1. Introduction ■

Tynwald is the legislative body and government of the Isle of Man. It comprises the House of Keys, the Legislative Council, and the Lord of Man. [1] Tynwald meets in open-air session once a year on Tynwald Fair Day, held usually on Old Midsummer Day 5 July, [2] on Tynwald Hill at St. John's, at which (the titles of) laws enacted since the previous 5 July are promulgated in English and Manx Gaelic and any petitions for redress of grievance received. The whole is preceded by a church service in St. John's Chapel. The proceedings are attended by a fair-like atmosphere, with stall-holders, brass bands, Manx traditional music and dancing, tea and bonnag (Manx soda bread), etc, all of which lend an air of excitement and entertainment to the occasion. ■

Tynwald Hill itself, situated at Ordnance Survey map reference SC28SE SC27758189, [3] is an artificial mound set in four tiers approximately 25m in diameter at its base, some 6m across at the top and 3.6m high (photo 1). It is believed (but not yet proven) to be of considerable antiquity. A broad flight of steps has been cut into the east side, giving access to each of the tiers. Tynwald Hill is linked by a ceremonial pathway to St. John's Chapel 115m to the east (photo 2). Both the Hill and the Chapel are set within a dumb-bell shaped walled enclosure, around which is an open space used as the Fairfield. ■

This complex lies near the western end of a flat-topped natural gravel plateau between two branches of the River Neb near their confluence by Ballaspit under the shoulder of Slieau Whallian. This plateau is usually referred to as St. John's Plain and is known to be rich in archaeological sites (photo 3). [4] This plain stands about 15m above the general level of the Neb valley, and covers some 7 hectares within the definable plateau broadly above the 45m contour. The fairly steep slopes of the plateau are somewhat hidden by modern development. However, a short steep climb on to the plateau is discernible as one approaches from the north, west and south; the slope is less noticeable from the east. ■

St. John's Plain is surrounded by much higher hills, notably Slieau Whallian (333m high) to the immediate south and Beary Mountain (311m) to the north-east, with other mountains visible beyond them. The site is fairly central and accessible from all parts of the island, and lies in the central valley between Douglas and Peel, about 4km from Peel. The main attraction of St. John's Plain is Tynwald Hill itself, around which are features of varying antiquity. However, much of what is visible today dates from the late 18TH, the mid-19TH, and the 20TH centuries. [5] The oldest known feature is a stone cist known as 'The Giant's Grave' or 'Follagh y Vannin', [6] now reconstructed, which lies some 30m north of Tynwald Hill on the west side of the Follagh y Vannin Road to Glenmooar (photos 4 and 5). This cist is of probable early Bronze Age date (c. 2000 BC) and would originally have been covered with a mound of turf, soil and stone. [7] ■

The subject of Tynwald and its history, origins and symbolism have occupied the interest of academics and others over the years. [8] ■

The name Tynwald derives from Scandinavian *thing-völlr* 'assembly field'. It appears on two occasions in the *Chronicles of Man*, [9] in the first instance solely as a

place-name: [10] ■

> […]. Factumque est in quarta decima die mensis februarij, in festo scilicet sancti ualentini martyris, uenit olauus rex ad locum qui dicitur tyngualla cum populo suo & ibi paululum expectabat. Appropinqua[n]te autem reginaldo fratre eius ad locum & populum per turmas disponente ut cum fratre dimicaret. accessit olauus cum suis obuiam eis & subito irruens in eos fugau[it] eos quasi oues. […](CM1257 f.44r, s.a. 1228).

> 'On the fourteenth day of the month of February, that is on the Feast of St. Valentine the Martyr (1228), King Olaf came with his host to the place called Tynwald and there waited a short while. As Reginald his brother approached the place he arranged his host in battle array to meet his brother in combat, Olaf came forward with his men to meet them, and making a sudden charge against them put them to flight like sheep'.

> […]. In sequenti autumpno misit haraldus tres filios nel: dufgaldum thorquellum, molmore, & quondam amicum suum ioseph nomine ad manniam & applicuerunt apud insulam sancti patricii. Facta est igitur in uicesima Quinta die mensis octobris que fuit tercia dies aduentus filiorum nel ad manniam congregatio totius mannensis populi apud tingualla. Ad quam congregationem uenerunt tres filii nel cum omnibus uiris quos secum de in insulanis partibus adduxerant. Uenit & predictus loglennus custos mannie cum omnibus amicis suis & uniuersis quos ipsa die sibi associare potuerat ad locum contionis; timebat enim filios nel eo quod inimicicie essent inter eos. In ipsa igitur contione cum diu in alterutrum inimicicie uerba iactarent & acri uerborum certamine litigarent, nec ullatenus ad concordiam flecti possent, de conuentu popli exilierunt & in alterutrum hostiliter irruerunt. Preualuerunt quoque uiri qui cum loglenno fuerant & occiderunt in eodem loco duos filios nel, dufgaldum & mormore [molmore] & predictum ioseph amicum haraldi Regis; ceteri uero fugerunt. Quo facto contio popli dissolute est & unusquisque in domum suam reuersus est […]' (CM1257 f.45r. s.a. 1237).

> '(…) In the autumn following (1237) Harald (i.e. King Harald of Man (1237-1248)) sent Neil's three sons, Dougal, Thorkel and Molmore, and a certain friend of his called Joseph to Man, and they landed at St. Patrick's Isle. On the twenty fifth day of the month of October, which was the third day of the arrival of Neil's sons in Man, an assembly of the entire Manx populace was held at Tynwald. To this assembly came Neil's three sons with all the men whom they had brought with them from the Isles. The aforementioned Lochlann, guardian of Man, came with all his own friends and all those whom that day he had been able to persuade to come along with him to the place of assembly, for he feared Neil's sons because unfriendly feelings existed between them. Then at the assembly itself, when for a long time they had hurled hostile words at one another and engaged in a bitter verbal contest, as no reconciliation seemed possible, the two factions leapt out of the meeting of the people and attacked each other with hostile intent. The men who had been with Lochlann gained the upper hand and they killed on the spot two of Neil's sons, Dougal and Molmore, and the aforesaid Joseph, King Harald's friend; the rest fled. After this incident the assembly of the people was dissolved and each man returned to his own home (…)'.

The Scandinavian presence in Man lasted from the early/mid 10TH to the mid-13TH centuries, during which time Man, along with (some of) the Hebrides, formed the 'Kingdom of the Isles', with its seat in Man. The Kingdom of the Isles, nominally under the suzerainty of the King of Norway, was ceded to Scotland by Norway in the Treaty of Perth of 1266 for 4000 marks. [11] The Kings of Man [12] for the most part were bound in treaty or service of some sort to another head of state (the identity of whom varied [13]), making clear that they were an independent force in the area, offering their fleets for hire either for attack or protection, according to requirements. [14] ■

2. Early descriptions ■

The first known description of a Celtic assembly is that of the druids in Gaul made by Caesar in his commentaries on the Gallic War, published in 51 BC; *de Bello Gallico* VI, 13: [15] ■

> 13. […]. Hi [druides] certo anni tempore in finibus Carnutum, quae regio totius Galliae media habetur, considunt in loco consacrato. Huc omnes undique, qui controversias habent, conveniunt eorumque decretis iudiciisque parent. […].

> 'These Druids, at a certain time of the year, meet within the borders of the Carnutes, whose territory is reckoned as the centre of all Gaul, and sit in conclave in a consecrated spot. Thither assemble from every side all that have disputes, and they obey the decisions and judgments of the Druids.'

The first known description of a Germanic judicial institution is that of the Early Germans made by Tacitus in his 'Germania' published in 98 AD; *de Origine et Situ Germanorum*, ch. 11-13: [16] ■

> 11. […]. coeunt [Germani] […] certis diebus, cum aut inchoatur luna aut impletur ; nam agendis rebus hoc auspicatissimum initium credunt […]. illud ex libertate vitium, quod non simul nec ut iussi conveniunt, sed et alter et tertius dies cunctatione coeuntium absumitur. ut turbae placuit, considunt armati. silentium per sacerdotes, quibus tum et coercendi ius est, imperatur. mox rex vel princeps, prout aetas cuique, prout nobilitas, prout decus bellorum, prout facundia est, adiuntur, auctoritate suadendi magis quam iubendi potestate. si displicuit sententia fremitu aspernantur ; sin placuit, frameas concutiunt ; honoratissimum adsensus genus est armis laudare.

> 'They (the Germans) meet (…) on days set apart, when the moon (…) is new or at the full: they regard this as the most auspicious herald for the transaction of business. (…). It is a foible of their freedom that they do not meet at once and as if commanded, but a second and a third day is wasted by dilatoriness in assembling: when the mob is pleased to begin, they take their seats carrying arms. Silence is called for by the priests, who thenceforward have power also to coerce; then a king or a chief is listened to, in order of age, birth, glory in war, or eloquence, with the prestige which belongs to their counsel rather than with any prescriptive right to command. If the advice tendered be displeasing, they (the assembled) reject it with groans; if it please them, they clash their spears [17]. The most complimentary expression of assent is this martial approbation.'

> 12. Licet apud concilium accusare quoque et discrimen capitis intendere […]. eliguntut in isdem conciliis et principes, qui iura per pagos vicosque reddunt ; centeni singulis ex plebe comites consilium simul et auctoritas adsunt.

> 'At this assembly it is also permissible to lay accusations and to bring capital charges (…). At the same gatherings are selected, among others, chiefs who administer the law through the cantons and villages. Each of them has one hundred assessors from the people to be his responsible advisers.'

> 13. Nihil autem neque publicae neque privatae rei nisi armati agunt. sed arma su mere non ante cuiquam moris, quam civitas suffecturum probaverit. tum in ipso concilio vel principum aliquis vel pater vel propinqui scuto framea que iuvenem ornant ; […]'.

> 'They do no business, public or private, without arms in their hands; yet the custom is that no one takes arms until the state has endorsed his future competence; then in the assembly itself one of the chiefs or his father or his relatives equip the young man with shield and spear (…).

3. Early descriptions of Tynwald ■

The protocol

The first known description of the role and composition of Tynwald lies in a detailed declaration of 1417 [18] when Sir John Stanley II, the second of the Stanley family to be King of Man, visited the island to deal with a serious uprising against his governor. Meeting at Castle Rushen on Tuesday 18 January 1417 Tynwald declared a number of customary or traditional laws, the first of which concerned the form of Tynwald itself: ◼

> Our Doughtfull and Gratious Lord, this is the Constitution of old Time, the which we have given in our Days, how yee should be governed on your Tynwald Day. First, you shall come thither in your Royal Array, as a King ought to do, by the Prerogatives and Royalties of the Land of Mann. And upon the Hill of Tynwald sitt in a Chaire, covered with a Royall Cloath and Cushions, and your Visage into the East, and your Sword before you, holden with the Point upward; your Barrons in the third degree sitting beside you, and your beneficed Men and your Deemsters before you sitting; and your Clarkes, your Knights, Esquires and Yeomen, about you in the third Degree; and the worthiest Men in your Land to be called in, before your Deemsters, if you will ask any Thing of them, and to hear the Government of your Land, and your Will; and the Commons to stand without the Circle of the Hill, with three Clearkes in their Surplisses. And your Deemsters shall make Call in the Coroner of Glanfaba; and he shall call in all the Coroners of Man, and their Yards in their Hands, with their Weapons upon them, either Sword or Axe. And the Moares, that is, to Witt of every Sheading. Then the Chief Coroner, that is the Coroner of Glanfaba, shall make Affence, upon Paine of Life and Lyme, that noe Man make any Disturbance or Stirr in the Time of Tinwald, or any Murmur or Rising in the King's Presence, upon Paine of Hanging and Drawing. And then shall let your Barrons and all other know you to be their King and Lord, and what time you were here you received the Land as Heyre Apparent in your Father's Days. And all your Barrons of Man, with your worthiest Men and Commons, did you Faith and Fealtie. And in as much as you are, by the Grace of God, now King and Lord of Man [19] […]. [20]

At this meeting the Tynwald allowed the king to hear the law after which he in all likelihood expressed his will formally. As Peter Edge [21] has noted, it is likely that at this period the principal function of Tynwald was judicial and executive rather than legislative. The different components of Tynwald were as follows: ◼

1. The King. The king sat upon the Hill surrounded by his nobility and freemen. The 'Commons' were excluded and had to stand 'without the Circle of the Hill', i.e. outside the court. In consultation with his nobles the king would make such decisions as were fitting and declare them to the assembly of freemen. There is evidence that in the king's absence matters were entrusted to an official. The *Chronicles of Man* [22] record the death of a certain Fogolt Viscount (or Sheriff) of Man (*vicecomes de mania*) during the reign of King Godred II (1154-87). In 1237 King Harald of Man (1237-49), before sailing to the Isles (Hebrides) with his noblemen, '[…] appointed Lochlann, one of his own relatives, as guardian of Man (*custodem mannie*) till he returned from the Isles'. [23] If Tynwald met during the king's absence, then presumably the sheriff / guardian presided over it (though this is nowhere specifically stated). The sheriff or viscount was the precursor of the Captain, later the Governor and Lieutenant-Governor. [24]

2. The Barons. By 1417 the Barons had become spiritual owners of various estates. [25] In later periods the sole surviving Baron, the Bishop of the Isle of Man - styled Lord Bishop of Sodor [26] and Man - had (and still has) a voice (and a vote) in the legislature. [27]

3. The Deemsters. The Deemster, or Demster, of which there were (and are) two (one originally for the northern sheadings [28] of Patrick, Michael and Ayre, and another for the southern sheadings of Garff, Middle and Rushen), is today a High-Court judge. The name is a derivative of Scandinavian *dómr* 'a court of judgment; opinion, judgment', cf. Scots *doomster*. The Deemster proclaimed judicial decisions and stated the law on any points raised. [29]

4. 'the worthiest Men in your Land', i.e. the freemen who may have assisted the Deemster in determining points of law. This body later developed into the House of Keys (see below).

Today, the foregoing would be distributed on the four tiers [30] of Tynwald Hill as follows: [31] ■

Tier 1 comprises the Lieutenant-Governor (representing the Lord of Man), together with the President of Tynwald, and the only Baron, the Lord Bishop of Sodor and Man, now with the Legislative Council and additional functionaries.

Tier 2 comprises the "worthiest men in your Land", namely the members of the House of Keys, along with their Speaker and chaplain.

Tier 3 comprises the "beneficed Men" joined by the other ministers, the heads churches and of local authorities and senior government officials.

Tier 4 comprises the Coroners and Captains of the Parishes (the latter formerly commanders of the parish militia who might equate with the "Knights, Esquires and Yeomen" of 1417). They are joined today by *Yn Lhaihder* 'the reader' (who 'fences the Court' in Manx) and the Deemsters. The latter stand on the fourth tier for convenience, as the First (the Senior) Deemster promulgates the laws in English, and the Second Deemster promulgates the Manx version [32]. The 'fencing of the Court' is integral to the proceedings, as it defines the group of people pertinent to the event at the very beginning, and expects from that group full participation in the proceedings. According to a protocol of 1577 relating to the 'fencing' of a sheading court (the Tynwald Court would likely be similar) the wording was as follows: 'I doe Fence the King of Man, and his Offices, that noe Manner of Man do brawle or quarrel, nor molest the Audience, lying, leaning, or sitting, and to show their Accord, and answer when they are called, by Lycense of the King of Man and his Offices. I doe draw Witness to the whole Audience that the Court is Fenced'. [33] The protocol as used today is similar.

A Manx version, as quoted by Moore, [34] runs as follows: *Ta mish coyrt yn Whaaiyl shoh fo harey ayns ennym y Ree / y Ven Rein, nagh jean persoon erbee bwoalley, baggyrt, ny boiranys, as dy jean dy chooilley persoon gansoor gys e ennym, myr vees eh er ny yearree. Ta mish coyrt yn Whaaiyl shoh fo harey ayns ennym y Ree. Ta mish coyrt an Whaaiyl shoh fo harey ayns ennym y Ree. Ta mish coyrt an Whaaiyl shoh fo harey ayns ennym y Ree* 'I do fence (lit. 'put under command', G. *sárughadh*) this Court in the name of the King / Queen that no person strike, brawl, or cause disturbance, and that each person do answer to his name when called. I do fence this Court in the name of the King, I do fence this Court in the name of the King. I do fence this Court in the

name of the King'. [35]

An interesting parallel [36] to this protocol can be found in Early Ireland (see also 5. below). The Old Irish law-tract *Críth Gablach* ('the branched purchase', §46) [37] describes the seating arrangements in the banqueting hall of a *rí tuaithe* (petty king) of the 8TH century. The door faces east and beside it are the king's bodyguard of four mercenary soldiers. ■

> […] Fer gill do gíal(d)naib friu aníar […]. Techta fri su[i]de aníar; dáama íar suidib; éccis íar sui[i]dib; cru[i]tti íar su[i]di[b] […]. Isind le[i]th ailiu, i fochlu, fennid, fergniae fri forngaire ndoirseo […]. Sóerchéli na flatha friu aníar - óes insin bís [i] coímthecht do flaith; géil[l] íar suidib, brithem íar suidib; a ben nó a brithem fri suidi[u] aníar; rí íar suidi[u] […].

> 'The personal surety for the king's base vassals west of these (…). Envoys are placed to the west of him; guest-companies after them; then poets and harpers (…). In the other half of the house, on the north, a warrior and a champion guarding the door (…). The king's noble clients west of these - they are the company who are in attendance on the king. The hostages are seated after them. A judge after them. The king's wife or his judge west of him, and then the king.' [38]

Facing the east, or the rising sun (thereby heralding new life or good luck), is a common feature in the practices of early societies. ■

The Church as part of the Tynwald Fair Day proceedings

It is interesting to note that the account of 1417 makes no mention of a church service or any business before the procession to the hill, although the remainder of the account implies that such business had already been attended to. In fact no mention at all is made of St. John's Chapel until 1577 when, according to the Statutes, [39] the Tynwald was held "att St. John's Chappell" on 13 July. However, a description of the Earl of Derby's arrival at Tynwald in 1691 (see Appendix) makes clear how the chapel was incorporated into the proceedings of Tynwald: ■

> […].The sermon ended, all goe forth of the church but my Lord, the Governor, the Lordes Councill, the Deemsters and twenty four Keys, the Secretarys, Clerke of the Rolls, and such as the Lord will comand to stay.

> If his Lordship have anything to propound to the country, he moves it to the Deemsters, and fower and twenty, who, debateing the matter, do agree thereunto, or give his Lordship satisfaction, by their sufficient reasons to the contrary. And if the Deemsters and fower and twenty have any request unto his Lordship, they move it themselves, in an humble manner. If my Lord approve thereof, he commands it to be inserted in the statute book, where it is mentioned as an humble request of the Deemsters and fower and twenty, on behalf of the country, setting all their names unto the same, as allsoe the Governor and all of the Lords Councill, subscribe; then my Lord confirmes the same with his own subscription, under these words:- 'Be it enacted as it is desired'; but if his Lordshipp like not the motion, then he tells them that he will take it into consideration against another time. [40]

However, by 1691 the discussion of important business in the chapel was already starting to come to an end, with contentious debates being set aside for another time (cf. Appendix). ■

The Tynwald of 1422

In 1422, at a sitting of Tynwald before Sir John Stanley II in Castle Rushen 'in the Vigill of our Lady St. Mary' the Deemsters gave for law [41] the following: [42] ■

> […] that there was never xxiiij Keys in Certainty, since they were first that were called Taxiaxi, those were xxiiij free Houlders, viz. viij in the Out Isles, and xvj in your Land of Mann, and that was in King Orryes Days; but since

they have not been in Certainty. […].

The term *Taxiaxi* seems somewhat obscure, but perhaps depends on how the letter <x> is interpreted, whether a) representing /ks/, as in English orthography today, or b) possibly a palatalised sibilant /s´/ and/or the voiceless velar spirant /x/. If the second alternative, the word may be of Gaelic provenance and could represent something like *tashiachi*, viz. Gaelic *tòiseachaidh* /t: s´axi/, genitive of the verbal-noun *tòiseachadh* 'act of beginning, starting', with apparent loss of headword, e.g. *fear-tòiseachaidh, lucht-tòiseachaidh* 'leader(s)' (lit. 'man / people of beginning, leading'). A possible alternative is Greek (via Latin) *taxiarch* 'officer, commander' possibly from the Crusades, which provide the parallel of Greek <c > being taken with the value of Latin <x> in the Latinised loanwords *pandoxator, -atrix* 'brewer, alewife' in the Manx Synodal Statutes [43] and elsewhere. What we may have here is *taxia(r)ch-i* with a Latin plural. The meaning 'leaders, commanders' (they were 'free-holders') lends itself equally to taking the second <x> as [x], but the use of <x> for [s´] is very limited, e.g. *xal* = 'shall' and that in a limited area. Scottish Gaelic. *toiseach* 'chief', Irish. *taoiseach*, Welsh *tywysog*, come to mind, basically 'first' in all senses, with a Latin plural ending, or verb-noun *tòiseachadh* 'begin', in compound *fear-tòiseachaidh*, with the loss of unstressed prefix. Interestingly enough the meaning is the same whatever the source, Greek or Celtic. 🟧

Editor's Note

The 'Out Isles' would likely represent Lewis and Skye (and adjacent islands associated with them), i.e. that part of the Kingdom of the Isles that remained with Man after partition of the kingdom in 1156. [44] It may be that before partition eight representatives from the Mull and Islay groups may also have made their contribution. The 16 from Man would likely represent the then 16 parishes (before the division of Marown and Santan into two separate parishes). After the ceding of Man and the Isles to Scotland in 1266 the number of 24 representatives would be reduced to 16 (i.e. those from Man only). But it seems that the Manx did not accept the new reality as final and continued to fill the lost eight places with representatives from their own ranks (if that is what happened), thus maintaining the total of 24 down to the present day. The increase to 24 from Man meant that the earlier parochial-based representation (if that is what it was) was upset, which led to the present sheading- (and later town)-based arrangement. 🟧

The origin of the name 'keys' has given rise to much discussion and it cannot be said that the problem is finally solved. The suggested derivation from Sc. *kjósa* 'choose' cannot be accepted on phonological grounds, [45] and, as is pointed out in Kinvig, [46] the connection with *kjósa* would likely not have been suggested, had the participle 'chosen', i.e. sg. *kosinn*, pl. *kosnir*, not been taken as the starting point. [47] A possibility is Welsh *cais* 2, Middle Welsh *keis, keys* (from *ceisio* 'try, attempt; seek, catch'), anglicised as 'keys' (pr. /ke:s/), i.e. those who in a British context enforced the law in a commote 'neighbourhood' (Welsh *cwmwd*, pl. *cymydau*, a subdivision of a *cantref*, English. 'hundred'), who delivered the writs, made distraints, carried out the decision of the courts, and carried out executions, [48] i.e. a form of lawmen. However, the earliest example given in *Geiriadur Prifysgol Cymru* (p. 390), viz. *conseruatores pacis vocati keys* 1335, is late suggesting that the term may not be originally Celtic, but rather from the Romance loanword 'catch, chase'. [49] If so, then *cais* is unlikely to be the derivation of Keys as being too late. In addition, Welsh *cais* in Gaelic mouths would have developed a palatal /s´/ and given something like *céis* /ke:s´/, cf. Manx place-names Agneash /ag'ne:s´/ (< Old Norse *egg-nes*), [50] Cregneash /krEg'ne:s´/ (< Old Norse

krók-nes), [51] which would likely have come down in Eng. as 'keysh', later 'keesh'. Nevertheless, this form could have developed into English as 'keys' (with non-palatal /s/), i.e. /ke:s/ -> /ki:s/, if the notion of 'unlocking' the mysteries of the law were associated with the name. Possible also is the suggestion first proffered by Sir John Rhys [52] that 'keys' is an Eng. attempt to pronounce the first part of Manx *kiare-as-feed* 'twenty-four' (Gaelic *ceithre as fichid*), i.e. the 24 Keys, viz. /k´er¶ s/ -> /ke:s/, with loss of palatalisation in initial /k/ and /-r¶s/ becoming /-rs/, then /-s/. The fact that we have 'keys' in 1417, and that it is understood as such in the Latin renditions (viz. Latin *Claves Mann[iae]* 'the keys of Man', *Claves legis* 'keys of the law', [53] would suggest that the above notion of 'unlocking' also applies here, i.e. that the first part of Manx *kiare as feed* has been interpreted as 'keys'. All this, if correct, would suggest British or Goidelic origins for this institution. However, given a possible Gaelic provenance for the earlier term *taxiaxi* (see above), a Gaelic origin for 'Keys' would seem more likely. The term 'twenty-four' or 'four-and-twenty' for the Keys continued in use until 1585, then it was expressed as 'the 24 Keys' till 1734, then simply as 'the Keys' thereafter. [54] ■

The term 'in King Orryes Days' would be the equivalent of 'time immemorial' (in English law 'before the reign of Richard I'). King Orrye would likely represent the King Orry of Manx tradition, in all probability Godred Crovan who ruled in Man and the Isles 1079-1095 and who founded a dynasty which lasted till 1265, though he could also refer to the earlier Godred, son of Harald (d. 999), of the Limerick branch of Norse kings and King of Man and the Isles. [55] A Godred is a possible consideration because of the pronunciation of the final *-g* in king as a stop (as still in parts of the English Midlands), i.e. *kingg-gorry*. As a result the *g-* of Gorree was not distinguished from the *-g* of king, and as the final stop disappeared the initial *g-* of Gorree went with it and created the fictitious name Orry in an English environment. Note that Manx retains *Ree Gorree* as the original, which bears the marks of gaelicisation of the Norse personal name *Guðrøðr* in Man or in Ireland, cf. Keating's *Gothfraidh*. ■

Tynwald at that time (1422) seems to have been held when necessary, and not confined to a particular date. Paragraph 28 from the 1422 sitting suggests that it was held twice a year, [56] while paragraph 30 makes clear that Tynwald should not be held in 'Passion Week' (Holy Week). [57] William Blundell in 1648 found that Tynwald 'should be kept twice in the year […]'. [58] In 1408 a full court was held at Tynwald 'on Monday the next before the feast of St. John the Baptist [24 June]', [59] in 1422 'upon the Hill of Reneurling (now Cronk Urley) [Kirk Michael] […] the Tuesday next after the Feast of St. Bartholemew [24 August]', in 1429 'upon Thursday next after the Feast of St. Mary [15 August]' [60] (and again in 1429 but at Keeill Abban, Baldwin), in 1577 'the 13TH Day of July'. [61] According to the Statutes, Tynwald was first held in modern times on or around Midsummer's Day in 1594, on 'the 24TH June', and thereafter regularly on that date till the introduction of the Gregorian Calendar in 1753. ■

4. Tynwald in Manx tradition and folklore ■

A certain amount of folklore and tradition in Man relates directly to Tynwald, six aspects of which could be sketched as a prelude to a discussion on the Tynwald site: [62] ■

1. that Tynwald Hill contains soil brought to the site from each parish in the island. The earliest record of this tradition seems to date from the mid-19TH century, although it may have circulated orally for some time before that. The notion of bringing soil from far and wide to construct a mound is found also associated with *thing*-sites in Scotland where it is connected with kingship and the administration of justice. [63]

2. that Tynwald Hill was originally a prehistoric burial mound. This idea seems to have circulated first in the mid-19TH century, at about the time that the early Bronze Age cist was discovered in a barrow at Follagh y Vannin during widening of the road (1847). Major works were also taking place at Tynwald Hill at the same time, and it seems that the two sites were thereby linked together.

3. that the Tynwald Fair Day ceremony takes place in open air. This is a major feature of folk assemblies throughout Europe since prehistoric times; cf. also the comments made by Caesar and Tacitus above. [64] Pertinent to the event is the 'fencing of the Court' for reasons given above.

4. that rushes are spread along the ceremonial pathway. The feature of spreading rushes is also known in Ireland and Cumbria (see also 8. below).

5. that there are three main strands in the ceremonial use of Tynwald Hill: a) king-making, b) law-giving, c) administration of justice. This translates into the definition of the main participants in the ceremonies: the king, the council of elders / nobles, the judiciary. In the British / Goidelic social order this comprised: the king or chieftain, elders chosen from land-owning freemen, and the priesthood / judiciary. [65]

6. that Celtic and Germanic deities and festivals are associated with Tynwald, notably the Celtic god Lug Lámfota (the god of light, life and youth) and the Germanic gods Thor (the god of thunder and war) and Tyr / Tiw (the god who presided over the *thing*).

Before the Scandinavian period (10TH-13TH centuries) Man existed some 425 years in a Goidelic [66] milieu (c. 500 - c. 925), and before that for an evidently unspecified period in a British Celtic mileu which may have extended back into the Bronze Age. As such Man likely shared in features also to be found in neighbouring British / Goidelic areas at the same time. But although some previous commentators have acknowledged a possible British / Goidelic provenance for Tynwald, none, so far as is known (with perhaps the exception of Megaw and Curphey), has discussed the British / Goidelic background in any great detail. [67] The societal structure in Man as outlined in the 1417 description seems to bear similarities to that of 8TH century Ireland, as evidenced in the Old Irish law tracts, [68] as well as to an extent in Early Wales, and perhaps it might not be amiss if we looked at the situations in those countries in some detail as an example, particularly in Ireland, and compare them with the position in Man where relevant. ◾

5. Societal structure in Ireland ◾

So far as the law-tracts are able to tell us, society in Ireland seems to have been structured as follows: ◾

1. *rí ruirech* /Ri: Rur´ex/		supreme king
rí tuath /Ri: tuaθ/		over-king of a few petty kingdoms
rí tuaithe /Ri: tuaθ´e/		king of a single petty kingdom
2. *aire forgill* /ar´e for´g´iL´/		lord of superior testimony
aire tuíseo /ar´e tuis´o/		lord of precedence
aire ard /ar´e aRd/		high lord
aire déso /ar´e de:so/		lord of vassalry
3. *bóaire* /bo:ar´e/		prosperous farmer, strong farmer
ócaire /o:gar´e/		less prosperous farmer, small farmer
fer midboth /fer miðvoθ/		'man of middle huts', a semi-independent youth (youth living on his father's land)
4. *fuidir* /fuð´ir´/		semi-freeman, tenant at will
bothach /boθax/		cottier, crofter
senchléithe /s´en´x´l´e: θ´e/		hereditary serf
mug /muɣ/, *cumal* /kumaL/		male slave, female slave [69]

As can be seen from the above table, Irish society of the 8TH century AD was essentially divided into four groups. Group 1 comprised kings of varying status, Group 2 the nobles, Group 3 the Free, Group 4 the Base or Unfree. ▪

In Man, according to the 1417 protocol, Group 1 comprising kings of various status would equal the local Manx king or kings. In Ireland the basic social unit was the *tuath* 'community, small kingdom' (see 5. below), with a population of some 3000 persons. The population of Man in the 8TH century would be reckoned to be about 10,000, which could comprise perhaps three or four *tuatha*, perhaps more, implying as many local kings or chieftains. Group 2 would equate with the 'Barrons' and 'beneficed Men', i.e. the nobility, Group 3 with the 'Knights, Esquires and Yeomen', i.e. the Freemen, and Group 4 with the bound tenants and crofters, i.e. those bound in service to a landowner. The equivalent of the *senchléithe* and *mug / cumal* are not represented in 1417 and this aspect of Gaelic societal structure probably had by that date ceased to exist in Man (see also below). ▪

Rank
Distinctions of rank figured prominently in the societal structure, the practical implications of which could be sketched as follows. The measure of a person's status would be his 'honour-price' or *lóg n-enech* (lit. 'the price of his face'), [70] and this had to be paid as a result of any major offence committed against him. [71] In

practice, however, the most important social distinction seems to have been 1) between those who were *nemed* /neveð/ 'privileged' [72] and those who were not *nemed*, and 2) between those who were *sóer* 'free' and those who were *dóer* 'unfree'. [73] 🟧

Ranking below the *nemed* would be the non-*nemed* freeman, who probably consisted of the majority of the adult male population during the period under discussion. He had an honour-price in his own right and could independently buy, sell, make contracts, act as surety or witness, etc. He could attend the Assembly (see below) and thereby play a part, however small, in decisions affecting the community. Two main categories of non-*nemed* freemen were distinguished: the *ócaire* 'small farmer' (lit. 'young freeman') and *bóaire* 'strong farmer' (lit. 'cow-freeman'). The *ócaire* had an honour-price of 1.5 milch-cows. He was the client (*céile*) of a lord, from whom he received a fief of 8 cows, and in return he provided food-rent and services. According to *Críth Gablach* (§10), the *ócaire* is said to have had a dwelling-house measuring some 6m (in diameter) and an out-house of some 4m. He had land worth 21 milch-cows and owned 7 cows, a bull, 7 pigs, 7 sheep and a horse. He had a quarter-share in a plough-team and a share in a kiln, a mill and a barn. If an *ócaire* prospered he could acquire enough land, cattle and other wealth to be ranked as *bóaire*. The typical *bóaire* had an honour-price of 2.5 milch-cows. He possessed half a plough-team and could make co-ploughing arrangements with a neighbour of the same rank. [74] 🟧

With regard to the *dóer* 'unfree', the first group to be included here are the various types of *fuidir* 'tenant at will'. The *fuidir* has no honour-price in his own right and no land of his own. However, some types of *fuidir* have the right to leave their lord, [75] provided that they surrender two thirds of the produce of their husbandry to him. The *sen-chléithe* 'hereditary serf' is bound to the land and cannot leave his lord. The *mug* 'male slave' and *cumal* 'female slave' are simply the property of their master. [76] 🟧

In Man distinctions of status of this kind can be seen, for instance, between a Coroner and a Moar. The fine for resisting a Coroner was three pounds, while that for resisting a Moar was 6s-8d (i.e. one ninth of the amount; see also 8. below). With regard to the *bóaire*, he would equate to the quarterland [77] farmer, i.e. a farmer of some wealth and substance, and the *ócaire* to a smaller (non-quarterland) farmer. The *fuidir* would equate to the tenant farmer who was dependent on the quarterland farmer for his work and livelihood, and the *bothach* to the crofter of whom there were many. The *senchléithe* and *mug/cumal* are not represented in later Manx society, though they may once have been so (see also above). The sharing of plough-teams, kilns, mills, etc, was common to Manx rural society up until the 18TH/19TH centuries and is well documented. [78] 🟧

The *tuath* /tuaθ/

The basic territorial unit was the *tuath*, which could conveniently be translated as 'commun-ity', 'small kingdom', etc. On the evidence of genealogies and other sources it is estimated that there were something like 150 kings in Ireland at any given date between the 5TH and 12TH centuries. [79] Each of these kings would have ruled over his own *tuath* (and many would have been over-kings of the *tuatha* of other kings). It has been roughly estimated that the population of Ireland at that time was in the region of half a million, which would put the population of the average *tuath* at about 3000 men, women and children. 🟧

The life of the *tuath* centred around its king. All the freemen owed him their direct

loyalty and paid him a special tax. At any time the king might summon them for a *slógad* 'hosting' [80] either to repel invaders or to attack a neighbouring *tuath*. The king also convened the *óenach* 'fair' (see below), a regular assembly for political, social, and perhaps commercial purposes. In the case of an over-king such an assembly might be attended by people from a number of *tuatha*, e.g. the *Óenach Tailten* 'the Fair of Tailtiu (Teltown)' was held each year at the festival of Lugnasad (early August) under the auspices of the King of Tara, [81] cf. also Scottish Gaelic *aonach na Samhna* 'Martinmas Fair'. Another type of gathering was the *airecht* 'meeting of freemen' at which legal business was transacted. [82] ■

The óenach /e:nax/
The *óenach* (Modern Irish *aonach* < Old Irish *óen* 'gathering, assembly; place of contest, games, competition') 'fair' was the assembly of the people of one or several *tuatha*, during which, in addition to the transaction of public business, games, athletic contests, etc, would take place. These would almost certainly be funerary in origin, as the 'fair' was held on the site of an ancient tribal cemetery. It corresponded very closely to the Scandinavian and Icelandic *thing*. [83] The *óenach* was seemingly held at regular intervals, but the king could convene it at other times as was seen fit. At all events the king could only 'pledge' his people to an *óenach* when the latter had been proclaimed / approved by the whole *tuath*. During the *óenach* the king could 'pledge (*gell*)' his people to observe certain important public obligations, notably the *slógad* 'hosting', *rechtge* 'all forms of law' and *cairde* 'treaty'. [84] As already noted, there were also games and horse-racing as part of the event. ■

In Man Old Irish *óenach* survives as *eaynagh*, but with the meaning 'desert, waste' (cf. Scottish Gaelic *aonach* 'hill, steep height; heath, moor; desert place, fair, assembly…' [85]), Old Irish *gell* as Manx *giall* 'promise, grant', and Old Irish *cairde* as Manx *caarjys* 'friendship; relationship by blood' (Gaelic *cairdeas*). ■

The king
The king was responsible for relations with other *tuatha*. In addition his three main functions were: 1) to preside over the Assembly (*óenach*), 2) to command the forces in war, and 3) to judge in important cases. [86] In the latter instance the king had some role in such cases and in one text concerned with court procedure he is described, along with the bishop and the chief poet, as 'the cliff which is behind the courts for judgment and for promulgation'. [87] Thus it seems that the judgment (although formulated by a judge or judges) is promulgated by the king or other dignitaries, or at least announced in his presence and with his approval. ■

Most kings recognised the overlordship of the king [88] of a more powerful neighbouring *tuath*. The usual method of acknowledging overlordship was to accept gifts from the over-king, who in turn might require the under-king to pay tribute and hand over hostages (members of his family) to ensure loyalty to him. The king could also enter into treaty (*cairde*) [89] obligations with the king of another *tuath*. Such a treaty was promulgated at the *óenach* and bound on his people at that meeting. It entitled the victim of serious crime committed by a member of the other *tuath* to obtain legal redress; enforcement of the penalty was the business of the kindred group, not of the court. [90] ■

In Man redress of grievance developed at Tynwald to one of petition to the Lord. As can be seen from the 1691 meeting, petitions were to be presented immediately before the procession to the hill: ■

> […]. When there is no more for his Lordship and the rest then with him to doe of themselves, his Lordship sends one of the Deemsters forth of the church into the field, where the said Deemster comands the cryer to proclaime that if anyone have complaint to make, thoe it be against any of the officers, or any request by petition, or difference betweene party and party, he, or they, whoever they be, may come into the Church and be heard, and his Lordshipp will take order that right shall be done, accordeing to justice and the lawes of the land. Then such as have any business, present themselves before the table humbly, on their knees, and deliver their petitions to the Comptroller, who is there ready to receive the same and to read, when the Lord commands him; which being done, the Lord heares the matter, if he please, or appoints another day. [91]

This usage, particularly with its requirement to go on one's knees, would be an introduction by the English overlords, of which feudal and then autocratic attitudes formed part. Petition is not mentioned in the account of 1417 and, as already noted by Curphey, [92] is quite alien to the concepts of responsibility of the kin for the maintenance of rights, and the assembly of all free men to discuss matters of common interest within the community. ◼

Finally, the king is expected to have a perfect body, free from blemish or disability. The only case cited in the law-texts is that of Congal Cáech who for a time held the kingship of both Ulster and Tara. He was apparently blinded in one eye by a bee 'and this put him from the kingship of Tara', though he retained the kingship of Ulster until his death in AD637. [93] Disqualification from becoming king through disability is also recognised among the Manx kings in the form of blinding and castrating. The *Chronicles of Man* tell of two incidents where potential claimants to the Manx throne were thus disabled, e.g. of Harald, son of King Godred Crovan (1079-1095), who was 'deprived of his genitals and eyes' (*genitalibus & oculis priuatus* est) by his elder brother Lagman in 1102 (f.33v.), and of Godred Don, son of King Reginald (1188-1226), who was seized by the Sheriff of Skye and others in 1223 and they 'both blinded and castrated him' (*godredum comprehensum oculis & genitalibus priuauerunt*) (f. 43r.). ◼

Legislation

In contrast elsewhere to the involvement of kings or chiefs in the codification of laws, e.g. the Emperor Justinian for Roman law, King Alfred for Old English law, Hywel Dda for Welsh law, there is little evidence for the involvement of Irish kings in such measures. In general the formulation of the law in Ireland seems to have been in the hands of a legal class (with clerical links) which had some degree of national organisation and was not under the control of any particular king. This is likely due to the political fragmentation of the country at the time of writing of the law-texts. No Irish king was ever in control of the whole island of Ireland and most kings ruled over small kingdoms of a few thousand people. In such circumstances the development of royal law-codes is unlikely to flourish. However, an over-king could issue an ordinance (*rechtge* [94]) in times of emergency. *Críth Gablach* (§38) refers to an ordinance of traditional law (*rechtge fénachais*) which the *tuatha* choose and the king confirms. This implies that the initiative for such an ordinance may come from the people, presumably voiced at an assembly (*óenach*). But it is the king who confirms it by taking pledges from them for its observance. [95] The same text also uses the term *rechtge* in the sense of ecclesiastical law. The promulgation of these laws seems to have been accompanied by a display of the relics of the particular saint to whom the law was attributed. [96] ◼

In Man the so-called 'Three Relics of Man' were allegedly taken to and presented at Tynwald. Upon these relics the oaths were sworn. William Gillies [97] points out that

such relics were transported on errands of law enforcement. The Manx relics may originally have represented the edicts of, for example, St. Maughold, St. German, and St. Patrick (now parish dedications), but were later used for the affirmation or re-affirmation of laws and oaths at Tynwald. ◼

The brithem /bˈrˈïθˈeṽ/

The law-texts distinguish between two types of professional lawyers: the *brithem* and the *aigne*. [98] The term is an agent noun from *breth* 'judgment, doom', i.e. 'maker of judgments', ModIr. *breitheamh*, ScG. *britheamh*, Mx. *briw*. [99] Three grades of judge are discerned. [100] Each *tuath* had its *brithem tuaithe*, presumably appointed by the king. *Críth Gablach* (§46) stresses the close link between king and judge, who is in constant attendance on the king. At feasts in the king's house, as we have already seen (3. above), the *brithem* - if the queen is absent - sits next to the king. In the law-texts the term *brithem* is normally used of a trained professional lawyer, whether lay or clerical, and often there are two judges functioning in a *tuath*, the *brithem tuaithe*, as mentioned above ('for matters affecting the laity'), and the *brithem eclaso* ('for matters affecting the Church'), though the public judge would be the *brithem tuaithe*. However, the term is also used of other persons of standing or expertise in the community who may be called upon to decide on particular points of law. As in Man the profession of judge would pass down in the same families, such as the McKiegans, O'Deorans, O'Brisleans, and McTholies. [101] ◼

In Man the Deemster, Mx. *briw*, was the main repository of oral traditional or customary law, known as 'breast law', as it was felt to come from within the breast. No more than two Deemsters existed at any one time, with the result that the power inherent in judicial creativity was focused, not diffuse, i.e. even though the Keys may have assisted the Deem-sters on various points of law, the Deemsters would have been able to dominate by mere virtue of their office. The Deemsters were often members of the same family and took office at an early age. Ewan Christian (1579-1656), for example, was Deemster for 51 years, from the age of 26. The practice of discerning customary law continued into the 19ᴛʜ century. [102] ◼

The inauguration of the king

In Early Irish belief Ireland was seen as a goddess, known as *Ériu*, [103] cognate with Welsh *Iwerddon*, who had to be wedded to her king, i.e. the king who was felt to rule over Ireland, namely, the king of Tara. [104] Each king of Tara on attaining the kingship was espoused to the goddess *Ériu*, and the lesser kings were similarly espoused each to a local goddess. The king was regarded as the personification on earth of the (protecting) deity or founding spirit of the *tuath* and was therefore inaugurated on a hill or in a cemetery in which the ancestors of the *tuath* lay buried. He would thereby represent a continuum between them and himself. Part of the ceremony would involve a symbolic wedding to the goddess of the *tuath* to complete the circle. This wedding took the form of a feast, known significantly as the *banais rígi* 'wedding feast of kingship', i.e. *banfheis* 'wife-feast', [105] or of a symposium or drinking session (*comól*). In addition, the king would receive, as an emblem of his protective role over his people, a long white rod. [106] ◼

In Man the inauguration of the king was one of the main functions of Tynwald. The 1417 account makes clear the situation: ◼

> [...]. And all your Barrons of Man, with your worthiest Men and Commons, did you Faith and Fealtie. And in as much as you are, by the Grace of God, now King and Lord of Man, yee will now that your Commons come unto you and

shew their Charters how they hold of you. […]. [107]

The only feature of the above ritual to survive in the inauguration of the king (today the lieutenant-governor) is the presentation (by one of the Deemsters) of the staff of government (formerly a long white rod) at Castle Rushen (formerly at Tynwald Hill). [108] ■

The accompanying festival, the assembly of all the people, the races. games, dancing and competitions would be a celebration of the feast of inauguration. This aspect of the Manx Tynwald, though perhaps not maintained in every detail as in former days, is nevertheless still part of the proceedings, though its original meaning and significance are long forgotten. ■

The heir-apparent

To avoid internecine conflict in royal families a *tánaise ríg*, or heir-apparent, was usually elected during the king's lifetime. [109] This would be undertaken at the *óenach* before the assembly of the people. [110] ■

In Man this practice is referred to in the *Chronicles of Man*, [111] in which King Godred II (1154-88) establishes his son Olaf as his heir. Presumably this was enacted at a meeting of Tynwald: ■

> […]. Godredus dum adhuc uiueret olauum filium suum regni sui heredem constituit, quia ad ipsum iure spectabat hereditas, [112] nam de legitimo matrimonio natus fuit, precepitque omni mannensi populo ut eum post suum obitum, sicut decebat, regem constituerent atque irrefragabile conseruarent ei sue fidei iuramentum. […] (CM1257, ff.40r/v. s.a. 1187).

> 'While Godred was still alive he established Olaf his son as heir to his kingdom, as this inheritance was his by right, for he had been born in lawful wedlock, and he gave instructions to all the Manx people that after his death they should make him king, as was fitting, and keep their oath of allegiance to him inviolable'.

The English overlords in Man evidently continued the tradition of appointing an heir-apparent at Tynwald. In 1393 Stephen le Scroop, brother to William le Scroop who bought the regalities of the kingdom of Man in 1392, was presented and acknowledged as the heir to his brother William at a court held at Tynwald Hill. [113] According to the 1417 Protocol (cf. 3. above) Sir John Stanley II 'received the Land as Heyre Apparent in your Father's days […]'. [114] ■

6. Tynwald as a cult-site ■

As noted above, the existence and construction of Tynwald Hill possibly goes back to the Bronze Age, if not before, as is suggested by the early Bronze Age burial mound, known as 'The Giant's Grave' [115] or 'Follagh y Vannin', [116] some 30m to the north of the hill. The mound is cut through by a narrow road exposing a cist of large stone slabs in the roadside (Photo 4). This was found in 1847 when the road immediately to the west of Tynwald Hill was widened. When the mound was covered the existence of this, had it been prominent, alongside Tynwald Hill could have given the appearance of twin hills, such as those at Tara and Emain Macha (Navan) in Ireland, and thereby could lend support to the view that the two hills / mounds at Tynwald may have been used as some sort of ritual or cult-site of the sort seen at

Tara and Emain Macha. 🟧

In this context Prof. Timothy Darvill of the University of Bournemouth conducted geophys-ical and other surveys of Tynwald Hill 1993-1996, as well as during the summer of 2002 (Figure 4.). His initial findings were printed in a report in 1996 for Manx National Heritage. [117] In his report Darvill makes clear that his suggestions are at best speculative, that is, until such time as the whole site has been thoroughly excavated. Nevertheless, he distinguishes five phases of human activity on the Tynwald site and St. John's Plain, dating from the early Bronze Age (ca. 2000 BC) down to the 20TH century AD. [118] 🟧

Phase 1: Prehistoric to mid-1st century AD

This phase spans the earliest periods of settlement in Man down through the Neolithic, Bronze Age and British eras to the advent of the Goidelic period of ca. 500 AD. Provisionally attributable to this phase are the barrow at Follagh y Vannin, Tynwald Hill, and an enclosed ditch around them. Such an arrangement might not be deliberately planned as such, but rather the result of two or more successive episodes of ceremonial and ritual activity on the elevated plateau of St. John's Plain. The topography then would have been different from that of today. The barrow at Follagh y Vannin lay on higher ground with Tynwald Hill set on the down slope to the south-east. The stone cist and traces of cremation burial at the barrow clearly authenticate it as an early Bronze Age feature. 🟧

The date of the original construction of Tynwald Hill is not known, and until excavation has taken place we can only assume that it belongs to this early period. Nevertheless, that Tynwald Hill might be wholly or partly an early prehistoric monument is quite likely, even though there is at present no proof. If it is not some kind of Bronze Age round barrow, it could possibly be a late Neolithic passage grave similar to that at Maes Howe in Orkney [119] or Bryn Celli Ddu in Anglesey. [120] Such sites would be suitable parallels. In addition, some tombs of this sort had a stepped or tiered profile when first built. [121] A case in point is Quanterness in Orkney, [122] but though the steps seemed to have been filled by possible post-Neolithic erosion, nevertheless the shape, size and appearance of the monument show interesting similarities to Tynwald Hill. 🟧

The inclusion of an enclosure is based on the evidence (albeit scant) existing in the early plans for more than one phase to the earthwork still visible in the 18TH century and found in Francis Grose's plan of 1774. [123] (Figures 1 and 2) If the fragment of a putative early ditch included on Grose's plan is accurate, then this early enclosure can tentatively be reconstructed as being rectangular or slightly trapezoidal in outline, measuring something like 50m wide and some 100m long and possibly incorporating both the barrow to the north and Tynwald Hill to the south. Whether there were other features within this possible enclosure cannot be determined from present evidence. In addition, many of the critical areas for the authentication of this phase have been lost during more recent remodelling (Figure 3.). 🟧

Nevertheless, the Phase 1 complex, even though speculative at present, has parallels among later prehistoric monuments elsewhere in Europe, notably at Aulnay-aux-Planches, Marne (France), and Libenice near Kolin (Czech Republic) which date to the early-to-mid part of the 1ST millennium BC (Figure 5.). They include human burials and standing stones and are about 90m x 15m in overall size. Although traditionally regarded as sanctuaries, recent research suggests that they were also associated with feasting and assemblies. In addition, many of the Central

European examples were constructed next to barrows (*tumuli*) or urnfields in order to provide natural legitimacy to traditional descent and power relations within society. ■

In the British Isles similar sites of the later 1ST millennium BC and early 1ST millennium AD tend to be either square in shape or have a length about twice their width (Figure 6.). An excavated example at West Hill, Uley, Gloucestershire, incorporated part of an earlier Neolithic enclosure and after a long period of more or less continuous usage became the site of a Roman temple dedicated to Mercury. However, the closest parallel for the tentatively early enclosure at Tynwald is the site at Slonk Hill near Shoreham in Sussex on the south coast of England. This site too has a long history, ranging from Neolithic activity in the area to Bronze Age barrows enclosed in the 1ST century AD by a trapezoidal enclosure measuring some 100m x 60m, to an inhumation burial of late Roman or early post-Roman times. In spite of some differences in detail between the two sites the similarity between Slonk Hill and Tynwald is striking. ■

What was happening on the St. John' Chapel site to the east of the putative Phase 1 enclosure at Tynwald is not known, though the presence of possible features on the site cannot be excluded. If the foregoing is correct, it would seem that even at this early date Tynwald in functional and symbolic terms was an important ritual centre and meeting place, even though firm evidence for this is at present not to hand. [124] ■

Phase 2: mid-to-late 1ST millennium AD

This phase essentially spans the Goidelic period of c. 500 to c. 925 AD. In addition to the continuation of use of the enclosure containing Tynwald Hill and the barrow (see above) this phase likely comprises development on the present St. John's Chapel site to the east, possibly a keeill. [125] ■

The topography around the present chapel suggests a low mound whose centre would lie under the middle of the present nave. Some keeill sites in Man have such a topography, i.e. a roughly circular platform or cemetery area with a low mound in the centre on which the keeill was built, probably of stone in common with others in Man. ■

In addition there appears to be a further Scandinavian burial located in the sandpit to the south of Tynwald at Balladoyne on the edge of St. John's Plain. It seems to contain features that would set it in a non-Christian context, but it may be an 'intrusion' within what is otherwise a cemetery attached to a keeill on the south side of the same plain. ■

The apparent emerging importance of the St. John's area during the 1ST millennium AD is perhaps reinforced by the enclosure some 1.5km eastward of St. John's at Port y Candas by Ballacraine. From excavations conducted at the site by Peter Gelling in the mid-1970s it seems that the area was occupied ca. 6TH to 8TH centuries AD. [126] The finds suggest a high status site with evidence of metal-working and class 'E' ware probably imported from the Atlantic coast area of France or Brittany. ■

The impression given is that at this time the St. John's Plain area seems to have been a high status site of the sort found in Ireland where they are known as "royal centres", such as at Tara in Co. Meath and Emain Macha [127] in Co. Armagh. The site at Tara seems to consist of eight distinct phases of construction from an

enclosure of Neolithic date (ca. 3030-2190 BC) to the conversion of the ritual area into a defensive fortification of the second to the fourth century AD. Phase 4 of the complex, dating from the early Bronze Age, provides direct evidence of the re-use of monuments at Tara for ritual purposes at a relatively early stage in the history of the site. After the introduction of iron (ca. 800 BC), the large hengeform enclosure containing the twin hillocks of the inauguration area was constructed. This formed Phase 5 of the construction. [128] ■

The foregoing suggests that during the early to middle centuries of the 1ST millennium AD St. John's emerged as an important centre, with Tynwald Hill as the focal point for assemblies and festivals and for inaugural ceremonies at which new kings and their heirs-apparent would be proclaimed. Many Irish "royal centres" [129] are apparently associated with a special lake or "magic pool" (cf. King's Stables at Emain Macha). There is just such a pool by Ballacraine just north of Port y Candas. Burials have also been found nearby. ■

As Darvill points out, Tynwald Hill at this time is not to be taken in isolation, but rather as part of a complex comprising a series of funerary, ritual and ceremonial sites scattered over an area of some 2km across. The increase in activity in this area during the later 1ST millennium AD is perhaps also reflected in the environmental records from the River Dhoo / Greeba area where there is evidence of forest clearance and arable farming. [130] ■

Phase 3: AD900 to 1700

This phase spans the Scandinavian (10TH-13TH centuries) and the Early Medieval periods in Man, during which the Tynwald site developed into what it has become today. It is during this period that the name *Tynwald* was presumably applied to the site; the pre-Norse name is not known. [131] The application of a new name does not necessarily mean a new function for the site, but would likely continue existing practices and at the same time introduce modifications to meet the needs of changed circumstances. The multi-levelled development of how assemblies met seemingly arose from Scandinavia and northern Europe during preceding centuries, starting from the local and progressing through to the central or national assembly (often referred to as the *Althing*). This would perhaps manifest itself in a remodelling of the Tynwald site to include a new and larger enclosure embracing Tynwald Hill and the chapel site, i.e. in a manner as seen today. The changed circumstances referred to above would likely be the adaptation of the assembly to cater for the requirements of the Kingdom of the Isles, in existence seemingly from the late 10TH century to 1266. That is to say, that Tynwald was converted from being a local Manx focal point to one embracing representation from the Calf of Man to the Butt of Lewis. ■

As mentioned earlier, the stepped form of Tynwald Hill may date back to the Neolithic period (but see above). Darvill [132] comments that the use of grave-mounds as *thing*-sites was "widespread in Denmark at this time and ties in with Norse cosmologies and need to legitimise power through resort to the ancestors". He could have added that this applied in Ireland also. [133] He adds (*ibid.*), "The four platforms or terraces of diminishing size may be taken as a physical representation of the hierarchical power structures within the society responsible for its construction: the king or lord at the top, the main body of the population at the bottom". As we have seen, this would also apply to Goidelic society. The Dublin *Thengmota* (Sc. *thingmót* 'public meeting'), [134] probably also a pre-Scandinavian edifice, was seemingly so structured before its destruction in 1685, as was evidently Lincluden Mote in Dumfries and Galloway and the Thingmount at Little Langdale,

Cumbria. Setting an enclosure around a *thing* is apparently not a common Scandinavian practice, though one or two examples could perhaps be cited, [135] in contrast to non-Scandinavian sites, such as the (oval) enclosure around the twin-hills at Tara. The use of enclosures by the Norse in Man would seem to be a continuation of an already existing practice. ■

That Tynwald in Man was the 'national' Tynwald for the Kingdom of the Isles is suggested by the comment at the 1422 meeting that eight members of the Keys represented the "Out Isles", i.e. Lewis and Skye. Local Tynwalds in the Hebrides also seemingly existed, to judge from the place-name evidence, viz. *Tiongal*, as in *Cnoc an Tiongalairidh* (< *Cnocan Tiongalàiridh*) 'the hillock of/by the 'thing' of/by the shieling', a hillock in the township of Tolsta Chaolais in Lewis (NB1937), and *Tinwhil*, whose site was probably at approximately NG415583 in Glen Hinnisdal ('*thing* dale', w. G. *gleann* 'glen' later preposed) in Skye (though there is evidently no record of an assembly being held there). [136] The site at Reneurling (Cronk Urley), Kirk Michael (used in 1422, cf. 3. above) may have been a local sheading *thing* in Man (but used in 1422 as the meeting place of the national Tynwald). The site at Keeill Abban in Man, at the centre of the island (SC38SE SC36178247), is known only to have been used twice. [137] That it was the *thing* for the southern sheadings, while Tynwald was the *thing* for the northern ones, as Darvill has suggested, [138] is pure speculation. The pre-eminence of the St. John's site down through the ages would suggest that after the end of the Scandinavian period, with one or two exceptions, St. John's has remained the main 'national' site until the present. ■

In the Goidelic period the major festivals of *Im Bolc, Beltane, Lugnasad* and *Samain* were probably celebrated at St. John's. Three of these survive today in Mx. as names for months: *Boaldyn* (G. *Bealltaine*) 'May', Lunastyn (G. *Lúnasa*) 'August', *Mee Houney* (*Mí Shamhna*, G. *Samhain, Mí na Samhna*) 'November'. The change to Midsummer (possibly combining the Beltane and Lugnasad festivals [139]) is likely to have occurred during the Norse period, perhaps when the Tynwald site was presumably remodelled to encompass Tynwald Hill and the St. John's Chapel. ■

Phases 4 (AD1700 to 1847) and 5 (1847 to present) lie outside the scope of this discussion. ■

7. Societal structure in Early Wales ■

Briefly, after the collapse of Roman rule in Britain, what is now Wales was divided into various territories, each ruled by a prince or king, [140] who lived in a central court. For purposes of government the territory was divided into local units, the *cantrefi* or cantrefs, later subdivided into the smaller *cymydau* (sg. *cwmwd*) or commotes (neighbourhoods), in each of which the prince had his royal demesne and local hall or court. The free Welsh lived in their communities in scattered homesteads spread over a wide area, over which they had acquired by long usage rights of grazing. ■

The royal court housed the royal family and twenty-four permanent officers, each having certain privileges. Those of high rank included the *ynad llys* 'court judge', the *distain* 'steward', etc. Others included the Bard, the Porter of the Hall, the Butler,

etc, and in this respect the Welsh court differed little from similar courts in Western Europe. 🟧

In addition to the officers of the central court, there were local officers in every commote, e.g. the *rhaglaw*, the chief local official who held the courts of the commote, the *maer* (< Latin *maior*), who, as noted above, ordinarily collected the dues and rents of the farmers. Then there were the *Cais* or serjeants who delivered writs, carried out the decision of the courts, etc (see above). [141] 🟧

In Manx terms the Ynad Llys could possibly be compared with the Deemster, the Maer with the Moar, and perhaps the Cais with the Keys (but see 3. above). 🟧

8. Pre-Scandinavian aspects of Tynwald 🟦

An initial assessment suggests that the Tynwald site seems to show similarities in layout with early ritual sites in other parts of Europe. We have also seen that the Goidelic *óenach* has close parallels in its features with the Scandinavian and Icelandic *thing*, suggesting a common tradition for both in early societal structures. However, given the earlier British / Goidelic settlement in Man, an institution such as the *óenach* (or whatever it may have been called) is likely to have existed there prior to the Norse arrival, and that the Scandinavians would in all likelihood have recognised in the *óenach* something very similar to their *thing*, i.e. that Tynwald (Scandinavian *thing-völlr*) is the Norse equivalent of Goidelic *óenach* 'fair', just as these are possibly Goidelic equivalents of earlier like institutions. It is significant that Tynwald Fair Day is still referred to by older Manxmen as 'The Fair'. The Manx name for Tynwald Hill is, as we have seen, *Cronk Keeill Eoin* (Gaelic *cnoc cill Eoghain*) 'hill of St. John's Church', and, as can be seen, the names bear no relation to each other. 🟧

The white pavilion on the hill would represent a temporary ritual house, woven of white-peeled rods, where the Irish kings used to receive the acknowledgements of their vassals. [142] The chronicler Roger de Hovedon describes how the Irish kings built a palace of wattle-work for Henry II during his visit to Dublin during the winter of 1172-73. [143] Such a pavilion was also known in Wales, cf. the *Ty Gwyn ar Daf* of Hywel Dda. In Man the earliest known attestation of this pavilion or canopy in modern times lies in a description of Tynwald Fair Day in 1736, attended by James Murray Duke of Atholl who had recently succeeded to the Lordship of Man: 🟧

> The Tynwald is a regular mount […]; and on a square pedestal of six feet […] was placed a throne or chair of state, under a canopy of eight feet high, both covered with crimson damask, fronting to the chapel, which stands exactly east from it […]. [144]

The strewing of rushes on the pathway from St. John's Church to Tynwald Hill symbolises the rent owed to Manannan, the guardian deity of Man. So far as is known, this practice first finds reference in the 'Traditionary Ballad' [145] (c. 1500): 🟧

> Yn Maal va cheet huggey as y Cheer / Va Bart dy Leaghyr ghlass dagh blein / As var ad gol lesh shen myr sfeer / Trooid ny Cheerey dagh iue'l Ean. Part jeusyn va gol lesh seose / Mullagh y Chleau vooar Shen Barrool / Part elley jeu va furraght wass / Eck Mannanyn erskyn Kemeool

'the mail (i.e. tax) which was coming to him from the country was a load of green rushes each year, and they used to take that, to be sure, through the country every St. John's Eve (4/5TH July NS). Some of them would go with it up to the top of that big mountain Barrule; some of them would wait down below by Manannan above Keamool (Dalby Mountain)' (Kewley's version, quatrains 6, 7).

According to Heinrich Wagner, [146] the Irish text *Altram Tige Dá Medar* tells that the *Sidh an Bhrogha* on the banks of the Boyne '[…] was freshly strewn with rushes before Manannán', when he arrived for the feast in his most beautiful palace, i.e. that this practice was also known in Goidelic tradition. [147] Manannan's association in Celtic tradition as the god of the sea, god of the waters above the earth and under it, god of fertility and crops, god of the rushes and the swamps may originate in old Middle Eastern traditions. [148] The strewing of rushes seems likely to have been practised in Man before the arrival of the Scandinavians. ◼

The three-legs symbol of the Manx flag is known in early Celtic tradition in Gaul where it is associated with the wheel and the swastika as stressing the element of the rotary movement of the sun. Like the swastika, the three-legs symbol is widely spread throughout many folk-traditions. [149] Heraldically the Kings of Man bore, at least from the 13TH century, the three-legs clad in chain mail. The earliest known documented record, dated 1277, is at the end of the French Wijnbergen Roll where the arms are described as follows: 'Roy de Men: *Gules, three mailed legs embowed and conjoined at the thighs Argent, spurred Or*.' [150] The first known visual representation that agrees with the foregoing is in the Armorial de Gelre (c. 1370-80). [151] In Manx tradition the three-legs are associated with Manannan, [152] and as such this tradition would almost certainly be pre-Scandinavian. ◼

The celebration of the summer and winter solstice is a Germanic, not a Celtic practice. In Goidelic tradition the four main festivals were: *Imbolc* (1 February), *Beltane* (1 May), *Lugnasad* (1 August), *Samain* (1 November). The holding of Tynwald Fair Day on Midsummer's Day is therefore likely to have taken place some time during the Norse era. Though the taking of the rushes as the rent to Manannan (see above) took place on St. John's Eve, it may originally have been part of the Lugnasad celebrations. It is significant that the first mention of a Tynwald being called in Man was on 24 October 1237. [153] This would allow the people to assemble for a week on each side of Samain. This festival marked the end of the herdsman's year when the animal stocks were brought together and a selection made for breeding; the rest were slaughtered, thus providing an opportunity for much feasting. [154] The assembling of a Tynwald in October 1237 would suggest that a Celtic, rather than a Germanic, festival date of importance was being celebrated, and towards the end of the Scandinavian period in Man at that. Nevertheless, the adjustment to Midsummer may have had a more practical purpose, namely that the seas between Man and the Hebrides in June would likely not be so stormy for the delegates from that area as they made their way to Man. In this respect our attention may be drawn to the loss at sea near Shetland of King Harald of Man (1237-1249) and his Bishop-Elect Laurence on their way back from Norway to Man in the late autumn of 1249. [155] ◼

The Deemster had a similar function as the *brithem* (Mx. *briw*), in that he proclaimed judicial decisions and was called upon to decide on particular points of law. In other words, the Deemster seems to be the Norse equivalent of the *brithem*, an office that would almost certainly have been in existence in Man when the Scandinavians arrived. ◼

The Manx official responsible for collecting the dues or rents from the treens [156] was the *moar*, a variant of the term borrowed into all the branches of Insular Celtic, cf. Welsh *maer* above, ultimately from Romano-British Latin *maior* 'steward'. [157] There was a *moar* for each parish, seventeen in all. But it is significant that the earliest statutes (1417) [158] refer to the moars of every sheading, like the *maer* of the Welsh commotes, suggesting an early use of the term. The office of *moar* no longer exists in Man. ■

The Coroner of the sheading, as Basil Megaw points out, [159] was of higher status, as the fine for resisting him was three pounds compared with 6s. 8d. in the case of the *moar*. The early 'moar of the sheading', as distinct from the parish *moar*, may in fact have been the coroner. The coroner's overall responsibility in the sheading was the maintenance of coastal defence. However, as his Manx Gaelic title suggests, viz. *toshiagh jioarey*, cf. Scots *tosch-derach*, he may have had a different function and his origins may go back into early Gaelic society. Gillies [160] suggests that the office developed from *tóiseach daor-raith* 'principal daor-rath'. The term *daor-rath*, older *dóer-rath*, referred to 'base-clientship' (see 5. above), then later to the food-rent the unfree client had to pay to his lord. The *tóiseach daor-raith* would be the officer responsible for ensuring that this was done. His function would therefore be similar to that of the *moar* (rent collector) of a later period. When the element *daor-rath* became obsolete, it was seemingly replaced by *deoradh* 'outlaw, stranger', Mx. *jioarey*, [161] a word more readily understood, though having nothing at all to do with the original function. ■

The name 'Keys', as we have seen (paragraph 19 above), may possibly be of either British or Goidelic derivation, e.g. (tentatively) from either Welsh *cais* 'serjeant' or (more likely) from the first part of Manx Gaelic *kiare as feed* 'twenty-four', that is to say, from a Celtic mileu. Given the antiquity and provenance of Manx *moar* and *toshiagh-jioarey* 'coroner' above, for example, a British Isles derivation for 'Keys' seems likely. ■

9. Conclusion ■

To sum up, the various strata of Manx society as represented at the open-air Tynwald Fair Day ceremony, namely, the head of state, the nobility or senior advisers, the freemen or Keys, and the ordinary people, have their origins in early societal structures. In this respect early Manx society would have shared features in common with its neighbours in Britain and Ireland and in Europe. ■

On arrival in Man the Scandinavians would have met with institutions similar to their own and would readily have identified with them. In such circumstances terms such as Tynwald, Deemster, etc, would be Scandinavian titles of institutions and offices almost certainly already in being in Man. We have seen that officials, such as the *moar* and coroner, in all probability have their roots in British Isles societal developments, as well as aspects of the paraphernalia attached to the Tynwald ceremony, [162] e.g. the canopy, the strewing of the rushes, the three-legs symbol, the fair, etc. ■

If Tynwald is essentially a pre-Scandinavian institution, as I believe it to be, did the Scandinavians make any contribution at all? In my view they did. In a Goidelic

framework, at any rate, we have seen that there may have been more than one king or chief in Man before the arrival of the Vikings, in which case there may have been more than one assembly site, as in Ireland. One of the Manx chieftains may likely have invited the Scandinavians in as mercenaries (perhaps to assist solve a local dispute), as witnessed by Norse burial patterns in Jurby. [163] After initial Scandinavian settlement in Man in the early-to-mid 10TH century Man evidently began to be associated with Norse interests in Limerick, Dublin, and the Hebrides. [164] The alignment of Man with the Hebrides is a Norse development, for which a suitable assembly had to be developed to adapt to new circumstances. And this seems to be the essence of the Norse contribution. The local assembly, the 'Óenach' (or whatever) was transformed into an institution, namely the 'Tynwald', that served the interests of a fairly extensive kingdom - the Kingdom of the Isles, during which the Manx kings, as we have seen, were able to enter alliances with various heads of other countries to serve their own best advantage. ■

After the Scandinavian period Man ultimately became part of the English (later British) Crown dominions, during which period the institution Tynwald was affected by modifications from the English overlords, as we have seen in the accounts for 1417 and 1691. Further developments down to the present day, such as the creation of the office of President of Tynwald in 1990, reflect the changes in political developments in Man during that time. ■

In a nutshell, the bedrock composition of Tynwald seems to be pre-Scandinavian - a British Isles creation containing early societal structures, the development of Tynwald into a national institution is Scandinavian; this institution has undergone English modification. Today Tynwald, as the representative body and government of the Manx people, proceeds into the future more and more under Manx guidance and control at a time when the Isle of Man enters the world of the European Union. ■

Acknowledgements ■

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