is identified as any swarm which swarms after August; in Ior. II it is the secondary swarm that derives from the third primary swarm, and of this it is then said that it should not swarm until after August.

It may well be that Ior. II's identification of the *asgellheit* with the secondary swarm that derives from the third primary swarm is merely a consequence of the method for calculating the values. This can best be shown by a table:

	Primary	Secondary
First I	16	12
II	16	12
Second I	12	8
II	12	8
Third II	8	4

If the *asgellheit* were any swarm that swarmed after August, and if it was valued at 4d., then a lawyer determined to bring the *asgellheit* within the scheme of values set out in the table would be compelled to identify it as the secondary swarm that derived from the third primary swarm. The further implications of these differences may be considered once we have the evidence from the South Welsh versions available for comparison.

The relationships between the South Welsh versions are more complicated than that between the two versions in MSS of *Llyfr Iorwerth*. There is one line of development in the Latin lawbooks and in *Llyfr Blegywryd*; a second in *Llyfr Cyfnerth*; and in Latin Redaction E a section appears which occurs nowhere else. A conspectus will show the situation best. Sentences that occur in Latin Redaction A are numbered 1-9. Those which occur in other texts but not in Redaction A are identified by their position compared to sentences in Redaction A: thus a sentence in Redaction D, but not A, which occurs after a sentence which, in A, is no. 6 is designated 6^a. GwC stands for Aneurin Owen's Gwentian Code (from U); WML stands for *Welsh Medieval Law*, ed. Wade-Evans; the Latin texts are in *LTWL* 149-50, 242, 365, 483-4 (for permission to quote from the late Dr. H. D. Emanuel's text we are indebted to Mrs. M. H. Davies):

Latin tradition					Llyfr Cyfnerth	
A	B	D	Bleg	E	GwC II .xxvii.	WML p. 81, line
1	1	1	1	1	2	5
2	2	2	2	2	3	5
3	3	3	3	3	4	6
4	4	4	4	4	5	7
5	6	5	5	5		
6	5	6	6	6		
	6 ^a	6 ^a	6 ^a	6 ^a		
	6 ^b	6 ^b	6 ^b	6 ^b	contrast 10	contrast 21
	6 ^c	6 ^c	6 ^c	6 ^c		
	6 ^d	6 ^d	6 ^d			
		6 ^e				
7		7	7		6	8
8		8	8		7	9
9		9	9		8 ^{vwx}	11

Latin tradition		Llyfr Cyfnerth	
9 ^a	9 ^a		
9 ^b	9 ^b		
9 ^c	9 ^c		
9 ^d	9 ^d	cf. 13	cf. 18
9 ^e	9 ^e	cf. 9	12
9 ^f	9 ^f	cf. 12	cf. 15

The fullest text of the main section is in Redaction D and it is therefore given here. To it is added the section found only in Redaction E (E1-13).

1. Apum matrix, id est *modrydaf*, ii solidos valet.
2. Primum examen xvi denarios.
3. Secundum examen xii denarios.
4. Tercium examen viii denarios.
5. Primum examen primi examinis xii denarios.
6. Primum examen secundi examinis viii denarios.
- 6^a. Et in tali precio usque ad festum Omnium Sanctorum manebunt.
- 6^b. Omnia examina de ante Augustum erunt equalis precii usque post festum Omnium Sanctorum id est, xxiiii denarii.
- 6^c. Si examen post kalendas Augusti exierit, vocabitur illud *asgellheid*;
- 6^d. precium eius usque ad Maium est iiiii denarii legales.
- 6^e. Examen quod reperitur postquam descenderit iiiii denarii.
7. Apum matrix post primum examen xx denarios valet;
8. post secundum, xvi denarios;
9. post tercium, xii denarios.
- 9^a. Precium *gwenynllestyr* ii solidi.
- 9^b. Precium *bydaf* in nemore habiti ii solidi.
- 9^c. Si furatur, et secatur arbor in qua constat, precium arboris una cum precio *bydaf* debet reddi domino terre;
- 9^d. inventor vero, si domino terre illud monstraverit, iiiii denarios et prandium ab eo habebit, vel totam eius ceram.
- 9^e. Nullum examen valebit plus quam iiiii denarios, antequam tribus diebus sit manens per auram serenam, scilicet, uno die ad querendum locum, secundo ad removendum, et tercio ad habitandum.
- 9^f. Qui examen invenerit in terra aliena iiiii denarios habebit a domino terre illius, si ille examen habere voluerit.

TRANSLATION

1. A mother-colony of bees, that is a *modrydaf*, is worth 2s.
2. The first swarm, 16d.
3. The second swarm, 12d.
4. The third swarm, 8d.
5. The first swarm from the first swarm, 12d.
6. The first swarm from the second swarm, 8d.
- 6^a. And they shall remain with that value until the Feast of All Saints (1 Nov.).
- 6^b. All swarms from before [the first of] August shall be of equal value after the Feast of All Saints, that is 24d.
- 6^c. If a swarm should have departed after the first of August, it shall be called a wing-swarm;
- 6^d. its value up to [the first of] May is four legal pence.
- 6^e. A swarm that is discovered after it has come down, 4d.
7. A mother-colony of bees is worth 20d. after the first swarm [has flown];
8. after the second, 16d.;
9. after the third, 12d.
- 9^a. The value of a beehive, 2s.
- 9^b. The value of a colony of wild bees in a wood, 2s.
- 9^c. If it is stolen, and the tree in which it is situated be cut, the value of the tree, together with the value of the colony of wild bees, should be given to the owner of the land;
- 9^d. but the finder, if he has shown it to the owner of the land, shall receive from him 4d. and a dinner, or else all its wax.
- 9^e. No swarm shall be worth more than 4d. before it has survived for three days of gentle breeze, namely, one day to find a place, a second to move, and a third to settle.
- 9^f. A man who has found a swarm on someone else's land shall have from the owner of the land 4d., if he should wish to keep the swarm.

REDACTION E

- E1. Quercus si perforetur causa mellis, pro apericione xxiiii denarii, pro melle et apibus xxiiii denarii, et pro uno illorum xxiiii denarii redduntur.

2. Si autem fuerit fracta et ad terram furto succisa, x solidi.
3. Qui autem invenerit et domino monstraverit, prandium illo die et ceram habebit.
4. Si alie arbores sine licencia fuerint occise, de quolibet onere duorum boum i denarius reddatur, si non negatur, et regi *camluru*.
5. Si autem negatur, sicut fructus debet negari.
6. Si apes hominem occiderint, apes occidantur, et mel pro earum facto reddatur.
7. Si autem possessor apum, postquam hoc sciat, iterum eas melificare permiserit, pro *galanas* omnino respondeat.
8. Si autem *heit* exiens hominem occiderit, et inveniri non potest, possessor liber erit, ita tamen quod precium *heit* legale pro occiso reddat.
9. Si autem inveniri poterit *heit*, detur quasi *llourud* pro eo.
10. Si *heit* alicuius in arborem alterius hominis intraverit, et possessor arboris eam recipere non permiserit, licitum est possessori apum post annum et unum diem suum *heit* capere, ita tamen quod mel in duas partes inter eos dividatur.
11. Examina tamen si qua ex arbore exierunt, possessor arboris non habebit.
12. Si autem possessor examinis attestetur duobus hominibus quod possessor arboris impedivit eum suum *heit* accipere, si postea illud *heit* de arbore exierit, possessor arboris pro *heit* respondebit.
13. Nemo debet ponere crucem in arbore alterius propter apes.

TRANSLATION

- E1. If a cut be made in an oak for the sake of honey, 24d. are paid for making an opening, for the honey and bees 24d., and for one of them 24d.
2. If however, it has been broken and secretly cut down to the ground, 10s.
3. If however, a man has found it and shown it to the owner, he shall have a dinner that day and the wax.
4. If other trees have been cut without permission, 1d. is due for every load drawn by two oxen, if it is not denied, and a minor fine (of three cows) to the king.
5. If however, it is denied, then it should be denied in the same way as fruit.

- 6. If bees should have killed a man, let the bees be killed and honey given in reparation for their deed.
- 7. If however, the owner of the bees, when he knows it, should allow them to make honey again, let him be wholly answerable for the *wergeld*.
- 8. If however, a swarm, on leaving [the hive], has killed a man, and cannot be found, the owner shall be free from liability, provided that he pay the legal value of a swarm for the dead man.
- 9. If however, a swarm can be found, let it be handed over, like a guilty person, for him.
- 10. If anyone's swarm has entered into another man's tree, and the owner of the tree has not allowed him to recover it, it is permissible for the owner of the bees to take possession of his swarm after a year and a day, provided that the honey be divided between them into two [equal] shares.
- 11. But if any swarms should have left the tree, the owner of the tree shall not have them.
- 12. If however, the owner of the swarm should attest before two men that the owner of the tree prevented him from recovering his swarm, if then that swarm should leave the tree, the owner of the tree shall be answerable for the swarm.
- 13. No one should place a cross upon a tree belonging to someone else on account of bees.

The E tract, as it may be called, is quite different from all the other texts on bees: the latter, apart from the occasional aside, are concerned with the legal value, *precium legale* (E8), of bees according to circumstance; the E tract, however, consists of rules more closely akin to *BB* and the other Irish texts. The concentration of the texts other than the E tract on legal value is put into clearer relief if their structure is noticed. They consist, for the most part, of a number of short sequences of connected rules: the values for primary swarms, those for secondary swarms and so on. They may be tabulated as follows:

Values of	Ior. II	Red. D	GwC
A. <i>Henlleu/modrydaf</i>	1	1	2
B. Primary swarms	2-4	2-4	3-5
C. Secondary swarms	5-7	5-6	
	(+ <i>asgellheit</i>)		
D. <i>Modrydaf</i> (when not equivalent to <i>henlleu</i>).	8		
E. Period for which values operative	9-10	6 ^a -6 ^d (+ <i>asgellheit</i>)	10-11

	Values of	Ior. II	Red. D	GwC
F.	<i>Henlleu/modrydaf</i> after swarms have left.		7-9	6-8
G.	<i>Gwenynllestyr</i>		9 ^a	
H.	<i>Bydaf</i>		9 ^{b-d}	13
I.	Swarm which has not had three days of good weather since swarming.		9 ^c	9 (+ <i>asgellheit</i>)
J.	Share accruing to the finder of a swarm.		9 ^f	12

The core of the texts consists of brief statements of the values of *modrydaf*, *henlleu* and swarms (in GwC only primary swarms). Once we move beyond this core of information a greater variety of doctrine is at once apparent.

The variety of doctrine outside the core of values may be illustrated by two examples: the *asgellheit* and the rules determining how long the values assigned to swarms are operative. The term *asgellheit*, ‘wing-swarm’, was evidently in general currency for it occurs in all the main versions. Yet the precise sense attached to the term, and the position in which it is introduced into the text, varies from one version to another. The two versions from Gwynedd, admittedly, both regard the *asgellheit* as a swarm that has left the hive after the first of August (*Awst* is used for *kalan Awst*; see *Llyfr Blegywryd* n. on 55.12); but while Ior. I leaves it at that, Ior. II identifies it, as we have seen, as the secondary swarm from the third primary swarm. In Redaction D (and also Redactions B and E), the *asgellheit* is again identified as the swarm that leaves the hive after the first of August; like Ior. I, again, Redaction D knows nothing of a secondary swarm deriving from a third primary swarm. The versions of *Llyfr Cyfnerth* differ among themselves. The version printed by Owen as his *Gwentian Code* is, apart from text in square brackets, from U, Peniarth MS 37 (s. XIV¹; in the same hand as the bulk of G). It defines the *asgellheit* as follows (f. 38r): *Asgelleit, pedeir k. a tal. Sef y6 asgelleit, heit ny chaffo tri dieu o hinda kyn noc A6st: dyd y geissa6 lle, a’r eil y uuda6 a’r trydyd y orffowys.* ‘The wing-swarm is worth 4d. This is the wing-swarm, a swarm which cannot get three days of good weather before August: a day to seek a place, and the second to move and the third to settle’. This is not far removed from the line taken by Ior. I and Redaction D that the *asgellheit* is the swarm that leaves after the 1st August, but that it is different is confirmed because in essence it is the same as Redaction D 9^c with the addition of the term *asgellheit* itself. The other version of *Llyfr Cyfnerth* (V, W, Mk, all roughly contemporaneous with U) has a rule essentially identical with that of Redaction D 9^c, without any mention of the *asgellheit* (*WML.*, p. 81.12-15). It uses the term *asgellheit* later but only to state in the same terms as those used by U that the *asgellheit* does not acquire a value of 24d. until 1st May (cf. Redaction D 6^d). The close agreement between Redaction D and Ior. I over the *asgellheit* is interesting since it is clear that the Latin tradition took material at the start from *Llyfr Iorwerth* (*WLW* pp. 180-85). It may be that this influence extended even to influencing a text on bees which might otherwise have resembled fairly closely the VW version.

The rules governing how long the values assigned to swarms should remain operative are clear enough in the North Welsh texts but in a state of some confusion in the southern versions. For the northerners the swarms retain their values as swarms until the beginning of winter, 1st November. At that point they all acquire the value of a *henlleu*, 24d, except, of course, for the *asgellheit* which must wait until the 1st May. In effect, the period from 1st August until

1st November is a testing time to see if the swarm can establish itself as a viable colony; hence, in Ior. II it is said of the *asgellheit* that it does not acquire the status of a *henllen* until 1st May, *cany wys a uyd by6 hyt yna*, 'for it is not known whether it will live until then'.

There is a quite different doctrine in *Llyfr Cyfnerth* and in one MS of *Llyfr Blegywryd* (I Peniarth MS. 38). In MS U of *Llyfr Cyfnerth* the rule is given as follows:

Na6uetdyd kyn A6st pedeir ar ugeint a tal pob heit canys breint modrydaf a gymer yna. 'On the ninth day before 1st August every swarm is worth 24d. for it then acquires the status of a *modrydaf*.'

In I:

Pedeir ar hugeint a tal pob heit a na6uetyd A6st allan. 'Every swarm is worth 24d. from the ninth of August onwards'.

In Redaction D and the Latin tradition as a whole, including the main MSS of *Llyfr Blegywryd* but excluding Redaction A, which omits this sentence, there are a number of renderings of what must be a single original text, but which are not easily intelligible:

6^a Et in tali precio usque ad festum Omnium Sanctorum manebunt.

6^b Omnia examina de ante Augustum erunt equalis precii usque post festum Omnium Sanctorum, id est, xxiiii denarii.

For 6^b Redaction B has:

Et qualis precii erunt examina ante Augustum et post festum Omnium Sanctorum, id est, unum quodlibet xxiiii denarios valet.

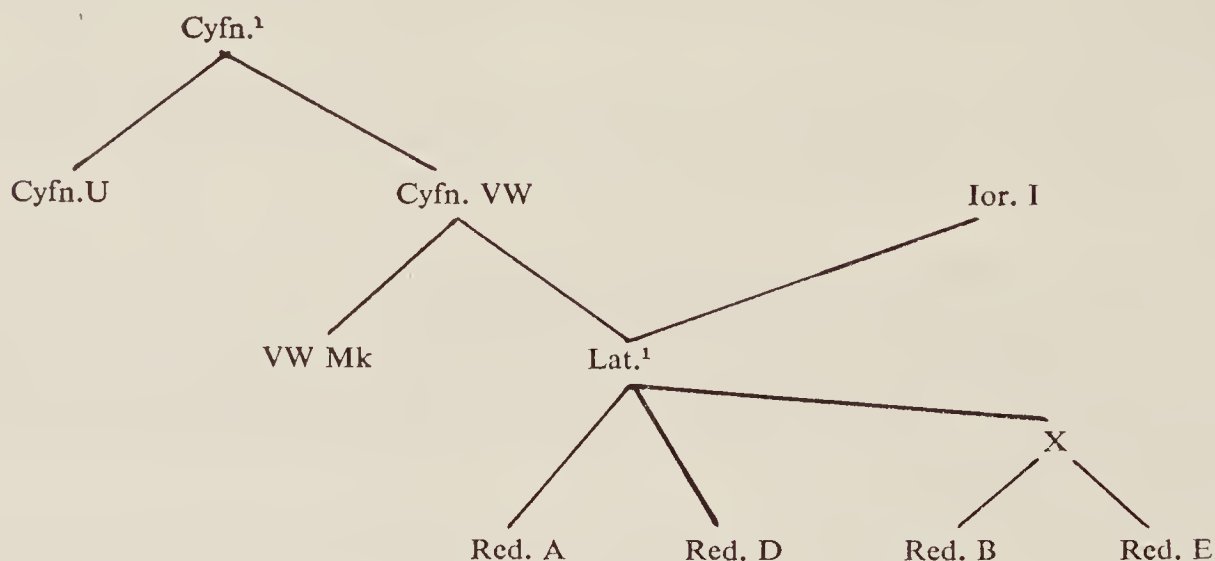
Redaction E differs only in minor details. Emanuel emended the Red. B text to read *Et equalis precii erunt . . .*, but this is hardly enough to make sense. The difficulty is particularly clear if we consider *Llyfr Blegywryd*'s Welsh rendering of the Red. D text:

Ac yn y gwerth hwnnw y bydant hyt Wyl yr Hollseint. Pob heit o kyn noc Awst hyt wedy Gwyl yr Hollseint vn werth vydant, nyt amgen pedeir ar hugeint.

The difficulty lies in the *usque* of Red. D 6^b, the *hyt* of *Llyfr Blegywryd*. If we delete them, good sense is restored and 6^a and 6^b jointly state the same rule as that in Ior. I and II. But this would be too easy a solution. The phrase *usque post* may be taken as based upon the familiar *usque ad* where *usque* implies continuity, either in space or time, up to a certain point (cf. also *ab usque* as in *ab usque principio* 'from the beginning', Augustine, *Conf.*, xi, 2). One might then expect *usque post* to imply continuity, in space or time, from a certain point. This is, however, precisely what the corresponding Welsh phrase in Ior. I and II implies: *o kalan gayaf allan* signifies continuity in time after the 1st of November. We may then reasonably infer that the unusual phrase *usque post* is based partly upon the common *usque ad* and partly upon the Welsh *o . . . allan*. It may well be that the original Latin text was attempting a literal rendering of a Welsh text. There is, then, no need to delete *usque*. The *hyt* of *Llyfr Blegywryd*, however, is simply a misunderstanding of his Latin original. Redactions B and E must also have misunderstood the original Latin text. By omitting *de* before *ante* they have been compelled to insert *et* and change *equalis/equalia* to *qualis/qualia* in a vain attempt to restore sense.

Behind the textual confusion we have another agreement between the Latin tradition and the North Welsh versions. In effect the redactor of the Latin archetype appears to have used a text akin to *Llyfr Cyfnerth* as his base but to have emended it where it disagreed with Ior. I. This suggests that he regarded

Llyfr Iorwerth as the more up-to-date text. If we put this conclusion together with some arguments given in *WLW* 180-85 we can offer the following stemma (using Cyfn.¹ for the original text of *Llyfr Cyfnerth*, Cyfn. VW for the descendant of Cyfn.¹ which lies behind MSS V, W and Mk, Lat.¹ for the archetype of the Latin tradition):



The stemma may throw some light on why the Latin texts interpret the term *modrydaf* in a way which conforms rather to the North Welsh use of the word than to their own. The North Welsh versions keep *henlleu* ‘old colony’ and *modrydaf* distinct. Quite reasonably they assign the same value to *modrydaf* as to *henlleu*. If *modrydaf* means ‘queen-bee’ then killing or stealing a *modrydaf* will usually destroy the colony (Butler, *The World of the Honeybee*, p. 56). The glosses in Redactions A and B suggest that *modrydaf* meant ‘queen-bee’: A has *mater appium, id est, modredaf*; B has *modredaf apum, id est, wrach*, where *wrach* must be *gwrach* ‘old woman’ (cf. *Llyfr Blegywryd*, note on 55.15). The etymology of *modrydaf* also supports the idea that it meant ‘queen-bee’: it is an old compound, *modr-* < **modyr* < **māter-* and *-ydaf* < *-fydaf*, the lenited form of *bydaf* (:Ir. *betham* ‘colony of bees’). It should, therefore, have had the original meaning ‘mother of a colony of bees’: see E. Phillips, *BBCS* xxv 119. In *henlleu* we appear to have *hen* ‘old’, together with a derivative of the root **leg-*, **logu-*. It would therefore, have an original meaning something like ‘old settlement’. This fits very well its use in the North Welsh versions for the hive from which the swarms originate. We therefore have three sorts of evidence for concluding that *modrydaf* means ‘queen-bee’: the way the North Welsh texts keep *modrydaf* and *henlleu* separate, though they are of equal value; the glosses in Redactions A and B; the evidence of etymology.

In the South Welsh texts, however, *modrydaf* occupies the position assigned to the *henlleu* in the North Welsh versions. Even though the glosses in Redactions A and B point to the meaning ‘queen-bee’, the position they assign it in their texts shows that it was equivalent to the North Welsh *henlleu*. There is no distinction in them between *modrydaf* and *henlleu*: the latter term does not appear. Redactions A and B, therefore, contain two inconsistent usages: according to their glosses, *modrydaf* seems to mean ‘queen-bee’; according to their text it means ‘old colony’ or ‘parent hive’. The evidence of the gloss in Redaction B is particularly important since Redaction A’s *mater appium* could conceivably refer to a parent hive, the mother of the swarms. A partial counterpart would then be provided by Cornish: in Pryce’s *Archaeologia Cornu-Britannica* (Sherbourne, 1790) *mam gwenen*, literally ‘mother of bees’ is given as equivalent to ‘a swarm of bees’. A counterpart to *modrydaf* in the sense ‘queen-bee’ is

provided by Aelfric's Old English Glossary, written in the late tenth century. He glosses *chosdrus vel castros* by *bēomoðer* 'bee-mother'. His source must be Isidore, *Etymologiae*, XII, viii, 3: *Costros* (v. l. *castros*) *Graeci appellant, qui in extremis favorum partibus maiores creantur: quos aliqui reges putant*. Isidore himself takes the usual view that queen-bees were kings (XII, viii, 1: *exercitum et reges habent*), but his *quos aliqui reges putant* allows room for differences of opinion. Just such a different view is given by Aelfric's *bēomoðer* which, given the context of *costros* in Isidore, is probably a designation of the queen-bee. It does not matter, for the purposes of this argument, that *costros* itself is an obscure glossary word perhaps deriving from a scribal error. Aelfric's *bēomoðer* must represent a disagreement with the view reported by Isidore's *quos aliqui reges putant*. A further parallel is provided by the Irish Pseudo-Augustine who wrote his *De Mirabilibus Sanctae Scripturae* in the 650s, at about the time at which *BB* was composed. For him bees provided a natural parallel to the virgin birth of Christ, for he believed the theory that bees 'grew without fathers in the protection of the maternal body' (Migne, *Patrologia Latina* xxxv col. 2193 (= bk. III ch. 2)). He believes then in a mother of bees though he is ignorant of the function of drones. One may contrast such ancient views as that reported by Isidore (XII, viii, 1): *Has* (sc. *apes*) *plerique experti sunt de boum cadaveribus nasci*. The truth seems to be that in Antiquity and in the Middle Ages there was considerable variety of opinion. Aristotle, for example, in his *Historia Animalium* V, ch. 21 records that 'some people call them (the leaders) "mothers", implying that they produce the young . . . Others maintain that copulation occurs among these insects, and that the drones are male and the [worker] bees female.'

What the values as a whole demonstrate is that there is at root a single system of assessment based on 4d. and multiples of that figure. A single system generally lies behind the sections which assess legal values for animals. If we assume that these values were intended, in origin, to approximate to a typical market price, then the date of the valuations can be approximately determined. The Welsh used English coins and in some cases, such as cattle, the existence of a trade in cattle into England during the thirteenth century will have kept Welsh prices more or less in accord with English prices (H. P. R. Finberg, 'An early reference to the Welsh cattle trade', *Agricultural Hist. Rev.* ii [1954], 12-14). These, however, were changing during the period, at least from 1180 until the time of the earliest MSS in the mid-thirteenth century. The values given generally correspond very well to English prices towards the beginning of the thirteenth century. The virtual unanimity of the texts on legal values argues concerted action by lawyers, perhaps taking advantage of the hegemony of Llywelyn ab Iorwerth, to bring their values more into line with current prices. It may be significant that the sections on the value of animals, *gwerth gwyllt a dof*, 'the worth of wild and tame', form an important part of the Text Book, *Llyfr Prawf*, which is the portion of *Llyfr Iorwerth* attributed to Iorwerth ap Madog in a number of MSS, including C, one of the oldest of them all (CLP 123-133).

Yet even if the values are the upshot of concerted action in the face of an inflation that was rapid by medieval standards, the texts must be older than the thirteenth century. Some of them, at least, must have reached their present form by the revision of values in pre-existing texts. If this were not so then we should hardly have the range of textual variation that in fact exists. They would differ only in the way Ior. I differs from Ior. II if the texts, as well as the values, had stemmed from a concerted revision in the early thirteenth century.

In their present form, these texts demonstrate one thing above all else: the economic importance to the bee-keeper of swarms. If we take Red. D's information (also in *Llyfr Cyfnerth*) on the value of the parent hive after swarms have left, then events proceed as follows:

	value of parent hive	value of swarm ¹	value of previous swarms	total
before 1st swarm:	24d.	—	—	24d.
after 1st swarm:	20d.	16d.	—	36d.
after 2nd swarm:	16d.	12d.	16d.	44d.
after 3rd swarm:	12d.	8d.	28d.	48d.

The increase in total value declines by 4d. with each successive swarm. Nevertheless the final total figure of 48d. compares quite well with the 60d. assigned to an adult milch cow or to an ox. The increase of 100% over the whole period, taking no account of the honey, is healthy. All these swarms have left the parent hive by the 1st August; hence the period in question is about three months. If, then, a bee-keeper had a hive that sent out three swarms before the 1st August he was handsomely rewarded for his labours. That bee-keeping was widely spread in Wales during the twelfth century is suggested by the inclusion of mead as a standard item in the *gwestfa*, the food-render due from free villis (e.g. *Llyfr Iorwerth* §96; honey *WML* 56.3, *GwC* II .xxxiv. 1). This is supported by the evidence of Doomsday Book for parts of the Welsh border. The pressure in favour of bee-keeping may have relaxed in the thirteenth century as a consequence of a general commutation of food-renders to money-rents; but its economic importance in the earlier period is clear enough. As a triad has it: *Tri pheth ny werth taya6c heb ganhat y argl6yd: march a moch a mel* ('Three things that a villein does not sell without the permission of his lord: horse and pig and honey') *WML* 57.24-58.1.

The short tract to be found only in Redaction E (the E tract) is, as has been stated already, closer to *BB* in its scope than the other texts on bees. It may be divided into three sections: E1-5 is concerned with injury to trees committed by someone seeking bees; E6-9 is concerned with homicide by bees; E10-13 is concerned with ownership of a swarm and its honey as between the claims of the owner of the land where they have settled and the owner of the hive from which they have come. E1-5 may be compared with *BB* §§14-17; E6-9 with *BB* §§27-35; E10-13 with *BB* §§36-45. The E tract's treatment of the issues is notably more sketchy than that of *BB*, especially in E10-13, but there are, nevertheless, interesting points of comparison.

Unfortunately there is no obvious way to date the text. It is true that the penalties for injury to trees correspond fairly well to those found in texts of *Cyfraith Hywel* (for example, *Llyfr Iorwerth* §138). This, however, only shows that there is nothing here to suggest a late date. The practice of placing a cross to affirm ownership, alluded to in E13, appears to have gained in popularity in the fourteenth and fifteenth century (cf. *ALIW* ii pp. 254, 268, 470, 712-18), but it goes back to an earlier period (*Ll. Iorwerth* §157.11; *WML* 29.6-7; 143.6-9; *DwC* 136, 162, 258). Moreover, the date of Redaction E is itself quite uncertain (see *LTWL* p. 82). The text, then, shows only that some lawyer at some date and place in Medieval Wales, both quite uncertain, interested himself in issues comparable to those that exercised the author of *BB*.

¹ The value of a swarm in Ireland is given as 12d. in a fragment of a court roll dated 22nd June, 1401 (*Calendar of Ormond Deeds* vol. ii p. 253).

E1-5 depend on the law concerning trees (see W. Linnard, *Trees in the Law of Hywel*, 1979). The main point concerning bees is given in E3 to which one may compare *BB* §§46-49. The Welsh lawyer treats the finder of the bees less generously than does *BB*.

In E6-9 the treatment of bees which kill a man is modelled on the law of *galanas* (feud). This precise point is not directly covered by *BB* though §35 may give some clue as to the line it would have taken. The doctrine of the E tract is not entirely clear itself, for there appear to be two different lines taken in E6 and E9: in E6 the bees are killed and their honey given in compensation; in E9, however, the swarm is given in compensation. Presumably E6 refers only to bees which are not swarming while E9 refers specifically to a swarm. E6 may be compared to *BB* §29 which also provides for payment of honey in compensation. E9 may be compared to *BB* §30 where a hive is given for blinding. There remains, however, a certain awkwardness about the relationship between E6 and E9. In the latter the swarm is treated as a *llourud* 'red hand', namely the person responsible for a killing (or, in other circumstances, for some other offences) as opposed to anyone who has merely aided him in his homicide. The normal consequence of *llofruddiaeth*, however, is either compensation or a revenge-killing of the *llofrudd*. In E6 both are combined, but in E9 the swarm is handed over *quasi llourud*. Yet a *llofrudd* was not handed over in normal cases of homicide. There is a bare reference to the possibility of such a procedure in Red. B (*LTWL* 258.26-27), but no more. In other early legal systems a homicide was only likely to be handed over if he was of servile status (e.g. Ine, 74.1; Liebermann *Die Gesetze der Angelsachsen* i 120). It may well be that some such practice lies behind E9. In any event we have here, just as in *BB*, an attempt to model rules about bees upon some more familiar part of the law. The real reason why a swarm should be handed over was that it was an obvious solution since the ownership of the swarm might, in any case, be in dispute.

In E10-13 we have none of those distinctions between parts of trees and owners of trees which so interested the author of *BB*. Yet, if we leave aside for a moment the complexities covered in *BB* but ignored by the E tract, the solution is remarkably similar. According to E10 the owner of the tree may retain possession for a year and a day at the most, but the honey is to be divided equally between them. Any secondary swarms belong to the original owner of the bees (E11): to use the terminology of *BB*, he remains *fer in bunaid*. In effect, the claims of the owner of the tree are restricted to a share of the honey, as is the case in *BB* unless the bees have settled in the *cram n-úasalmemid* (§36). His half share is, however, more generous than any prescribed by *BB* (§§41, 42). The concentration on the value of swarms in the main texts indicated their economic importance, whereas *BB* suggests precisely the same conclusion by its rules as to sharing swarms and their honey; so here too the interest in swarms is evident and the solutions to legal problems are at least comparable.

INDEX OF IRISH WORDS

We provide here an index of legal and beekeeping terms and of words (excluding proper names) discussed in the Notes. The numbers refer to the paragraphs of the text. We indicate the main discussion of a word or phrase by italicizing the paragraph number. In some cases where a word is discussed more than once, two or three paragraph numbers are italicized.

Most of the words in this index are from the 7th century text of *Bechbretha*, but we also include some words and phrases from glosses and commentary to the text. The majority of these are from the B glosses, probably composed in the 9th century (see Introd. pp. 8-10). As well, we include some terms from other Old Irish legal material relating to beekeeping (Appendices 5 and 6).

In this index the gender of substantives is given where known. Verbal forms are in the 3rd person singular of the present indicative unless otherwise stated. Conjunct and prototonic forms are indicated by the prefixing of a hyphen. Initial *h-* before vowels is ignored in the arranging of the head-words. * indicates that a word is not reliably attested.

a *his, her, its, their* omission of possessive in *bes tech torad* 20, *fer batar beich* 33. **acht** *except* as prep. with nom. 25, 39; with nom. or acc. 15, 42; with acc. 16, 38, 49.

áge m. *prop, pillar* in phrase *áge fine head of kin* gen. sg. *ági* 49.

aí ? 6, 25.

airlim n. *leaping-trespass* nom. sg. App. 5 (b); dat. pl. *airlimenna[ib]* (ibid.).

airthech n. *vicarious oath* acc. sg. 34, 45.

aithgein n. *restitution* App. 5 (b).

-*aithgenatar*: see **ath-gainethar**.

álid *is entitled to, entails* 2, 12, 30, 41, 42, 46, *álith* 10, -*áli* 16; rel. *áiles* 19, 29.

allabrig ? 6, 25.

amser f. *time* nom. sg. 16, 16; dat. sg. *amsir* (am MS) 27; dat. pl. *aimseraib* 4.

annsae *difficult* superl. *annsam* 1 and App. 6 (c).

annrecht m. *wrong, illegality* 28.

anrehtaig ? 39, 40 (H only). See note to *na dim nemed* 39.

ardd *high* in cpd. *arddnemed* 42. See **nemed**.

ar-fogni *ministers to, serves* pres. subj. rel. *ara-fogna* (?) 40.

ar-ling *commits 'leaping-trespass'* 3 pl. -*airlengat* App. 5 (b); vb. n. **airlim** q.v.

arm n. *weapon* gen. sg. in phrase *fer airm deirg a man of blood-stained weapon* 39.

ar-tét *goes in compensation for, compensates for, is liable for* 29, 30, 34.

as-luí *escapes, absconds* 39, 39; 3 pl. -*élat* 43, 44; 3 pl. perfective pres. subj.

-*érlat* 23, 23; 3 sg. perf. *as-rulai* 45; 3 sg. imperf. *as-luat[h]* 40^a (B gloss).

assae *easy, convenient* cpv. *asu* 26, 36, 36, 36, 39.

athgabál f. *dstraint* App. 6 (a), (d).

ath-gainethar *is re-born, is restored* 3 pl. pres. subj. -*aithgenatar* 5, 6.

audacht m. *testament* nom. sg. 49.

aurgnam m. *care, preparation* (vb. n. of *ar-fogni*) dat. sg. App. 5 (f).

autsad n. *storehouse, treasury* acc. sg. 42; gen. sg. *autsada* 42^g (B gloss).

barr m. *branches of tree* acc. sg. 39, 41; gen. sg. *bairr* 42; in *dvandva* cpd. *barr-bunad* 12; *barr-bunaid* 11, 12.

bech m. *honeybee* nom. sg. 8; nom. pl. *beich* (normally *bech* MS) 5, 17, 23, 31, 33, 36, 39, 39, 41, 44, 50, 51, 52, 53, 54; acc. pl. *bechu* 23; gen. pl. 31, 47, 48, 49; dat. pl. *bechaib* 1; in cpd. *bechbretha* 55, *bechbrethaib* 18, 18, 27, 36; in cpd. *behdín bee-shelter* Introd. p. 44.

- beirid** *carries, bears, takes* -beir 22; rel. beres 20, 21; pl. pass. bertir 3; 3 sg. pret. pass. rel. brethae 33; 3 sg. perfective pres. subj. ro-ucca 24; 3 sg. perfective past subj. ro-uccad 50; 3 sg. perf. pass. -rucad 37.
- benaid** *stings (of bee)* perf. ro-bí 29.
- bés** m. *custom* dat. pl. bésaib 14.
- *bláth** f. *flour (?)* gen. sg. bláithe App. 6 (e). See discussion on App. 6.
- brat** m. *cloth* in phrase brat scarthae *spread cloth* 39, 41.
- breth** f. *judgment* nom. sg. 31, 33; breth barr-bunaid 12; nom. pl. bretha 3, bretha barr-bunaid 11, bretha bairr 7 maigne 42, bechbretha 55; gen. pl. fidbreth 14; dat. pl. bechbrethaib 18, 18, 27, 36.
- brithem** m. *judge, jurist* dat. pl. brithemnaib 36.
- bun** m. *base* in cpd. bun-epe *base-cutting* 16.
- bunad** n. *base, origin* nom. sg. 17, 44, barr-bunad 12; gen. sg. bunaid 37, 38, barr-bunaid 11, 12.
- bunadach** *original* 37, 41, 43. See note to barr-bunaid 11.
- cáech** *one-eyed* dat. sg. masc. 37.
- cáechaid** *blinds in one eye* 3 sg. perfective pres. subj. rel. ro-cháecha 30, 3 pl. pret. rel. cáechsité 31.
- cain** (cani) neg. interrog. cain dimet? 39.
- cáin** f. *law, rule* dat. sg. 6, 39; acc. sg. (?) 25.
- caithig** (cathach etc.) f. *trespass-penalty* nom. sg. App. 5 (d), (e); nom. du. (d); nom. pl. caithchi (a); acc. pl. (c). See third note to 24 and discussion on App. 5.
- céle** m. *neighbour* gen. sg. céli 44.
- ces** (ceis) f. *bee-hive* (A glosses etc.) nom. sg. ces 34^a, 34^b, ceis 30^d, App. 1 (h), App. 4 (c), cis App. 2 (k); dat. sg. cesaig App. 1 (h), cis App. 2 (k); nom. pl. cesa 50^d, App. 1 (h), App. 2 (k); gen. pl. ces 28^e; dat. pl. ceascaib 30^b. See Introd. p. 44.
- cethardóit** f. (?) *group of four* 3, 6, 9.
- cétsaithe**: see **saithe**.
- ch-** *and* enclitic connective ba-ch 32, ro-ch-lamethar 44, na-ch laimethar 45, ro-ch-fintar 54.
- ciapa** in phrase ciapa méit ciapa laget *however great or small* 2.
- cin** m. (earlier n.?) *offence* acc. sg. cin 33, cinaid 3, 29, 34; acc. pl. cinta 31; dat. sg. ar chin a mbél App. 6 (b).
- clocc** m. *bell* gen. sg. cluicc 46.
- cobdail** (cobodail) f. *division* nom. pl. cobdaili 11; dat. pl. cobdailib 10, 10.
- cocenél** *of equal rank* gen. sg. masc. coceníuil 15.
- cocrann** n. *lot-casting* nom. sg. 34^e (B gloss); acc. sg. 30.
- coibne** f. *kinship, equivalence* dat. sg. coibni 54.
- coillid** *removes honey from a hive* 3 pl. pres. ind. pass -coillter App. 5 (e).
- coir** *right, lawful* 40, 44; as subst. n. (?) 39.
- colc** f. *bee-sting* gen. sg. cailce 29^e (B gloss).
- collud** m. *removing honey from a hive* dat. sg. 27.
- comaithech** m. *neighbour* gen. sg. comaithich 45, comaithig App. 5 (h); acc. pl. comaithchiu (b), (g).
- comdíre** n. *equal penalty* predic. gen. sg. comdíri 16, 51; dat. sg. comdíriu 50, 53.
- comoccus** *equally near* 45; nom. pl. fem. comoicsi 27.
- comrac** m. *encounter, legal confrontation* App. 5 (e).
- con-boing**: see **im-combuing**.
- con-fodlai** *divides* 3 pl. pres. ind. con-fodlat 17, 44, 45; 3 sg. pres. ind. pass. con-fodlaither 10, 13; vb. n. **cobdail**.

con-geil *grazes with, takes nectar with (of bees)* 24^d (B gloss).

con-oirg *defeats* 24.

cosc n. *punishment, reparation* gen. sg. cuisc(c) 6, 25; in phrase deoch cuig *thirst-quenching (?) drink* 6^b (A gloss).

crann n. *tree, lot* nom. sg. 21; acc. sg. 36, 47; gen. sg. crainn 36.

criathar m. *honey-comb* dat. pl. criathraib 50^e, 52^b, 53^b (A glosses).

cró m. *enclosure (?)* acc. sg. 12.

cumscuchud m. *moving* dat. sg. 27.

de *of the two* 21.

dech *best* superl. of maith; bes tech 20.

deolaith (-aid) *gratis* acc. sg. masc. 19; as subst. n. *gratuity* nom. sg. deolaid 37, 41; acc. sg. deolaith 4, deolaid 9, 10; acc. pl. deolaithe 10^a (B gloss).

-derbarthar: see **do-opir**.

derbfine f. 'true kin' (descendants through the male line of the same great-grandfather) nom. sg. 11, 18, 18.

Día m. *God* gen. sg. Dé 39, 40.

díles *immune* 49. Cf. **ruidles** 49.

dílse f. *immunity* nom. sg. App. 6 (h); acc. sg. dílsi 35. Cf. **ruidilse** 27.

dílsigithir *forfeits* 12.

díran *unshared land* acc. sg. dírainn 48; dat. sg. 49.

díre n. *penalty, fine* nom. sg. lethdíre 14, lándíre 52, 53; gen. sg. trian díri 16. See also **comdíre**.

di-ren *pays* 50, 54; pass. di-renar 14, 15, 35, 52, 53.

dligid *is due, is entitled* 37, 42; -dlig 24, 38; 3 pl. dlegait 4, 5, 9, -dlegat 6, 23; 3 sg. pres. ind. pass. dlegair 23, 25, -dlegar 25.

do-airgella *gives a fore-pledge* pass. doairgelltar App. 6 (g), doaircelltar (h); vb. n. tairgellad App. 5 (b). Cf. **tairgille**.

do-airret *reaches, comes to* 39.

do-beir: see **to-beir**.

do-coislea: see **to-coislea**.

do-comlai *emerges (in swarm)* 3 pl. -tochumlat 27.

do-eim *protects, shelters* -dim 39, 40; 3 pl. -dimet 39.

do-etet *tracks (a swarm of bees)* 37, 41, 43; pass. do-etegar 42; pres. subj. do-eit 45; nom. pl. past participle tetehtai 36, 39, 41, 54.

do-lin *abounds* 3 pl. do-linat 34^e. See note to fo-reccar 34.

do-opir *defrands* 3 sg. perfective pres. subj. pass. -derba[r]thar 49.

do-slí *earns, acquires* 3 pl. perfective pres. subj. do-ruillet 49.

do-tuit *falls* pres. subj. -toth 30; 3 pl. perf. do-rochratar 35.

eclais f. *church* nom. sg. 49; gen. sg. ecailse 49.

écmacht *inaccessible country* f. (?) acc. sg. 48; dat. sg. 49.

éludach m. *absconder* nom. sg. élodach 39; nom. pl. éludaig 39.

epe n. *cutting* in cpd. bun-epe *base-cutting* 16.

éricc f. *payment* dat. sg. 35^a (B gloss).

ess *away, out of it* 3 sg. neut. of conjugated prep. a *out of* 25^a (B gloss). See Intro. p. 9.

etarbe n. *boundary-ditch, boundary* dat. pl. etarbib 15^e (B gloss).

étehtae *wrong, illegal* 28.

- faithche** f. 'green', *in-field* nom. sg. 46; acc. sg. *faithchi* 48, 53; dat. sg. *faithchi* 46, 46, 47, 47, 52.
- fiach** m. *fine, penalty* acc. sg. 30.
- fiadu** m. *witness* dat. pl. *fiadnaib* App. 6 (e), (f).
- fid** m. *tree* gen. sg. *fedo* 14, 15, 16; in cpd. *fidbreth* 14.
- figid** *weaves* pass. *fegar* 12^c (B gloss).
- fine** f. *kin-group* nom. sg. 49; *gelfine*, *íarfine*, *indfine* 11; *derbfine* 11, 18, 18; gen. sg. *élodach fine* 39, *áge fine* 49.
- fintiu** f. *kin-land* nom. sg. 10, 18; dat. pl. *fintedaib* 11. See note to *tír besda nesam* 2.
- fír** n. *oath* acc. sg. 29.
- flaith** f. *kingship* dat. sg. 32; *lord* dat. sg. 49ⁱ (B gloss); gen. sg. *flatha* 49ⁱ (B gloss).
- fochraicc** f. *payment* nom. sg. App. 6 (g).
- fo-co(i)slea** *removes, acquires* 18, 54; 3 pl. pres. ind. pass. *-foxlaiter* 54; 3 sg. perfective pres. subj. *fo-roxla* 52, 53. See note to *foda-rothlae* 50.
- fo-fich** *damages, trespasses* 3 pl. *fo-fechat* 3^a (B gloss), App. 5 (c); 3 pl. perf. *-forúachtatar* 34; 3 pl. perfective pres. subj. *ma fo-rúasat* (*ma ruasasat* MS) 38; vb. n. **fogal** q.v.
- fo-gaib** *finds* 46, 46, 47, 47, 48, 48, 49; pass. *-fogbaither* 46, 48, *-fogabar* 47.
- fogal** f. *damage, injury* nom. pl. *fogla* App. 6 (c); acc. pl. App. 1 (a).
- fo-geil** *grazes, feeds on* 3 pl. pres. ind. *fogelad* 10^a (B gloss); 3 sg. pres. ind. pass. *fogelar* 3^d (B gloss).
- fo-gella** *submits to judgment* 3 pl. *fo-gellat* App. 5 (e).
- fo-loing** *sustains* 18, *-fulaing* 10; 3 pl. *fo-longat* 23.
- ***foma** *choice(?)* 26.
- forgall** n. *overriding testimony* acc. sg. 44, 45.
- fo-ricc** *finds* pass. *fo-reccar* 34.
- fortach** n. *oath fixing liability* acc. sg. 34.
- for-toing** *fixes liability by oath* pass. *fortongar* App. 6 (d), (f).
- fo-scoichi** *moves, shifts* 3 pl. perfective pres. subj. *mani-ro foiscet* 42.
- fo-tlen** *removes, steals* 3 sg. perfective pres. subj. *fo-rothlae* 50, 52.
- fríth** n. (?) *estrays, find* 46, 48, 49.
- gabál** f. *seizure* dat. sg. *gabáil* 27.
- galar** n. *sickness* gen. sg. *míán ngalair* 6, 25.
- gataid** *steals* 3 sg. perfective pres. subj. *ro-gat(t)a* 50, 53.
- gelfine** f. 'bright kin' (descendants through the male line of the same grandfather) nom. sg. 11. See note to 18.
- goire** f. *duty towards parents* acc. sg. *goiri* 39.
- grian** n. (?) *land* gen. sg. *griain* 11, 18.
- i nneoch ma**: see **neoch ma**.
- íarfine** f. 'after-kin' (descendants through the male line of the same great-great-grandfather) nom. sg. 11.
- íarsaithe** m. 'after-swarm', *third swarm* App. 4. (c).
- imchomét** m. *guarding, looking after, keeping* nom. sg. 37, 41; dat. sg. 23.
- ***im-combuig** *destroys* pres. subj. *im-comba(?)* 14.
- imdibe** n. *cutting around (of tree)* nom. sg. 17^c (B gloss).
- im-dích** *protects* -*imdich* 54.
- ind** n. *end, limit* nom. sg. 8; acc. sg. 7; in cpd. *indfine* f. 'end-kin' (descendants through the male line of the same great-great-grandfather) nom. sg. 11.

inderb *uncertain* in legal phrase *brithemnus* for *inderb a judgment on an uncertain thing* 34^e (B gloss).

in-étet *follows* 43.

in-otat *enters* 44, 45.

in-reith *attacks* 3 pl. perfective pres. subj. *in-ruir[s]et* 28.

inscuchud m. *departure, move* nom. sg. 25.

-laimethar: see **ro-lamethar**.

lánamain f. *married couple, marriage* gen. sg. *cáin lánamno* 39.

les m. *courtyard* dat. sg. *lius* 50, 51.

lestar n. *bee-hive* nom. sg. 30; gen. sg. *lestair* 45; dat. sg. *lestur* 43. For forms in B glosses see *Introd.* p. 44.

lestrae f. *bee-hives* (collective) acc. sg. *lestrai* 30.

lín n. *complement, number* da *llíno of both parties* 14.

lóg n. *value, earning* nom. sg. *log mbec* 3^d (B gloss), *log autsada* 42^g (B gloss); acc. pl. *lóge* 3; dat. pl. *lógib* 4.

lú *small* in cpd. *lú-chethrai* 53.

lubgort m. *garden* dat. sg. with metathesis *lugburt* 50, 51.

luge n. *oath* acc. sg. 45. See note to *nadid-lamethar* 34.

mac m. *son, secondary swarm* App. 4 (c). See note to *blíadain a síl* 5.

maigen f. *open land* acc. sg. *maigin* 39, 41, 43; gen. sg. *bretha bairr* 7 *maigne* 42; dat. sg. *magin* 54, 54.

mani *unless* irreg. form with copula *manis* 29^e (B gloss).

már *great* acc. sg. masc. 48; gen. sg. masc. 34.

membur n. *member* nom. pl. 49.

meraige m. *fool* used of third swarm 21; with prosthetic *s*: *smeraighe* 21^c (A gloss), App. 1 (b), App. 4 (c). See *Introd.* p. 47.

mían n. *desire* *mían ngalair* *desire of [one in] sickness* 6, 25.

mil f. *honey* dat. sg. 29. See also note to *mían ngalair* 6.

nach- *nach laimethar* 45.

nad- before infixed pron. *nadid-lamethar* 34.

nemed n. and m. *dignitary, privilege, privileged land* nom. sg. 15, 39, 40, 41; acc. sg. a *nnemed* 41; *arddnemed* 42; gen. sg. *nemid* 36, 39, 41, *úasalnemid* 36; dat. sg. *nemud* 37, 37; nom. pl. *nemid* 39; acc. pl. *úasalneimthiu* 52.

neoch *ma* *if* 38; *i nneoch* *ma* 40; *neoch mani* 42; *i nneoch* *mad* 48.

noch connective 8, 33, 36, 45, 49.

ón: see **suide**.

orcun f. *damage, grazing trespass* nom. sg. *orgain* App. 6 (c); acc. sg. *orgguin* 38, gen. sg. *oircne* 7, 8, 40 (? or read *ara-fogna* H).

óthá *from, after* prep. with nom., acc. or dat. (?) 7, 9, 29, 38.

ré n. and f. *period* acc. sg. (or acc. pl.) *na rré* 23.

recht m. *a legally recognised person, class of person* dat. sg. 26.

rethid *runs, rushes* 3 pl. perfective pres. subj. (?) *-ruir[s]et* 27.

ro-lamethar *dares, ventures* 44, -lamethar 34, -laimethar 45, pass. -laimther 45.
***ruud** (rud MS) m. *wood* acc. sg. 48; dat. sg. 49.
ruidilse f. *immunity* dat. pl. ruidilsib 27. Cf. **dílse**.
ruidles *immune* 49. Cf. **díles**.

saithe m. *swarm* nom. sg. 44, 45, 45; acc. sg. 23, 43, 44; gen. sg. saithi 45; nom. pl. saithi 23; gen. pl. saithe 11, 44; dat. pl. saithib 10; in cpd. cétsaithe *first swarm* nom. sg. 19; acc. sg. 22; tarbsaithe *second* (lit. *bull*) *swarm* 20^b (B gloss), App. 4 (c).

selb f. *property, estate* acc. sg. seilb 34^e (B gloss); nom. pl. selba, selbu 34^e (B gloss). See note to fo-reccar 34.

séol n.(?) *scarcity, dearth* gen. sg. séoil 5.

sét m. *article of value* acc. pl. séotu 51. See first note to 50.

sét m. *path* dat. pl. sétaib 39.

side: see **suide**.

síil n. *seed, progeny* gen. sg. 5; dat. sg. saithe do síil bech App. 6 (g).

smacht m. *fine* nom. sg. App. 6 (h); acc. sg. App. 5 (b); nom. pl. smachta 26; acc. pl. smachtu 7, 24, 38.

snuad ? gen. sg. snuaid 12.

***snuaidid** *damages* (?) 3 sg. perfective pres. subj. pass. arna rossnuaidter 12^e (B gloss).

sochaide f. *multitude* nom. sg. 34; acc. sg. sochaidi 24.

sóeraid *ennobles, increases* rel. sóeras 15.

soïd *turns* 25.

soíre f. *freedom, immunity, dignity* gen. sg. 4, 5, 6, 7, 25; dat. sg. soíri 14.

somoíne f. *profit* acc. sg. somoíni 23.

sonnach m. *palisade* acc. sg. 39^d (B gloss).

sorche n. (?) *brightness* gen. sg. 23.

són: see **suide**.

sosad m. *abode, bee-hive* acc. pl. sostu 27.

suide *that person or thing, the latter* anaphoric pron. dat. sg. suidiu 11, 29, 30, 34, 41, 49; enclitic masc. sg. side 2, 12, 29 (sid MS), 40, 49, 50 (se MS), sede 54; fem. sg. ede (sede MS) 18, 'de 20, aide 24, ede (sed MS) 29; neut. sg. ón 19, són 42, 52; masc. pl. sidi (seide MS) 4.

suidigithir *settles* trans. and intrans. -suidigethar 44, 45; pl. -suidigetar 37, 43, 43, 54; pass. sg. rel. suidigther 42; pf. pass. sg. ro-suidiged 11, 14, 52, 53; pl. ro-suidigthea 50, 55.

táid m. *thief* in cpd. táidchú *thieving dog* 39.

táide f. *theft* gen. sg. táide 39; dat. sg. táidi 54. See note to foda-rothlae 50.

tairdbe n. *lopping, branch-cutting* nom. sg. 15, 16; acc. sg. 16; dat. sg. tairdbiu (-be MS) 15.

tairgellad m. *fore-pledging* nom. sg. App. 5 (b); vb. n. of **do-airgella**.

tairgille n. *fore-pledge* nom. sg. 1, 26, App. 5 (a); acc. sg. 2, 24; dat. pl. tairgillib 1, 3; later f. nom. sg. in tairgilli 3^d (B gloss), in tairgill(n)e App. 6 (g); gen. pl. (or gen. sg. ?) na tairgille 3^a (B gloss).

tairiden f. *water-course, millrace* gen. sg. tairidne 11.

tairsce n. (?) *trespass* acc. sg. 3.

tánaise *second* as subst. m. *second swarm*; acc. sg. 20, 21.

tarb m. *bull, drone* (?) gen. pl. tóla tarb *abundance of drones* (?) 25^a (B gloss). In cpd. tarbsaithe *second* (lit. *bull*) *swarm* 20^b (B gloss).

tech: see **dech**

téchteae *lawful* nom. sg. 46; dat. sg. fem. téchtaí 46, 47; as subst. n. *dues* nom. sg. téchte 54; acc. sg. téchteae 24, 25. Cf. **étechteae** 28.

tecmallad m. *collection* dat. sg. 8.

téol m. *theft* dat. sg. 54. See note to foda-rothlae 50.

tetechteae: see **do-etet**.

tideal *bunch of corn-stalks* (?) App. 6 (e).

tingaire n. *demand* 6^c (B gloss).

tír n. *land, holding* nom. sg. 18, 42; acc. sg. 2, 13, 13, 44, 45, 45; dat. sg. 12, 37, 43; gen sg. tíre 3, 9, 12, 17, 38, 44.

to-beir *puts, gives* pres. ind. pass. -tabarr 54, pret. to-bert 33, -tubart 32 (for which see Introd. p. 14).

to-coislea *absconds* 3 pl. pres. ind. rel. to-choislet 39.

tongid *swears* 3 sg. pres. subj. tōis 45^c (B gloss).

torad n. *fruit, produce, nectar, honey* nom. sg. 20, 21, 44; acc. sg. 12, 12, 12, 12, 17; gen. sg. toraid 8, 17, 41, 42, 46; in cpd. letorad (leth-thorad) nom. sg. 45; acc. sg. 45.

treb f. *house, household* dat. sg. treib 50, gen. sg. trebe 51.

túaslucud m. *releasing (of bees)* nom. sg. 36.

tuistiu f. *begetting, origin* gen. sg. tuisten 5, 44.

ua m. *grandson, tertiary swarm* App. 4 (c). See note to blíadain a síl 5.

úasal *noble* in cpd. úasalnemid 36, húasalneimthiu 52. See **nemed**.

úathath n. *small number, few* in legal phrase úathath con-oirg fri sochaidi 24.

INDEX OF PROPER NAMES

This index lists the proper names which occur in the text and glosses, and also the most important of those mentioned in the Introduction and Notes. In the case of persons we give the date of death (ob.). When this is unknown we give the century in which the person is likely to have lived.

Aed mac Aedagáin second glossator to manuscript A; ob. 1359: Introd. p. 4.

Cairbre [mac Aedagáin?] third glossator to manuscript A; 16th century (?): Introd. p. 5.

Congal Cáech Cruithnian king of Tara (?); ob. 637: dat. sg. Congail Cháech 31. See also note to bach rí Temro 32.

Domnall mac Aeda king of Cenél Conaill; ob. 642. See note to bach rí Temro 32.

Domnall Ó Duib dá boirenn *Domnall O'Davoren* chief scribe of manuscript C; 16th century: Introd. pp. 10, 12, and end of Appendix 2.

Dún Daighre *Duniry* (Co. Galway); probable place of writing of manuscript A: Introd. p. 1.

Féni the most prominent of the three free races of Ireland: acc. pl. la Féniu according to the Féni 10, 11, 12, 14, 24, 27, 33, etc.

Leabur Dub [mic Aeg]ain *The Black Book of MacEgan* (?); name of a lost manuscript: Introd. p. 5.

Loch Bél Sét name of a lake, perhaps in the Galtee Mountains, Co. Tipperary: 49^e. See note to écmacht 49.

Lúcás Ó Dalláin first glossator to manuscript A; 14th century: Introd. p. 4.

Mag Rath *Moirá* (Co. Down); scene of battle in 637 in which Congal Cáech was killed: see note to bach rí Temro 32.

Mo Domnóc 7th century saint credited with the introduction of honey-bees to Ireland: Introd. p. 40.

Suibne Mend king of Cenél nÉogain; killed by Congal Cáech in 628: see note to bach rí Temro 32.

Temair *Tara* (Co. Meath): gen. sg. Temro (Temrach MS) 32.

Ulaid the *Ulstermen*: acc. pl. la Ultu according to the *Ulstermen* 33.

INDEX OF WELSH AND BRETON WORDS

This index lists Welsh and Breton words discussed in the Introduction, Notes and Appendices. The references are to page numbers. Unmarked words are from Medieval Welsh.

asgellheit f. *wing swarm* pp. 193-5, 200-1.

blaut m. (Bret. bleud m.) *flour* p. 190.

bydaf m. or f. *colony of bees* pp. 41, 196, 202.

bygegyr m. *drone* p. 116.

cwyr m. *beeswax* p. 43.

gwenynen f. (Bret. gwenanen f.) *honeybee* p. 40.

gwenynllestr m. *bee-hive* pp. 44, 196.

gwrach f. *old woman, queen-bee* p. 202.

henlleu *old colony* pp. 192-3, 202.

kyn[t]heit f. *first swarm* p. 192.

llofrud m. *guilty person* pp. 198, 205.

med m. (Bret. mez m.) *mead* pp. 41, 204.

mel m. *honey* pp. 41, 204.

modrydaf *mother colony, queen-bee* pp. 45, 196, 202-3.

nyfet f. *sanctity, privilege* p. 107.

O. Bret. **satron** (Mod. Bret. sardanen) *drone* p. 116.

taruheit f. (Bret. tarvhet m.) *second or bull-swarm* pp. 41, 116, 192.

