

bility to be a witness, a juror, a surety, to sue, or to inherit land. A man of high rank was always fined more than a man of low estate, in a like case. An offence against the property of a poor clansman, who could ill afford the loss, was punished with greater severity than a similar offence against a wealthy man. Yet the person of a man of rank was respected more than that of an ordinary individual, and an insult to it was more punished. The chief factors in determining the amount of penalty for any given crime were: the damage done, the status of the injured person, the status of the criminal, and the accompanying circumstances. This amount went to the person aggrieved, or to his representatives, if he was no more, and represented the revenge which probably would have been taken on the wrong-doer in a wilder state of society.

Besides the payment to the injured party, the remuneration of the judge, or arbitrator, had to be provided, and this was either a charge upon the amount of damages recovered, or an additional payment made by the unsuccessful party. The Brehon being human (even Mr. Ginnell admits this), his fee was settled by certain known rules: one-twelfth of the accused's honor price, if he was found guilty, and if the accuser failed he had to pay the Brehon as well as compensate the poor accused.

When a freeman in old Erin was injured he did not lay an information before a justice of the peace, for there was neither magistrate nor police: he did not issue a writ to summons the wrong-doer before a judge, for legal tribunal there was none. He took the law into his own hands, and public opinion was with him if he did this, not to revenge the wrong, but to be indemnified in damages for it. He made the offender consent to refer the whole matter to the judgment of a Brehon by distraining upon him, or if the wrong-doer was a person of high degree he was fasted upon, that is the party aggrieved went to his house and sat outside the door fasting, and if the gentleman did not quickly come to his senses when he saw the faster he was liable to be mulcted in double damages. (Strange to say the Brahmins used to work this fasting racket in India until quite recent days.) When