

**Kevin Murray**  
**'A Middle-Irish tract on *cró* and *díbad*'**

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# A Middle-Irish tract on *cró* and *díbad*<sup>1</sup>

KEVIN MURRAY

The tract published by Kuno Meyer under the title 'The distribution of *Cró* and *Díbad*'<sup>2</sup> is to be found in the composite Ms. TCD H 3.18 where it occupies most of p. 25. It is not included in the *Ancient Laws of Ireland*<sup>3</sup> but is printed in *Corpus Iuris Hibernici* (henceforth *CIH*) at 600.1-601.11.<sup>4</sup> It is the last legal tract in the opening section of the manuscript and follows on immediately after *Berrad Airechta*.<sup>5</sup> The text was discussed and partly translated by Eóin MacNeill<sup>6</sup> and a couple of lines of it were translated by Rudolf Thurneysen.<sup>7</sup> He also drew attention to a parallel passage,<sup>8</sup> the canonical text of which has been translated by David Greene.<sup>9</sup> This translation was made by Greene as part of a larger study of the words *cró* and *crú*,<sup>10</sup> a study which has since been taken up by Lionel Joseph.<sup>11</sup> Fergus Kelly has also treated of this text in the recent past<sup>12</sup> as has Thomas Charles-Edwards.<sup>13</sup>

Despite this attention, however, the text has not yet been translated in its entirety. This is what I have attempted to do here below. The text has been transcribed from a microfilm copy of the manuscript and collated with the printed editions of Meyer and Binchy. *All* expansions are marked by italics. Square brackets [ ] are used to indicate letters etc. added by the editor, round brackets ( ) to indicate superfluous letters. The text has been emended as little as possible. The length mark is infrequent in the manuscript (it is marked on *ní*, §4; *arddrigh*, §5; *ndaghdaíne*, *ní* (x2), *bí*, §7; *óthá*, *lín*, §8; *rí[g]*, §9), though it is quite common on the conjunction mark '7' (as an abbreviation for *ét*). All other examples have been supplied by the editor. Lenition has been restored by means of [h] – the presence in the manuscript of the *punctum delens* on 'f' and 's' has been marked by using an italicized 'h'. I have followed the manuscript layout of the tract. From the brief language notes appended to the text, it is clear that we are dealing with a language in rapid transition, preserving as it does many O.Ir. and Mid.Ir. forms side by side, though many later Mid.Ir. developments are not represented. Thus, I would agree with Thomas Charles-

ABBREVIATIONS USED IN NOTES **CG**: D.A. Binchy, ed. *Críth Gablach* (Dublin, MMIS XI, 1941); **CIH**: D.A. Binchy, ed. *Corpus Iuris Hibernici* (Dublin, 1978); **DIL**: *Dictionary of the Irish Language* (Dublin, RIA, 1913-75). 1 I wish to thank Professor Máire Herbert for her help and advice with this paper. 2 K. Meyer, 'A collation of *Críth Gablach* and a treatise on *Cró* and *Díbad*', *Ériu* 1 (1904) 209-15 at 214-15. 3 W.N. Hancock et al. (eds), 6 vols (Dublin, 1865-1901). 4 D.A. Binchy (ed.) (Dublin, 1978). 5 R. Thurneysen (ed.), *Die Bürgschaft im irischen Recht* (Abhandl. d. preußischen Akad. der Wissenschaften, 1928) 6-31 = *CIH* 591.8-591.38. Thurneysen's edition has since been translated into English (with additional notes) by R. Chapman Stacey 'Berrad Airechta: an Old Irish tract on suretyship', in *Lawyers and laymen*, T. Charles-Edwards, M. Owen and D. Walters (eds) (Cardiff, 1986), pp 210-33. The last few lines of this text give us the scribe's name – *Cairbre Ua Maol[h]onaire* and the year and place of transcription – 1511 *i Ma[i]gh C[h]uillin*, Moycullen, Co. Galway. Cairbre seems to be responsible for transcribing our text also. 6 'The Irish law of dynastic succession', *Studies* 8 (1919) 367-82, esp. 372-5. 7 *Die Bürgschaft* (1928) 62. 8 'Zu MacNeill's law of status or franchise', *ZCP* 16 (1927) 205 = *CIH* 742.4 ff. 9 'Cró, Crú and similar words', *Celtica* 15 (1983) 8 = *CIH* 742.4-9. 10 *Ibid.*, 1-9, esp. 7-8. 11 'The inflexion of OIr. *Crú*', *Ériu* 39 (1988) 169-87. 12 *A guide to early Irish law* (Dublin, 1988) pp 125-6. 13 *Early Irish and Welsh kinship* (Oxford, 1993), pp 491, 505-7.

Edwards (*Kinship*, 491, 506) in dating this tract to the early Mid.Ir. period (tenth century), though probably based (at least in part) on an earlier O.Ir. original.

§1 (p. 25a13) Ropu doraidh la(isna) huctaru na nGáidel cinnus no roinnfitis c(h)ráo 7 díbad ar is inann<sup>14</sup> leo-som roinn c[h]rói 7 díbaid. Is íarum immus-tarcomolsat (a h)uctair na nGóedhel 7 ro hordaigset indas no roindfitis cró 7 díbad a fír aicnid 7 screptra 7 cuidhbhsi. Ro ordaighset íaram 7 imma-deisidh leo a buith a mbéscna isind inis-se ó t[h]osogh co forcenn 7 ad-rodamnatar Pátraic 7 fir<sup>b</sup> Érenn olcena a buith samla[id]. 7 a n-uctair ro bátar a ndegaid Pátraic íar cretem ro ordaighset<sup>c</sup> i commu c[h]áich .i. Cenn Fóedhladh mac Ailella 7 Dubhartach Bérrí fo deoidh 7 Fíngin mac Flainn 7 Fíngen mac Conmaic 7 Cormac mac Cuilennáin.

<sup>a</sup> Ms. *roordaighset*. <sup>b</sup> Ms. *fēr*. <sup>c</sup> Ms. *roordaidhsét*.

It was a difficulty for the authorities of the Goídil how they would divide *cró* and *díbad* because a division of each was the same to them. Then the authorities of the Goídil assembled and they decided how they would divide *cró* and *díbad*, according to the truth of nature and scripture and conscience. They arranged [it] then and it was settled by them what was to be their custom in this island from the beginning to the end, and Patrick and the men of Ireland besides acknowledged that it should be so. And their authorities that came after Patrick, after Christianisation, they instituted it like everybody else, i.e. Cenn Fáelad mac Ailella and Dubartach of Bérré subsequently, Fíngen mac Flainn and Fíngen mac Conmaic and Cormac mac Cuilennáin.

§2 *Ceist didiu*. <sup>a</sup>Cis lír<sup>a</sup> ranna fil for crú? Ní ansae. A .iii. ranna .i. rann ó bon céamus 7 rann ó inn 7 rand ar methón.

<sup>a-a</sup> In Ms. this is written after *cru* with marks of transposition.

A question then. How many divisions of *cró* are there? Not difficult. Three divisions, i.e. a division from the bottom first and a division from the top and a middle division.

§3 Rann ó bun céamus .i. tét rí(g) in c[h]óicidh nó na mórthúaithe i tech rí(g) Érenn. Ma[d] rí(gh) cóicid<sup>a</sup> ma[d] rí(gh) mórthúaithe, tét i tegh rígh in c[h]óicid nó ind ardrígh<sup>b</sup> cena 7 gaibid<sup>c</sup> gíall n-ann im c[h]inaigh ind-í marbus a fer co n-éirren fris a cró 7 ranntair íaram in cró. Sechtmad as céamus do gíall frisi tobongar.

<sup>a</sup> Ms. *cóicedh*. <sup>b</sup> Meyer (*Ériu* 1, 214.16) *indara rígh*. It is not easy to decide what to read here. The one letter that is in doubt looks like an *a* with an added stroke to make it into a *d*. At the very least, if following Meyer, one would have to read *indara[ ] rígh*. <sup>c</sup> Ms. *gaibhe*.

A division from the bottom first, i.e. the king of the province or of the major *túath* goes into the house of (that is, submits to) the king of Ireland. Whether provincial king or

<sup>14</sup> Máire Herbert has suggested that it would seem more logical if *indeimin* 'uncertain' or some such word was in the text originally instead of *inann* as the first sentence is unclear as it stands.

king of a major *túath* he goes into the house of (that is, submits to) the king of the province or the high-king on the other hand and he takes a hostage there for the crime of the one who kills their man, until he pays him their *cró* and this is then divided. One seventh of it in the first place for the hostage who is taken for it.

§4 *Ranntair i trí iar sin. Trían as don ardríg dond-boing 7 trían do c[h]rú na deirbf[h]ine 7 trían do f[h]laithi[b] ilibh huilibh. 7 berid rí(g) in c[h]óicid nó na mórt[h]úaithi a cró n-uile leis acht cuit ind ardrígh 7 is húadha berus cách a c[h]uit itir fine 7 flaithi<sup>a</sup> .i. a trían tic na flaithi, fácabar a trían lais-[s]im 7 beridh in fhlaith(i) is nesom dó-som na dá trían n-aile 7 fácbaid cach áe trían leis beos .i. cach tellugh asa tét beos coná túarat ní de etir.*

<sup>a</sup> Written as *fai* with punctum delens under the *a*.

It is divided in three thereafter. A third of it for the high-king who levies it and a third for the *derbfhine's* *cró* and a third for all the other lords. And the king of the province or of the major *túath* takes their complete *cró* with him apart from the share of the high-king and it is from him that everyone, both *fine* and lords, gets his share, i.e. [of] the third which comes to the lords, a third is left with him and the lord who is nearest to him takes the other two thirds and each of them leaves a third with him still, i.e. every household from which it goes still until none of it remains at all.

§5 *Cró ó inn dano, is héisidh[e] saighus fine ar urrádhas, ar athgabáil 7 ní bí cuit ardrígh occo acht a flaithi na fine fadeisin. Rantair íaram i trí beos .i. trían do c[h]rú 7 trían do f[h]laithi[b] ilibh, acht an c[h]uit<sup>a</sup> ro-saigh ind ardrígh asin c[h]rú toísech .i. asin c[h]ró rantar ó bon. Is ed ro-saigh flaith ina fine húair tod(h)-boing 7 fácaibh trían i tellugh cach flatha 7 téit<sup>b</sup> [Ms. flatha itéit] beos frithrusc súas coruice in n-ardríg 7 is ann ar-[s]isestar a ndo-huartét de. 7 in c[h]uit ro-saigh inn flaith na fine asin (p. 25b) c[h]rú toísech, is ed ro-saigh in n-ardrígh asin c[h]rú-so.<sup>c</sup>*

<sup>a</sup> Ms. *qt*. <sup>c</sup> In the microfilm copy of the Ms. only *cr* is legible. I follow *CIH* here. Meyer (*Ériu* 1, 215.3) expands to *cruid*.

*Cró* from the top then, it is this that the *fine* claims through native law, through distraint, and they do not have a share for a high-king but [for] their lords of the *fine* itself. It is then still divided in three, i.e. a third of the *cró* [for the *derbfhine*] and a third for all the lords, excepting the share that comes to the high-king out of the first *cró*, i.e. from the *cró* divided from the bottom. It is this which comes to the lord of the *fine* because he levies it and he leaves a third in the household of every lord and it goes up then in the opposite direction as far as the high-king and it is there that which remains of it stays. And the share which comes to the lord of the *fine* there from the first *cró*, it is this which comes to the high-king from this *cró*.

§6 *Cró ar methón .i. tét mórt[h]úa(i)th íarna n-atugh do s[h]ochrait[i] aicme bis húadhaib hi céin iar marbad fir<sup>a</sup> díb 7 ní damthar cert ná dlíged dóibh ima fer<sup>b</sup> co toibget in mórt[h]úaith ar éigin leo-sim co slúaga[ib] 7 [n]-innib<sup>c</sup> 7 at-gelltar a cuit dóibh din c[h]rú tar héisi a tobhaigh leo.*



<sup>a</sup> Ms. *fer*. <sup>b</sup> Ms. has *f* with a suspension stroke which is not the usual Ms. reading for *fer*. <sup>c</sup> Ms. *imu*.

A middle *cró*, i.e. the major *túath* goes after being requested in friendship to a family which is far away from them after the killing of one of them and neither justice nor law is ceded to them regarding their man until the major *túath* exacts it by force along with them by hosts and weapons and their share of the *cró* is promised to them after its exacting by them.

§7 *Ocus* is é *cró* randtar ar lín semmann. Trían do c[h]rú deirbf[h]ine beus 7 trían donaib flaithib, amail remind-érbartmmar<sup>a</sup> isna(h)ibh cróaibh .iii. 7 trían dont s[h]lúagh nod-saig leosom. Acht iar n-airecas na ndaghdaíne 7 iar lín c[h]áich 7 iar mét a cumaing ranntair ó hisil co húasal, acht ní bí nec[h] díbh cin ní itir, cidh bec cuib<sup>b</sup> c[h]áich díbh de.

<sup>a</sup> Ms. Could read as *remnderbart(a)mmar*. <sup>b</sup> Ms. *qt*.

And it is *cró* that is divided among a number of followers. One third of the *cró* for the *derbfhine* moreover and one third to the lords as we have previously mentioned in the other two *crós* and a third for the host which enforces it along with them. But according to the legal status of the nobility and according to the number of each and according to the amount of their power, it is divided from the bottom to the top, but there is no-one of them with nothing at all, however small the share of each of them may be.

§8 *Ocus* an trían ro-saigh in derbf[h]ine, cinnus ranntar? Ní ansae. Ranntair óthá athair 7 mac co senathair for cúlo 7 frithrusc a f[h]rithisi coruici ingen ar méraibh. A(i)thair 7 mac cétaimus, leth dóibh dinaisc. Bráthair<sup>a</sup> athar 7 mac ra(i)nnait aithraind atherrugh co leth in neich<sup>d</sup> do-hurrtét ann. A ndo-hurrtét ann íaram ranntair i trí. Trían do bráthair<sup>b</sup> 7 ranntar a mbís ann beus<sup>c</sup> i trí. A trían<sup>c</sup> dond-í bes nesam dó íarsan urd cedna, acht is i lín cenn ngabat<sup>d</sup> tét 7 ní i lín cend comorbæ. 7 a ndo-urrtét ann fa deoidh forsna[ib]<sup>e</sup> tréinibh .i. in tan ro-saigh senathair for cúlo, a mbec do-urrtét ann for rannaibh tét i lín cend<sup>f</sup> comorbæ súas arís i frithrusc corice a(i)thair 7 mac 7 tiagait ind amail cách, cid bec cuib c[h]áich díbh de.

<sup>a</sup> Ms. *ineth*. Emendation following Binchy (*CIH* 600.t). <sup>b</sup> Ms. reading is uncertain here. Ms. has *bnair* with an m-stroke above the first *r*. <sup>c</sup> Superscript in Ms. <sup>d</sup> Meyer (*Ériu* 1, 215.22) expands as *cenn ngabála*. <sup>e</sup> There may be a small hole in the Ms. here as this is written *f̃s na*. <sup>f</sup> Superscript in Ms.

And the third which comes to the *derbfhine*, how is it divided? Not difficult. It is divided from father and son contrary-wise to the grandfather and the counter-direction again as far as the most distant kindred. Father and son first, a half to them exclusively. A father's brother and son make a re-division again to a half of that which remains there. That which remains there then is divided in three. A third for a brother and what is still there is divided in three. A third for whoever is closest to him according to the same ranking, but it proceeds according to the number of family lines and not the number of heirs. And

<sup>15</sup> Binchy believes that there may be omission of half a line here. *CIH* 742.6 reads: 'BRATHAIR TRIAN DO SUIDIU ASLV LETH .II. ...' ['Brother, a third to him from the second half']. This complete passage (*CIH* 742.4-9) has been translated by Greene (see above, fn. 9).

that which remains finally after the thirds, i.e. when it comes back to the grandfather, the little which remains there after divisions, it proceeds according to the number of heirs up again contrary-wise as far as father and son and they proceed there like everyone, however small the share of each of them may be.

§9 Trían do c[h]rú c[h]óicir ind. Rannait aitherruch<sup>16</sup> a ndá trían n-aile i trí .i. trían do f[h]laith, trían do f[h]ine, trían do etarf[h]laithi[b] 7 do itaraibh. Trían na n-etarf[h]laith(i) 7 na n-eteri(bh) rannait trían de do muire rechtgi doda-fét a tegh rí[g], a trían do aithiribh, a trían n-aill do aithbenaibh na túaithi do roinn co háenscrepal. Ní<sup>a</sup> cró co cóicir fo c[h]osmailus cíaro. Athroinn sin ar c[h]ró.

<sup>a</sup> Binchy (CIH 601.h) notes that O'Curry's transcript has *in* here for *ni* (clearly *ni* in the Ms.) which he remarks 'seems to be required by the context'.

A third of the *cró* for five there. They divide the other two-thirds in three again, i.e. a third for the lord, a third for the *fine*, a third for intermediate lords and for guarantors. The third of the intermediate lords and the guarantors, a third of it is distributed to the administrative head who takes precedence in the house of a king, a third for guarantors, another third for the negotiators of the *túath* to divide down to one *screpal*. It is not *cró* without five, as with a retinue. That is a re-division of *cró*.

### Language notes

§1.a The conjunction sign '7' is consistently used as an abbreviation for *et* (e.g. *ro ordaighset, cretem* §1) and the conjunction sign '7' with length mark as an abbreviation for *ét* (e.g. *cétamus*, §2; *tét*, §3).

§1.b *buith* The use of the classical O.Ir. form of the substantive verb.

§1.c *a mbéscna* This could also be translated as 'the custom', taking *béscna* as neuter. *DIL* gives no gender for the word but notes that it is a compound word made up of *bés* 'custom' + *gné* 'kind, form'. *Gné* was a neut. word in O.Ir. (later *f.*) so this interpretation seems plausible.

§1.d The first paragraph would remind one of the pseudo-historical prologue to the *Senchas Mór*. See J. Carey, *Ériu* 45 (1944) 1-32, esp. 11-13.

§3.a The text is inconsistent in its treatment of *rí* 'king', with *ríg* and *rígh* for the nom. sg. and *rí* for the gen. sg.

§3.b *ind ardrígh*. The O.Ir. form of the article is preserved here – it has not yet been reduced. See also *ind-í*, §3; *ind ardrígh*, §4; *ind ardrígh, ina fine*, §5; *dont s[h]lúagh*, §7; *dond-í*, §8. The neuter form of the article (nom. & acc. sg.) *a n-* is preserved with *trían* (§§ 4, 8, 9) and may also be preserved with *cró* – see §3.c. For loss of the classical O.Ir. forms of the definite article, see *don ardríg, in fhlaith(i), na dá trían*, §4; *an c[h]uit*, §5; *an trían*, §8.

§3.c *a cró*. This may alternatively be translated as 'the *cró*'. This interpretation (see also §4.c) depends on treating *cró* as neuter. It is treated as non-neuter (*in cró*) in the next line of the text. Joseph (*Ériu* 39, 182) thinks that *cró* 'wergild' was masculine but argues that 'we must consider the possibility that an old neuter has adopted masculine gender secondarily'. It may also be translated

<sup>16</sup> This could be expanded to *aitiri* (apud Meyer, *Ériu* 1, 215.27) and as suggested by Binchy, *CIH* 601 f.

as 'his *cró*', with no marking of lenition. Part of the problem of interpretation is in understanding whether the *cró* was seen as part of the property of the dead man that had yet to be collected or was perceived as belonging to those who had to collect it – I incline towards the latter interpretation.

§4.a *trían do c[h]rú na deirbf[h]ine*. Variations of this phrase are used in §5 (*trían do c[h]rú*) and §7 (*trían do c[h]rú deirbf[h]ine*). These alternatives seem to simply mean 'a third for the *deirbfhine*'. Similarly *trían do c[h]rú c[h]óicir* (§9) 'a third for five' may refer to the *gelfhine*, which has five members, traditionally ego, father, father's father, father's brother and father's brother's son. Alternatively, in our text, these five may be seen as ego, son, father, father's brother and father's brother's son.<sup>17</sup> For an indepth discussion of these issues, see Charles-Edwards, *Kinship*, 486–514, esp. 497.

§4.b *flaithi[b]*. Lack of consistency in using the dat. plu ending *-ib*. See also *forsna[ib]*, §8; *etarf[h]laithi[b]*, *na n-eteri(bh)*, §9. Used correctly: *ilibh huilibh*, §4; *ilibh*, §5; *donaib flaithib*, *isna(h)ibh cróaibh*, §7; *méraib*, *tréinibh*, *rannaibh*, §8; *itaraibh*, *aitiribh*, *aidhbenaibh*, §9.

§4.c *a cró n-uile*. This may alternatively be translated as 'the complete *cró*'. See note §3c and Joseph, *Ériu* 39, 182.

§4.d *trían* is treated as neuter throughout (§§ 4, 8, 9) apart from one example where the definite article is given as *an* in the nom. sg. (§8).

§5.a *húair tod(h)-boing* The correct use of a Class C infixed pronoun in a relative clause.

§5.b Univerbation: *fácaibh* for *fo-ácaibh*.

§6.a There seems to be some confusion here between *co* 'to' and *co n-* 'with' as the latter is followed by the acc. at this point in the text (Ms. *co sluaga 7 innu*).

§7.a *amail remind-érbartmmar/nd-saig* The correct use of Class C infixed pronoun in relative clauses.

§7.b *airecas na ndaghdaíne* This may simply translate as 'the legal status of the good people'.

§7.c Máire Herbert has suggested to me that *ranntair ó hísil co húasal* may be better translated as 'it is divided from inferior to superior [rank]'.

§8.a Following a suggestion by Máire Herbert, I have taken *lin cenn* as a phrase simply meaning 'number, amount'.

§9.a The interpretation of *itaraibh*, *eteri(bh)* and *aitiribh*, all as forms of *aitire* 'guarantor', is unsatisfactory in explaining the sense of the passage.

### Analysis

The text distinguishes between three different distributions of the body-fine known as *cró*.<sup>18</sup> These are called respectively *rann ó bun* ('a division from the bottom'), *cró ó inn* ('*cró* from the top') and *cró ar medón* ('*cró* from the middle').

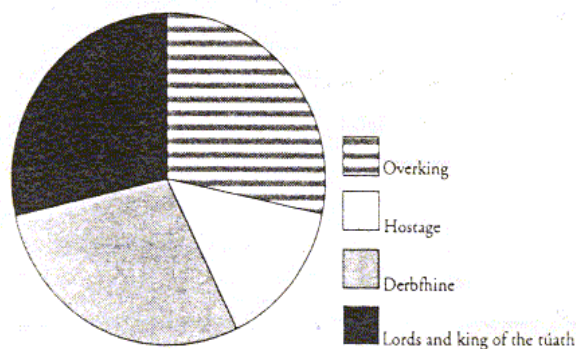
#### *Rann ó bun*

In this situation the subordinate king takes a hostage from the overking, which hostage is returned when the overking succeeds in obtaining the *cró* on behalf of the subordinate king and

<sup>17</sup> Following Binchy's emended reading (note 15 supra) the *gelfhine* may be taken as ego, father, son, brother (and brother's son?). <sup>18</sup> Even though the first paragraph concerns itself with both *cró* and *díbad*, the rest of the text is only concerned with the distribution of *cró*. This may be because in the first line we are told that 'a division of each was the same to them' – this seems to mean that whatever percentage of the *cró* you were entitled to, you were due the same percentage of the *díbad*.



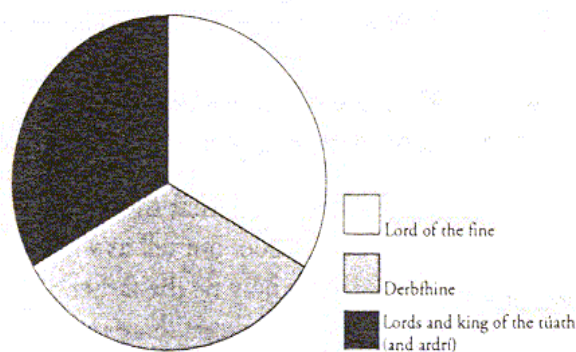
his *túath*.<sup>19</sup> The hostage receives  $\frac{1}{3}$  of the *cró* for his trouble, the overking who levies it receives one third of the remainder, the deceased person's *derbfhine* receives another third and the lords of the deceased person's *túath* receive the final third.



The king of the *túath* seeking the *cró* in this situation is responsible for dividing  $\frac{2}{3}$  of the complete body-fine. He gives half of this to the deceased person's *derbfhine* and the other half he divides between himself and the lords of the *túath*. He gets one third of this ( $= \frac{2}{21}$ )<sup>20</sup> and the rest of it is divided among all the lords until none of it remains.

#### *Cró ó inn*<sup>21</sup>

This division of *cró* is made when it is the lord of the *fine* who enforces payment. The *derbfhine* receives one third, the lords of the *túath* get a third and the lord of the *fine* gets the final third. The *ardri* (perhaps in this case referring to the king of the *túath*?) gets his share from the third given to the lords of the *túath* – his share is equal to what the lord of the *fine* gets from the *rann ó bun*.

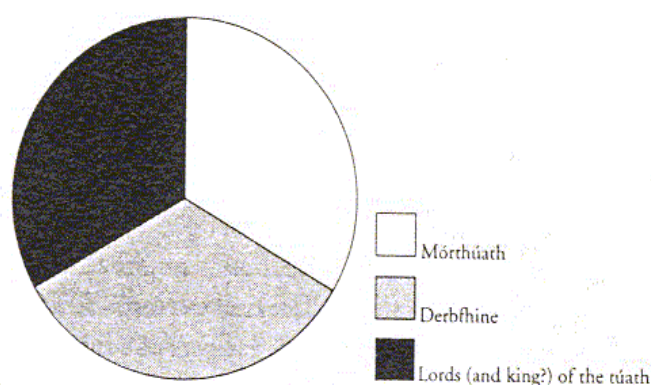


<sup>19</sup> As F. Kelly, (*A guide*, p. 23) points out, 'this is only possible, however, where both *túatha* owe allegiance to the same overking', though this is not explicitly stated in our text. <sup>20</sup> It seems probable, however, that the king of the *túath* receives more of the body-fine than this, i.e. if we interpret the line *fácbaid cach de trían leis beos* 'each of them leaves a third with him still' (§4) as referring to the lords of the *túath* giving one third of their individual shares of the *cró* as tribute to the king (I can see no other way of explaining this line satisfactorily). <sup>21</sup> *Cró ó inn* and *cró ar medón* seem to be levied without taking a hostage (unlike *rann ó bun*) though, once again, this is not explicitly stated. This viewpoint is strengthened, however, by the fact that *athgabál* 'distrain' is used to extract the *cró ó inn* and a *slógad* 'hosting' enforces



*Cró ar medón*

This division occurs when the *mórthúath* goes on a hosting to enforce payment of the *cró*. This seems to happen when the member of the *fine* for whom the compensation is sought is killed a good distance away from his own *túath*, thus making enforcement more difficult. When the body-fine is successfully levied, the *mórthúath* receives one third (with everyone who goes on the hosting getting some share of it), one third goes to the *derbfhine* as in the other divisions above and one third goes to the lords of the deceased person's *túath*. There is no specific mention made here of the share of the king of the *túath*, but presumably he gets his share from the third received by the lords of the *túath*.

*The share of the derbfhine*

In the three divisions listed above, the *derbfhine* gets one third of the available money (in the case of the *rann ó bun* the hostage's share is at everybody's expense equally). This third is divided among the *derbfhine* as follows (treating the text exactly as it stands):<sup>22</sup>

Father and son get  $\frac{1}{2}$  – and  $\frac{1}{2}$  remains. (*i.e. the deceased person's father and all his sons?*)

Uncle and [his] son get  $\frac{1}{4}$  – and  $\frac{1}{4}$  remains. (*i.e. all his uncles and cousins?*)

Brother gets  $\frac{1}{12}$  – and  $\frac{7}{12}$  remains. (*i.e. all his brothers?*)

Another  $\frac{1}{12}$  to the person nearest him following the same order. (*i.e. all his near relatives?*)

The final  $\frac{1}{12}$  seems to be divided out among all the kindred.

This is difficult to follow because it presupposes that the deceased person's father is still alive which quite often won't be the case. The text does not tell us who does the dividing but from the focus of the text as it stands, it seems that it may be the father of the deceased who would distribute the *cró*. This would help account for the large share received by the father's brothers and their families.

If we treat of the restored text (as suggested by Binchy) then the division is as follows:

*cró ar medón.* 22 If we restore the half-line that Binchy believes is missing here (which seems very probable), then the distribution of *cró* follows the table laid out by Charles-Edwards, *Kinship*, p. 507. However, the table is misleading in giving the amount to be divided as seven *cumala*. Taking the standard wergild as seven *cumala*, it is clear that the *derbfhine* receive only 2 (or at most  $2\frac{1}{3}$ ) *cumala* from this total.

Father and son get  $\frac{1}{2}$  – and a  $\frac{1}{2}$  remains.

Brother gets  $\frac{1}{6}$  – and  $\frac{5}{6}$  remains.

Father and son get  $\frac{1}{6}$  – and  $\frac{1}{6}$  remains.

Brother gets  $\frac{1}{18}$  – and  $\frac{17}{18}$  remains.

Another  $\frac{1}{18}$  to the person nearest him following the same order.

The final  $\frac{1}{18}$  seems to be divided out among all the kindred

In this way, father and son get  $\frac{2}{3}$  of the *cró*, brother gets  $\frac{1}{9}$  and the last  $\frac{1}{9}$  is distributed as noted above.

### Technical vocabulary

**aidbden** *A negotiator; a person belonging to a noble grade whose function is to represent his kin in dealings with a higher lord, especially the king, or with members of an outside túath.*

**airecas** *rank, legal status.*

**aitire** *hostage-surety.* See CG, 74-5.

**béscna** *legal custom.*

**cró** *wergild, body-fine.*

**derbfhine** *descendants on the male line of the same great-grandfather.*

**díbad** *inheritable assets, property of a deceased person.*

**etarfhlaith** *intermediate lord.* DIL also suggests 'subordinate chief' as an alternative translation. It is possible that its sense is not dissimilar to the *flaith aithig* ('commoner lord') of *Cáin Shóerraithe*, a man who occupies an intermediary position between lord and commoner (Kelly, *A guide*, p. 28). From the examples listed s.v. *etarflaith* in DIL, it seems that it is a term only ever used in the law tracts, when distribution of assets, fines etc. was involved. In *Bretha Étgid* (at CIH 330.15 & 330.23) we find examples where the *etarfhlaithi* and the *flaithi* receive one-sixth of a penalty, payable by those who avoid / miss a hosting. *Di Gnímaib Gtall* (at CIH 1756.12) notes that the *etarfhlaith* gets no part of the *éric* 'wergild' when he has no part in its collection.

This may be paralleled in our text (§9) where it seems that the share of the *etarfhlaithi* is completely divided among others. However, it may be that the *muire rechtgi*, *aitire* and *aidbden* are all different types of *etarfhlaithi*.

**fine** *family group, kinsman.*

**gíall** *hostage.* See CG, 95-6.

**ingen ar méraib** lit: *nail in front of fingers* or *nail on fingers*. This has been discussed by MacNeill (*Studies* 8, p. 373 n.1) as follows: 'This expression must mean the ultimate limit of the *derbfine* in the direction of descent. The literal sense is 'nail in front of fingers'. The hand is the symbol of the *derbfine*, the palm representing the common ancestor, and the joints of the fingers the three generations of his descendants'.

**mórhúath** *the major túath* or *over-kingdom*. The *rí mórhúaithe* seems to be posited as a different grade to the *rí cóicid* and thus may be equivalent to the *rí túath* or *ruiri*, though this is only speculation. A grade of king higher than the regular *rí túaithe* seems to be implied, however.

**muire rechtgi** lit: *the chief of law*. I take this person to be the equivalent of the king's *rechtaire* 'steward, administrator' (referred to as 'the most important functionary' in the king's household in Kelly, *A guide*, p. 65) rather than his *brithem* 'jurist', though this is only a personal preference based on the context.

**rí cóicid** *provincial king*.

**screpal** *unit of value = 1/24 th of an ounce*.

**urradas** *traditional or customary law*.