V.

PROPOSED CORRECTION OF THE TEXT OF "LEGES INTER BRETTOS ET SCOTTOS." BY CAPTAIN F. W. L. THOMAS, R.N., F.S.A. SCOT.

In the Acts of the Parliaments of Scotland are the interesting "Leges inter Brettos et Scottos,"[1] of which a section gives the amount of "cro" or fine for killing a man in either of the ranks into which society in Scotland was then divided. The "Leges" are in Latin, French, and English, or rather Lowland Scotch of the fourteenth century.

The cro of the King of Scotland is 1000 cows, or 3000 oz. gold, at 3 oz. for a cow.

The cro of the son of the King, or of an Earl[2] of Scotland, is 150 cows, or 450 oz.

The cro of the son of an Earl, or of a Thane (the equivalent of a Norman Baron), is 100 cows, or 300 oz.

The cro of the son of a Thane is 66 2/3 cows, or 200 oz.

The cro of a grandson (nepos) of a Thane, or of an "Ogethearn"[3] (freeholder) is 44 cows + 21 2/3 pence.

All that are lower than these in kin are Carls (vilayns, rustici; later nativi).

The cro of a Carl is 16 cows.

The text is wrong in stating the ounces to be of gold, and again, that the cro of an ogthiern is 44 cows + 21 2/3d. For the French version omits "gold;" and besides, if 1000 cows = 3000 oz. gold, then 1 cow = 3 oz. gold = 36 oz. silver = £2, 8s., which is absurd;[4] and the true reading is 3000 oz., silver being understood. The "gold" has been added by some patriotic scribe; but 1 cow = 3 oz. silver.

The cro of an Earl was 150, of a Thane was 100, of a Thane’s son

2 The lives of men were much cheaper, or cattle were much dearer, in Ireland; for the Enachklain, or cro of a provincial king, was but twenty-four cows.—Skene, Celtic Scotland, vol. iii. p. 153.
4 The legal value of "the cow" during the twelfth and thirteenth centuries, and probably the eleventh, may be taken at four English shillings for Scotland, Ireland, and the northern counties of England.—Robertson, Hist. Essays, p. 135.
was 66 2/3 cows. It is seen that the cro of each rank is one-third less than the cro of the next preceding rank, or, which is the same thing, the cro of any rank is one-half more than the cro of the rank next below it. On this theory the cro of an Ogthiern is 44 2/3 cows. In the text above, the cro of an Ogthiern is stated to be 44 cows and 21 2/3 d. Hence, 2/3 cow should be of the value of 21 pennies and two-thirds, and 21 2/3 d. should be equal to 3/4ths of 3 oz. of silver. But 21 2/3 d. will not make even numbers, while by assuming that the correct figures are 21 1/3 d., the ounce of silver is found to be 16 pence. For, if 2/3 cow = 21 1/3 d., then 1 cow = 48 d. = 4s. = 3 oz. silver; and 1 oz. silver = 16 d. This view is confirmed on the next page (664), where the "kelchin" of a thane is "xliii ky and xxiv pennis and twapert of a half peny," (in French, "mayl").

The foundation of the table seems to have been the cro of a thane = 100 cows = 300 oz. silver = 400s. = £20 = 30 marks.

Judging from their cros, a thane was worth but two-thirds of an earl, or one-tenth part of a king; but he was worth one and a half of thane's sons, or two and a quarter ogthierns or freeholders, into which rank the grandson of a thane had descended.

Below are the correct cros in a tabular form.

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Cro of King.</td>
<td>1000</td>
<td>3000 oz.</td>
<td>300</td>
<td>200 0 0</td>
<td>10</td>
</tr>
<tr>
<td>&quot; King's son, or an Earl,</td>
<td>150</td>
<td>450</td>
<td>45</td>
<td>30 0 0</td>
<td>1 1/4</td>
</tr>
<tr>
<td>&quot; Earl's son, or a Thane,</td>
<td>100</td>
<td>300</td>
<td>30</td>
<td>20 0 0</td>
<td>1 1/3</td>
</tr>
<tr>
<td>&quot; Thane's son,</td>
<td>66 2/3</td>
<td>260</td>
<td>20</td>
<td>13 6 8</td>
<td>1/2</td>
</tr>
<tr>
<td>&quot; Thane's grandson, or an Ogthiern,</td>
<td>44 2/3</td>
<td>133 1/3</td>
<td>13 1/2</td>
<td>8 17 9 1/2</td>
<td>1/4</td>
</tr>
<tr>
<td>&quot; Carl, Villain, or Rusticus,</td>
<td>16</td>
<td>48</td>
<td>4 1/2</td>
<td>3 4 0</td>
<td>1/5</td>
</tr>
</tbody>
</table>

There is good reason why the cro of a carl, viz., 16 cows, ceases to follow the usual proportion, for if a carl were one grade below an Ogthiern, his cro would have contained the unmanageable fraction of 29 2/3 cows; if two grades, 19 4/11 cows, and so on; but why the cro of a carl should have been fixed at 16 cows = 48 oz. silver, is not apparent.