

Bretha Comaithchesa and Early Irish Farming

Early Irish Farming: main discussion, 1–502; edited texts, 503–59; appendix on units of measurement, 560–600.

A. Livestock: chapters 1–6, pp. 27–218

Cattle — Sheep, Goats, Pigs, Horses — Hens, Geese, Ducks, Doves, Peafowl, Bees, Dogs, Cats, Other Pets and Captives — Offences by domestic animals — Offences against domestic animals — Accidents and diseases

B. Crops: chapters 7–8, pp. 219–71

Cereals — other crops

C. What early Irish farmers did with livestock and crops: chapters 9–14, pp. 272–502

Hunting and gathering — Diet and cooking — Farm layout — Land-tenure — Farm labour — Tools and technology

Bretha Comaithchesa may be divided into five sections. In the *Corpus Iuris Hibernici*:

(1)	Introduction	64.6 to 65.11	§§ 1–4
(2)	<i>Smachta</i>	65.12 to 71.13	§§ 5–13
(3)	<i>Caithchi</i>	71.14 to 75.2	§§ 14–24
(4)	<i>Tairsce</i> and <i>ruiriud</i>	75.3 to 78.11	§§ 25–31
(5)	<i>Duinechaithchi</i>	78.12 to the end	§§ 32–42

(preserved
only in E 3.5: *CIH* 205.21)

Formal features and content

(1): Introduction, §§ 1–4

- § 1 Large 3-line initial; title; *cid ara n-eperr* question and answer; double etymology of *comaithches* (cf. Isidore, *Etym.* 1. 1. 1, on *disciplina* and *Críth Gablach*, § 1)
- § 2 *Cair* question and answer: *Cair: can for-beir comaithches? A ilchomarbus. . . .*
- § 3 *Cair* question and answer: *Cair: cid do-fet i comaithchius? Do-fet rann imbe. Cach n-imbe cona smachtaib; cach tairgille cona chaithchib. . . .*
- § 4 *Cair* question and answer: *Cair: co déntar comaithches? Ranntair aile ar threisi. . . .*

(2): *Smachta* ‘requirements’ for fencing, ‘fines’ for trespass by livestock, §§ 5–13. *EIF* chap. 4, 134–46

(a) Intro. and link: *smachta imbi ocus comaithchesa*

- § 5 *Cair* question and answer. *Arailiu*: alternative rules given.

(b) *Smachta cach ráithi* I, ‘The fines of every season’: winter ~ summer, night ~ day.

- § 6 Instruction, by one who knows how to judge, given to one who is merely learning: *annsam i; berae* 2 sg. (jussive) subj. Seasons; *etham* ~ *athlumpaire* ~ *móin*. *is sruithiu béobethu torthaib* (maxim?); *feis* ~ *airlim*.

- § 7 Two parallel sentences: nominativus pendens (in the second this is doubled).

(c) *Smachta cach ráithi* II: winter ~ summer.

- § 8 The heading, *smachta cach ráithi* functions for §§ 8–11 as a whole. This is the second shot at setting out the topic.

- § 9 *Ráithi*, ‘seasons’; 2 sg. jussive subj. *as-berae* ‘you should declare’ ~ ‘you should judge’, *berae*, of § 6.

- is sruithiu béobethu inna mbó oldaas a ngert* (maxim updated?)
- § 10 *Smachta* of summer and winter, day and night; 2 sg. jussive subj. *as-berae*.
- § 11 Winter trespass. Nominal sentences with relative clauses.
- (d) Concluding remarks
- § 12 Exceptions: *Ataat airlimenn* (day-time trespasses over a fence) introducing list of ‘leaping trespasses’ which did not incur a *smacht*. **EIF 137–8**
- § 13 Quality control of fine and restitution. Two nominal sentences; then *fér fo araill, fér folaid, fér samlaid*.

Section (3): *Caithchi* ‘penalties’ for offences involving human fault, §§ 14–24

(a) *Caithchi tíre*

- § 14 A pair of conditional sentences; transitional between Sections (2) and (3). In terms of form, they go better with section (2), but they are transitional to section (3) because the term *caithig* is used in the second sentence.
- § 15 *Cair* question and answer: the full-dress opening of section (3).
- § 16 *Caithchi muc* as a heading for two conditional sentences. **EIF 142–5**
- § 17 *Tairsce ~ caithig aidche*. Quotes a rule which is *i ndligiud inna Féne* and derives a maxim from it: *Is de atá . . .*
- § 18 *Atá dano orc* ...introduces both §§ 18 and 19; special cases for the classroom. **EIF 137**
- § 19 Completes § 18. **EIF 137**

(b) Fences, §§ 20–21 **EIF 372–8**

- § 20 *Cair* question and answer, the answer consisting of two conditional sentences.
- § 21 Detailed description with a concluding sentence: *Is amne cid a ndairimbe ...*

(c) Pet animals and dogs, §§ 22–3 (resumes the thread of § 18, *orcpeta*, after the digression on fences?) **EIF 124–31**

- § 22 List + pair of sentences.
- § 23 *Cair* question and answer: dogs. **EIF 114–21, 144**

(e) Concluding section on *colainn féich*.

- § 24 *Smachta comaitcheso* as heading followed by a question and answer — unusual combination?

Section (4): *Tairsce* ‘crossing-over’ and *ruiriud* ‘stampede’, §§ 25–31 **EIF 137**

- § 25 *Mruigrecht* as heading + *Cid ara n-eperr* + etymology + series of final clauses in *ara n-* with pres. subj. These look forward to the remainder of the tract (not just to section 4).
- Tairsce* and *ruiriud* (+ digression on the *eisert* ‘absentee’)
- § 26 *Tairsce*. *Cair* question and answer. The final item leads to the brief digression on the *eisert*.
- §§ 27–8 Digression on the *eisert* introduced by the conjunction *os* (× 3 in §§ 28–9). **EIF 402, 426**
- § 29 *Ruiriud dono*. *Dono* marks a new topic; definition: no question and answer.
- § 30 *Ruiriud raite dono* (as § 29)
- § 31 Consequential definition of the term *airchenn*: *cair* question and answer. **EIF 372**

Section (5): *Duinechaithchi* ‘human offences’, §§ 32–42

- § 32 Resumptive and transitional §. *Cair* + two questions and answers.

(a) Trees and bushes, §§ 33–6. **EIF 380–8**, ‘The Old Irish Tree-list’, *Celtica* 11

- § 33 *Duinechaithchi*: *cair* question and answer introduces the first kind: *béim fedo*.
 - § 34 List of *airig fedo* ‘nobles of the wood’
 - § 35 List of *aithig fedo* ‘commoners of the wood’
 - § 36 List of *fodlai fedo* ‘underclasses of the wood’
 - § 37 List of *losa fedo* ‘shrubs of the wood’
 - (b) *Aurbae tíre* ‘breakings into land’, §§ 37–42
 - § 38 *Aurbae tíre dono*: heading + *dono* marking a new topic
 - § 39 Special cases: *Ataat aurbae nad aclairdet*.
 - § 40 More special cases: *Ataat aurbae cenae nad aclairdet*.
 - § 41 Nominativus pendens + relative as topic: neighbour hemmed in by others.
 - § 42 *Áin 7 táin*: a topic wrapped up with one nominal sentence and one verbal sentence.
- EIF 138–9**

Bretha Comaithchesa, § 21

Mad nochtaile, gaibid-side fri damscuichid. Ní dichet scuichid ar dlúithi; ní dichet dam ar ardaí 7 daingni. Da dorn .x. dia ardaí. Tri bunchuir and: bunchor fria íchtar, araile and ara medón, araile fair iar n-úachtur. Córugad cach cúailni iar n-úachtur, 7 lámchor doib conda-arrhoíma talam 7 tri béimenn fair do fhorchai i cenn, 7 traig co deil n-ordan itir cach da chúailne. Tri duirn fot in chúailni úas fenamain, 7 cír draigin fair; ar dia mbé fair a n-imbe-seo is difhoglaigthe ar chethrai. Is amné cid a ndairimbe itir airdi 7 dlúithi 7 inrucus.

If it be a bare fence, it wards off both ox and small animal. A small animal cannot pass [through it] because of its thickness; an ox cannot pass [it] because of its height and its strength. Twelve hands in its height. There are three bands of wattling in it: a band low down, another in it halfway, another on it at the top. The adjusting of each stake at the top, and a thrust of the hand on them so that the earth receives them and three blows on it (sc. each stake) with a mallet at the top; and a foot as far as the base of the big toe between each stake. Three hands the length of the stake above the wattling and a crest of blackthorn on it; for if it be fenced in this way it cannot be damaged by cattle. It is [made] thus if it be an oak fence in respect of both height and thickness and lawful quality.

Bunchor ~ bennchor : W. *bangor* (cf. B. L. Jones, ‘Why Bangor?’, *Ainm* 5 (1991–3), 59–65)

A description of how a Welsh barn had to be constructed after 1 November in order to prevent animals from entering. Before then it was to be open to allow the wind to enter; but after 1 November the concern was to prevent animals from entering and the function of the construction was thus much the same as that of the Irish *nochtaile*: *LTWL* 363. 10–13 (Lat D), ‘Post kalendas Novembris, nisi horreum sit clausum, et paries cum tribus *bangor* sit contextus, licet animal intrans dampnum in eo fecerit, reddere non cogetur’; similarly 236. 41–237. 2 (Lat B), *WML* 102. 15–18, *Llyfr Blegywryd*, 95. 24–6, and, less closely, *LTWL* 151. 21–4 (Lat A), *Llyfr Iorwerth*, 155/6–7; the *paries*, the wall of wattle, is called a *pared* (derived from *pariet-*) in Cyfn (W), but it is also termed a *cant* (Cyfn Mk, Bleg) and a *llogeil* (Ior: *llog* + *ail*).

A definition of the Welsh word *bangor* was given by W. Wotton and M. Williams in their *Leges Wallicae*, Glossary, p. 557 (referring to III. x. 17, p. 287): *Virgae plexiles, reliquis ramalibus crassiores, quae superne sepe connexant*, ‘Flexible rods, thicker than the other twigs, which bind a fence together at the top’. They note that the word was well-known in Breconshire in their day (c. 1700) and add, coming closer to the legal text, *Sepimenta arearum in quibus frumentum demessum*

asservabatur, tribus in locis, superne, in medio, & inferne talibus virgis munita erant, ‘The enclosing walls of the spaces, in which corn, once reaped, used to be kept, were strengthened by such rods in three places, above, in the middle, and below.’ Thomas Roberts (perpetual curate of Coychurch, Glam.) used Wotton in his Dictionary (1753) but added that the word was current in Glamorgan and Carmarthenshire as well as Breconshire.

cor in special sense of ‘twist, turn, circuit’: *Thes.* ii. 11 (Karlsruhe Bede), 18 b 2, *curu* glosses *giros* referring to the circuits of the stars around the Pole Star. This sense of *cor* is reflected in *bunchor* and also, in Welsh, in *bangor* (as opposed to the normal *cor* ‘putting, placing’ in *hepgor*, *cyngor* etc.)

Walls and fences

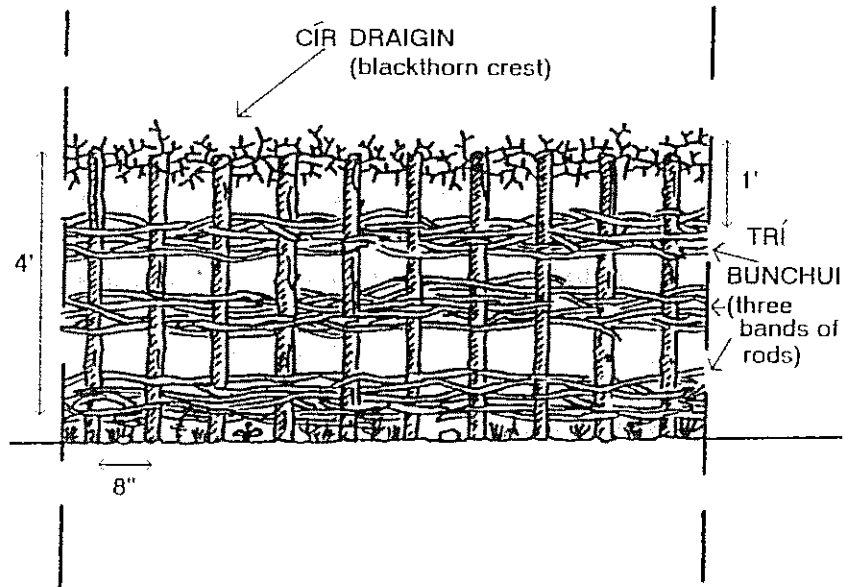


Fig. 19. A suggested front view of a bare fence (nochtaile).