

**THE FIRST PERIOD OF THE ENGLISH PENNY
(c.1250-c.1350)**

6.1 On the monetary regulation in the treaty of the Upstallisbam of 1323

The 1323 treaty of the Upstallisbam is a treaty that is assumed to have been made among all the independent sealands of Frisia; at that time six of the initial seven sealands were still independent. The treaty aims at the establishment of a common defence both against foreign powers and for the maintenance of internal peace. The original charter of the treaty has not survived. We know the text only from a number of copies in Latin, Old Frisian and Low Saxon. The oldest copies date from the second half of the 15th century. They are not identical. There are the so-called ‘short versions’ - containing only 24 clauses - and there are also so-called ‘long versions’ - containing 29 or 36 clauses. In the short versions, two clauses consist only of headings, being otherwise blank, whereas in the long versions these two clauses are completed.¹ One of the two blank clauses concerns monetary regulation.

The complete texts of the monetary regulation are found in the copies of the chronicle of Worp van Thabor (after 1517, Latin), in the Codex Roorda (c.1480, Latin and Old Frisian), in the Codex Furmerius (c.1600, Old Frisian) and in glosses added by the secretary of Leeuwarden to a copy of the incunabulum ‘Druk’ (1485, Old Frisian) in around 1500. The text of this regulation has three subjects:

1. enumerating which coins are admitted in Frisia (‘legal tender’ as we would say);
2. ruling the ‘legal’ exchange rates of these coins in Frisia;
3. sanctions.

A review of the various surviving texts is given in the table on the next page.

Text after Worp, *Chronicon*, 180-181:

De moneta, Turonense et de Anglia sterlingos, et Monasterienses seu Osnabrugenses, Lovanenses, Dordracenses, Hallenses et Copkinos argenteos et rotundos, milites (vulgo ridders), et volucres (vulgo flieggers), denarios admittimus, Turonense pro quator Monasteriensibus vel Osnabruggensibus, vel pro tribus sterlingen novis de Anglia computato. Solidum autem sterlingorum novorum, vel quatuor Turonenses pro quindecim Monasteriensibus vel Osnabruggensibus, qui vulgo nye penningen nuncupantur, computamus. Duodecim antiquae Engelsche pro sex ridderen, vel sex fliegeren pro quindecim Monasteriensibus vel Osnabruggensibus. Et quinque Copkini pro sterlingen

1 §22 in Codex Roorda, §21 in the copies of the Chronicle of Worp.

decrevimus computare. Quatuor halren pro uno milite. Tres Lovensche pro uno Engelsche. Moneta autem minorum denariorum, quae vulgo cleyne penningen nominantur, in pondere admittimus decem et septem pro uno sterlingen computandos et ponderandos. Si quis in pondere deliquerit, et huiusmodi denarios portaverit, falsarius computabitur, et per iudices furti iudicio corrigetur. Omnem autem aliam monetam quo ad partes Frisiae, communi decreto Frisonum interdicimus et sub interdicto ponimus, ac penitus abolere decrevimus et abolemus in perpetuum per praesentes.

[i.e. On money, we admit those of *tournois* and English sterlings and of Münster or Osnabrück, Louvain, Dordrecht, Hall (? see below) and *kopkiins* if silver and round, cavaliers (*ridders* in the local tongue) and eagles (*fliegers* in the local tongue). We calculate the *tornoyse* at four Münster or Osnabrück pennies or at three new sterlings from England, or four *tornoyesen* are reckoned at fifteen pennies of Münster or Osnabrück, that are denoted *nye penningen* in the local tongue. Twelve old English at six *ridders* or six *fliegeren* at fifteen pennies of Münster or Osnabrück. And we have ordered to reckon five *kopkiins* for a mentioned sterling. Four *hallingen* at one cavalier. Three pennies of Louvain at one English. Furthermore we admit the money like the small pennies, denoted as *cleyne penningen* in the local tongue, by weighing, if seventeen reckoned at one sterling have that weight. If someone would swindle the weight, and carry suchlike pennies, he will be viewed as a coiner and be tried as a thief by the judges. All other kinds of coins brought to Frisia, we prohibit by common regulation for all Frisians, and we place it under interdiction, and we have ordered to abolish it totally and we shall abolish it forever by this decree.]

From this valuation table a difference in value between old and new English pennies can be calculated: 12 old English pennies \approx 15 Westphalian pennies \approx $15/4$ *tornoyse grote* \approx $15/4 \times 3 = 45/4$ new English pennies, so 1 old English penny \approx $(45/4) : 12 = 15/16$ new English penny. As the silver equivalence of 1 new English penny was c.1.34g,² it follows that in this regulation the silver equivalence of an old English penny was set at $15/16 \times$ c.1.34g = c.1.25g. As the difference between ‘old’ and ‘new’ English pennies must have been easily discernible in their appearance, the pennies in question must have been struck before and after 1279 (the ‘long-cross type’ and the ‘Edwardian’ type respectively). In 1279 King Edward I of England suddenly withdrew the long-cross pennies and had them recoined in order to improve the coinage and, especially, to protect the currency against clipping.³

2 Brooke, *English Coins*, 116: In 1279 the gross weight of the penny was reduced from $22\frac{1}{2}$ grains (c.1.46g) to $22\frac{1}{2}$ grains (c.1.45g) of sterling *silver*; hence $0.925 \times$ c.1.45g = c.1.34g fine.

3 *Ibidem*, 116; 122-124.

In England, the official silver content of the ‘old’ genuine long cross type was c.1% greater than the silver content of the ‘new’ Edwardian pennies.⁴ However, in Frisia they were valued at a 6% discount. What might be the cause? If they were indeed genuine old sterlings (long-cross type), the discount might be attributed to their no longer being legal tender in England after 1279 and hence only accepted there as bullion. Apart from the size of the discount, this seems unlikely; the genuine long-cross type, notwithstanding its treatment in England, remained an accepted means of payment on the continent for some time, circulating alongside the illegally imported new Edwardian sterlings.⁵ The discount in Frisia is more likely to have been due to wear and tear after about half a century. But would genuine long-cross sterlings still have been in circulation as late as 1323? This also seems unlikely. Because in the text of the treaty the expression ‘new sterlings’ is accompanied by the qualification ‘from England’, whereas this qualification is not used with regard to the ‘old’ English pennies, the corollary is that the old ones are not necessarily from England. It is most likely, therefore, that the treaty was not referring to the genuine long cross type of 1.35g silver equivalence but to the Frisian imitative long cross type of 1.2g silver equivalence. Taking the somewhat lighter silver content of the new (Edwardian) pennies into account, the discount comes close to being understandable in terms of the lower silver content calculated for the Frisian imitative long-cross sterling.⁶

4 $22\frac{1}{2} : 22\frac{1}{2} = 90/89 = 1.01$

5 Mayhew, “The circulation”, 59.

6 $15/16 \times 1.336\text{g} = 1.25\text{g}$; $15/16 \times 1.3\text{g} = 1.2\text{g}$.

Table E Comparison of the various texts of the monetary regulation in the treaty of the Upstallisbam of 1323

	<u>Worp</u>	<u>Ro-L</u>	<u>Ro-OF</u>	<u>Fur</u>	<u>Gloss</u>
<u>(1) Coins admitted</u>					
<i>tornoyse grote</i> :	x	x	x	x	x
English sterlngs :	x	x			x
do. old :			x	x	
do. new :			x	x	
<i>Nye penningen</i> :					x
Münster pennies :	x	x	x	x	
Osnabrück penn's :	x	x	x		
<i>Lonschen</i> :	x	x	x	x	
Holland pennies :			x	x	x
Dordrecht penn's :	x	x	x	x	
<i>Hallingen</i> :	x	x	x	x	x
<i>Kopkiins</i> :	x	x	x	x	x
Cavaliers :	x	x	x	x	x
Eagles :	x	x	x	x	x
<u>(2) Rates</u>					
<i>Gros T</i> /Münster p :	4	4	4	4	-
“ /Osnabr p. :	4	4	4	4	4
“ /Nw Engl.p:	3	3	3	3	3
NwEngl.sh/ <i>Gros T</i> :	4	4	4	4	-
“ / <i>Nye penn.</i> :	15*)	15*)	15*)	16	15*)
OldEngl.sh/Caval :	6	6	6	6	-
“ /Eagles :	6	6	6	6	-
“ /Münster pn :	15	15	15	15	-
“ /Osnabr.p. :	15	15	15	15	-
Caval./ <i>Hallingen</i> :	4	-	4	6	6
Engl.p/ <i>Kopkiin</i> :	5	5	5	5	5
“ / <i>Lonschen</i> :	3	-	3	3	-
“ / <i>Cleyne pñ</i> :	17#	17#	17#	17#	17#

*) A distinction is made between Westphalian pennies and *nye pennigen*, which are also Westphalian pennies. There is a slight difference in the valuation between them, as 15 *nye pennigen* æ 12 new English pennies æ 4 *tornoyse grote* æ 4 x 4 = 16 Westphalian pennies. I have found no confirmation of a possible difference, but it may have been caused by the difference between old and new English pennies if this

was not taken into account in the valuation of the Westphalian pennies as it should have been.

#) This is not an exchange rate because the *cleyne penningen* were not admitted at face value, but they could be counted and weighed; if 17 of them weighed as much as a sterling they would be admitted. The possession of lighter *cleyne penningen* was strictly prohibited.

The copies of the treaty have been thoroughly studied and given a detailed philological commentary by Meijering.⁷ According to him, there are good reasons for believing that the original draft was made in Latin and restricted to 24 clauses.⁸ This draft would be the ‘short version’ - the one with the two blank clauses. These two clauses were to be completed separately for each of the participating Frisian ‘sealands’. The original treaty may have been drafted in Latin, and it may have been restricted to 24 clauses, but on what grounds does Meijering suggest that the original draft included the two blank clauses, particularly the one concerned with the monetary regulation?

The first of these clauses (§20 in Worp, §21 in Codex Roorda Latin version = Ro-L) regulated the right of monks to ask for alms. Begging was permitted exclusively to members of the Dominican and Franciscan monastic orders and to the monks of Stavoren; it was generally known that the monastery of Stavoren was in great distress because of the gradual encroachment of the sea. Meijering is apparently of the opinion that this clause was only valid for Westergo (where Stavoren is situated), though he admits that Franciscan and Dominican monasteries are to be found all over Frisia.

The second clause (§22) is the one that concerns the monetary regulation. Meijering is of the opinion that it would be desirable for the various ‘sealands’ to have separate monetary regulations because of the diversity of their monetary systems. The surviving texts of this regulation, however, are all identical except for minor differences. He acknowledges that it is not possible to recognise the specific part of Frisia for which this surviving regulation was intended. Some scholars maintain that the currency mentioned was typical of Mid-Frisia (Richthofen), while others find it typically East Frisian (Tergast). He assumes the likelihood that not all coins current in Frisia are listed in the clause, but he does not mention the missing ones. He admits that the text itself states explicitly that it is valid for all of Frisia. Though he holds

7 Meijering, De Willekeuren, passim.

8 Ibidem, 120-122.

firmly to the belief that both clauses were originally blank, he concludes, after all, that his opinion can neither be denied nor proved.

These clauses may have been blank in the original draft, but it seems very unlikely that the one concerning the monetary regulation was left blank in the original treaty. From what we now know from this study, it is actually very likely that the internal peace in Frisia was supported by a monetary regulation. After the depreciation of the indigenous Frisian pennies in the previous century (*i.e.* the *cleyne penningen* or small pennies in the regulation) the Frisian regions were flooded by foreign currency of different kinds. Money, they say, is the root of all evil! The number of disputes about money would be reduced by clear rules as to what kind of money was valid and at what rates. In this clause strict rules were formulated even for the use of the very much depreciated small pennies. The fact that such regulation would help to reduce the number of disputes over money would fit in very well with the overall aims of the treaty. A general monetary regulation was apparently badly needed in Frisia at that time, and a uniform clause would indeed have filled a gap!

The texts of the clause, furthermore, cannot be traced to any particular sealand, and neither is any particular sealand missing. The small 'old-Frisian' pennies were struck all over Frisia, and the lightest specimens would also have been current there up to the time of the treaty (1323). The *tornoyse groten* would have been circulating in all sealands, and the cavaliers (double sterlings) and English pennies (sterlings) were mentioned in all except, perhaps, the Yade area, but the coins struck in that area in around 1350 suggest a shield-sterling tradition. The *lonschen* are mentioned in Mid-Frisia and the Ommelanden. The Westphalian pennies are mentioned in the Ommelanden and in the Emden area. In the Yade area the Oistringeng money and the Bremen money was most often mentioned. Oistringeng money must have been indigenous money since it is known that the Jever mint was used by the Jever community between at least 1273 and the middle of the 14th century.⁹ It is also certain that the districts of the Yade area - or at least Oistringeng - participated in the treaty,¹⁰ so the Oistringeng money should have been mentioned in it. Though the particular name of the Oistringeng coins is unknown so far, the silver equivalence of the Oistringeng money was equal to the silver equivalence of an English halfpenny, as we have seen, and hence Oistringeng money might be identified as or included in the *hallingen* mentioned in the treaty.¹¹

9 Kappelhoff, *Die Münzen*, 47-48.

10 In a letter from Jever to the Count of Holland and Zeeland, dated 10-2-1327 (Chbk1, 176; OUB6: 36), the community of Oistringeng confirms its participation in the treaty, which, it argues, was not intended to undermine the Count's rights but to serve the internal order in Frisia. Likewise: Cleveringa, *Gemeene landswarf*, 10, note 5.

A special case is the money used by the clergy. The Westphalian money of the bishoprics of Münster and of Osnabrück was used for payments to the clergy and between the bishoprics and the parishes and monasteries in their areas - roughly the Ommelanden and the Emden area, as we have seen. In the bishopric of Utrecht (roughly Mid-Frisia), these payments were mostly quoted in sterling according to the documents. The money of the bishopric itself is hardly mentioned and, accordingly, it was not mentioned in the treaty. The Yade area was part of the bishopric of Bremen, and the money of the Bremen bishopric is frequently mentioned in this area though mainly in documents concerning relations with the bishopric or the town. Bremen money was apparently not admitted as a legal means of payment.

My conclusion is that there was no reason for leaving the monetary clause out of the treaty; on the contrary, there was every reason for including it. Neither can the monetary clause be ascribed to a particular part of Frisia. It probably covers the whole area. The monetary clause may well have satisfied a need of the time. Of course this kind of regulation cannot apply for very long. Money rates develop differently, new currencies emerge, and old currencies disappear. A century later this regulation was obsolete; it was no longer of any use in the 15th century. As the copying of this treaty was mainly for practical purposes, it would be no wonder if, in the copying process, this monetary clause (and probably for similar reasons the clause on begging monks) was omitted after some time in some cases. That could also be a reason for the blank clauses in some of the copies.

Meijering uses strong arguments to support his contention that the surviving Latin versions are probably the closest to the original. Whether the short versions were the original draft - with the two clauses left open to be completed at the assembly of the League itself - or copies made at the end of the process - with irrelevant clauses omitted - is not important for our purposes. Following Meijering's opinion, I refer in this study to the 'long' Latin versions: the copy in the Latin version Roorda and the copy in the chronicle of Worp van Thabor. These versions of the monetary regulation are almost alike and contain no historical improbabilities from a monetary point of view. They differ only slightly: Worp includes a rate for the *halling* and the *lonsche* whereas these rates are missing from the Latin Roorda Codex even though the coins are listed as 'admitted'. Hence, as I see it, the copy of Worp is probably the closest to the original text.

¹¹ Two copies of the treaty give a rate of 6 instead of 4 *hallingen* for a cavalier, in other words 3 instead of 2 *hallingen* for a sterling; the original value of 2 may have been amended to 3 because of the decrease in the silver equivalence of the *halling*, used as standard for the local money of account in the 14th century, in comparison with that of the genuine English penny. See Chapter 7, 'The history of the measure of value'.

There is some doubt about the dating of the monetary regulation. Meijering¹² thinks it possible that the monetary regulation itself is older and was inserted into the treaty. He observes that the coins enumerated and their relative values certainly existed in around 1300, and prudent distinctions between old and new Westphalian pennies, and between old and new English pennies would, rather suggest a period closer to 1280. He further points out that the distinction between old and new English pennies can hardly refer to the monetary measures in England in 1300 - the forced melting of the continental sterling imitations, the so-called ‘crockards and pollards’, that were circulating in England¹³ - because the type of pennies struck after 1300 did not differ from those that had been struck since 1279. On these grounds he relates the distinction between old and new English pennies to 1279, when a new type of English penny was struck. By restricting his analysis to genuine English pennies, Meijering neglects the fact that the old sterlings may also have been the Frisian imitative long-cross pennies that were mentioned *expressis verbis* in 1325 and 1335, as we have seen.¹⁴ Besides these arguments, he might also have pointed out that the rate of 2 (old) English pennies to 1 cavalier was outdated in 1323. This rate implies a continuing silver equivalence of c.2.4g, but the original cavalier of Hainaut was debased after 1302 to 1.9g of silver in 1312, when its production finally ended.¹⁵ However, the new debased types, called *pillewilles*, were considerably lighter, visibly different and in any case not acceptable as double-sterlings. Whether these *pillewilles* actually circulated in Frisia is open to doubt.¹⁶

My interpretation also allows that the monetary regulation could be dated before 1323 and was inserted into the treaty of that year, but there was no reason for such a makeshift because actuality of the rates was not aimed at. We should bear in mind that the regulation is not similar to the usual valuation ordinances found in principalities outside Frisia, which had to be applied *within* the jurisdiction of these states; being imperative they would pretend actuality. The primary aim of the Frisian regulation, however, was to prevent or resolve disputes over rates in lawsuits between inhabitants of different sealands, as dissension could easily occur once the ‘old-Frisian’ money had become obsolete. The rates had to be applied only in cases *between* the jurisdictions of the various sealands to the extent that private agreements from the past appeared to be deficient; it therefore sufficed to refer to conventional rates of the past half century.

¹² Meijering, *De willekeuren*, 159-161; see also 154-155.

¹³ Johnson, *The ‘De Moneta’*, xxxviii-xxxix.

¹⁴ Chapter 6, ‘The history of the measure of value’.

¹⁵ Duplessy, “Chronologie”, 193. According to this author, it is curious that the treaty does not distinguish between old and new cavaliers, as it does in the case of sterlings; in any case, he contains, the rates mentioned can only concern the old cavaliers (*ibidem*, 205).

¹⁶ *Ibidem*, 195-196.

6.2 On the wergeld in the treaty of the Upstallisbam of 1323

The money of account used in a document is sometimes defined in the first clause that mentions an amount of money. This is also the case in the treaty of the Upstallisbam of 1323. In the second clause, the fine for hiding a thief is expressed as 20 marks sterling. In what follows the fines and compensations are quoted in unspecified marks.

Wergeld is mentioned several times in the treaty, but the basic wergeld is never mentioned explicitly. However, I think it can be derived from the following cases. The paragraphs are numbered after the version Worp:

§ 6 For killing a judge on his way to the assembly of the Upstallisbam: 200 marks to his heirs.

For killing someone else on his way to the assembly of the Upstallisbam: wergeld 80 marks.

§ 7 For killing a man belonging to another 'sealand': wergeld 60 marks.

§11 For killing a layman: 7 x wergeld.

§12 For killing a priest: 10 x wergeld.

The wergeld for killing a layman (§11) would obviously be equal to or lower than the wergeld for killing someone belonging to another sealand (§7). Hence 7 x wergeld 60 marks, or 1 wergeld 8.6 marks. The marks quoted in the treaty were marks sterling (§2). So the wergeld in view can be recognised to be 8 marks English (East Frisia¹⁷) or $8\frac{1}{4}$ marks English (Mid-Frisia¹⁸), the known normal wergeld in English money. Perhaps because of slight differences in the basic wergeld amounts of the various sealands of Frisia, the assembly has avoided mention of the amount itself. It can also be inferred that this wergeld of c.8 marks is quoted in marks of 160 genuine English pennies. The imitative English pennies had a slightly lower value, and the marks in these pennies counted 144 pennies, so a normal wergeld in this money of account would have been 10 marks.¹⁹

Meijering²⁰ finds the compensations and fines abnormally high in the Frisian context, and I agree. He suggests that these stringent rules might reflect a general and increasing neglect of the law.

When the treaty was prolonged and extended in 1361,²¹ a clause was added to the effect that a compensation of 40 'old marks' was to be paid to the heirs of the victim

¹⁷ Excursus 5.3: 'On the analysis of the Fivelingo wergeld-tradition', stage 8, see (a).

¹⁸ Ditto, stage 8, see (b).

¹⁹ Ditto, stage 9.

²⁰ Meijering, *De willekeuren*, 280-281.

²¹ OGD1: 509.

by anyone who attempted to hide the killer in an other sealand. The expression ‘old marks’ was frequently (though not exclusively) used in the 14th and 15th centuries for a mark sterling of 144 pennies.²² An amount of 40 marks sterling (of 144 pennies of 1.2g silver equivalence) in the treaty of 1361 would be two times a normal (doubled) wergeld.²³ It seems to fit the case, but it is nevertheless substantially below the wergeld of 60 marks sterling (of 160 pennies, probably of 1.3g silver equivalence) for killing someone of another sealand in the treaty of 1323. A satisfactory explanation for this ‘normalisation’ of the *wergeld amounts* - in comparison to those of 1323, which seem to have been extremely high - has not so far been found.

²² A very clear example is found in the 1464 statutes of the Winsum water board: the first amount mentioned is a fine of ‘an old mark English. And the mark is reckoned at 12 shillings and each shilling at 12 pennies and each penny at a quarter of an English groat’ (RAG ADU: 33, 110-137).

²³ Excursus 5.3: ‘On the analysis of the Fivelingo wergeld-tradition’, stage 9.