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 $66\frac{2}{3}$ cows, or 200 oz.

The cro of a grandson (nepos) of a Thane, or of an " Ogethearn "[3] (freeholder) is 44 cows $+ 21\frac{2}{3}$ 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 $+ 21\frac{2}{3}$ d. 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

[1] *Loc. cit.*, vol. i. pp. 665–67.

[2] The lives of men were much cheaper, or cattle were much dearer, in Ireland; for the *Enachlann*, or cro of a provincial king, was but twenty-four cows.—Skene, *Celtic Scotland*, vol. iii. p. 153.

[3] *Cf.* Sir J. Skene, *De Verborum* ; s.v. W. F. Skene, *Celtic Scotland*, vol. iii. p. 242.

[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 $66\frac{2}{3}$ 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 $44\frac{4}{9}$ cows. In the text above, the cro of an Ogthiern is stated to be 44 cows and $21\frac{2}{3}$d. Hence, $\frac{4}{9}$ cow should be of the value of 21 pennies and two-thirds, and $21\frac{2}{3}$d. should be equal to $\frac{4}{9}$ths of 3 oz. of silver. But $21\frac{2}{3}$d. will not make even numbers, while by assuming that the correct figures are $21\frac{1}{3}$d., the ounce of silver is found to be 16 pence. For, if $\frac{4}{9}$ cow $= 21\frac{1}{3}$d., then 1 cow $= 48$d. $= 4$s. $= 3$ oz. silver; and 1 oz. silver $= 16$d.[1] This view is confirmed on the next page (664), where the "kelchin" of a thane is "xliiii ky and xxi 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 $= 400$s. $= £20 = 30$ 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.

Rank or Degree.	Cows,	Silver.	Marks.	£	s.	d.	Ratio.
Cro of King, ...	1000	3000 oz.	300	200	0	0	10
,, King's son, or an Earl,	150	450	45	30	0	0	$1\frac{1}{2}$
,, Earl's son, or a Thane, .	100	300	30	20	0	0	1
,, Thane's son, . . .	$66\frac{2}{3}$	200	20	13	6	8	$\frac{2}{3}$
,, Thane's grandson, or an Ogthiern, . . .	$44\frac{4}{9}$	$133\frac{1}{3}$	$13\frac{1}{3}$	8	17	$9\frac{1}{3}$	$\frac{4}{9}$
,, Carl, Villain, or Rusticus,	16	48	$4\frac{4}{5}$	3	4	0	$\frac{4}{25}$

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 $29\frac{17}{27}$ cows; if two grades, $19\frac{61}{81}$ cows, and so on; but why the cro of a carl should have been fixed at 16 cows $= 48$ oz. silver, is not apparent.

[1] "16d."—*Cf.* Cochran-Patrick, *Records of the Coinage of Scotland*, p. lxxvii.