

THE BOOK OF DOMHNALL Ó DUIBHDÁBHOIREANN,  
PROVENANCE AND CODICOLOGY

THE present article originated remotely in a long term plan that my late wife and I should jointly make a study of the surviving Irish lawyers' manuscripts, which, sadly, was rendered abortive by her death. However she transcribed many of the inscriptions, which seem to abound in these manuscripts more than in others,<sup>1</sup> and translated some of them. But these transcriptions and translations were not in a state for publication: much work still needed to be done on refining the readings and especially on the numerous quatrains. Her work, however, taken together with O'Grady's pioneering treatment of British Library (BL), MS Egerton 88,<sup>2</sup> and Kathleen Mulchrone's work on the Academy manuscripts,<sup>3</sup> provides the guide-lines on which the following codicological study is based.

It is abundantly clear from the surviving fragments of the books they compiled for themselves that the lawyers were widely read in other fields than law, something which might tend to be obscured by such an extractive publication as the *Corpus iuris Hibernici (CIH)*. My interest in their books began with the celebration of the tercentenary of the birth of the Welsh scholar, Edward Lhuyd, in 1960, when I mounted an exhibition of those manuscripts of his which are now held in the Library of Trinity College, Dublin, in the Long Room of that Library.

My struggles to identify the manuscripts that had been his, in which I was greatly helped by my wife, have been told in our joint article 'Edward Lhuyd's collection of Irish manuscripts'.<sup>4</sup> His collection provides about two thirds of the contents of the *Corpus*, but this of course covers only the legal parts of the books that had belonged to the lawyers. The fortunate accident of his Irish tour in 1699–1700, when he acquired the manuscripts, was the critical seventeenth-century rung in the frail ladder by which they have descended to us.

In 1960 I was concerned to identify the owners from whom he acquired them and fortunately he had noticed some of them: Eoin Ó Gnímh at Larne, Cornán Ó Cuirnín in Sligo, perhaps also Maol Muire Ó Cléirigh at Ballyshannon, and Cú Choigríche Ó Cléirigh and the Rev. John Beaton at Coleraine. His notes in the manuscripts enable us to identify some parts of them as having been bought as single units. Thus 'constat fol. 218' on p. 1 of TCD MS 1337, repeated on p. 398, serves to mark a single purchase, reinforced by signs of heavy wear on the outer leaves. Lhuyd's 'constat f. 108' on the first page of TCD MS 1336, repeated on col. [430c-d], provides a similar case. The unit marked 'constat 95', which begins on TCD MS 1337, p. 423, now ends on TCD MS 1336, col. 680. TCD MS 1316, p. 11, is

<sup>1</sup> Hunger seems to have been a frequent source of inspiration, many of the inscriptions being written on the eves of great feasts when the scribes would have been fasting.

<sup>2</sup> S. H. O'Grady, R. Flower, (M. Dillon), *Catalogue of Irish manuscripts in the British Museum I–II, III* (London 1926, 1953) [*BM Cat.*] I, 85–141. I should like to record my indebtedness to Dr Aoibheann Nic Dhonnchadha for her help with the inscriptions, and to those friends who kindly read various drafts of this article, Professors Pádraig de Brún, Tomás Ó Concheanainn and Pádraig Ó Riain.

<sup>3</sup> T. F. O'Rahilly, K. Mulchrone et al., *Catalogue of Irish manuscripts in the Royal Irish Academy fasc. i–xxvii, index I–II* (Dublin and London 1926–58); T. Ó Concheanainn, *id.* fasc. xxviii (Dublin 1970) [*RIA Cat.*] 3440–51.

<sup>4</sup> A. and W. O'Sullivan, 'Edward Lhuyd's collection of Irish manuscripts', *Transactions of the Honourable Society of Cymmrodorion* (London 1962) 57–76.

marked ‘*constat fol. 28*’ which covers the following legal items in this manuscript. Trinity College, Dublin, MS 1337, pp. 565–60 is noted to have been purchased from Ó Gnímh, as is the first collection in the same manuscript mentioned above and Lhuyd claimed to have had about a dozen manuscripts from him.<sup>5</sup> The physical evidence of wear on the outer leaves of the manuscript that Lhuyd noted he had bought from Cornán Ó Cuirnín indicates that it covered TCD MS 1337, pp. 459–518. This is confirmed by finding Ó Cuirnín’s *ex libris* on an unnumbered stub before p. 516. Lhuyd noted on p. 159 that he had bought TCD MS 1363, pp. 157–212, from Ó Cuirnín in Sligo in 1700. TCD MS 1387, from its shelfmark and for lack of any means of identifying it with Lhuyd, I failed to ascribe to him in 1960. Now that I have learned to recognize that Seán, the scribe of that manuscript, also wrote TCD MS 1337, pp. 871–4, I feel sure, in the absence of any other likely provenance, that I was over-cautious and that it must also have belonged to Lhuyd.

Many, perhaps all, of these manuscripts, as we demonstrated in our article, bear evidence that they had previously been owned by the last of the traditional anti-quiries, Dubhaltach Mac Fhir Bhisigh. In his time Irish law had everywhere been superseded by the common law and knowledge of its special language was lost, so he set out to produce a law dictionary and to that we owe the collection of lawyers’ books to which Lhuyd fell heir. A rough draft of part of his dictionary survives in TCD MS 1401. He was also to provide the antiquary John Lynch with the list of law tracts published in *Cambrensis eversus*.<sup>6</sup> Both men were working in the security of Galway in the 1640s but presumably would have had to leave when the town was forced to surrender in 1652.

The library of law manuscripts that Lynch claims to have seen can only have been Mac Fhir Bhisigh’s.<sup>7</sup> When I was trying to establish the sources of Lhuyd’s Irish collection, I was greatly puzzled that he should have bought manuscripts that were indubitably Mac Fhir Bhisigh’s from Eoin Ó Gnímh at Larne in County Antrim. Tomás Ó Concheanainn provided the clue that could explain this seeming geographical anomaly by reminding us that the Clann Fhir Bhisigh claimed the right to provide *ollamhs* not only to the Uí Fhiachrach Muaidhe, represented by the O’Dowds, whose head (according to Roderic O’Flaherty) inherited Dubhaltach Mac Fhir Bhisigh’s books, when he was killed in 1670, but also to the Uí Fhiachrach Aidhne, represented by the O’Shaughnessys, and to the Colla Uais, the MacDonnells of Antrim, the Uí Ghnímh being hereditary poets to the neighbouring O’Neills of Clondeboy.<sup>8</sup> The head of the Mac Donnell’s, the marquess of Antrim, who had been active for the king in the Confederate war, was dispossessed and given some lands in Connaught under Cromwell, but restored to his estates under the Act of Explanation. Perhaps this connection may serve to explain the strange fact that the manuscripts owned by Dubhaltach turn up in Larne and that

<sup>5</sup> *ibid.*, 61.

<sup>6</sup> John Lynch, *Cambrensis eversus*, 2nd ed. (Dublin 1848), vol. II, 367–75.

<sup>7</sup> *Ibid.*, 375.

<sup>8</sup> T. Ó Concheanainn, ‘Scríobhaithe Leacáin Mhic Fhir Bhisigh’, *Celtica* 19 (1987) 151; B. Cunningham and R. Gillespie, ‘The East Ulster bardic family of Ó Gnímh’, *Éigse* 20 (1984) 106–14.

some, perhaps under the aegis of the Rev. John Beaton, Lhuyd's mentor, should have reached the National Library of Scotland.<sup>9</sup>

There is however still another third of the *Corpus* that did not belong to Lhuyd and the ladder to which we owe our knowledge of Irish law must have a second, though probably equally frail, seventeenth-century rung if we are to account for the considerable body of lawyers' books, now divided between the British Library and the Royal Irish Academy, which have not so far been traced to a seventeenth-century collector. Tadhg Ó Rodaighe of Crossfield in County Leitrim, whom Lhuyd met, boasted in a letter to him of having thirty law manuscripts, but there is nothing in the Trinity manuscripts that would indicate that he parted with any of them to Lhuyd. Now, although absolutely clinching evidence is still lacking, I have come to believe that he must have been the source from which derive two of the manuscripts sold by James Hardiman to the British Museum in 1832: BL MS Egerton 88, together with its related fragments in Copenhagen, Kongelige Bibliotek, MS 261B, and RIA MS 1243, pp. 33–52, and BL MS Egerton 90, together with its related fragments, RIA MS 1243, pp. 7–30 and RIA MS 670,<sup>10</sup> which was presented to the Stowe library by Thomas Grenville, who bought it at the sale of Count MacCarthy Reagh's books in Paris in 1812. Finally, the last two leaves of RIA MS 1243, pp. 53–5, draw RIA MS 1236, of which they are part, into the net. This descended through the library of Charles O'Connor of Belanagare. Perhaps even BL MS Harley 432, since it became available and was bought by Robert Harley shortly after Ó Rodaighe's death, could also have belonged to him. Humfrey Wanley, Harley's librarian, merely records that 'Mr Conry' told him that it was an ancient transcript of the 'Book of Cloin in Munster', with a collection of laws.<sup>11</sup> This would then leave RIA MS 1242 alone unaccounted for. Nothing seems to be known about the source from which the Royal Irish Academy acquired MSS 1242–3.

Hardiman is recorded as having bought BL MS Egerton 88 from the sister of Arthur Mahon, of the Cavetown branch of the Strokestown, County Roscommon, family.<sup>12</sup> Cavetown would be about twenty miles from Crossfield. Arthur was archdeacon of Elphin as well as prebendary of Howth in St Patrick's Dublin and died in 1788.<sup>13</sup> Hardiman records that Arthur Mahon had lent the manuscript

<sup>9</sup> Ó Concheanainn, 'Scríobhaithe Leacáin Mhic Fhir Bhisigh', 167.

<sup>10</sup> These relationships are established by the handwriting.

<sup>11</sup> *Catalogue of the Harleian manuscripts in the British Museum* II (London 1808–12) 235. Conry helped Wanley with the inscriptions in Harley MS 1802, which was described between 1713 and 1714, so that this would have been about the time Conry was in London and perhaps led to the purchase of Harley MS 432 from him. C. Wright, *The diary of Humfrey Wanley* (London 1966), i.2, note 4. The Harleian manuscripts were not placed in order of acquisition (*ibid.*, ii. 475–515).

<sup>12</sup> *BM Cat.* III, 35–6. The details of the story cannot however be accurate, since one of the two sisters died before 1781 and the other in 1791, when Hardiman was perhaps one year old; G. Webster, 'Descent of the Mahons of Cavetown, Co. Roscommon', *Roscommon Historical and Archaeological Society Journal* 3 (1990) 42–3.

<sup>13</sup> When in 1818 an oaken box was made out of wood from the roof timbers of St Patrick's, another of the family, the Hon. Maurice Mahon, was a minor canon of the cathedral, being deprived, probably for senility, around the time that he succeeded as the third baron Hartland in 1835. Could he have been an intermediate owner? He was born in 1772. (BL MS Egerton 88, f. 1; H. J. Lawlor, *The fasti of St. Patrick's Cathedral, Dublin*, (Dundalk 1930) 206, 221).

to Charles Vallancey in an unbound condition and there are surviving copies made from it at his direction by the scribe, Muiris Ó Gormáin.<sup>14</sup> He is also known to have sent the Copenhagen fragment to the Danish scholar, Grímr Jónsson Thorke- lin, ‘to guide him in an intended search for Irish manuscripts in the archives of Denmark’.<sup>15</sup> Vallancey may not however be responsible for the chaotic distribution of the other fragments.

BL ms Egerton 90 contains three separate legal fragments: a deed concerning McNamara lands in County Clare (f. 8), part of the book of Cairbre mac Domh- naill Uí Dheoradháin (ff. 9–12), another part of which survives in RIA ms 1243, pp. 7–30, and part of the book of Dáibhídh Ó Súilleabháin Bán (ff. 13–16), another part of which survives in RIA ms 670.<sup>16</sup> William Nicolson noted in 1724 that John Conry’s library in Dublin contained a collection of old legal judgments, some given to him by Peter Mahon, dean of Elphin.<sup>17</sup> This was the son of Nicholas, the founder of the Strokestown family and father of Arthur Mahon, the owner of BL ms Egerton 88. As we have already seen, Conry was Wanley’s informant about BL ms Harley 432 and might very well have been its former owner. Most of the important Conry manuscripts were purchased by Dr John Fergus in 1731 and his library, in turn, came up for sale when his son died in 1766.<sup>18</sup> Count MacCarthy’s manuscript would seem to be a likely candidate for a Conry law book. Although the count normally lived in Toulouse, where he built up one of the most splen- did libraries of his time, he was born in County Tipperary and is known to have been in Dublin at the time of the birth of his second son in 1769 and could have acquired the manuscript on such a visit.<sup>19</sup> The BL ms Egerton 90 deed is one of the small number of surviving deeds in Irish; most of them relate to County Clare and many concern McNamaras. BL ms Egerton 152, f. 62, contains a copy of such a deed by Muiris Ó Gormáin, made, significantly, when the original, now lost, was in Vallancey’s hands in 1767. Other originals exist among the BL Egerton Char- ters, numbers 97–9, and these were among the thirty-nine documents published by Hardiman in 1826.<sup>20</sup> Many of these derived, he tells us, from a solicitor, William Dix, a few from William Shaw Mason but the remainder from his own collection.<sup>21</sup> It seems most likely that these last may also derive from the Mahon collection and so ultimately, as I suspect, from Tadhg Ó Rodaighe. Kenneth Nicholls believes

<sup>14</sup> RIA MSS 1245, 1247.

<sup>15</sup> *BM Cat.* II, 603.

<sup>16</sup> Identified by its script. Omitted from *CIH*.

<sup>17</sup> W. Nicolson, *The Irish historical library* (Dublin 1724) 245. Bishop Nicolson’s account book for 1723 shows him returning ‘MSS Annals’ to Conry (MS in Cumbria County Library, Carlisle). I owe this reference to the kindness of Dr Toby Barnard. Conry’s lands of Rathmore were like Strokestown in the parish of Kiltristan, Co. Roscommon. (R. C. Simington, *Books of survey and distribution, being abstracts of various surveys and instruments of title, 1636–1703. Vol. 1, County of Roscommon* (Dublin 1951) 73).

<sup>18</sup> W. O’Sullivan, ‘The Irish manuscripts in case H in Trinity College Dublin catalogued by Matthew Young in 1781’, *Celtica* 11 (1976) 234–5.

<sup>19</sup> R. Hayes, *Biographical dictionary of Irishmen in France* (Dublin 1949) 169–70.

<sup>20</sup> *BM Cat.* I, 155–6. J. Hardiman, ‘Ancient Irish deeds and writings, chiefly relating to landed property, from the twelfth to the seventeenth century; with translations, notes and a preliminary essay’, *Royal Irish Academy Transactions* 15 (1826) 1–95.

<sup>21</sup> *Ibid.*, 4.

that for the most part they formed part of the archives of the Earl of Thomond and that many can be recognised in a schedule, dated 1641, now at Petworth, where he has also found a note that the deeds in Irish were handed over to 'Dean Smyth, Chief Justice Povey's son[-in-law]'. William Smyth became dean of Dromore in 1673, a bishop in 1681 and bishop of Kilmore and Ardagh in 1693, when he would most probably have become Tadhg Ó Rodaighe's landlord.

Tadhg's *duanaire* is extant in a copy made by Maurice Newby in 1714-15, now TCD MS 1419, which in the old pagination begins at p. 251. An earlier part of the Newby manuscript, RIA MS 1007, contains pp. 107-250. This is a collection of poems on the *Fiana* and contains a table of contents in the hand of Matthew Young, the first cataloguer of the Irish manuscripts in Trinity Library.<sup>22</sup> In 1784 he published a number of such poems collected in Scotland and his ownership probably dates from that time. The table shows that the manuscript then began with a fragment of the tale *An Gleacaidhe Géuglonnach*,<sup>23</sup> followed on p. 81 by the tale *Eachtra an Ghiolla Dheacair*, both subsequently lost, so the dismemberment of Newby's manuscript must have preceded Young's time. The Trinity part belonged to Edward O'Reilly in 1820.<sup>24</sup> In 1846, clearly before Trinity acquired its part, John O'Donovan described the manuscript for Todd's edition of Ó Rodaighe's letter to Lhuyd.<sup>25</sup> Relying largely on the scanty factual detail provided by the *duanaire*, John Logan has been able to construct an outline of Tadhg's life and what follows is largely dependent on his work.<sup>26</sup>

Tadhg was a member of the family that had provided the coarbs of St Caillín at Fenagh, County Leitrim, in the later middle ages and a direct descendant of the Tadhg for whom the Book of Fenagh was compiled in 1516. Their ownership of the hereditary coarbal lands was lost to the bishopric of Ardagh in the time of John Richardson (1633-1654). The family presumably survived as tenants and Tadhg was a well-educated country gentleman, patron of poets and an excellent antiquary as Lhuyd tells us. He was also on good terms with the bishop of his day, William Sheridan, for whom he wrote a description of County Leitrim to be sent to William Molyneux, who was then collecting such accounts to accompany a projected atlas. Like the bishop, who had conscientious objections to taking the oath to William III and as a result was deprived of his see, Tadhg suffered in the fall of James II. He had been appointed commissioner to collect the abortive land tax for County Leitrim by the Patriot Parliament. On William's victory at the Boyne he fled west of the Shannon, living with his wife's family, the McNamaras, at Derada in County Clare, four miles from Gort, where he would have been

<sup>22</sup> O'Sullivan, 'The Irish manuscripts in case H in Trinity College Dublin', 240-41.

<sup>23</sup> The presence of this text, composed by Seán Ó Neachtain before 1716 (A. Bruford, *Gaelic folktales and medieval romances*, (Dublin 1969), 49, 53), indicates that not all the elements in the Newby transcript can have been part of the original Ó Rodaighe manuscript, but even the RIA part contains at least three items of Ó Rodaighe interest.

<sup>24</sup> E. O'Reilly, 'A chronological account of . . . four hundred Irish writers. . .', *Transactions of the Ibero-Celtic Society* I, Pt. 1 (Dublin 1820) ccvi-vii. Many of the Ó Rodaighe poems have been printed by T. Ó Raghallaigh in *Fili agus filidheacht Connacht* (Dublin 1938) 350-98.

<sup>25</sup> J. H. Todd, 'Autograph letter of Thady O'Roddy' in *The miscellany of the Irish Archaeological Society* (Dublin 1846) 115.

<sup>26</sup> J. Logan, 'Tadhg O Roddy and two surveys of County Leitrim', *Breifne* 4 (1971) 318-34, but especially 322-5.

under the protection of the Jacobite garrisons of Limerick and Galway. Later, in 1694, he was to be put out of the house he had built at Carrickslavan, two miles from Carrick-on-Shannon by his landlord's unexpected sale of the property. When Lhuyd visited him in May 1700 he was living at Crossfield, which John O'Donovan has identified with Aroddy near Fenagh. In his letter written to Lhuyd later in the same month he describes his manuscript library, claiming to 'have as many Irish bookes of Philosophy, Physicke, Poetry, Genealogys, Mathematicke, Invasions, Law, Romances, etc. and as ancient as any in Ireland. . . . I have several volumes that none in the world now can peruse, though within 20 yeares there lived three or four that could read and understand them all. . . . I have the bookes of our Law, being 30 in number (though my honoured friend, Sir Richard Cox, was once of opinion that our law was arbitrary, and not fixed nor written, till I satisfied him to the cont[r]ary in summer, 1699, by shewing him some of the said lawe bookes). . . .'<sup>27</sup>

It is hard to believe that such an impressive library could have disappeared without trace but, as I suggest above, I suspect that it must be the source of the Mahon law manuscripts.<sup>28</sup> Part of them, as we have seen, was acquired by John Conry. RIA MS 540, a copy of Keating's *Forus feasa* perhaps written by Conry, names John Mahon and Thomas Mahon Esq., who would have been his son, if as seems likely they belonged to the Strokestown branch.<sup>29</sup> The possibility should not be lost sight of that some of Conry's other important manuscripts such as the Annals of Loch Cé, volumes one and three of the Annals of the Four Masters, which had earlier belonged to Roderic O'Flaherty, the Annals of Ulster and Dubhaltach Mac Fhir Bhisigh's *Leabhar na nGenelach* (Dublin, University College Library, MS Add. Irish 14) may also have derived from Ó Rodaighe's library.<sup>30</sup> Two of his manuscripts are known: the Book of Fenagh into which he wrote his pedigree in 1688 and *Leabhar Chlainne Suibhne*, but he also seems to have owned the exemplar of RIA MS 956, a copy of Keating's *Forus feasa* which contains his signature and that of Donnchadh Mac Conmara, perhaps his father-in-law.<sup>31</sup> Besides the *duanaire*, I suspect that several others of his manuscripts became available to the Irish scribes working in Dublin at about the time it was copied.<sup>32</sup> The topographical references in the inscriptions in the lawyers' books show a heavy bias towards Clare and East Galway, indicating that Tadhg, taking advantage of the disorder of the time, must have formed his collection there during the Williamite war. Similarly, the fact that his

<sup>27</sup> Todd, 'Autograph letter of Thady O'Roddy', 122–3. The date of Tadhg's death is unknown, but he acted as surety for Patrick Curnin, parish priest of Dromlease, under the law for the registration of the Roman Catholic clergy (P. O'Connell, *The diocese of Kilmore* (Dublin 1937) 471–2).

<sup>28</sup> These may have been the source of the rumour reported by Thomas O'Sullivan to Wanley on 31 March 1724, 'that in some place in Conaught there are remaining two Chests replete with Irish MSS among which are the Codes of the old Irish Laws; as also certain Glossaries explaining the Technical Words in them, but that these being written upon Paper, are much damnified with Age and Ill Usage' (*BM Cat.* III, 17).

<sup>29</sup> *RIA Cat.*, 1673.

<sup>30</sup> Nicolson, *The Irish historical library*, 243–4.

<sup>31</sup> *RIA Cat.*, 2755.

<sup>32</sup> See for instance two Mac Solaimh manuscripts (RIA MSS 153, 156), and Ó Rodaighe's copy of the 'Liber Ultoniae' provided a pedigree for Aodh Ó Maoil Mhuaidh (RIA MS 340, pp. 71–4).

wife Fionnuala was a McNamara might help to account for the surprisingly strong interest of that family in the surviving deeds in Irish.

With the abandonment of Irish law for the common law in the early seventeenth century, transcripts of the law texts ceased to be made and the survival of all detailed knowledge of the oldest of native institutions was imperilled. With the single exception of Dubhaltach Mac Fhir Bhisigh, who was seriously concerned to transmit a knowledge of Irish law, the earlier collectors working in the first half of the century, such as Archbishop James Ussher and Sir James Ware, were primarily studying ecclesiastical history and probably acquired their law manuscripts incidentally. In Ussher's case this would certainly have applied to the legal sections of the Book of Ballymote (RIA MS 536) and TCD MS 1432, which had earlier belonged to Sir George Carew. The legal part of TCD MS 1433 was however a separate manuscript in his day. In Ware's case the same would certainly have applied to the Book of Glendalough (Oxford, Bodleian Library, MS Rawlinson B 502), but the legal sections of Oxford, Bodleian Library, MSS Rawlinson B 487 and Rawlinson B 506, the latter having earlier belonged to Henry Jones, bishop of Meath, were separate manuscripts when he acquired them. When he came to write about Irish secular law in his *Antiquities*, first published in 1654, he mentioned the existence of law manuscripts by hearsay only,<sup>33</sup> not recognising the character of Rawlinson B 487, ff. 53–67, which he already owned but which he catalogued in the table of contents as *Canones ecclesiasticae Hibernice*. He acquired Rawlinson B 506, ff. 16–62, around 1663 but by then he knew what he was dealing with and it appears in his table of contents as *Leges quaedam brehonicae*. The other somewhat older collector of that time, Sir Robert Cotton, had a very general taste and curiosity, which sufficiently accounts for his acquisition of BL Nero A VII, ff. 132–57, which his table of contents describes as *Tractatus de ecclesia dei in caractere et lingua Hyberniae*. Its lack of antiquity would not have deterred a purveyor of current state papers. Collectors at the end of the century, when wars and political upheavals had greatly reduced the stock of available manuscripts, were a very different case and there can be no doubt of the seriousness of Lhuyd and Ó Rodaighe in the pursuit of law manuscripts in particular, which the former tells us he valued above all others.

Manuscripts containing Irish law divide readily into the lawyers' own books, and the general manuscripts which incidentally contain some legal texts of interest to other professions. Dublin, National Library (NLI), MS G 11 is a good example of the second type, being a purely medical manuscript with a small section on the law of sick maintenance. The great encyclopaedic compendia like the Book of Ballymote or the Book of Glendalough are similar cases, the legal interest being confined to questions of status, particularly of the learned classes. This distinction has tended to be obscured by the collectors' habit of binding together hitherto unassociated manuscripts, as in the case of BL Rawlinson B 506 or TCD MS 1336, where the final parts are non-legal. The lawyers own books, however, as we have seen, are not confined to legal matter; their general education and interests cover a

<sup>33</sup> Sir James Ware, *The antiquities. . . of Ireland* (Dublin 1705) 23.

much wider field. Fergus Kelly has illustrated the importance to them of the wisdom texts,<sup>34</sup> and such texts as *Auraicept na nÉces* or *Acallam in Dá Shuad* seem scarcely to survive now outside their manuscripts. That their interests ranged over a wide variety of literary and hagiographical texts and glossaries is abundantly illustrated in such a manuscript as TCD MS 1337 and even in Domhnall Ó Duibhdábhoireann's own book, which is the inspiration as well as the special subject of the present article, which attempts to offer some tentative solutions of the very many problems posed by its codicology.

It is widely known that BL MS Egerton 88, RIA MS 1243 (23 Q 6), pp. 33–52 and Copenhagen, Kongelige Bibliotek, Ny Kongl. Saml. 261B, form parts of a single manuscript and that they came to be separated in the second half of the eighteenth century. A hand of that time has marked the two last 'Fragment C' and 'Fragment D' respectively.<sup>35</sup> While each of these two smaller fragments forms a single section or gathering, Egerton 88 has lost many of its folds and most of the sections are repaired, that is, the leaves are artificially joined to form new bifolia.<sup>36</sup> When the manuscript reached the British Museum it was disbound, in the wooden box made for it, and in some disorder. Eugene O'Curry was employed in October 1849 to rearrange it before binding. The arrangement of the leaves, as he found them, can however be followed in an old pagination.<sup>37</sup> An inspection of the writing suggests the following divisions: I: ff. 2–9; II: ff. 10–15; III: ff. 16–25; IV: ff. 26–33; V: ff. 34–7; VI: ff. 38–41; VII: ff. 42–8; VIII: ff. 49–56; IX: ff. 57–62; X: ff. 63–79; XI: ff. 80–93; XII: Copenhagen MS 261B; XIII: RIA MS 1243, pp. 33–4, 51–2; XIV: RIA MS 1243, pp. 35–50.

The manuscript, thanks to Standish Hayes O'Grady's splendid work on the scribal inscriptions, has long been known to be the book of Domhnall mac Aodha Uí Dhuibhdábhoireann,<sup>38</sup> a member of the minor legal family of Cahermacnaghten, County Clare, employed by O'Loughlin, lord of the Burren of County Clare. The fact that the work was carried on over seven years must account for the extraordinary difference in the hands signed by Domhnall.<sup>39</sup> The most obvious difference between the early and the later hands is that where the former generally employs a pointed 'a', in the latter 'a' is frequently open. One of the features suggesting that one man is responsible for both hands is the use of a characteristic curly-tailed 'd', very occasionally in the former and

<sup>34</sup> *A guide to early Irish law* (Dublin 1988) 284–6.

<sup>35</sup> Surprisingly there is no sign that Egerton 88 ever carried such a mark.

<sup>36</sup> The manuscript contains ninety vellum leaves, now foliated 2–93, but 1–92, following an older system, in *CIH*. I have used the current system. The sections retaining their original folds cover ff. 2–33 and 58–61. For checking the collation I am indebted to Michelle Brown of the Department of Western MSS in the British Library.

<sup>37</sup> The pre-O'Curry order was ff. 2–25, 38–41, 36, 42–8, 26–33, 49, 34, 37, 50–6, 71–6, 57–62, 79, 77–8, 63–70, 80–93. This suggests the possibility that the original folds may have been still extant at that time over ff. 38–48, 50–62, 71–6, making likely sections or partial sections of 38–41, 42–8, 50–5, 71–6.

<sup>38</sup> O'Grady established the father's name with the help of a kenning (*BM Cat.* I, 124), as in Harley MS 5280, art. 39, f. 59<sup>v</sup>12.

<sup>39</sup> e.g. f. 5<sup>vb</sup>27, f. 17<sup>va</sup> ult., with his surname on f. 18<sup>vb</sup>13 lines ab infra, f. 31<sup>a</sup> ult., f. 38<sup>vb</sup> 5 lines ab infra, f. 44<sup>va</sup> 3 lines ab infra, f. 50<sup>vb</sup> ult., 71<sup>tb</sup> ult., f. 79<sup>vb</sup> ult.; Copenhagen MS 261B, f. 4<sup>vb</sup>; RIA MS 1243, p. 37<sup>b</sup> ult., p. 45<sup>a</sup> ult., with his surname on p. 50b 7 lines ab infra.

more commonly in the latter.<sup>40</sup> They also share the curious P-shaped initial M, achieved by lengthening the middle stroke.<sup>41</sup> The earliest specimen of Domhnall's hand seems to be RIA MS 1243, pp. 35–42a, written in November–December 1564, a moderately careful example of the formal hand he would have been taught, but on p. 42b he changes to a less formal style, fortunately taking care to sign it in the upper margin. Here, all examples of the letter 'a' are open and the bowl of the 'g' is long and open, a feature of the hand that does not persist beyond this section. This phase ends on p. 50 with the date 1566 and as this is preceded on p. 48 with what seems to be a reference to Ash Wednesday, which would have preceded 25 March in both years, it may be our 1567. To see the difference between Domhnall's earlier and later styles, one might compare, for example, Egerton 88, ff. 34<sup>v</sup>–37<sup>v</sup> and ff. 42–56 for the former with Egerton 88, ff. 2–15 and ff. 57–93 for the latter.

At other points the hand could perhaps be classified as intermediate, e.g. Egerton 88, ff. 16–25 and ff. 38–41, which although undated must, because they are framed,<sup>42</sup> be seen as belonging to the earlier time. The bifolium, RIA MS 1243, pp. 33–4 and pp. 51–2, dated 1565 at the end, must be misplaced in its present position. This, apart from p. 51a in Domhnall's early style, is entirely from the hand of Maghnus I and serves to introduce another problem.

Two distinct hands are signed Maghnus and these are so clearly different that it seems best to assign them to different men.<sup>43</sup> They appear together in only a single section, RIA MS 1243, pp. 35–50, which as we have seen seems to begin in 1564 and end in ?1566/7, with Maghnus I writing most of 43b and Maghnus II 48a. Maghnus I, writing from around 1565, was responsible for very large areas of Domhnall's manuscript, his work being quickly distinguished by his direction sign, a line sloping right followed by an apex pointing upwards. Apart from a few slight interventions, he wrote the whole of two sections: Copenhagen MS 261b and Egerton 88, ff. 26–33 and he also worked on Dáibhídh II's book (TCD MS 1337, pp. 440–55) at Park in 1565. Particularly interesting is Egerton 88, f. 31, where the first column was begun by Maghnus I with an intervention in Domhnall's early style on lines 12–18, then continued by Maghnus I, with a final and presumably later addition of ten lines in Domhnall's late style. The second column also begun by Maghnus I has a large addition from the hand of Maghnus II, characterised by open-tailed 'g', straight-tailed ascender to the 'd' and a direction sign of two pot-hooks sloping left with a dot before and after. He first appears writing RIA MS 1243, p. 48, in ?1566/7; for the rest he is Domhnall's chief assistant in the unframed areas done between 1567/8 and 1569/70, though, unlike Maghnus I, he does not often write more than one column at a time. He seems to have

<sup>40</sup> e.g. Egerton 88, f. 4<sup>ra</sup>, f. 10<sup>ra</sup>, f. 23<sup>va</sup>, f. 34<sup>vb</sup>, f. 62<sup>v</sup>, f. 68<sup>rb</sup>, f. 76<sup>rb</sup>, f. 84<sup>vc</sup>; RIA MS 1243, p. 41b, p. 47<sup>b</sup>, p. 50b.

<sup>41</sup> e.g. Egerton 88, f. 4<sup>v</sup>, f. 15<sup>ra</sup>, f. 31<sup>v</sup>7<sup>a</sup>, f. 36<sup>rb</sup>, f. 42<sup>v</sup>2<sup>a–b</sup>, f. 49<sup>rb</sup>, f. 57<sup>v</sup>2<sup>b</sup>, f. 67<sup>va</sup>, f. 73<sup>rb</sup>; RIA MS 1243, p. 37, p. 39a–b, p. 42a–b, p. 50a–b.

<sup>42</sup> See below.

<sup>43</sup> Maghnus I signs Egerton 88, f. 28<sup>vb</sup> marg. sup., f. 29 marg. inf., f. 31<sup>v</sup> marg. sup. and inf., and f. 33<sup>vb</sup> ult. He is probably the scribe of the later marginal entry in TCD MS 1337, p. 395, part of Conna's book. Maghnus II signs Egerton 88, f. 11<sup>va</sup> ult., f. 15<sup>rb</sup> ult., f. 31<sup>rb</sup> ult., f. 84<sup>ra</sup> ult.; RIA MS 1243, p. 48a ult..

been an Ó Duibhdábhoireann and complains that Domhnall does not treat him like a kinsman. He is the author of a quatrain on Uilliam Ruadh Mac Aodhagáin (Egerton 88, f. 15).

Much of the copying for Domhnall is noted to have been done at Park, the well known Mac Aodhagáin school in north-east County Galway, where there would have been good texts available for copying, and some at the Ó Deoradháin law school at Ballyorley in County Wexford. Both Maghnus I and Maghnus II worked at Park, the former between 1565 and 1566, the latter between 1567 and 1570. The Giolla na Naomh who made a small contribution in IV, probably in 1566,<sup>44</sup> was there in November-December 1565, as of course was Dáibhídh II, as we have seen. In 1566 he wrote a note in Cairbre's book (TCD MS 1316, pp. 63–6). His work on Domhnall's book was slight and is confined to VIII (1566) and X (1569).<sup>45</sup> Dáibhídh I, who wrote TCD MS 1318, cols. 500–572, for Fear Feasa Óg at Park in 1568, worked for Domhnall on X (1569)<sup>46</sup> and claimed to love him (f. 64<sup>v</sup>). There are frequent references to Dáibhídh in XII (1565), IV (1566), III (1567), II (1568), IX (1569) and to Dáibhídh Ó Deoradháin in the later part of XIV (1567), but there is no telling which man is in question. Cosnamhach Mac Fhlannchadha, who worked on Dáibhídh II's book at Park in 1565, helped Domhnall in IV, V, VIII (all written in 1566) and X (1569)<sup>47</sup> and is referred to in XII (1565) and, if his father was Giolla na Naomh, in IV (1566). Consantinus mac Aodha, who claims to be a kinsman, must be an Ó Duibhdábhoireann. He also is referred to in XII (1565) and worked for Domhnall in IV, V, VII (all written in 1566).<sup>48</sup> Aodh Ó Duibhdábhoireann, who sometimes wrote a hand more elegant than is generally met with in Domhnall's book, helped in writing III (1567), VI (1567), IX (1569), but also provided initials in XII (1565) and X (1569).<sup>49</sup> He is referred to in II, which was being written in the spring of 1568 at Park and later in the same year he was still there helping on Fear Feasa Óg's book (TCD MS 1318, pp. 500–72). Anluan wrote for Domhnall in VI (1567), II (1568) and XI (1570) and

<sup>44</sup> Giolla na Naomh signs Egerton 88, f. 27<sup>v</sup> marg. inf. O'Grady mistakenly attributes to him inscriptions on f. 15<sup>v</sup> (Maghnus II's hand) and f. 17<sup>v</sup> (Domhnall's hand) (*BM Cat.* I, 112, 114–15).

<sup>45</sup> Dáibhí II signs Egerton 88, f. 75<sup>v</sup> marg. inf.

<sup>46</sup> R. I. Best in dealing with Dáibhí II's hand, which he recognised in TCD MSS 1316, p. 65 and 1337, pp. 440–55, confuses the two men ('The oldest fragments of the *Senchas Már*', *Analecta Hibernica* 10 (1941) 302–3). Dáibhí I writes a very different more formal hand, normally characterised by rectangular 'a', but even when he writes more quickly it is still readily recognisable: the 'a' comes to be pointed with a narrow opening. His direction sign takes the form of a recumbent 's'. Dáibhí II prefers a tight spiral. His 'd' rises occasionally, straight but always bearing left, the 'a' often opens at the tip, the serifs are slight and the head of the 'e' often separates.

<sup>47</sup> Cosnamhach Mac Fhlannchadha signs Egerton 88, f. 49<sup>v</sup> marg. inf. (misread by O'Grady as Cormac), f. 54 marg. inf. and TCD MS 1337, p. 447 marg. inf. His hand is distinguished by open 'a', open-tailed 'g' and absence of serifs. He may also be the man of the same name, who wrote for Piers Butler at Cahir in 1561 in BL MS Add. 30512, f. 17<sup>v</sup>, but the hands are not very alike.

<sup>48</sup> Consantinus signs Egerton 88, f. 44<sup>v</sup> marg. inf. His minims are generally straight and parallel and he uses two or more curvy pot-hooks for direction signs. He may be the scribe of the marginal note, but not of any of the text in TCD MS 1336, cols. 325–6, part of Seán Ruadh Mac Aodhagáin's book.

<sup>49</sup> Aodh signs Egerton 88, f. 39<sup>va</sup> ult., f. 54<sup>v</sup> marg. sup., f. 58 marg. inf., f. 71<sup>tb</sup> ult., f. 77 marg. sup.; Copenhagen, f. 5; TCD MS 1318, cols. 524–5.

is referred to in the later part of XIV (1567).<sup>50</sup> Uilliam wrote in X (1569),<sup>51</sup> and is referred to in II (1568) and, if he was an Ó Deoradháin, in XII (1565) and III (1567). Giolla na Naomh wrote only on f. 27<sup>v</sup>, although O'Grady mistakenly attributes part of the inscription by Maghnus II on f. 15<sup>v</sup> and Domhnall's inscription on f. 17<sup>v</sup> to him. Saoirbhreathach wrote in IX (1569),<sup>52</sup> and is referred to in the early part of XIV (1564), in IV (1566) and in VI (1567). Saordhálach wrote in XI (1570),<sup>53</sup> and is referred to in IV (1566). Eoghan wrote his small stint in VIII (1566),<sup>54</sup> for Muirheartach mac Domhnaill mhic an Ghiolla Dhuibh Uí Dhuibhdábhoireann, perhaps to save him from having to make his own contribution, and is referred to in the early part of XIV (1564). Séamas is also referred to there and in VIII (1566), II (1568) and IX (1569) and signed in the later part of XIV (1567) and XI (1570).<sup>55</sup> Iollannach, if O'Grady interprets the name correctly, wrote only in VII (1566).<sup>56</sup> Duibhrechtach,<sup>57</sup> and Tadhg mac Uilliam,<sup>58</sup> wrote in the early part of XIV (1564) and Tadhg may be the man referred to in III (1567) and II (1568). Cormac mac an Chosnadhaigh wrote in I (1569), X (1569) and XI (1570),<sup>59</sup> but is already referred to in III (1567) and II (1568), and in 1571 he was helping Matha Ó Luinín in BL MS Nero A VII, on ff. 141, 141v, 152 and in 1575 he wrote an inscription in the *Leabhar Breac* (p. 197). Dubhaltach mac Séamais Mhic Fhir Bhisigh wrote in XI (1570),<sup>60</sup> and it is interesting to compare his inelegant writing here with his fine formal hand in TCD MS 1317, pp. 79–106, very much an index of the general character of the scripts in Domhnall's book, where perhaps only Aodh's occasionally and Cormac's show any quality. Cairbre,<sup>61</sup> whose book *Dáibhídh I* annotated in 1566 and who in turn had helped *Dáibhídh* with his book at Park in 1565 (TCD MS 1337, p. 450a), and worked extensively on Seán Ruadh Mac Aodhagáin's book (TCD MS 1336, cols. 1–430) is probably the Cairbre referred to in II and in Fear Feasa's book, both

<sup>50</sup> Anluan signs Egerton 88, f. 14<sup>v</sup> marg. inf., f. 41<sup>th</sup> marg. inf., f. 85<sup>v</sup> marg. inf. O'Grady describes him as a Mac Aodhagáin but gives no reason.

<sup>51</sup> Uilliam signs Egerton 88, f. 77<sup>th</sup> ult.

<sup>52</sup> Saoirbhreathach signs Egerton 88, f. 58<sup>vb</sup> ult.

<sup>53</sup> Saordhálach signs Egerton 88, f. 83<sup>th</sup> ult., f. 87<sup>v</sup> marg. inf., f. 89<sup>v</sup> marg. inf. He is not the Saordhálach Óg of RIA MS 1243, pp. 1–6.

<sup>54</sup> Eoghan signs Egerton 88, f. 54<sup>r</sup> marg. inf.

<sup>55</sup> Séamas signs Egerton 88, f. 87<sup>va</sup>; RIA MS 1243, p. 42 marg. inf., p. 50<sup>b</sup> ult.

<sup>56</sup> Iollannach signs Egerton 88, f. 42<sup>ra</sup> marg. inf.

<sup>57</sup> Duibhrechtach signs RIA MS 1243, p. 39b ult.

<sup>58</sup> Tadhg does not sign, but the script seems to be attributed to him by Domhnall (RIA MS 1243, p. 38a ult.).

<sup>59</sup> Cormac signs Egerton 88, f. 3v<sup>ra</sup>18, f. 4r<sup>a</sup>13, f. 9v<sup>b</sup> ult., f. 74v<sup>b</sup> marg. sup., f. 75v<sup>b</sup> marg. sup., f. 80r<sup>b</sup> ult. O'Grady's suggestion that he was an O'Brien seems to be unsubstantiated (*BM Cat.* I, 109). His hand is among the more elegant, exhibiting a precision and regularity generally lacking in the others. The top stroke of 'd' is often almost perpendicular and the head of the 'e' normally separates. Incidentally the marginal hand in Egerton 90 attributed to Matha Ó Luinín by O'Grady (*ibid.*, 78) belongs to a Muirheartach, who signs in TCD MS 1336, col. 562.

<sup>60</sup> Dubhaltach mac Séamais Mhic Fhir Bhisigh signs Egerton 88, f. 86r<sup>b</sup> marg. inf., f. 88r<sup>c</sup> ult.

<sup>61</sup> It would seem to be impossible to follow Best in reading Cairbre's father's name as Flann ('The oldest fragments of the *Senchas Már*', *Analecta Hibernica* 10, p. 302). Aoibheann Nic Dhonnchadha agrees with me in reading it as Seán. In XII (f. 2 marg. sup.), Maghnus I tells us that he is writing in Cairbre mac Seán's house in Park, so Cairbre would certainly be a Mac Aodhagáin.

written at Park in 1568. Seán Ó Ceannabháin, a member of a family who were hereditary physicians to the O'Flahertys, wrote in VIII (1566).<sup>62</sup>

The writing of Domhnall's book stretched over seven years, from 1564 to 1570. It divides into the areas where the page of text is roughly and idiosyncratically framed with a red line and those areas, written later, where there is no framing. Most curiously the framed areas can again be divided into those where the framing is done on the rectos of III, VI and XIV; on the versos of XII, XIII and the second part of IV; and on both rectos and versos of V, VII, VIII and the first part of IV.

The significance of this sub-division escapes me, though it suggests that the framing was not done at a single time and seems to reflect the chronological sequence worked out below. Framing on the versos seems to belong to 1565, framing on both sides to 1566, and framing on the rectos to 1567, with IV dating from 1566, being partly on the versos only. The framing is accompanied by rough sketches, also in red, of human heads tied to the frames and three types of animal depicted in motion loose in the lower margins, one tailless type with a sort of tree on his head, probably a stag, the same without antlers, presumably a hind, and a third with a long curly tail, perhaps a hunting dog.

XII is dated Sunday [18 November] before '*f. m.*' [*Féile Mhuire*, ?Presentation of the Blessed Virgin Mary, 21 November], the night of the feast of St Nicholas [5 December] and secondarily, but before framing, 1565. XIII is dated 1565 and may precede XII in that year.

Probably following on these in 1566 come V, dated on the eve of the feast of St Patrick [16 March], IV dated Friday after Ascension [24 May] and St John's night [23 June], and VII which has an inscription mentioning a slaughter of mercenaries involving Milord Ruocart. This must be the battle of the White Strand three miles west of Galway, recorded in the Annals of Loch Cé under 1566, when the earl of Clanrickarde defeated Ricard an Iarainn with the loss of eight hundred Scots. Earlier in IV, Giolla na Naomh prays for the soldiers gathering for the fight (f. 27v), and Maghnus I mentions that they are expecting a visit from the earl of Clanrickarde's son (f. 28) and that the whole of Connaught is in conflict (f. 30v).<sup>63</sup> Maghnus, who is largely responsible for IV, was again writing at Park. Domhnall's reference (f. 27) to being in Ballyorley on Shrove Tuesday, which is outside the frame, is also shown by the style of writing to be a later addition. However, before these three parts must come VIII, perhaps at the start of 1566, since Cosnamhach (f. 54) calls on Domhnall for the text of the 'Seventeens', with which Domhnall obliges in V (f. 34). XIV, mostly written at Ballyorley,<sup>64</sup> presents the greatest dating problems. It is dated Monday before Samhain [30 October] on p. 35; it is dated Friday and the feast of Mary [Presentation of Blessed Virgin Mary, 21 November], which has to be 1564, on p. 41; it is dated a week before Christmas on p. 42, at which point Domhnall's style changes, but Maghnus I is still helping him; on

<sup>62</sup> Seán Ó Ceannabháin, member of a family who were hereditary physicians to the O'Flahertys, signs Egerton 88, f. 50r<sup>b</sup> marg. ('Seán O Cenumháin'). He writes a rectangular 'a' with a strong beak-like serif on the left, the second stroke of 'h' goes below the line, the heads of 'f' and 's' are only lightly attached to the upright.

<sup>63</sup> O'Grady's ingenious reading of '1564' in a note on Egerton 88, f. 49, seems improbable.

<sup>64</sup> On RIA MS 1243, p. 42, there is a reference to another Ó Deoradháin house nearby at 'G.', which Kathleen Mulchrone reads as 'Grainseach', probably Grange in the same parish as Ballyorley.

p. 43b it is dated ?1566; on p. 48 it is dated Ash Wednesday [12 February], where Maghnus II appears and Domhnall's style changes again; and on p. 50 it is dated ?1566/7.

Together in the pre-O'Curry order and associated by the compressed writing and the style of the initials are what must be the latest of the framed areas, III and VI. The former is dated on the eve of the feast of Mary; if this is a reference to the most important of the feasts of the Blessed Virgin Mary, the Annunciation [24 March], the year would then be 1567. The marginal pen-trial (f. 17) referring to Sir Henry Sidney's visit to Galway, dated on the eve of the feast of St Matthew [20 September] 1569 is, I believe, a later addition. When a scribe claims to be testing his pen on another man's book, it must normally mean that the book or section is already written and the scribe need have nothing to do with the writing of it.

Three of the unframed areas are dated: II on the eve of the great feast of Mary 1567 [24 March 1568] by Maghnus II writing in Park; IX in which Aodh complains that Domhnall is harvesting, in which Domhnall tells us it is the eve of the feast of the Cross [13 September], and in which Saoirbhreathach gives the year as 1569; and XI which Cormac mac an Chosnadhagh began after St Brigid's day [1 February] 1569/70 and which was half written by Friday in the first week in Lent [17 February]. I is undated, but here Domhnall's script seems closest to that of IX, suggesting that it also was written in 1569. X is dated only to the feast of St Aonghas<sup>65</sup> by Dáibhídh II (f. 75v), writing at Ros Muineachair (Rosmanagher, parish of Feenagh, county Clare), a castle of the earl of Thomond, and belongs perhaps to the earlier part of the same year. Most of the copying was done at Park, in the parish of Kilbennan, and at nearby Timard, in the parish of Clonbern, both in north-east County Galway and held jointly by the same branch of the Mac Aodhagáin family. In 1574 the castle at Park was in the hands of Seán Mac Aodhagáin,<sup>66</sup> the current head of that branch of the family, and the considerable library of law and literary texts drawn upon by Domhnall and his assistants, as well as others, was presumably kept in it. The Mac Aodhagáin law school there and its varying personnel in the years 1565–70 seems to be reflected in the inscriptions in Domhnall's book. Domhnall himself may not have been a student at that time. He does not appear in the surviving pedigrees of his family, which seem to be based on a poem composed by Tadhg mac Dáire Mhic Bhruaideadha for Giolla na Naomh Óg mac Giolla na Naomh Mór mhic Aodha.<sup>67</sup> George MacNamara suggested that Domhnall might be a brother of Giolla na Naomh Mór, whom he credits with founding the law school at Cahermacnaghten, parish of Rathorney, County Clare around 1500.<sup>68</sup>

If he is right about the relationship, he cannot be right about the date. Domhnall's putative nephew, Giolla na Naomh Óg, for whom the poem was composed,

<sup>65</sup> The dates of the feasts range from 20 January to 17 November (J. H. Todd (ed.), *The Martyrology of Donegal* (Dublin 1864) 359.)

<sup>66</sup> Domhnall's colophon to this column might seem to ascribe the hand to Fearghal mac Uilliam, but comparison with two notes he signed in *Leabhar Breac*, pp. 60 and 76, makes this improbable.

<sup>67</sup> G. U. MacNamara, 'The O'Davorens of Cahermacnaghten, Burren, Co. Clare', *North Munster Archaeological Society Journal* 2 (1912–13) 157, 194–211.

<sup>68</sup> *ibid.*, 78, 157.

died towards the end of the sixteenth century, Domhnall perhaps a generation earlier. This suggests that the copying at Park was being done when he was already an established lawyer, perhaps practising with his cousins at Cahernacnaghten, well able to afford the charges for vellum. Most of the writing was his own and he would probably have received free board and permission to copy at the schools and so perhaps had to meet only the expenses of travel. He notes that he is working for himself,<sup>69</sup> just as the other scribes note that they are working for him.<sup>70</sup> Maghnus II complains that though he is writing for Domhnall, it would be long before Domhnall would write for him. He objects to Domhnall's jibes of the night before and claims that Domhnall does not deserve the writing he does for him. Domhnall's main assistants were probably members of his own family and could therefore be more readily pressed into service. Aodh, Consantinus and Maghnus II certainly were and probably Maghnus I. Cormac mac an Chosnadháigh may not have been and Dáibhídh I's announcement that he loves Domhnall suggests that he was not. All of these could however have been attending the Park school, when they were writing there for Domhnall: Maghnus I in 1565–6, Maghnus II in 1567–70, Aodh in 1565–9, Consantinus, who contributes only a little, in 1566, but he is referred to already in 1565. The other scribes, whose part is relatively minor, would have been working out of friendship and most would surely have been attending the school. Dubhaltach mac Séamais Mhic Fhir Bhisigh calls Domhnall a wheedler<sup>71</sup> as he helped with copying the glossary in 1570 and at the same time Maghnus II expects to get a pair of dice worth thirteen halfpence for his part in the work.<sup>72</sup>

Gambling may have been a feature of the schools, a note in the upper margin of TCD MS 1336, col. 282, claims that the custom of gambling together in the house has ruined them. Maghnus II complains in 1568 that he is left behind to copy while Domhnall seems to have taken Uilliam, Cormac and Séamas to Tuam to watch the play (ff. 14, 15). In 1565, when Maghnus I was copying XII at Park with slight help from Domhnall and Aodh, there are references to Cairbre mac Sheáin, Consantinus, Cosnamach, Dáibhídh, Giolla na Naomh and Muirheartach, all possible members of the school. Consantinus (in IV, V and VII), Cosnamhach (in IV, V and VIII), Dáibhídh (in VIII) and Giolla na Naomh (in IV) are writing for Domhnall in the following year. IV was certainly written at Park and it could be argued that the other sections probably were also, judging from the combinations of scribes. XIV, as we have seen, was written at the Ó Deoradháin school at Ballyorley but not at one time.

Both Maghnus I and II helped Domhnall there with the copying and also two named scribes, who never show up at Park, Tadhg mac Uilliam and Duibhreachtach. The Elizabethan government's expansionist policy in north Wexford brought the lawyers under threat and in 1564 Domhnall laments the news that the soldiers

<sup>69</sup> Egerton 88, f. 38<sup>v</sup> 5 lines ab infra, f. 89<sup>r</sup> ult.

<sup>70</sup> Egerton 88, f. 3<sup>v</sup> 18, f. 12<sup>r</sup> ult., f. 14<sup>v</sup> marg. inf., f. 39<sup>v</sup> ult., f. 44<sup>v</sup> marg. inf., f. 49<sup>v</sup> marg. inf., f. 50<sup>r</sup> marg. inf.

<sup>71</sup> Egerton 88, f. 80<sup>r</sup> ult.

<sup>72</sup> Egerton 88, f. 91<sup>r</sup> marg. inf.

are advancing on them, doubtless part of Captain Nicholas Heron's successful campaign to achieve control of the Kavanagh lordship.<sup>73</sup> A few years later things were no better in Connaught. In the autumn of 1569 a scribe notes (f. 17) that Sir Henry Sidney, the lord deputy, is in Galway and is planning to attack Dunmore, which is not far from Park. This incursion is clearly regarded as a serious threat to the lawyers, as it turned out to be. The building of the stone bridge across the Shannon at Athlone in 1567 improved the government's access to the province and the first president of Connaught, Sir Edward Fitton, was appointed in June 1569. The law of the president's court was to supersede that provided by the Irish lawyers and was to lead in time to the supersession of their profession.<sup>74</sup>

While Rossmanagher is unlikely to have had a law school, nearby, in the same parish at Ard Kyle, a branch of the Uí Mhaoil Chonaire had their most prestigious Munster school. This could have been the source of the texts of *Auraicept na nÉces* and *Acallam in Dá Shuad*. In a marginal note, Domhnall, probably in fun, curses Iollann Ó Maoil Chonaire for being of so little help to him. It is interesting to find Dáibhídh I, a principal assistant copyist at this point, handling a different version of the *Auraicept* here in 1569 from the one he had written for Fear Feasa at Park in the previous year.<sup>75</sup>

At various times Domhnall challenges other scribes, Aodh, Cormac and Dáibhídh, to write better than he has done, but they never take up the challenge by writing a stint in his book at these points. This leads to the suspicion that they are simultaneously working on their own books. Every well-appointed lawyer would probably have needed his book or books and, considering the general destruction, it is in fact quite surprising how many of their books have come down, though in fragmentary form, from the sixteenth century, though not all of these of course are law books. The legal parts of Domhnall's book, consisting as they do, not of whole texts like the *Senchas Már*, but of gobbets on different themes, would seem to be a good argument in favour of those who think that the early law texts and their commentaries served to enlighten the practice of sixteenth-century lawyers and that these books were not merely prestigious props and an antiquarian exercise. Domhnall was not copying blindly but shows himself aware of the defects in his exemplar (Egerton 88, f. 5v). At the end of the tract on the relations of church and society he remarks on the immense care that has gone into choosing its ingredients (Egerton 88, f. 25v). He announces his intention to prefer the senior before the junior in every legal case as that tract advises (Egerton 88, f. 16). However he shows himself impatient with the text dealing with ecclesiastical sanctuary, which perhaps had ceased to have much significance in the conditions of late sixteenth century Ireland (Egerton 88, f. 56v).

<sup>73</sup> H. Goff, 'English conquest of an Irish barony. . . ' in *Wexford: history and society* (ed. K. Whelan and W. Nolan, Dublin 1987) 127.

<sup>74</sup> B. Cunningham and R. Gillespie, 'Englishmen in sixteenth century annals', *Irish Economic and Social History* 17 (1990) 5–21 at 10, 14.

<sup>75</sup> A. Ahlqvist, *The early Irish linguist* (Helsinki 1983), 54–5.

## APPENDIX

The disposition of the writing beginning with Egerton 88 in its present order is:

- i** Domhnall ff. 2r<sup>a</sup>-9v<sup>b</sup>; Cormac mac an Chosnadaigh f. 2v<sup>b</sup>9-3<sup>z</sup>, 4ra 1-14, with Cormac doing the large writing on f. 4r<sup>b</sup>, the last lines of f. 7v<sup>b</sup>, the large writing on f. 8r<sup>a</sup>, the last thirteen lines of f. 8v<sup>a</sup>, f. 9r<sup>b</sup>11-13, the large writing on f. 9v<sup>a</sup> and the whole of f. 9v<sup>b</sup>; an unidentified hand using hooked open 'a' in all positions f. 5v<sup>a</sup>20-38; Maghnus II f. 5v<sup>b</sup>29-34, f. 6v<sup>b</sup>16-z, f. 7r<sup>a</sup>. Three unidentified hands occur: one writing the last eleven lines of f. 5r<sup>a</sup>, the second writing f. 6v<sup>b</sup>1-16, and the third writing the last ten lines of f. 7v<sup>a</sup> and the whole of f. 8v<sup>b</sup>.
- ii** Domhnall ff. 10r<sup>a</sup>-15v<sup>b</sup> Maghnus II f. 10v<sup>a</sup>, f. 11r<sup>a</sup>1-28, and f. 11v, apart from f. 11v<sup>b</sup>16-24; by Domhnall f. 11v<sup>b</sup>, f. 12r<sup>b</sup>, f. 12v<sup>a</sup>20-23, f. 12v<sup>b</sup>, f. 13r, f. 13v<sup>a</sup>, f. 14r<sup>a</sup>, f. 14v<sup>b</sup>, f. 15r14-z, and f. 15v; Anluan f. 14v<sup>a</sup>15-z.
- iii** Domhnall ff. 16r<sup>a</sup>-25v<sup>b</sup>; Aodh ff. 23v<sup>a</sup>15-z.
- iv** Maghnus I ff. 26r<sup>a</sup>-33v; Giolla na Naomh f. 27v<sup>b</sup>19-29; Cosnamach Mac Fhlannchadha f. 28r<sup>b</sup>15-29; Domhnall f. 28v<sup>b</sup>30-3, f. 31r<sup>a</sup>12-19 together with later additions at lines 48-z, f. 31r<sup>b</sup>1-12, f. 32v<sup>a</sup>1-24, and f. 32v<sup>b</sup>15-29; Consantinus f. 30v<sup>a</sup>1-27 and f. 30v<sup>b</sup>8-12; an unidentified hand (which also occurs on f. 6v<sup>b</sup>21-z of Copenhagen ms 261B) f. 32vb9-15, 29-34; Dáibhídh II f. 33r<sup>a</sup>1-11; Maghnus II f. 31r<sup>b</sup>12-z (probably later); and a second unidentified hand ff. 32r<sup>a</sup>39-z and f. 32r<sup>b</sup>1-4.
- v** Domhnall ff. 34-37v<sup>b</sup>; Cosnamhach Mac Fhlannchadha f. 36<sup>b</sup>23-z; Consantinus f. 37v<sup>a</sup>24-z, and f. 37v<sup>b</sup>1-23.
- vi** Domhnall ff. 38-41v<sup>b</sup>; Aodh f. 38r<sup>a</sup>48-9, f. 39v<sup>a</sup>1-10, f. 39v<sup>b</sup>1-9, and f. 40r<sup>b</sup>1-7; Anluan f. 41r<sup>b</sup>27-z and f. 41v<sup>a</sup>7-12.
- vii** Domhnall ff. 42-48v<sup>b</sup>; (?)Iollannach f. 42r<sup>b</sup> and f. 42v<sup>b</sup>; an unidentified hand f. 42v<sup>a</sup>1-19, f. 43v<sup>b</sup>1-23, and f. 43<sup>b</sup>1-26, 30-z; Consantinus f. 44v<sup>b</sup>27-z.
- viii** Domhnall ff. 49-56v<sup>b</sup>; Cosnamhach Mac Fhlannchadha f. 49r<sup>b</sup>4-23, 31-z, f. 49v<sup>b</sup>6-18, f. 53v<sup>a</sup>25-z, f. 53v<sup>b</sup>1-31, f. 54r<sup>b</sup>35-z, f. 54v<sup>b</sup>23-30, f. 55r<sup>b</sup>20-40, f. 55v<sup>a</sup>26-40, f. 56r<sup>a</sup>15-z, and f. 56r<sup>b</sup>1-34; Seán Ó Ceannabháin f. 50r<sup>b</sup>29-z, and f. 50v<sup>a</sup>1-9; a second unidentified hand f. 51r<sup>b</sup>1-24; by Dáibhídh II f. 54r<sup>a</sup>1-15, 21-8; Eoghan f. 54v<sup>a</sup>16-20, 28-z, f. 54r<sup>b</sup>1-34 and f. 54v<sup>b</sup>12-22.
- ix** Domhnall ff. 57-62v<sup>b</sup>; Aodh, f. 58, f. 58v<sup>a</sup>1-17, f. 59r<sup>a</sup>, f. 60r<sup>a</sup>25-36, f. 62v<sup>a</sup>, and f. 62v<sup>b</sup>15-47; Saoirbhreathach f. 58v<sup>b</sup>38-z.
- x** Dáibhídh I ff. 63r<sup>a</sup>-64v<sup>b</sup>, f. 66r<sup>a</sup>, f. 66r<sup>b</sup>1-22, f. 66v, f. 67v<sup>b</sup>1-12, 17-z, f. 67v<sup>b</sup>, f. 68r<sup>a</sup>, f. 68v, f. 69, f. 70ra1-8, f. 70vb1-13, f. 72va, and f. 73ra11-z; Cormac mac an Chosnadaigh f. 64ra1-15, f. 64rb6-18, f. 65rb1-12, f. 65vb11-29, f. 67ra1-25, f. 70rb10-18, f. 72rb12-18, (on f. 74v he writes a gloss in the upper margin), and f. 77ra6-18, f. 77vb1-7; Domhnall ff. 65ra-65vb (except as above), f. 66rb23-z, f. 67ra25-z, f. 67va, f. 68rb1-29, 35-z, f. 70a8-z, f. 70rb1-10, f. 70va19-22, 41-z, f. 70vb13-z, f. 71, f. 72r, f. 72vb, f. 73rb, f. 73v, f. 74ra, f. 74rb24-z, f. 74v, f. 75, and ff. 76ra-79vb; an unidentified hand f. 70rb23-40; Cosnamhach Mac Fhlannchadha f. 68rb30-34, and f. 74rb1-23; Dáibhídh II f. 75rv; Aodh f. 77ra1-5; Uilliam in the last 8 lines of f. 77rb; and a second unidentified hand f. 78ra20-41.
- xi** Cormac mac an Chosnadaigh f. 80r, f. 80vb, f. 87va8-27, and the last 3 lines of f. 90vb; Maghnus II f. 80va, f. 80vc, f. 81ra, f. 81rc, f. 81va8-z, f. 81vb, f. 82ra, f. 82vb18-z, f. 82vc29-z, f. 83ra11-z, f. 83rb5-33, f. 83vb, f. 84ra36-z, f. 84rc1-35, 38-z, f. 84va26-z,

84vb22-z, f. 85ra, f. 85va, f. 85vb15-z, f. 86ra, f. 86rc1-20, f. 86vb, f. 87ra, f. 87rb18-z, f. 87rc, f. 88va, f. 88vb1-14, f. 90rc, f. 90vb1-34, f. 90vc, f. 91rb4-z, f. 91rc, f. 92ra, f. 92rc39-z, f. 92va, f. 92vc32-z, and f. 93; Domhnall 81rb, 81va1-7, 81va, 82rb-c, 82va, 82vb1-17, 82vc1-28, 83r, 83va, 84ra-b, 84vi-26, 84vb1-21, 84c, 85rb-c, 85rb-c, 86rb, 86rc20-z, 86va, 86vc, 88vc, 89va-c, 89va, 89vc, 90ra-b, 90va, 91v, 92rb, 92rc1-39, 92vb, 92vc1-31; Saordhálach f. 81vc, f. 82rc1-31, f. 83rb34-z, f. 87rb1-17, f. 87vb, f. 87vc, f. 88ra, f. 88rb, f. 88rc1-26, f. 88vb15-z, f. 89vb, f. 91ra, and f. 91rb1-3; Anluan f. 85vc38-z; Dubhaltach mac Séamais Mhic Fhirbhisigh f. 86rb17-z and f. 88rc. Séamas, whose hand seems to be indistinguishable from Domhnall's, claims to have written the bottom of f. 87va.

- xii** Copenhagen ms 261B, Maghnus I ff. 1-6; Domhnall, f. 2ra23-39, 43-z, f. 2rb1-5, a two-line later addition across the bottom of f. 4r, f. 4vb18-z including the secondary addition of the dating clause, f. 6ra29-42, and f. 6va32-z; an unidentified hand which reappears in Egerton 88, f. 32v, f. 6vb21-z.
- xiii** RIA ms 1243 Maghnus I, pp. 33a-34b, 51a-52b; Domhnall, f. 51rb.
- xiv** RIA ms 1243, Domhnall pp. 35a-50b; Tadhg mac Uilliam p. 36b25-z, p. 38a1-15, and f. 39a27-z; Duibhrechtach p. 39b8-z; Séamas, who signed on p. 42b and f. 50b, but whose hand I cannot distinguish from Domhnall's; Maghnus I pp. 43b23-z; Maghnus II p. 48a.

Egerton 88, folio 88

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