

**THE PERIOD OF THE ‘OLD-FRISIAN’ SILVER PENNY
(c.1000 - c.1280)**

5.1 On the genesis of the wergeld in ‘old-Frisian’ money in the 11th century

The first clauses in the first recording of Frisian customary law, the *Lex Frisionum*, concern homicide and its compensations. The concept of wergeld, as the basic norm for compensations, was a fundamental concept in the customary law of the Middle Ages. The *Lex Frisionum* was drafted for Frankish purposes. Whether it was legalised and used in the administration of justice is unknown. In later medieval Frisian law it is never referred to.¹ For Frisian purposes there was no need for such records, but there is no doubt that it reflected the customary compensation for homicide in Frisia. This compensation was generally known;² for the free Frisian the wergeld (that is, kin’s share excluded) was $35\frac{5}{9}$ (gold) *solidi* or $5\frac{1}{3}$ pounds of minted silver (= 1,664g in our metric system³).

It took two or three centuries for Frisian customary law to be set down in writing again. The surviving *XVII Kesten* and the *XXIV Landriochten* are usually understood to be adaptations of the oldest records of Frisian profane law - recorded in around 1080,⁴ and the Mid-Frisian *Landriocht/Skeltariocht* also has roots in that age. After verbal transmission during the preceding centuries, it is supposed that political changes in the 11th century were the inducement to put the Frisian laws into writing again, on the grounds that such changes might otherwise have resulted in the effective interference of lords in Frisia, posing a threat to the old Frisian privileges.⁵ These privileges therefore had to be corroborated in documents. The appointment of Saxonian counts in various Frisian counties in around 1000 might have been the first inducement. Counts had originally been officers appointed by the king, but at that time the offices became hereditary, and the counts tried to weaken their ties with the king. In the second half of the 11th century the German kings tried to restore their central author-

¹ Algra, *Zeventien keuren*, 196.

² It is assumed that wergeld was negotiated, but the normal wergeld would have been the starting-point.

³ Excursus 3.3: ‘On the silver equivalence of the wergeld in the *Lex Frisionum*’, (b). A wergeld of $5\frac{1}{3}$ pound seems a somewhat odd amount, but it should not be forgotten that it is $\frac{2}{3}$ rd of the total compensation for homicide of 8 pounds (that is, with kin’s share included).

⁴ Buma, *Westerlauwersches Recht I*, 18.

⁵ Algra, “Rechtshistorische aspecten”, 182-183.

ity in Frisia by replacing rebellious counts, who had hereditary rights, by bishops, who did not have them. The Saxonian counts were replaced by the Archbishop of Bremen in East Frisia (1047-1058) and by the Bishop of Utrecht in Mid-Frisia (1077-1099 the county Stavoren, 1086/1089-1099 the counties Westergo and Oostergo). These various events may have caused the original recording of the *XVII Kesten*⁶ and *XXIV Landriochten*.⁷ The *condominium* treaty of 1165,⁸ concerning Mid-Frisia, may have been the next inducement to collect jurisprudence in the Mid-Frisian *Landriocht/Skeltariocht*, built up over the course of a century.⁹

These sources in Frisia provide the following information regarding to wergeld. The earliest high-medieval explicit mention of wergeld is found in the Mid-Frisian *Landriocht/Skeltariocht*. It is a piece of text, apparently inserted as an appendix,¹⁰ that concerns the formal procedure for agreeing reconciliation by paying wergeld. The compensation for manslaughter in this text amounts to 8 pounds 10 ounces and $13\frac{1}{3}$ pennies wergeld (*riocht ield*) and 4 pound 5 ounces $6\frac{2}{3}$ pennies kin's share (*meitele*).¹¹ It is a clear expression that may have been directly linked to the expressions of wergeld in the *Lex Frisionum*. The amount of $5\frac{1}{3}$ pounds in the *Lex* was found to be quoted in silver pennies with a total silver equivalence of 1,664g.¹² The amount of $8\frac{8}{9}$ pounds (= 8 pounds 10 ounces $13\frac{1}{3}$ pennies) in the Mid-Frisian *Landriocht/Skeltariocht* would have been quoted in 'old-Frisian' silver pennies valid in the high Middle Ages. What was their value? If the wergeld hypothesis holds, the 'old-Frisian' penny of account would be equivalent to c.0.78g of silver.¹³ That was the silver content of the 'old-Frisian' penny at the beginning of the 11th century according to the numismatic information.¹⁴ It may have been the face value of the 'old-Frisian' penny in the first half of that century.

This is surprising. The Mid-Frisian *Landriocht/Skeltariocht* was supposedly formulated in 1166, using jurisprudence established after 1086.¹⁵ However, the dating of the wergeld in the first half of the 11th century may still be true. In the first place, the text of the wergeld procedure in this source is apparently an inserted addition which

⁶ Buma, *Westerlauwerssches Recht I*, 18.

⁷ *Ibidem*, 18. The *XXIV Landriochten* date shortly after the *XVII Kesten* and hence might be dated in around 1100.

⁸ See Chapter 5, 'The historic context'.

⁹ Algra, "Rechtshistorische aspecten", 183-184.

¹⁰ *Ibidem*, 113.

¹¹ Buma, *Westerlauwerssches Recht I*, 102-103.

¹² Excursus 3.3: 'On the silver equivalence of the wergeld in the *Lex Frisionum*'.

¹³ $8\frac{8}{9}$ pounds = $8\frac{8}{9} \times 240$ pennies = $2,133\frac{1}{3}$ pennies $\approx 1,664$ g, hence 1 penny $\approx 1,664$ g : $2,133\frac{1}{3}$ = 0.78g.

¹⁴ Chapter 5, 'The history of the means of payment'.

¹⁵ Algra, "Rechtshistorische aspecten", 180-181.

may itself have originated in an older source. In the second place, this ‘wergeld procedure’ is not the only piece of text in the Mid-Frisian *Landriocht/Skeltariocht* to date from the turn of the millennium; a paragraph concerning defence against the Northmen also has roots that are dated around 1000.¹⁶ According to Algra, the oldest parts of the *Landriocht/Skeltariocht* may have been recorded at the end of the 11th century.¹⁷ At that time the wergeld amount was probably still based on the money standard that was valid during the period of the Brunswick counts. It was not adapted to 12th century money when the surviving Mid-Frisian *Landriocht/Skeltariocht* was composed. Neither was it adapted during the copying process of this *Landriocht/Skeltariocht* in the 15th century. It is one of many examples of the immobility of legal tariffs in Frisia. The amount also seems to have been applied in other sources. It is found as the compensation amount for a raped widow or maiden in the 15th *Kest*, though only in the ms. ‘Jus’.¹⁸ In the *Lex Frisionum*, the compensation for this crime was equal to the woman’s own wergeld,¹⁹ and the wergeld of a woman, in its turn, was equal to the wergeld of a man of the same status.²⁰ So this version of the 15th *Kest* confirms the wergeld amount found in the Mid-Frisian *Landriocht/Skeltariocht*. The *XVII Kesten* are assumed to have been formulated at the end of the 11th century, as we have seen. Another resonance of the wergeld amount in the Mid-Frisian *Landriocht/Skeltariocht* may possibly be found in the 23rd of the general-Frisian *XXIV Landriochten*, in the versions ‘Jus’ and ‘Druk’. It concerns the compensation for a pregnant woman who has died after ill treatment. This amounts to (7 times) 8 pounds 8 ounces 8 shillings and 8 pennies.²¹ This amount differs a little from the wergeld in the Mid-Frisian *Landriocht/Skeltariocht*, but this is probably due to a copying error since the quotation itself (in ounces as well as shillings) is unusual. The *XXIV Landriochten* are also assumed to have been recorded at the end of the 11th century, so this case reflects a similar phenomenon to that found in the 15th *Kest*. Thus, when both the 15th *Kest* and the 23rd *Landriocht* were recorded for the first time, the immobile wergeld amount of about half a century before, also mentioned in the Mid-Frisian *Landriocht/Skeltariocht*, may have been applied.

There is no indication of how the amount of $8\frac{8}{9}$ pounds has evolved from the amount of $5\frac{1}{3}$ pounds as found in the *Lex Frisionum*. The *Lex* itself was probably not used in Frisia,²² so it must have evolved during the verbal transmission process. The amount of $8\frac{8}{9}$ pounds seems odd, but in fact it is equal to $\frac{5}{3} \times 5\frac{1}{3}$ pounds; it could easily be

¹⁶ *Ibidem*, 183; 105.

¹⁷ Algra, “Rechtshistorische aspecten”, 92; 183.

¹⁸ Buma, *Westerlauwersches Recht I*, 144-145 (§15).

¹⁹ LF, 135 (Main Part, Title IX §8).

²⁰ LF, 148 (*Additio*, Title V §1).

²¹ Buma, *Westerlauwersches Recht I*, 144-145; RQ, 23-25.

²² Excursus 3.1: ‘On the *Lex Frisionum* as an historical source’.

calculated by way of converting 3 old pennies (of c.1.3g silver equivalence) into 5 new pennies (of c.0.78g silver equivalence); but there may have been one or more conversions in between. An alternative evolution may have occurred elsewhere in Frisia, which is tentatively mentioned in Excursus 5.3 (stage 1).

5.2 On the silver equivalence of the wergeld in Frisia in the general register of compensation tariffs

Most of the judges' books of Hunsingo, Emsingo and Riustringen, whether in Old Frisian, Latin or Low Saxon, contain a register which is considered to be a general-Frisian register of compensation tariffs.²³ Though there are differences between the various copies of this register, they apparently have a common source.²⁴ This source may be dated between 1252 and 1260,²⁵ but the origin is supposed to have been much older, possibly - like the also general-Frisian *XVII Kesten* and the *XXIV Landriochten* - dating from the 11th century.²⁶ The register is a list of various compensation tariffs to be paid in cases of particular wounds or other injuries.

As far as the money of account used in this register is concerned, it originates in divergent periods. Like the various regional compensation tariff registers, it has 'grown'. It has amendments and additions from subsequent periods, so it is difficult to draw definite conclusions as to the value of the unit of account at different times. At least two different units of account are visible: an unnamed one in marks, ounces, shillings and pennies, and a unit called the *ieldmerk*.

The register does not mention the compensation tariff for homicide, but this amount can be derived from other tariffs. A few compensation tariffs are usually directly related to the wergeld. The tariff in Frisia for the total loss of a hand, a foot or an eye was generally half a wergeld, while if these parts were disabled but not separated from the body the compensation was usually $\frac{1}{3}$ rd of a wergeld.²⁷ In the general-Frisian register of compensation tariffs, the compensation for the loss of an eye was 20 *ieldmerk*; it follows that the wergeld was 40 *ieldmerk*.²⁸ By arithmetical comparisons with other compensations that use the *ieldmerk*, Nauta concludes that this was

²³ See Nauta, *Die altfriesischen allgemeinen Bußtaxen*. On pages 98-101 he gives a reconstruction of the hypothetical original text.

²⁴ *Ibidem*, 81-82.

²⁵ *Ibidem*, 22-24.

²⁶ Gerbenzon, *Apparaat II*, 10.

²⁷ Buma, *Das Brokmer Recht*, 112-113 (§215); *Das Emsiger Recht*, 66-67 (§33); *Das Hunsingoer Recht*, 48-49 (§2); *Das Fivelgoer Recht*, 82-83 (§48); Richthofen, *Rechtsquellen*, 316 ('Ommelander Landrecht of 1448', §8).

²⁸ Also Nauta, *Die altfriesischen allgemeinen Bußtaxen*, 103.

probably a mark consisting of 12 shillings = 144 pennies.²⁹ As will be shown below, his opinion can be supported by another argument. Hence, if the wergeld hypothesis holds, this *ieldmerk* was based on a penny of c.0.29g of silver.³⁰

What was an *ieldmerk*? Apart from an explicatory note in the Old Frisian manuscripts of Riustringen, this term is only used in the various versions of the general-Frisian compensation register. The word is used only in relation to wergeld, so it might mean ‘the mark in which wergeld is quoted’.³¹ The concept would have been used in this register to distinguish the marks quoted for wergeld from the marks quoted for other compensations.³² This would only have made sense if these other marks had had a different meaning. As I see it, the marks for the other compensations in this register are multiples of a heavier, and hence older, unit of account. This can be demonstrated by an example. As a rule, blinding an eye was compensated by $\frac{1}{3}$ rd of a wergeld in Frisia. In the general-Frisian compensations register this was 100 shillings, so it was derived from a wergeld of 300 shillings; that is, $22\frac{1}{2}$ marks of 160 pennies.³³ If the wergeld hypothesis holds, these marks were based on a penny of c.0.46g silver equivalence.³⁴ So the amounts in *ieldmerka* would have been alterations of the original text made at later times.

As I have said, the *ieldmerk* was also mentioned in an explanatory piece of text in the judges’ books of Riustringen. The manuscripts date from about 1300 and 1327.³⁵ The text is:

‘The *ieldmerk* is a *skilling wichtgoldis* (shilling weight gold). That is the highest mark’.³⁶

The *skilling wicht goldis* or *skilling goldis* is a frequently used unit of account in these judges’ books; but what was it? It requires another explanatory note to understand these notions, and this note is found in a 16th century copy of the judges’ book of Wursten - a Frisian district not belonging to Riustringen but situated on the opposite bank of the Weser and closely related to Riustringen. It seems likely that the law in Wursten was influenced by the law in Riustringen. The practice of Old Frisian law

²⁹ *Ibidem*, 124-126.

³⁰ $1,664\text{g} : (40 \times 144) = 0.29\text{g}$.

³¹ Nauta, *Die altfriesischen allgemeinen Bußtaxen*, 141. Old Frisian *ield* = wergeld.

³² The Latin text has *xx geldmerka* (= money marks) instead (Richthofen. *Rechtsquellen*, 86). This text was probably translated from Old Frisian, and is therefore not original (Nauta, *Die altfriesischen allgemeinen Bußtaxen*, 96). An interpretation of an *ieldmerk* as a mark in money, as opposed to a mark in weight, is unlikely to be valid because it would be redundant in the context of this register.

³³ $300 \text{ shillings} = 300 \times 12 = 3,600 \text{ pennies} = 3,600 : 160 = 22\frac{1}{2} \text{ marks}$ or $3,600 : 144 = 25 \text{ marks}$.

³⁴ $1,664\text{g} : 3,600 = 0.46\text{g}$.

³⁵ Buma, *Das Rürstringer Recht*, 17-18.

³⁶ *Ibidem*, 140-141.

continued here until as late as 1611,³⁷ which indicates the tenacity of the old institutions. The Wursten book includes clauses which deal with compensations derived from wergeld. The copy of the Wursten judges' book tells us about such compensations:

‘Where [compensation amounts for] arms, or legs, hands or feet are quoted in *schillinck wicht goldes*, these have to be taken as so many marks.’³⁸

Assuming that this explanation is reliable, it implies that a mark in silver money could be substituted by a *skilling wicht goldis*.³⁹ As this explanatory note would have been relatively recent, dating from a time when a mark was usually a multiple of 12 shillings, and assuming that the notions shilling and mark belonged to the same money of account system, it follows that an *ieldmark* was understood as a mark of 12 shillings = 144 pennies.

5.3 On the analysis of the Fivelingo wergeld-tradition

How reliable is the Fivelingo wergeld-tradition? To answer this question, the tradition must be compared with known and reconstructed information. From this comparison the following picture emerges.

The original text runs as follows⁴⁰:

Thervmbe hu may alle firna mith fia machte beta, that keren that liude allererst thet forme ield bi xij merkum. Therefter that krungen that frund sex merc therto, ther hia vnder himman delden. Therefter worden that ielde aket to xxiiij merkum. Therefter bi xxxvi merkum. By forttega merkum setma thene vndscrifta, er may thene godfrethe bigrep. Therbi setma thet halue ield bi xx mercum, thet thrimen ield bi xiiij thrimen merc. Therefter, that that liude thristegaden tho monslachta and to othera quada dedum and this panning ergade, that bigripen se thene godfrethe and setma thet ield bi C punda and alne scrifta twibete. Therefter setma thet ield bi CC merka and thene vndscrifta alderbi. Therefter bi CCC merkum. Therefter b[i] xx hagista mercum, thio merc bi xij pundum grenslachta. That xx merka sent xvi merc anglischis. Bi thisse ield ister set alla vntscrifta. Nu was vse ield bi xx merka anglischis.

In this text 9 stages can be discerned. I shall translate and discuss them in the order in which they occur.

Stage 1. ‘Therefore, that all crimes could be compensated by money, the people established the first wergeld first of all at 12 marks. Next the kinsmen received 6 marks, to divide among themselves.’

³⁷ Borchling, *Die niederdeutschen Rechtsquellen*, V.

³⁸ *Ibidem*, 200.

³⁹ Excursus 5.5: ‘On the *skilling (wicht) goldis* in the judges' books of Riustringen’.

⁴⁰ The translation is found in Chapter 5, ‘The history of the measure of value’.

The ‘first wergeld’ in the Fivelingo wergeld-tradition did not refer to the wergeld of the *Lex Frisionum*, this having a compensation for homicide of $3\frac{1}{3}$ *solidi* or a wergeld of $5\frac{1}{2}$ pounds *veteres denarios*. It is most likely that the notion of the wergeld was transmitted verbally in Frisia from the 8th to the 11th century. It is also most likely that the text of the tradition refers to the oldest documents that the initial author had at his disposal - possibly (copies of) the first documents in which the laws were put into writing. The statement of the first stage is confirmed in the Hunsingo wergeld-tradition: ‘in the beginning’ the wergeld was 12 marks. It adds to this recollection that it was ‘a long time before this amount was changed’.⁴¹ The statement is perhaps also confirmed by the 15th of the *XVII Kesten* that, in most versions mentions, a compensation of 12 marks for a raped woman,⁴² which compensation was most likely equal to the normal wergeld. Only version ‘Jus’ mentions, alongside a compensation of 12 marks, one of 8 pounds 10 ounces $13\frac{1}{3}$ pennies (= $8\frac{8}{9}$ pounds) for this offence, which amount indeed corresponds to the wergeld as it is explicitly defined in the Mid-Frisian *Landriocht/Skeltariocht*⁴³; see Excursus 5.1.

According to numismatic data, this ‘first wergeld’ has to be dated at the beginning of the 11th century; if the wergeld hypothesis holds, the amount of 12 marks (of 160 pennies each) corresponds to a penny with a silver equivalence of 0.87g,⁴⁴ which can be dated c.1000. Here a problem arises. From historic sources it is known that marks came into use in the Empire at around the middle of the 11th century at the earliest.⁴⁵ Could their use as referred to in the wergeld traditions be dated before that time? The mark of weight, at least, was already known in England and Denmark in the 9th century.⁴⁶ Given the trade connections of Frisia with England and Denmark, its ear-

⁴¹ Buma, *Das Hunsingoer Recht*, 66-69 (§20).

⁴² Richthofen, *Rechtsquellen*, 22-24: Latin version of Hunsingo, Old Frisian versions of Hunsingo, Emsingo and Riustringen and Old Frisian version of Mid-Frisia in the incunabulum ‘Druk’. As far as the amount of 12 marks is concerned, these versions are almost alike, but the Old Frisian version of Hunsingo has 12 ‘greater marks’ instead of 12 marks. In the middle of the 13th century, when this copy was made, there was a transition from the marks of 160 pennies (= $\frac{2}{3}$ rd pound) to the marks of 144 pennies (= 12 shillings); so ‘greater marks’ might indicate the old mark of 160 pennies (Anglo-Frisian style). If so, it must be distinguished from the great mark of 192 pennies (Lübeck style). The Old Frisian version of Mid-Frisia in ms. ‘Jus’ has two versions in one clause (Buma, *Westerlauwersches Recht I*, 144-145).

⁴³ The text is found in various versions in the incunabulum ‘Druk’ (RQ 410-411) and in the mss. ‘Unia’ (Klaarbergen, *Das altwestfriesische jüngere Schulzenrecht*, 20-27), ‘Jus’ (Buma, *Westerlauwersches Recht I*, 102-107, §§51 and 52) and ‘Dousa’ (Breuker, *Landrecht*, 46-49).

⁴⁴ 12 marks = 12 x 160 = 1,920 pennies; normal wergeld 1,664g of silver, hence 1 penny æ 1,664g : 1,920 = 0.87g of silver.

⁴⁵ Suhle, *Deutsche Münz- und Geldgeschichte*, 73: the concept of a mark as $\frac{2}{3}$ rd pound probably originates from north Germany in the 11th century. The first document in Germany that mentions the mark dates from 1045. The first known surviving Frisian document in marks dates from 1137 (OFU1: 8; Stedesdorpe, Harlingerland).

⁴⁶ Schrötter, *Wörterbuch*, sv. mark.

lier use in Frisia is obvious, but there is no proof of the use of the mark in money as early as the year 1000.

An alternative to this interpretation would be that the amount was initially recorded in pounds - that is, at 8 pounds - and was later converted to 12 marks by a copyist. In that case it could be a very rough rounding of the wergeld amounts of 8 pounds 8 ounces and $13\frac{1}{3}$ pennies that are found in Mid-Frisia.⁴⁷

If this alternative is rejected and the first interpretation assumed, the wergeld amount of 12 marks must have been put into writing alongside and independently of the Mid-Frisian $8\frac{8}{9}$ pounds versions just mentioned. These last versions would have been formulated somewhat later because the penny of account would have had a lower silver equivalence: c.0.78g. The corollary would be that the surviving texts of the East Frisian wergeld-traditions on the one hand, and the Mid-Frisian statutes on the other, were compilations from different previous versions, made at different times and probably in different places. Recent investigations have shown that two different Old Frisian sources of the 15th/16th century Low Saxon versions of the *XVII Kesten* and general-Frisian *XXIV Landriochten* have existed.⁴⁸ Thus, the difference in silver equivalence found between 11th century wergeld amounts might already reflect the difference of these sources and hence their difference in time and place of origin. However, this runs counter to the opinion of Algra that the cradle of the *XVII Kesten* and *XXIIIJ Landriochten* was in Mid-Frisia.⁴⁹ He makes an interesting point, but so far, on the basis of the wergeld-traditions only, we cannot draw definite conclusions as to which of the alternatives is referred to in this stage of the tradition.

Stage 2. 'Afterwards the wergeld was increased to 24 marks,'

The second stage in the wergeld-tradition mentions a wergeld of 24 marks. If the wergeld-hypothesis holds, this wergeld would have been based on a unit of account of c.0.43g of silver.⁵⁰ This weight would correspond to the weight of an 'old-Frisian' penny at the beginning of the 12th century, but the numismatic data on 'old-Frisian' pennies in the 12th century are scarce and indistinct, and so, unfortunately, we cannot rely on these. Neither can we rely on written evidence to confirm this second stage because historical records on wergeld in the 12th century are scarce. The record closest to this wergeld is the wergeld of 300 shillings = $22\frac{1}{2}$ marks found in the general-

⁴⁷ Excursus 5.1: 'On the genesis of the wergeld in 'old-Frisian' money in the 11th century'.

⁴⁸ Sytsema, *De 17 Keuren*, 145-146. Also: Krolis-Sytsema, "De weireke tsiende kēst", 93.

⁴⁹ Algra, *Zeventien keuren*, 210-213. His basic argument is that in the 7th *kest* a tax called *huslotha* was imposed by the king. In his opinion, this tax was imposed only on West Frisia and Mid-Frisia. Since this *kest* is nevertheless mentioned in the East Frisian versions of the *XVII Kesten*, he argues, it follows that it was copied from the Mid-Frisian models.

⁵⁰ $1,664\text{g} : (24 \times 160) = 0.43\text{g}$.

Frisian register of compensation tariffs.⁵¹ The lost original text has been dated in the 11th century, but it was later amended and amplified.

Stage 3. ‘thereafter to 36 marks.’

The third stage in the wergeld-tradition mentions a wergeld of 36 marks. If the wergeld-hypothesis holds, this wergeld would have been based on a unit of account equivalent to c.0.29g of silver.⁵² A confirmation of this value might be found in Emsingo. The compensation for cutting off both ears is put at $\frac{1}{3}$ rd of a wergeld in two of the three Old Frisian surviving manuscripts from Emsingo,⁵³ while the third⁵⁴ gives a compensation of 12 marks for the same offence. If the three registers are consistent we can conclude that the wergeld in Emsingo would have been 36 marks. According to numismatic data, the ‘old-Frisian’ pennies, at ‘sometime’ in the 12th century, would have had the corresponding silver weight.⁵⁵ This may be compared with the calculation of Gosses based on a rate of exchange in the *Liber Camerae* of Utrecht.⁵⁶ According to him, in around 1200 the silver weight of the penny of Stavoren, Bolsward, Leeuwarden and Groningen ought to have been c. 0.325g.

Stage 4. ‘In proportion to 40 marks the compensation for wounds was determined, before one decided to establish the peace of God. So half the wergeld was fixed at 20 marks, the $\frac{1}{3}$ rd wergeld at $13\frac{1}{3}$ marks.’

The fourth stage in the wergeld-tradition mentions a wergeld of 40 marks. This wergeld was indeed mentioned in the general-Frisian register of compensation tariffs⁵⁷ and in the so-called second register with compensation tariffs of Hunsingo.⁵⁸ This was probably a mark of 144 pennies.⁵⁹ If the wergeld-hypothesis holds, this wergeld would still have been based on a unit of account equivalent to c.0.29g of silver,⁶⁰ as in the previous stage. The transition from 36 marks to 40 marks would simply be a conversion from the original ‘old-Frisian’ mark of $13\frac{1}{3}$ shilling to the 12-shilling mark that was coming into common use in Germany. Again, the numismatic data for the 12th century are not very precise as far as dating is concerned. The first mention of a mark

⁵¹ Excursus 5.2: ‘On the silver equivalence of the wergeld in Frisia in the general register of compensation tariffs’.

⁵² $1,664\text{g} : (36 \times 160) = 0.29\text{g}$.

⁵³ Buma, *Das Emsinger Recht*, 110-111 (§38) and 172-173 (§57).

⁵⁴ *Ibidem*, 66-67 (§27).

⁵⁵ Chapter 5, ‘The history of the means of payment’, table B.

⁵⁶ Gosses, *Utrechts en Friesch-Gronings geld*, 258.

⁵⁷ Excursus 5.2: ‘On the silver equivalence of the wergeld in Frisia in the general-Frisian register of compensation tariffs’.

⁵⁸ Buma, *Das Hunsinger Recht*, 66-67, §20.

⁵⁹ Excursus 5.2: ‘On the silver equivalence of the wergeld in Frisia in the general register of compensation tariffs’.

⁶⁰ $1,664\text{g} : (40 \times 144) = 0.29\text{g}$.

of 12 shillings (in Aachen) is dated 1166.⁶¹ As this stage is probably quite close to the previous one, it too can be dated in the 12th century, perhaps around the middle.

Stage 5. ‘As thereafter the people made bold to manslaughter and other crimes and the penny got worse, one decided to establish the peace of God and fixed the wergeld at 100 pounds and each compensation for wounds was doubled.’

The fifth stage is the decision of the people to establish the peace of God and to double the wergeld and other compensations. As a consequence the wergeld became 100 pounds. If the wergeld-hypothesis holds, this wergeld would have been based on a unit of account of c.0.14g silver equivalence.⁶²

A calculation of Gosses, based on a rate of exchange in the *Narracio de Groninghe etc*, confirms a depreciation of the silver weight of the Groningen penny. Shortly after 1200 it was c.0.215g,⁶³ but a charter of 1224 mentions a rate of exchange resulting in a silver weight of only c.0.185g.⁶⁴

In the so-called third register with compensation tariffs of Hunsingo, the wergeld is uncertain: 80 or 120 marks.⁶⁵ Since the tradition tells us that the doubled wergeld in Fivelingo was 100 pounds after the peace of God was established, it must have been 50 pounds = 75 marks of 160 pennies = $83\frac{1}{3}$ marks of 144 pennies before doubling. So, the wergeld in Hunsingo before the peace of God might well have been 80 marks, and the amount of 120 marks seems less likely. The doubled wergeld amount of 100 pounds, as mentioned in the Fivelingo-wergeld tradition, is found, for the first time, in the 1250 statutes of Langewold.⁶⁶ It is likely that the statutes of Vredewold also had a wergeld of 100 pounds.⁶⁷ There is another source of that time, not running in the ‘old-Frisian’ money of account, that confirms the doubling of the silver equivalence of wergeld. This is the 1252 statutes of Hunsingo (*Keran fon Hunesgena lond*). In these statutes the wergeld is 16 marks of white silver.⁶⁸ Apparently this is equiva-

⁶¹ Hävernack, *Der Kölner Pfennig*, 41. This concerns an imperial ordinance for the mint in Aachen to strike a mark of 24 shillings equivalent to 12 shillings of Cologne. This is understood as a reference to a mark of Cologne of 12 shillings.

⁶² If 100 pounds ‘old-Frisian’ \approx 3,328g (= 2 x 1,664g) of silver, 1 penny would contain $3,328\text{g} : (100 \times 240) = 0.14\text{g}$.

⁶³ Gosses, *Utrechts en Friesch-Gronings geld*, 258.

⁶⁴ *Ibidem*, 259-260.

⁶⁵ Buma, *Das Hunsingoer Recht*, 76-77 (§ 11 and 12): The compensation for the hand is 40 marks and this was half a wergeld. However, Buma has changed the amount to 60 marks because the following compensations regarding parts of the hand have a sum total of 60. In that case the wergeld would be 120 marks.

⁶⁶ Richthofen, *Rechtsquellen*, 366. From then onwards the wergeld in Langewold was fossilised for some time; it was not changed when the statutes were renewed in 1282 (*Ibidem*, 369-370).

⁶⁷ Johnston, *Codex Hummercensis*, 388; 478, also note 3.

⁶⁸ Buma, *Das Hunsingoer Recht*, 118-119, §1.

lent to 16 marks English, in other words to a doubled wergeld.⁶⁹ As a consequence, the establishment of the peace of God must have taken place in or before 1252. If my interpretation, and hence my dating, of stage 4 of the wergeld-tradition is correct, this event happened after 1200, and there is an argument that will enable us to narrow this period. We found in the statutes of Humsterland a wergeld of 8 marks English.⁷⁰ The use of the English money standard in Humsterland can hardly be dated before 1220,⁷¹ and the silver equivalence of this wergeld, of c.1,728g, is almost equivalent to the normal wergeld in ‘old-Frisian’ money.⁷² So the introduction of the peace of God and hence the doubling of wergeld, must have taken place somewhere between 1220 and 1250.

For the precise dating of the fifth stage, it would be very useful if we could confirm the proclamation of a peace of God in this place and at this time from other known history. Unfortunately this is not possible. We must simply dig deeper in our investigation, and this is what I try to do in the next Excursus.⁷³ The conclusion is that there is no direct evidence of the establishment of the peace of God in Frisia between 1220 and 1250, but there *are* indications. In my opinion the indications are sufficiently solid to confirm that the institution of the peace of God, as mentioned in the Fivelingo wergeld-tradition, may refer to the institution of a ‘people’s peace’ by the Frisian communities between 1220 and 1250. This general peace in Frisia was promoted by a general doubling of the wergeld. Previously, the doubling had only been used in cases of peace for special categories or at special times.

Stage 6. ‘Thereafter one set the wergeld to 200 marks and the compensations for wounds accordingly.’

The sixth stage in the tradition mentions a wergeld of 200 marks. If the wergeld-hypothesis holds, this wergeld would have been based on a unit of account of c.0.12g silver equivalence (if a mark = 144 pennies) or c.0.10g silver equivalence (if a mark = 160 pennies).⁷⁴ A wergeld amount of 200 marks is found in the so-called first reg-

⁶⁹ 16 marks white silver is apparently considered equivalent to 16 marks in English money: $16 \times 160 \times 1.3g = 2 \times 1,664g = 3,328g$ of silver.

⁷⁰ Richthofen, *Rechtsquellen*, 358 (§1).

⁷¹ Berghaus, *Die Perioden des Sterlings*, 37.

⁷² Spufford, *Money*, 402: The official weight of 1 English penny before 1279 was 1.46g, its fineness 0.925; the silver weight of 1 English penny was also 1.35g. Hence the wergeld was $8 \times 160 \times 1.35g = 1,728g$ accurately, $8 \times 160 \times 1.3g = 1,664g$ approximately.

⁷³ Excursus 5.4: ‘On the peace of God in Frisia’.

⁷⁴ $2 \times 1,664g : (200 \times 144) = 0.12g$; $2 \times 1,664g : (200 \times 160) = 0.10g$.

ister with compensation tariffs of Hunsingo.⁷⁵ By interpolating the numismatic and written data, we can date this 6th stage in around 1260.

Stage 7. 'Thereafter at 300 marks.'

The seventh stage in the wergeld-tradition mentions a wergeld of 300 marks. If the wergeld-hypothesis holds, this wergeld would have been based on a unit of account of c.0.08g silver equivalence.⁷⁶ In the registers with compensation tariffs of Wymbritseradeel and De Hemmen, a wergeld of 300 'old-Frisian' marks (of 160 pennies) is found.⁷⁷ By interpolating the numismatic and the written data we can date this stage in around 1270.

Stage 8. 'Thereafter at 20 'highest' marks, each mark at 12 Groningen pounds [i.e. in pennies of Groningen]. Those 20 marks are [equivalent to] 16 marks English. The compensation for wounds is determined in proportion to this wergeld. The eighth stage in the wergeld-tradition mentions a wergeld of 20 'highest' marks; i.e. 240 pounds Groningen money, and this, it says, is equivalent to 16 marks English. The equivalence implies a unit of account - the Groningen penny or *grenskin* - of about 0.06g silver equivalence.⁷⁸ It also implies that this stage is to be dated after 1258, since at that time a *grenskin* was still over c.0.065g⁷⁹ silver equivalence. The wergeld amount is equivalent to c.3,405g of silver,⁸⁰ which matches a double wergeld according to the wergeld-hypothesis.

⁷⁵ Buma, *Das Hunsingoer Recht*, 54-55 (§§40-46). It occurs in the clauses regarding the loss of (parts of) fingers. These clauses determine the compensation for loss of the thumb, both the next fingers or both the last fingers at $\frac{1}{3}$ rd of the compensation for the loss of a hand. The same applies if they are disabled. As the loss of a hand was half a wergeld (*ibidem*, 48-49 (§1)), it follows that the disablement of a thumb or a finger was $\frac{1}{6}$ th of a wergeld. As the loss of a finger was the sum of its parts: 7 + 11 + 15 = 33 marks, it follows that the wergeld would have been $2 \times 3 \times 33$ marks = 200 marks rounded.

⁷⁶ $2 \times 1,664\text{g} : (300 \times 144) = 0,08\text{g}$.

⁷⁷ Buma, *Westerlauwersches Recht I*, 412-413 (§66); 470-471 (§54). If an eye is deliberately blown out, the compensation is 100 pounds + 13 $\frac{1}{3}$ pennies. This equals 150 'old-Frisian' marks + 13 $\frac{1}{3}$ pennies. As this crime was normally compensated with half a wergeld, it follows that a full wergeld would be 300 oldfrisian marks - the additional 13 $\frac{1}{3}$ pennies being ignored (presumably a copying error).

⁷⁸ 20 highest marks = 20×12 pounds Groningen money = $20 \times 12 \times 240 = 57,600$ Groningen pennies; 16 marks English = $16 \times 160 = 2,560$ English pennies; ratio also $57,600/2,560 = 22.5$. Because 1 English penny contained c.1.3g silver it follows that 1 Groningen penny contained $1/22.5 \times 1,3\text{g} = \text{c.}0,06\text{g}$ of silver.

⁷⁹ OGD1: 126 (Treaty between Groningen and Fivelingo, 1258): The compensation for injured skin, if proven, was 10 Groningen marks; if not proven it would be less: half a mark English. Consequently the silver equivalence of $10 \times 160 = 1,600$ *grenskin* > $\frac{1}{2} \times 160 = 80$ English pennies (c.1.3g of silver each) or 1 *grenskin* æ > $(80 : 1600) \times \text{c.}1.3\text{g} = \text{c.}0.065\text{g}$.

⁸⁰ $16 \times 160 \times 1.33\text{g} = 3,405\text{g}$ of silver, or roughly $16 \times 160 \times 1.3\text{g} = 3,328\text{g}$.

A few historical data supplement this information:⁸¹

- (a) The amount of 8 marks (single wergeld) or 16 marks (doubled wergeld) is found
- in Humsterland (before 1250?);⁸²
 - in Fivelingo and Oldambt (1271 or after);⁸³
 - in Fivelingo and Hunsingo (2nd half of the 13th century);⁸⁴
 - in the Mid-Frisian compensations register in Codex Aysma (undated);⁸⁵
 - in Brokmerland (c.1290);⁸⁶
 - in the treaty of Ommelanden, Drenthe and Groningen (1338).⁸⁷
- (b) The amount of $8\frac{1}{4}$ marks (single wergeld) or $16\frac{1}{2}$ (or 17?) marks (doubled wergeld) is found
- in Oostergo, Westergo, Bornego and Wymbritseradeel (1276, *That botem twiscka land*);⁸⁸
 - in Stavoren (1292);⁸⁹
 - in an undated treaty between Oostergo, Westergo and a few districts of later Sewenwalden, possibly in around 1350.⁹⁰
- (c) The amount of 7 major marks = $8\frac{2}{5}$ marks of 160 pennies (single wergeld) is found

⁸¹ The 1256 statutes of Fivelingo (Richthofen, *Rechtsquellen*, 283-288) mention a fine of 600 marks in the Latin version and 11 marks English in the Low German version. As Gosses (“Utrechts en Friesch-Gronings geld”, 256-286) concludes, this would mean a silver weight of the ‘old-Frisian’ penny (in Fivelingo) of 0.024g. However, these amounts need not be equivalent as the versions may stem from different periods.

⁸² Richthofen, *Rechtsquellen*, 358.

⁸³ Buma, *Das Fivelgoer Recht*, 7-8.

⁸⁴ Richthofen, *Rechtsquellen*, 301-303. Although this document is a copy in Low Saxon, it dates itself as having been made ‘under the peace in the Ommelanden’, which might refer to the peace of God after 1250. On the other hand it also has elements (for instance *hovellingen* with their troopers) known from the second half of the 14th century. At that time the wergeld of 16 English marks was in any case outdated. It seems to me to be a 14th century version of a document made in the second half of the 13th century.

⁸⁵ Buma, *Codex Aysma*, 494-495 (§12): the compensation for cutting off an arm or a foot is 32 English ounces. As this compensation was usually half a wergeld, it follows that a wergeld would be 64 ounces English = 64×20 English pennies = 8 marks English (a mark = 160 pennies).

⁸⁶ Buma, *Das Brokmer Recht*, 104-107, §§ 182, 184, 194: 1 finger 1/16th wergeld = $\frac{1}{2}$ mark, hence wergeld 8 marks.

⁸⁷ OGD1: 354.

⁸⁸ Buma, *Westerlauwersches Recht I*, 484-485; the manuscript has *xvij merkum*; and the translation of Buma is *sechzehn Mark*. Although the manuscript has 17 marks for the wergeld itself, it has 8 marks for blowing out an eye, which was usually compensated by half a wergeld. A wergeld of 17 marks has not been found elsewhere in Mid-Frisia, but a wergeld of $16\frac{1}{2}$ marks silver is found in Stavoren, in an Old Frisian judges’ book (*ibidem*, 400-401) and in the undated treaty - possibly around 1350 - between Westergo, Oostergo and a few other Mid-Frisian districts (De Bruin, *Enigha*, 77). Thus, it seems to me that the amount of 17 marks may have been an error in the copying process: XVII in the original text may have been read as XVIIJ.

⁸⁹ Chbk1, 129 f.

- in a treaty between Oostergo and Groningen (1318).⁹¹
 - (d) The treaty of the Upstallisbam of 1323 has a normal (single) wergeld amount equal to or less than $8\frac{2}{5}$ marks English, so matching the practices mentioned in (a), (b) and (c).
 - (e) From a rate of exchange in a charter for the sale of a homestead in Drenthe in 1288,⁹² we know that at that time 1 Groningen penny contained only c.0.04g of silver.⁹³
- So we can date this stage, using written data, at about between c.1270 and c.1275.

Stage 9. ‘Now our wergeld amounts 20 marks English.’

The last stage in the wergeld-tradition mentions a wergeld of 20 mark English. Clearly by the ‘old-Frisian’ money standard had by then moved out of the picture. A few historical data supplement this information.⁹⁴

- (a) In the period under discussion and in the following period when the English penny was the standard for the unit of account in Frisia, the following examples are found:
 - treaty between Emsingo and Brokmerland (2nd half 13th century);⁹⁵
 - the old statutes of Riustringen (end 13th century),⁹⁶
 - the so-called Doods of Emsingo of 1312;⁹⁷
 - the statutes of the new polder of ‘t Zandt of 1317;⁹⁸
 - the statutes of the water board of De Drie Delfzijlen in 1317;⁹⁹
 - the statutes of the water board of Winsum, c.1323.¹⁰⁰
 - the treaty between Humsterland and Groningen in 1366¹⁰¹

⁹⁰ De Bruin, “Enigha”, 75-88.

⁹¹ OGD1: 259.

⁹² OGD1: 177.

⁹³ The charter gives a selling price of 400 pounds Groningen money equivalent to 20 marks English, each mark being 12 shillings. This means $400 \times 240 = 96,000$ Groningen pennies $\approx 20 \times 144 = 2,880$ English pennies, hence it follows that $33\frac{1}{3}$ Groningen penny ≈ 1 English penny. Also 1 Groningen penny $\approx 3/100 \times c.1.33g = c.0,04g$ of silver.

⁹⁴ Amounts of 20 marks are seldom found, but several times multiples of 20 marks are found on several occasions. This multiplication was due to aggravating circumstances. See Appendix I.

⁹⁵ Buma, *Die Brokmer Rechtshandschriften*, 137-139.

⁹⁶ Buma, *Das Rüstringer Recht*, 80-81 (§12).

⁹⁷ Buma, *Das Emsiger Recht*, 142-143 (§11); 208-209 (§11), in both cases 21 marks instead of 20 marks. Also 136-137 (§1); 204-205 (§1), in both cases manslaughter in the court, 40 marks, which was usually twice the doubled normal wergeld, so this would be $40 \text{ marks} : 2 = 20 \text{ marks}$.

⁹⁸ MGron, no. XXXIII, 87-82; the wergeld for killing a judge in the polder was 60 marks sterling, 3 times doubled normal wergeld.

⁹⁹ OGD1: 255; wergeld for killing a judge in the sluice area was 60 marks sterling.

¹⁰⁰ OGD2: 1230 (275); the wergeld for killing a judge in the sluice area was 80 marks sterling - 4 times doubled normal wergeld; the mark counted at 12 shillings.

¹⁰¹ OGD1: 509

(b) A wergeld amount of 10 marks new English, apparently not under the peace of God, is found in the 1258 treaty between Fivelingo and Groningen.

This 9th stage is discussed in Chapter 6.

This Excursus aimed to answer the question as to how reliable the Fivelingo wergeld-tradition is. The conclusion is that it is sufficiently supported by other data to be reliable for use in the analysis of the evolution of the money standard in Frisia.

5.4 On the peace of God in Frisia

It is known that in the 11th century a vigorous religious revival in Europe enabled the church to cope with the corruption and brutality of feudal lords. In many dioceses the peace of God (*Pax Dei*) was proclaimed. It was declared that churches, chapels, priests, people on their way to worship and pilgrims travelling to shrines were under the peace of God and should not be molested, on penalty of excommunication and interdict of the seignories. Monks of Cluny, moreover, encouraged the establishment of the truce of God (*Treuga Dei*), which supplemented the peace of God by forbidding all fighting from Thursday evening to Monday morning under the threat of the same penalties.¹⁰² Pope Urbanus II, at the Synod of Clermont in 1095, proclaimed the peace of God for the defenceless and the unarmed throughout Christendom.

If the Fivelingo wergeld-tradition really referred to these 11th century events, the dating of the wergeld development given in the previous Excursus ('On the analysis of the Fivelingo wergeld tradition') would be worthless. Wergeld would have increased very quickly, during the 11th century, from 12 marks to 75 marks,¹⁰³ which is very much faster than the depreciation of the 'old-Frisian' penny in that century from c.0.90g to c.0.45g. On the other hand, it would imply that in around 1100 the wergeld was set at 100 pounds and frozen until at least 1282 (in Langewold) regardless of the depreciation of the penny from c.0.45g to c.0.04g in 1288.¹⁰⁴ These discrepancies would be difficult to explain. Also, the doubling of wergeld from 8 marks English (found in Humsterland) in the first half of the 13th century to 16 marks English in the second half of that century (found in several places in Frisia) would have nothing to do with the doubling mentioned in the wergeld-tradition. I think that such a course of events is unlikely. It is much more likely that the Fivelingo wergeld-tradition was not referring to the all-Christian peace of God of 1095, but to a later one.

¹⁰² Lucas, *A short history*, 401-402.

¹⁰³ On the occasion of the proclaiming of the peace of God the compensations were doubled and the wergild became 100 pounds. Hence, before that occasion it must have been 50 pounds; *i.e.* 75 marks of 160 pennies.

¹⁰⁴ Excursus 5.3: 'On the analysis of the Fivelingo wergeld tradition' (stage 8, sub b).

If we relate the event to the doubling of the wergeld, it would have occurred after 1220 and at the latest in 1250, as I suggested in the last Excursus. What then can have happened? We have very good contemporary witnesses of events in that period in Frisia: the abbots of Hallum (Mariengarde)¹⁰⁵ and Wittewierum (Bloemhof).¹⁰⁶ They mention in their chronicles the proclamations of peaces of God in 1224 (for crusaders to the Holy Land) and 1246 (for crusaders against the Emperor Fredrick II).¹⁰⁷ But these cases implied peace for a special group and a limited time, clearly not the kind of peace of God that was referred to in the wergeld-tradition. There is no direct evidence in their chronicles for this kind of peace.

It should be noted that in the text of the wergeld-tradition the peace of God is not decided by an ecclesiastical authority, but by the people. This may refer to the later 13th century movement for the peace of God. The 11th century movement, originated by the church, had not been successful. Not only was it neglected by pugnacious feudal lords; bishops also were too often combative (*ad maioram Dei gloriam*). However, in the 13th century the ideal of the peace of God was still extant in Europe.¹⁰⁸ As neither the feudal governments nor the church seemed ready or able to realise this condition, communities of common people began organising themselves to maintain the peace.¹⁰⁹ Although there is no direct information about initiatives of this kind in Frisia, there are indirect indications.

1. The counts officially had the task of keeping the peace among their subjects and the power to enforce this task. To the extent that they were lacking or disappearing in Frisia, the people's communities (*mene meenten*) had to take over. The legal foundation for this development may have been laid down on the occasion of the adaptation of the *XVII Kesten* east of the Lauwers, probably around 1225,¹¹⁰ by the judges of the Upstallisbam.¹¹¹ Formerly, breaching the peace had been punished by a fine (called *frede*¹¹²) paid to the count. The 13th (or 14th¹¹³) of the *XVII Kesten* states that the people determined 'the people's peace' (*liudfrede*¹¹⁴) on penalty of a certain fine.

¹⁰⁵ Wybrands, *Gesta Abbatum*, passim.

¹⁰⁶ Jansen, *Kroniek*, passim.

¹⁰⁷ *Ibidem*, 169.

¹⁰⁸ The territorial peace ordered by the Emperor Frederick II in 1235 may have been part of this movement. However the practice of the peace of God found in Frisia does not refer to the text of his law (MGH Const., II, 242; 254-255).

¹⁰⁹ Hofmann, *Gottesfriede*, 244-250; Schulz, *Denn sie lieben die Freiheit*, 4-5; see Fockema Andreae, *Dijken*, 184; 186-187.

¹¹⁰ Algra, *Zeventien keuren*, 278; the *XVII Kesten* were 'received' in the Ommelanden on that occasion, although - in his opinion - these laws were Mid-Frisian in origin.

¹¹¹ *Ibidem*, 250.

¹¹² Buma, *Westerlauwerssches Recht I*, 74-75 (§1).

¹¹³ Algra, *Zeventien keuren*, 251: almost always the 13th *kest*, but the 14th *kest* in ms.*Jus*.

¹¹⁴ Two versions of this *kest* in the *XVII Kesten* have *feldfrethe* instead of *liudfrethe*. Richthofen, *Wörterbuch*, 732, is of the opinion that in these cases the reference is to a territorial peace.

Because there is a version of the *XVII Kesten* that does not include this ‘peace-law’, the assumption is made that the *kest* that states it was inserted at a later date.¹¹⁵

2. The 11th of the *XVII Kesten* deals with the old type of ‘peace of God’. It states peace for special categories of people, by penalties and by doubling (!) their compensation. The categories of people differ in the various manuscripts; all include widows and orphans, but each of the other categories, such as the defenceless, beggars, pilgrims, penitents, missionaries, children and those who, for peace and grace, have sworn off war and weapons, is mentioned more or less frequently in the different versions. The last category - ‘those who, for peace and grace, have sworn off war and weapons’ - is of special interest. His¹¹⁶ is of the opinion that the texts including this category should be related to the peace of God as proclaimed in the 11th century because it is reminiscent of the wording of the oath that had to be sworn: *propter pacem et propter gratiam*. However, according to Algra,¹¹⁷ in his analysis of the genesis of the text, it is this category in particular that was inserted into the text at a later date during the copying process. This category is lacking in only two versions of this *kest*, one of them being a version in which the above-mentioned *kest* concerning the people’s peace is also lacking.¹¹⁸ This is another indication that there were versions of the *XVII Kesten* without either of these laws.

Richthofen¹¹⁹ has pointed out that these Frisian peace regulations might be related to the new 14th century peace-movement. He is of the opinion that ‘people’s peace’ refers to the secular peace, or territorial peace, that arose from the former peace of God.¹²⁰ Heck also states that the peace of God in the Frisian sources cannot have been the 11th century peace of God.¹²¹ Slicher van Bath, however, is of the opinion that the Frisian territorial peaces may have had their roots in the peace of God originating from Burgundy¹²². These peaces contributed greatly to the sense of justice in Frisia since not only the victims but the whole community was dealing with the offenders. He emphasises that, in the Frisian case, ecclesiastics took those peaces under their protection.¹²³ If the territorial peaces did indeed originate from the peace of

¹¹⁵ Algra, *Zeventien keuren*, 335: the Mid-Frisian version of the group with the sigle ‘OW’; see also Krolis-Sytsema, *De weirekke tsiende kēst*, 83-95.

¹¹⁶ His, *Das Strafrecht*, 148.

¹¹⁷ Algra, *Zeventien keuren*, 330.

¹¹⁸ *Ibidem*, 328: the group with the sigle ‘OW’.

¹¹⁹ Richthofen, *Wörterbuch*, 732; Mitteis, *Deutsche Rechtsgeschichte*, 168.

¹²⁰ Two versions of the *kest* involved (ms. Hunsingo and ms. Emsingo) have *feldfretthe* instead of *liudfretthe*. Algra, *Zeventien keuren*, 333, suggests that the word *feldfretthe* might mean peace in the army on the grounds that ‘field’ might refer to battle-field, as in field-marshal.

¹²¹ Heck, *Altfriesische Gerichtsverfassung*, 587.

¹²² Slicher van Bath, *Herschreven historie*, 276-277; Previté-Orton, *The shorter Cambridge Medieval History*, 471-475.

¹²³ *Ibidem*, 279.

God, the wording ‘peace of God’ in the Fivelingo wergeld tradition could be just a remnant - an echo of the wording of ancient times.¹²⁴

It is not difficult, I think, to see the part of the 11th *kest* regarding ‘peace for those who, for peace and grace, have sworn off wars and weapons’ as supplementary to the 13th (or 14th) *kest* in which the community regulated the peace. The doubling of the compensation corresponds to the information contained in the wergeld tradition. It should be noted that both *kests* give the same fine for breaching the peace: 10 *liudmerkum* (‘people’s marks’).¹²⁵ It follows that both *kests* might have been set down on the same occasion and at the same time, perhaps by the judges assembled at the Upstallisbam, at some time between 1220 and 1250. Couldn’t the amended *kests* have been sanctioned on that occasion by an oath identical, or similar, to that sworn for the peace of God?

The *XVII Kesten* became valid for the whole of Frisia. The genesis of this position is highlighted by Algra.¹²⁶ One consequence of this general peace was a general doubling of the normal wergeld. Formerly, the doubling had not been general but only usual in cases of peace for special categories or special times. If, in accordance with the amendments in the above-mentioned *kesten*, the peace of God/people’s peace was accepted throughout Frisia, it means that in the various Frisian countries the actual legal wergeld must have been doubled from c. 1,664g to c. 3,328g silver equivalence on all occasions thereafter. This can be checked by application of the wergeld hypothesis.

It should be borne in mind that, in the districts where the peace was introduced, the wergeld amounts in the judges’ books may be mentioned in their single as well as in their doubled form. This depends on what was considered to be the ‘normal’ situation by those who created the texts. If the peace of God/people’s peace was seen to be the normal situation, then the wergeld amounts in the books was the doubled wergeld, but, if it was not considered to be the normal situation, the amounts were still single.

Now I shall summarise briefly what was found in the judges’ books. A doubled normal wergeld (equivalent to c. 3,328g of silver, with deviations of +/- 6.25%) is found in Mid-Frisia (1276: Wymbritseradeel, Westergo, Oostergo and Borneo; 1292: Stavov-

¹²⁴ Remarkably, in the 1425 new town-book of Groningen the town government introduced the notion ‘breach of the peace of God’; that is, any attack on one’s fellow-Christian. This crime was punished with a special fine and compensation, to be doubled if the attack occurred at night and to become fourfold if the attack was made in spite of the peace between the two parties, either made amicably or by order of the town government (‘town peace’) (De Rhoer, *Het Stadboek*, 39-40 (§§ 11-13)).

¹²⁵ Buma, *Westerlauwersches Recht I*, 142-145 (version Jus, 11th law and 14th law).

¹²⁶ Algra, *Zeventien keuren*, 205-236.

ren), in Langewold (1250, 1282), in Hunsingo (1252 among others), in Fivelingo (the wergeld tradition itself among others), in Oldambt (after 1271), in a treaty between Emsingo and Brokmerland (2nd half of 13th century), and in a treaty between representatives of Mid-Frisia, Ommelanden, East Frisia and Drenthe with the town of Groningen (1338). This covers the major part of Frisia. All the examples are dated after 1250.

The silver equivalence of the wergeld amount in Riustringen is not yet determined, but in the old statutes of Riustringen, carrying spears or long knives is prohibited. If, notwithstanding, someone carries these weapons and he commits manslaughter, he has to pay a doubled wergeld.¹²⁷ In the statutes of Brokmerland (c.1290) the wergeld amount is single. As I have said before, this does not necessarily imply that the peace was not valid here, but it does at least imply that peace was not viewed as the ‘normal’ situation. We lack information on Drenthe, and the position of the town of Groningen is not very clear. The only information we have about Groningen’s wergeld during the high Middle Ages is in treaties with Fivelingo (1258), Oostergo (1318) and representatives from Mid-Frisia, the Ommelanden, East Frisia and Drenthe (1338). In the first two cases the wergeld is not doubled, but in the last case it is; however, in that case the town had been defeated by the surrounding districts, and probably had to follow the opinions of the other party. When dealing with the late Middle Ages, we shall see that in the old town-book of Groningen, dating from the 14th century, the silver weight of its wergeld was probably equivalent to the doubled wergeld of c.3,328g.

In Frisia, between 1220 and 1250, we find communities regulating their own peace problems. The ‘peace of God’ in the Fivelingo wergeld-tradition could in fact have been this kind of peace, established by the people. The conclusion might be that, although there is no direct evidence of the establishment of a peace of God in Frisia between 1220 and 1250, there are strong indications. In my opinion the indications are sufficiently solid to confirm that the institution of the peace of God, as mentioned in the Fivelingo wergeld-tradition, may refer to the institution of a new people’s peace by the Frisian communities between 1220 and 1250.

A final remark concerns the dating. In this period, 1220-1250, the league of the Upstallisbam tried but failed to prevent the development of a conflict between two villages in the Ommelanden into to a bitter war. Among others, Fivelingo, Hunsingo and Groningen became involved. The Ommelanden parties finally made peace in 1250, but then they turned against Groningen.¹²⁸ Therefore it is difficult to imagine

¹²⁷ Buma, *Das Rüstringer Recht*, 82-83 (§§17 and 18).

¹²⁸ Jansen, *Kroniek*, 381-385; Formsma, “De oorlog”, 1-16; Formsma, “De middeleeuwse vrijheid”, 82-84.

the establishment of a ‘peace of God’ before 1250. However, the first mention of doubled wergeld in this area, a consequence of the establishment of the peace of God, also dates from 1250, so it is most likely that the formal establishment of this peace occurred in that very year.

5.5 On the *skilling (wicht) goldis* in the judges’ books of Riustringen

Two Old Frisian judges’ books of Riustringen have survived. The oldest one, the ‘Asega-book’ (*sigle* R1), dates from the end of the 13th century, while the other one (*sigle* R2) is dated 1327.¹²⁹ These judges’ books mention a unit of account not found elsewhere in Frisia: the *skilling goldis* or *skilling wicht goldis* and *panning wicht goldis*. As in one sentence the words *skilling goldis* and *panning wicht goldis* are used,¹³⁰ we must assume that a *skilling goldis* was identical to a *skilling wicht goldis*.¹³¹ The *skilling wicht goldis* is used in relation to the concept *ieldmerk*:¹³² an *ieldmerk* was rated at a *skilling wicht goldis*. But the term was not used only in this relation; in several places the *skilling wicht goldis* is used as a unit of account alongside silver based units of account. Provided these expressions are reliable and were formulated at about the same time, the meaning of a *skilling wicht goldis* can be defined with the help of a little algebra.

If W = the weight of a silver penny in grams, F = the fraction denoting fineness of silver and R = the silver:gold ratio, then we can formulate a set of equations from a number of clauses in the judges’ books of Riustringen.

(1) 1 *skilling wicht goldis* æ 1 *ieldmerk*

This results from the following clauses:

- if the ear becomes deaf within a year and a day, the compensation will be $27\frac{1}{3}$ mark, this is the *ieldmerk* this is 1 *skilling*.¹³³
- The *ieldmerk* is a *skilling wicht goldis*. That is the highest mark.¹³⁴

¹²⁹ Buma, *Das Rüstinger Recht*, 17-18.

¹³⁰ For instance Buma, *Das Rüstinger Recht*, 128 (§9d)

¹³¹ Another meaning - a *skilling wicht goldis* was a gold *solidus* of Louis the Pious, struck in Frisia until c.900 and kept in treasuries for centuries after being struck - is possible, but I have rejected it because, alongside the *skilling wicht goldis*, the expression *panning wicht goldis* is also found, and this is not a unit known to have existed alongside the *solidus* of Louis the Pious.

¹³² Excursus 5.2: ‘On the silver equivalence of the wergeld in Frisia in the general register of compensation tariffs’.

¹³³ *Ibidem*, 124-125 (R2 I §6b).

¹³⁴ *Ibidem*, 140-141 (R2 IV §1).

It has been shown, that an *ieldmark* probably consisted of 12 shillings = 144 pennies.¹³⁵ Thus the clause tells us,

$$144 \times W \times F = 12 \times W \times R \quad \text{or} \\ (1) \quad 144 \times F = 12 \times R$$

(2) 1 *skilling goldis* æ 4 lots

This results from the following clauses:¹³⁶

- The damage of the eye sight of the other eye [is compensated with] 4 *skillinga* less 3 pennies, that is 1 mark less 1 lot.¹³⁷
- If they [= the thumb and the little finger] are stiff and immobile [the compensation is] 2 *skillinga goldis* less $1\frac{1}{2}$ *panning wicht goldis*, that is $7\frac{1}{2}$ lots.¹³⁸
- Are they [= the thumb and the little finger] black [then the compensation is] $10\frac{1}{2}$ *panning wicht goldis*, that is $3\frac{1}{2}$ lots.¹³⁹
- Are they [= the middle fingers] not made completely useless [the compensation is] 15 *panninga wicht goldis*, that is 5 lots.¹⁴⁰

The first clause implies that $(4 \times 12 - 3)$ *panninga wicht goldis* æ (16 - 1) lot, so 45 *panninga wicht goldis* æ 15 lot or 3 *panninga wicht goldis* æ 1 lot or 12 *panninga wicht goldis* = 1 *skilling wicht goldis* æ 4 lots. This result is confirmed by the other clauses. A lot being 1/16th part of a mark of weight (of Cologne), assumed to be 234g approximately, it follows that 1 lot weighed $1/16 \times c.234g = c.14.6g$. In Riustringen the term 'lot' might refer to ingots of Bremen silver. Thus,

$$12 \times W \times R = 4 \times 14.6 \times F, \quad \text{or} \\ (2) \quad 12 \times W \times R = 58.5 \times F$$

(3) 1 *skilling wicht goldis* related to the 'old-Frisian' penny and the silver:gold ratio.

This results from the following clause:

¹³⁵ Excursus 5.2: 'On the silver equivalence of the wergeld in Frisia in the register of compensation tariffs'.

¹³⁶ In these clauses we find the mention of *skillinga goldis* alongside *skillinga wicht goldis* without any apparent difference.

¹³⁷ Buma, *Das Rüstringer Recht*, 122-131 (R2 I §§ 2c; similar: 3c, 7g, 8h).

¹³⁸ *Ibidem*, 128-129 (R2 I §9g).

¹³⁹ *Ibidem*, 128-129 (R2 I §9h), the manuscript has $12\frac{1}{2}$ lot; 130-131 (R2 I §10c), the manuscript has $2\frac{1}{2}$ lot. In both cases the editor has corrected these amounts into $3\frac{1}{2}$ lot, in accordance with Van Helten, *Zur Lexicologie*, sv *panning*, 274 (because *threttinda half lad* must have been *thredde and half*).

¹⁴⁰ *Ibidem*, 130-131 (R2 I §10b).

- An injury wounding through both sides of the belly [is to be compensated with] $7\frac{1}{2}$ *skilling goldis*, that is 1 mark of Cologne and 1 Frisian mark.¹⁴¹

Assuming that a mark of Cologne, as well as a Frisian mark, was a notion of weight and that a Frisian mark, unlike an *ieldmark*, consisted officially of 160 pennies,¹⁴² it follows that,

$$7\frac{1}{2} \times 12 \times W \times R = 234 + 160 \times W \quad \text{or,}$$

$$(3) \quad R = (234 + 160 \times W) : (90 \times W)$$

From the equations (1), (2) and (3) it can be derived by simple arithmetic that,

$$W = 0.406\text{g}$$

$$F = 0.68$$

$$R = 8.18$$

This implies a silver equivalence of 1 penny at $W \times F = 0.406\text{g} \times 0.68 = 0.28\text{g}$. This result is quite close to the silver equivalence of a penny of the *ieldmark*, derived from the wergeld in the Fivelingo wergeld-tradition at 0.29g.¹⁴³ The silver:gold ratio at 8.18 is also close to the ratio in ‘Germany’ in the 12th century, at 8.0.¹⁴⁴ This consistency is surprising if we take into account the questionable reliability of the texts in the manuscripts. Even more surprising, however, is the finding that the ‘old-Frisian’ penny in question had a gross-weight of c.0.41g and a fineness of 0.68. Unfortunately, I have not found any numismatic information concerning the weight and fineness of ‘old-Frisian’ pennies from that area in around 1200 with which to confirm this finding, but as this fineness is very close to that of Bremen silver at 11 lot 5 grain = c.0.70, as known from the second half of the 13th century,¹⁴⁵ it does not seem an unlikely figure in the context of Riustringen, so close to the commercial centre of Bremen and belonging to the same bishopric.

Final remark

In clause (1) it is found that a *skilling wicht goldis*, being equivalent to an *ieldmark*, was ‘the highest mark’. This differs from the finding in the Fivelingo wergeld-tradition¹⁴⁶ that a highest mark was equivalent to a score of ‘old-Frisian’ marks. My expla-

¹⁴¹ *Ibidem*, 130-131 (R2 I, §11e).

¹⁴² Chapter 5, ‘The history of the measure of value’.

¹⁴³ Excursus 5.3: ‘On the analysis of the Fivelingo wergeld-tradition’, stage (5).

¹⁴⁴ Watson, “Back to Gold”, 23-24.

¹⁴⁵ Jesse, *Der wendische Münzverein*, 52-64.

¹⁴⁶ Excursus 5.3: ‘On the analysis of the Fivelingo wergeld tradition’, stage (8).

nation would be that the expression ‘the highest mark’ had a more general character. It was useful in periods when two or even more systems of money of account were used alongside each other. The ‘highest mark’, in this case the *skilling wicht goldis*, was apparently superior to the mark of 144 ‘old-Frisian’ pennies, particularly when the legal unit of account had not yet been adapted to the ongoing deterioration in the silver equivalence of the current coin that was standard for the commercial unit of account.

The foregoing reasoning has been made on the implicit assumption that the clauses were formulated at about the same time. This, however, is rather a rigid assumption if we take into account the way the judges’ books were composed. Because clauses have also been found in these books that are concurrent with *skillinga cona*, a measure of value that I date much later,¹⁴⁷ the assumption may seem *too* rigid. However, it seems to me that the notion of a *skilling wicht goldis* might have been so fundamental in the valuation of wergeld and other important compensation amounts that people involved in compensations would have possessed particular standard weights (of 12 x W = c.4.9g) for use on the scales for weighing the gold when payments had to be made.

5.6 On the meaning of the *skilling cona* in the judges’ books

The two surviving judges’ books of Riustringen, one dated at c.1300 and the other at 1327, frequently mention a unit of account called *skilling cona*. This concept is also found in more recent Frisian judges’ books. These include a copy of the judges’ book of Wiurden manuscript dated at the beginning of the 16th century¹⁴⁸ and Haro Wineken’s judges’ book of Oldambt and Reiderland (manuscript also copied at the beginning of the 16th century¹⁴⁹).

The *skilling cona* has neither been etymologically nor numismatically identified. Buma, who has *cona* < Lat. *cuneus*, translates *skilling cona* by ‘coined silver shilling’.¹⁵⁰ Van Helten rejects the derivation of *cona* from the word ‘coin’; he also rejects Jaekel’s derivation from ‘Colonia’ (Cologne). Van Helten prefers the derivation from *pallia cana* because of the equivalence of *skilling cona* and *wede*.¹⁵¹ Hofstra relates *cona* to

¹⁴⁷ Excursus 5.6: ‘On the meaning of the *skilling cona* in the judges’ books’.

¹⁴⁸ Richthofen, *Rechtsquellen*, 545-547; Borchling, *Die niederdeutschen Rechtsquellen*, 169-170.

¹⁴⁹ RAG MANUSCRIPTS: ms. in q^o no.6.

¹⁵⁰ Buma, *Das Rüstringer Recht*, 173; according to Buma, *De eerste Riustringer Codex*, 207, the author apparently follows Th. Siebs, *Geschichte der friesischen Sprache, Pauls Grundriß der germanischen Philologie*², Strasbourg, 1901, p. 1262.

¹⁵¹ Van Helten, *Zur Lexicologie*, sv. *skilling A*.

Russian *kuna* = Swedish *cunas* = Middle Dutch *kunne* = marten skin, which was a means of payment in Slavic countries.¹⁵²

Because the ‘old-Frisian’ pennies had become very small during the course of the 13th century, and hence inconvenient as means of payment, the practice of payment in weighed silver would have emerged. On these grounds, I would suggest that the meaning of a *skilling cona* might be a shilling in coin, as distinct from a shilling in bullion. However, an alternative meaning might be tested. The mint of the community of Oistringeng, in Jever, was still producing local money in 1273-1278.¹⁵³ This mint might have contained to produce the tiny ‘old-Frisian’ pennies, but it seems possible that, in addition, a new coin was struck, valued at 12 ‘old-Frisian’ pennies. This is proposed in this study.

Without knowing what a *cona* was materially, we must accept it as a unit of account in the Riustringen ‘old-Frisian’ context. However, this creates another problem because the statements in the judges’ books do not always match the other information we have about the money of account in Frisia. From a few clauses, a silver equivalence of the *skilling cona* can be tentatively arrived at, but unlike the *skilling wicht goldis* - dealt with in the last Excursus - that was based on a given weight that remained the same over time, the *skilling cona* occurs in clauses that are unlikely to refer to a constant silver equivalence. We must accept differences of silver equivalencies because of differences in the money values at the time of formulation. If S = the silver equivalence of a *skilling cona* in grams, F = the fraction denoting fineness of the silver and R = the silver:gold ratio, the following clauses can be investigated.

(1) 1 *skilling cona* æ 1/40th *skilling goldis*

This results from the statement in the judges’ books of Riustringen:¹⁵⁴

- If the wound has gone further and penetrated the stomach, [this has to be compensated by] two times 9 *skillinga cona* and 2 *skillinga goldis*. If it is all through just the same. So is the stomach altogether 5 *skillinga goldis* less 4 *skillingon conon*

In other words,

$$2 \times (2 \times 9 \times S + 2 \textit{ skillinga goldis}) \textit{ æ } 5 \textit{ skillinga goldis} - 4 \times S, \textit{ or} \\ S \textit{ æ } 1/40 \textit{ skilling goldis}.$$

¹⁵² Hofstra, “Westgermanische Lehnwörter”, 40-45.

¹⁵³ Kappelhoff, *Die Münzen*, 47-48.

¹⁵⁴ *Ibidem*, 72-73 (R1 VI §8g, 8h); 130-131 (R2 I §11c, 11d).

If a *skilling goldis* is valued according to Excursus 5.5 and the silver:gold ratio in the 13th century was still 8,¹⁵⁵ we have,

$$(1) S \text{ æ } 1/40 \times 38.96\text{g} = 0.97\text{g}$$

(2) 1 *skilling cona* related to the *skilling goldis* and the silver:gold ratio.

This results from the following clause:

- Running through the chest 1 *skilling goldis* and 2 times 9 *skillinga cona*. Three blows on the midriff 3 times 9 *skillinga cona*. Breathing in and out through the wound 20 *skillinga cona*; this is altogether $9\frac{1}{2}$ lot¹⁵⁶ (judges' book Riustringen 1327)

This formula can be reduced to:

$$1 \text{ *skilling goldis* } + 65 \times S \text{ æ } 9.5 \text{ lots, or,}$$
$$S \text{ æ } (138.7\text{g} \times F - 1 \text{ *skilling goldis*}) : 65$$

If a *skilling goldis* is valued according to Excursus 5.5 and the silver:gold ratio in the 13th century was still 8, we have,

$$S \text{ æ } (138.7 \times F - 4.87\text{g} \times R) : 65 \text{ or,}$$
$$(2) S \text{ æ } (2.13 \times F - 0.6\text{g})$$

It follows that,

- if $F = 1.0$, then $S = 1.53\text{g}$ (lots of pure silver)
- if $F = 15/16$, then $S = 1.40\text{g}$ (lots of 15*lodiges* silver)
- if $F = 0.7$, then $S = 0.89\text{g}$ (lots of Bremen silver)

(3) 12 *skillinga cona* æ 1 lot

This results from the following clause:

- The breathing clogged in either nostril [requires a compensation of] 36 *skillinga cona*, that is 3 lot (judges' book of Riustringen, 1327¹⁵⁷).

¹⁵⁵ Watson, "Back to Gold", 23-24.

¹⁵⁶ *Ibidem*, 126-129 (R2 I § 8 a, b, c). Buma alters the amount of $9\frac{1}{2}$ lots in the manuscript into $12\frac{1}{2}$ lots without explanation. I have not borrowed this alteration.

¹⁵⁷ Buma, *Das Rüstinger Recht*, 124-125 (R2 I §4d).

It follows that,

$$36 \times S = 3 \times 14.6g \times F, \text{ or}$$

$$(3) S = (43.8g \times F) : 36$$

If

F = 1.0, then S = 1.22g (lots of pure silver)

F = 15/16, then S = 1.14g (lots of 15-*lodiges* silver)

F = 0.7. then S = 0.85g (lots of Bremen silver)

(4) 1 *cona* is $\frac{1}{4}$ th penny

This results from the following statements:

- *Een cona is een virendel van enen olden penninck. IIIJ cona een schillinck. Oock is cona wal een oldt penninck...*[i.e. A *cona* is the fourth part of an old penny. IIIJ *cona* a shilling. Sometimes a *cona* is also an old penny ...]. (judges' book of Reiderland and Oldambt; see above)

- *Eyn cona is dat verde deel van eynen penning, hoc est* [or *item*] *eyn hellingk scharff verdingk,Eyn schillinck cona is eyn penning vel j swaren. Item ix schillinck cona js eyn loth vel xij sware.* [i.e. A *cona* is the fourth part of a penny, that is a *hellingk*'s fragment *farthing* [or: *item*, [a] *hellink* [, a] *scharff* [, a] *verdingk*] ... A *skilling cona* is a penny or 1 *sware*. *Item 9 skillinga cona* is 1 lot or 12 *sware*]. (judges' book of Wiurden; see above)

In the second sentence of this last quotation it is difficult to say whether '*hoc est*'¹⁵⁸ or '*item*'¹⁵⁹ is the correct reading. It makes some difference, of course, because if the reading was '*hoc est*' this sentence would be an explanation of the first sentence. The explanation may have been made long after, at some time in the copying process during subsequent centuries, and it does not help us up to this point because a coin named *hellingk* is not identified in the middle of the 13th century in Frisia. The *sware* is the name of a Bremen coin struck later on - in the 2nd half of the 14th century.¹⁶⁰ The origin of the *cona* might have been a quarter piece of a sterling, worth 3 'old-Frisian' pennies, so that 4 quarter pieces would be equivalent to an 'old-Frisian' shilling. Although there may be elements in this quotation that support the findings in the foregoing statements (for example 'a *skilling cona* is a coin') the valuations of 1 *cona* ($\frac{1}{4}$ th penny, fragment [half?] of a *hellingk* [to represent] a farthing, $\frac{1}{12}$ th *sware*, 1 lot : (9 x 12) ($\approx 0.135g$ ¹⁶¹), 12 : (9 x 12) = $\frac{1}{9}$ th *sware*) are difficult to identify, and

¹⁵⁸ Borchling, *Die niederdeutschen Rechtsquellen*, 169.

¹⁵⁹ RQ, 546, note 1.

¹⁶⁰ Kappelhoff, "Friesische Schuppen?", 439.

¹⁶¹ 1 lot of silver $\approx 14.6g$, hence 1 *cona* $\approx 14.6g : 108 = 0.135g$ of silver.

some in any case refer to more recent times. The statements are examples of a table of conversion rates, often to be found in the judges' books, which may have been used - rightly or wrongly - to convert antiquated amounts into current amounts. The quotation is too obscure to be relied upon; I have presented it for the sake of completeness and curiosity.

Final remark

There can be little doubt about the existence of a means of payment called *skilling cona* in the 13th century, and it may even have been used beyond Riustringen as the judges' book of Reiderland and Oldambt suggests. A penny *cona* would be equivalent to an amount between $1.53\text{g} : 12 = 0.13\text{g}$ and $0.85\text{g} : 12 = 0.07\text{g}$ of silver, if $1 \textit{skilling cona} = 12 \textit{pennies cona}$. Whatever the fineness of this silver, with so low a silver equivalence a penny *cona* must have been an 'old-Frisian' penny at some time during the second half of the 13th century.¹⁶²

¹⁶² Chapter 5, 'History of the means of payment'.

