

**THE FURTHER DEVELOPMENT OF THE SEQUEL TO THE ENGLISH  
PENNY AS FRISIAN UNIT OF ACCOUNT  
(c.1350-c.1500)**

**7.1 On the Mid-Frisian conversion directive: a survey**

The Mid-Frisian conversion directive is a text describing how amounts in old money should be converted into amounts in new money, namely *grate* and *sceldan*. The directive is found in Mid-Frisian judges' books. It was apparently made to support the users of these judges' books at the courts when they wanted to determine the current value of the fines, compensations and fees mentioned in the old books. *Grata* and *sceldan* were apparently the current measure of value at that time.

Two versions of this directive exist; one is in an incunabulum usually briefly called 'Druk', and the other is in a manuscript called 'Jus municipale Frisonum' or, briefly, 'Jus'. The incunabulum dates from about 1485.<sup>1</sup> The manuscript is a copy made about 1530 from a model made in 1464.<sup>2</sup> The texts of the conversion directive in both these versions are almost, but not completely, identical.

The text of the directive in 'Jus'<sup>3</sup> as published by Buma and Ebel,<sup>4</sup> is as follows:<sup>5</sup>

“ In the name of the Lord, Amen. Listen and understand how the value of the money is, here in Westergo and in Oostergo.

- Firstly. The Frisian *sceld* is xxx *grata* from Stavoren to Groningen. [And the Groningen *sceld* is ix *grate*. And that means that the *sceld* is xlj *grate*] and the *grate* is four *scubben* or five Leeuwarden pennies.

- Item. The pound is seven *grate* all over the country, as well in Westergo as in Oostergo.

<sup>1</sup> Gerbenzon, *Apparaat II*, 93.

<sup>2</sup> Buma, *Westerlauwersches Recht I*, 8.

<sup>3</sup> RQ, 462, note \*): 'On philological grounds version 'Jus' is the oldest.'

<sup>4</sup> Buma, *Westerlauwersches Recht I*, 424-429.

<sup>5</sup> Though not all textual differences between the versions in 'Jus' and 'Druk' are covered, I have put the most significant passages missing in 'Druk' between square brackets, while empty square brackets [ ] indicate a passage in 'Druk', that is missing in 'Jus'; this passage is then recorded in a footnote.

- Item. The great pound of Cologne is four *sceldan*. And for the compensations by white pennies the pound of Cologne is xx *grata* [ ].<sup>6</sup>
- Item. The shilling is in Westergo and in Oostergo six *grate*. The *litika* (= small, minor) shilling of Oostergo is xij Leeuwarden pennies, that is two *grate* and two Leeuwarden pennies. And the shilling in compensations in white pennies is one *grata* [and no more].
- Item the ounce in the '*bireckhnada botem*'<sup>7</sup> is 20 pennies, that is ten *grate*. And the ounce in the compensations by white pennies is xx white pennies, xij of which are 1 *grata*. So is the ounce by white pennies one and a half *grata* and two white pennies and three ounces by white pennies are 5 *grate*.
- Item. In the Fyf Delen, in Wonseradeel and in Wymbritseradeel and in De Hemmen, in all these subdistricts so is the mark x shillings, that are 2 *sceldan*.
- Item in Leeuwarderadeel, Dongeradeel, Dantumadeel, Ferwerderadeel, Tietjerksteradeel and Idaerderadeel, in these six sub-districts so is the *liuedmerck* iij shillings. And the shilling is six *grate*. Or, by *litika* shillings so is the mark x shillings. So is the shilling two *grate* and two Leeuwarden pennies.
- Item. The shillingmark is xij shillings. So is the shilling vj *grate*.
- Item. The pennymark is viij ounces. And the ounce x *grate*.
- Item. The *grate merck* is xvj shillings. So the shilling should be reckoned at vj *gratem*; that is to be reckoned in the districts where this mark occurs in the laws of that district.
- Item. The Leeuwarden *grata merck* is xxix *grata* less 1 penny.
- Item. The *grata merck* all over Oostergo, is xij shillings. If one has to pay wergild in old money, so is the mark xij shillings.
- Item. The *reylmerck* (= webbing mark) (is) three and a half shillings (and two third shilling [ , this is together twenty two and a half *grata*, as I think].
- Item if a man gets slaughtered in the Fyf Delen, in Wonseradeel or in De Hemmen, so is the wergild in each sub-district xxij mark. And this mark is two *sceldan* [ , this is together four and forty *sceldan*]. And so is the first term of this wergild xij mark and two ounces. And the last term is x mark less ij ounces. The legal fee in Wonseradeel ix mark [ ].<sup>8</sup>
- Item so are the legal wergilds in Wymbritseradeel: the wergilds are xxx mark. And the first term is xvij mark, and this is to be secured by good pawns to the

<sup>6</sup> In the version 'Druk', there is the addition: 'and also in the *birecknade bota*'. This refers to the section preceding the conversion directory in 'Druk'. The corresponding section in 'Jus' is entitled 'compensations of Wonseradeel and the Fyf Delen'. Hofmann, "Zu der neuen Ausgabe", 337-358, doubts whether this last one is a true title because the contents of the section differ substantially from the compensations registers of Wonseradeel and Franekeradeel, as is found in another judges' book: the Old Frisian manuscript 'Unia'.

<sup>7</sup> Hofmann, "Zu der neuen Ausgabe", 337-358: the jurisdiction of this compensation register is uncertain.

<sup>8</sup> 'Druk' adds: 'item the peace money in the Fyf Deelen 80 pounds and also in De Hemmen'.

heirs and to be redeemed by ready money in due time; and the last term is xij mark, to be paid when the case is reconciled and the kiss is kissed.

- Item the legal fee in Wymbritseradeel is six mark [in the Fyf Delen is the legal fee eighty pounds].

- These are the wergilds in Leeuwarderadeel, [ ]<sup>9</sup> in Dongeradeel, [ ],<sup>10</sup> there the wergilds are xxvij mark, so is the mark xij shillings. And the shilling is six *grathe*, that is lxvij *scelda* less 6 *grathem*.

- Item the small wergilds in these 6 sub-districts just mentioned, they are xxvij marks. And the mark is reckoned at xxiiij *grathem*, that is twenty-one and a half *sceld* and 3 *grate*.

- Item the wergilds in the sub-districts of the Boorne, they are fifteen marks. And the mark is two *sceldan*; so altogether thirty *scelde*. Thus we have the wergilds all over the country.”

The analysis of this text, as far as the rates themselves are concerned, is presented in table F on the next page.

The directive is not dated. Kappelhoff has studied the document, and he is of the opinion that the directive should be dated in the second half of the 14th century.<sup>11</sup> About the middle of the 14th century the *grata* and *sceldan* had indeed become current. The *sceld* in the directive is a so-called ‘Frisian *sceld*’. As Kappelhoff argues, this must have been a multiple unit of account. A Frisian *sceld* as a (gold) coin is unknown. The expression is never found elsewhere in the documents.

But if this was a multiple unit of account with a fossilised rate, this rate must have had its origin in a real rate. Here a problem arises. The Frisian *sceld* is rated at 30 *grata*. At first sight these *grata* might have been old *vleemse groten*, as the concept of an old *schild* at 30 old *vleemse groten* was very common in 15th century Frisia. Moreover, a *grata* was defined as a *flamsche* (old *vleemse grote*) in the statutes of Wymbritseradeel in 1404.<sup>12</sup> If this is correct, the ‘unnamed’ pennies (see table F) would each be half an old *vleemse grote*. This penny, according to the directive, was the usual unit of account in Westergo, with marks of 120 pennies; but, as is shown in Chapter 8, the

<sup>9</sup> ‘Druk’ adds: ‘in Ferwerderadeel,’

<sup>10</sup> ‘Druk’ adds: ‘in Dantumadeel, in Tietjerksteradeel and in Idaarderadeel’

<sup>11</sup> Kappelhoff, “Das friesische Geldwesen”, 73.

<sup>12</sup> Buma, *Das Westerlauwersches Recht I*, 612-613 (§4).

**Table F Rates in the Mid-Frisian conversion directive**(rates in *grata*)

Standard money unit —>	White pennies	Leeuwarden pennies	Unnamed pennies
1 pound of 240 pennies	20	(48)	(120)
1 mark of 192 pennies			96
1 mark of 160 pennies	(13,3)	(32)	80
1 mark of 144 pennies	(12)	28,8	72
1 mark of 120 pennies	(10)	24*	60
1 mark of 48 pennies	(4)		24
1 ounce of 20 pennies	$1\frac{2}{3}$	(4)	10
1 shilling of 12 penn.	1	2,4*	6
1 penny	1/12	$\frac{1}{5}$	$\frac{1}{2}$

NB1 The rates between brackets are not mentioned in the survey itself, but logically deduced from the rates mentioned.

NB2 The rates with an asterisk (\*) are explicitly expressed in ‘minor shillings of Oostergo’, worth 2 *grata* + 2 Leeuwarden pennies each.

NB3 The pound of white pennies is called ‘pound of Cologne’. The pound of ‘unnamed’ pennies is called ‘great pound of Cologne’.

NB3 The mark of 192 ‘unnamed’ pennies is called ‘major mark’.

NB5 The mark of 160 ‘unnamed’ pennies is called ‘penny mark’.

NB6 The mark of 144 ‘unnamed’ pennies is called ‘shilling mark’. The mark of 144 Leeuwarden pennies is called ‘Leeuwarden major mark’. The major mark in Oostergo is 144 pennies.

NB7 The mark of 120 ‘unnamed’ pennies is valid in Fyf Delen, Wonseradeel, Wymbritseradeel (sub-districts situated in Westergo) and in De Hemmen (a polder).

NB8 The mark of 48 ‘unnamed’ pennies is called ‘popular mark’ (*liudmerk*). It is valid in Leeuwarderadeel, Dongeradeel, Dantumadeel, Ferwerderadeel, Tietjerksteradeel and Idaarderadeel (subdistricts situated in Oostergo).

NB9 The following individual expressions are not classed in the table:

- 1 Frisian *sceld* æ 30 *grata*
- 1 Groningen *sceld* æ 9 *grata*

- 1 'sceld' æ 41 grata
  - 4 scubben æ 1 grate
  - 1 pound (in Westergo and in Oostergo) æ 7 grata
  - 1 reylmerck æ  $4\frac{1}{6}$  'unnamed' shillings æ  $22\frac{1}{2}$  grata ('als ich wene' = 'as I think'<sup>13</sup>).
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usual unit of account in Westergo was the English penny, and the English penny was never equivalent to half an old *vleemse grote* before the model of the manuscript 'Jus' was finished. The English penny was equivalent to half a (high-grade) cavalier, and the cavalier was indeed a usual multiple unit of account in Westergo in the 14th and even into the 15th century. So, the *grata* in the directive cannot have been an old *vleemse grote*. The author may have had a cavalier in mind,<sup>14</sup> but in that case the (Frisian) *sceld* would have been equivalent to 60 English pennies (5 shillings) which is also unlikely.

Rates become customary only after having been real market rates, or at least fluctuating around those market rates, for some time. At what time might the rate of a genuine old *sceld* have been 60 English pennies? Between 1337 (when the minting of the genuine French *écu* had started) and 1464 (when the model of the manuscript 'Jus' was finished) there were 4 legal silver rates of genuine English pennies: 1.34g (1337-1344/1351), 1.08g (1351-1411), 0.90g (1411-1464) and 0.72g from then to the end of the 15th century; it is likely, however, that the silver equivalence of the imitative Frisian sterling was already down to c.1.0g or c.0.9g at the end of the 14th century.<sup>15</sup> It follows that the possible silver equivalencies of 60 English pennies were about 80g at best in 1337, gradually sloping down to c.54g about 1400 and to c.43g in the 1460s. The genuine *écu* was a gold coin produced during this period with a gold-content of 4.5g in 1337, declining to 3.4g in 1351 and then fluctuating around 4.0g.<sup>16</sup> Its silver equivalence at any time depends on the silver:gold ratio of that time. In 'Germany',<sup>17</sup> apart from a short period (1337-c.1340) when there was an extreme silver:gold ratio of 17 and even higher, this ratio fluctuated until 1400 between about 13 and about 9.<sup>18</sup> After 1400, only figures from the ratio in Venice are at our disposal; they fluctuate between 10 and 13.<sup>19</sup> Hence the silver equivalence of the gold *écu*

<sup>13</sup> The doubt of the author must concern his own accounting ability. His doubt was justified because the result should be 25 *grata* instead of  $22\frac{1}{2}$ .

<sup>14</sup> According to Kappelhoff, "Das friesische Geldwesen", 73.

<sup>15</sup> Chapter 7, 'The measure of value'.

<sup>16</sup> Spufford, *Money*, 408.

<sup>17</sup> Ratios in Frisia, specifically, are not found.

<sup>18</sup> Watson, "Gold and silver", 24-25.

<sup>19</sup> Spufford, *Handbook*, lxiii.

must, very roughly, have fluctuated between 59g and 36g.<sup>20</sup> This reasoning implies that, apart from the years 1337-c.1340, only from the end of the 14th century onwards might a rate of 60 genuine English pennies have occurred,<sup>21</sup> provided the silver:gold ratio was close to 13. It seems that the highest ratio in that period occurred about 1417. On the other hand, as early as 1422, when the all-Frisian peace treaty was made, the lower rate of 30 old *vleemse groten* became the conventional value for an old *schild/sceld* in Frisia and remained so for almost the rest of the 15th century. At that rate, an old *schild/sceld* was equivalent to 45 English pennies. These data, then, seem to render the existence of a Frisian *sceld* of 60 English pennies virtually impossible, but we should take into account the fact that the figures are uncertain. Ratios in Frisia may have been somewhat higher, and the silver equivalence of the penny may have been a little lower. In my opinion, the conversion directive is most likely to have been written between the end of the 14th century and 1422 at best.

A dating in this period would correspond with the mention of the so-called small wergelds (*litika yeldan*) in the directive, which were found to have been usual in the 15th century (from 1416, in the treaty of Achtkarspelen and Westerkwartier with Groningen<sup>22</sup>). It would also correspond with the dating of the rhymed statutes of Sewenwalden. The directive mentions a wergeld of 15 marks or 30 *sceldan* as valid in the sub-districts of the Boorne; that is, in Sewenwalden. The rhymed statutes mention a transition of the wergeld (from 12 marks old money to 15 marks new money), which would be hardly explicable if it had not been stated between 1390 and 1422.<sup>23</sup>

By a striking coincidence in 1417, the Emperor Sigismund granted privileges to Frisia, one of which was the right to strike an imperial *gross* (*grote/grata*) exclusively in Leeuwarden, worth precisely 2 English pennies.<sup>24</sup> It could be that the author of the directive had the prospect of a new Frisian money system in mind, based on this imperial *grote*. Struck in Leeuwarden, this coin would become the standard of both the new Oostergo money and the new Frisian *sceld*. Both would consequently be rated 20% above their current values; so a new Frisia, with improved money and imperial blessing, lay ahead! In that case the directive would have been made in advance of this new Frisia.

<sup>20</sup> At least  $9 \times c.4.0g = 36.0g$ , at best  $13 \times c.4.5g = c.58.5g$ .

<sup>21</sup> The silver equivalence of 60 English pennies between 1351 and c.1390 was 64.8g, which would correspond to a silver:gold ratio of 16.2 if 1 *écu*  $\approx$  4.0g gold. This ratio does not seem realistic as the highest rate in the table of Germany in this period was only 12.4 in 1375.

<sup>22</sup> GAG STAD: P8 RvR 118; see also Appendix I.

<sup>23</sup> Excursus 8.1: 'On the marks mentioned in the rhymed statutes of Sewenwalden'.

<sup>24</sup> Chbk1, 399-401; 20 imperial *groten*  $\approx$   $\frac{1}{2}$  an English noble ( $\approx$  40 English pennies).

A second striking coincidence might be that, also in 1417, the monastery of Thabor, near Sneek, was granted privileges by the Emperor Sigismund.<sup>25</sup> This might be interesting because it is assumed that the manuscript ‘Jus’ was drafted in this monastery,<sup>26</sup> which had apparently rendered services to the Emperor. Could the draft of the conversion directive, favouring the Emperor by supporting the introduction of his new monetary order, reflect the monastery’s subservience to the Emperor? Another reflection of this might be found in the wergelds mentioned in the directive. One of the aims in the imperial privilege was to abolish the duty of the kin of the perpetrator of manslaughter to pay the kin’s share of the total compensation for *homicide* to the kin of the victim, transferring this duty to the perpetrator himself. Hence the compensation for *homicide* should include what had been the kin’s share.<sup>27</sup> The monastery of Thabor, being situated in De Hemmen, might have induced the community of De Hemmen to accept this change to an old tradition. This region was one of the first in Frisia to adopt the new rule, according to the conversion directive.<sup>28</sup>

In any case, if the directive was conceived in 1417 or shortly after, it had a very short life. It would have been valid, at best, until 1420,<sup>29</sup> and if it was produced in support of Sigismund it would be all that was left of an unaccomplished ideal. What then would have been the use of copying it in 1464? Unless it was copied to make conversions of amounts elsewhere in the manuscript intelligible, there would have been none, as far as we can see; but any other exegesis would have to suffer the same judgement because, by 1464, it was not the *grata* and the *sceld* but the *stuver* and the *kaepmansguilder* that were the current multiple units of account.

The trustworthiness of the directive is a problem. In principle the rates of contemporary money should be credible, but not all the rates are consistent with data from other sources. Like many other medieval conversion directives it should be treated with prudence, particularly in so far as it deals with antiquated money. This applies, above all, to the ‘white pennies’.

‘White pennies’ have not been found so far in any of the documents apart from those which may have been influenced by the conversion manual. In the manuscript Furmerius, copied about 1600,<sup>30</sup> a text of the 1323 treaty of the Upstallisbam has

<sup>25</sup> Chbk1, 410-412.

<sup>26</sup> Buma, *Westerlauwersches Recht I*, 10.

<sup>27</sup> Excursus 1.1: ‘On the wergeld hypothesis’.

<sup>28</sup> Appendix I: 1417-1420.

<sup>29</sup> Vries, *Het Heilig Roomse Rijk*, 56-57. In 1420 the dominating Schieringer faction in Mid-Frisia had lost any hope of military aid from the Emperor. So, they turned again to the Count of Holland.

<sup>30</sup> Gerbenzon, *Apparaat II*, 98.



*hwytera* pennies instead of the *clenera* or *litika* pennies mentioned in other copies.<sup>31</sup> Furthermore, the term white pennies is found in a number of compensation registers in Mid-Frisian manuscripts.<sup>32</sup> Mostly these quotations in white pennies are the result of the conversion of older amounts. These older amounts are usually quoted in unnamed money of account. It appears that these amounts in unnamed money of account have been indicated as ‘reckoned by white pennies’ by the author of the conversion directive himself. This unnamed money can often be recognised as what I have called ‘old-Frisian’ money of account. When the conversion directive was made, this money was no longer valid, and its value was forgotten; but its memory may have remained and, if so, it might have been remembered as ‘white’ money because the last coins had indeed been pieces of very small but still good silver.

However, the compensation amounts in the judges’ books are of very different ages. They originate from various years between c.1000 and c.1300! During this period of 3 centuries the silver equivalence of these ‘white pennies’ depreciated enormously, and the compensation amounts were inflated accordingly. Obviously, it would not have been justified to convert amounts in this money into *grate* at a uniform rate of 12 pennies æ 1 *grata*; yet this is what I think the author of the directive has done. The conversion results, by consequence, are often inconceivable. A single example may suffice to show this. The single wergeld found in the compensation register of Ferwerderadeel and Dongeradeel was 15 pounds + 4 ounces + 7 *grate* less  $\frac{1}{3}$  rd penny.<sup>33</sup> It is added that 1 pound æ 20 *grate*. That matches the conversion directive, which has a pound of 20 *grate* where amounts are reckoned by white pennies; see above. Hence this wergeld could, according to this directive, be converted into  $313\frac{2}{3}$  *grate* or, in English money, into  $627\frac{1}{3}$  pennies = 4 marks 4 shillings  $3\frac{2}{3}$  pennies (marks of 144 pennies) æ c.565g of silver (after 1411).<sup>34</sup> This amount is improbably small in any available exegesis.

Possibly the author of the directive was aware of the problematic results of his manual. Perhaps that is why he added the wergelds of the various Mid-Frisian districts to the directive.<sup>35</sup> For the sub-districts Ferwerderadeel and Dongeradeel - just mentioned in

<sup>31</sup> Meijering, *De willekeuren*, 157, suggests, that *hwyte* might be a clerical error in the copying process, the origin being *litike*.

<sup>32</sup> For instance: in ‘Druk’: the *birecknada botha* (RQ, 468); in ms ‘Jus’: the compensation registers of Ferwerderadeel and Dongeradeel, De Hemmen, Wonseradeel (Buma, *Westerlauwerssches Recht I*, see 673 (index)); in ms ‘Aysma’: an untitled Mid-Frisian compensation register (Buma, *Codex Aysma*, 485; 505).

<sup>33</sup> Buma, *Westerlauwerssches Recht I*, 446-447 (§103).

<sup>34</sup> In white pennies, 15 pounds + 4 ounces + 7 *grate* less  $\frac{1}{3}$  rd penny =  $15 \times 240 + 4 \times 20 + 7 \times 12 - \frac{1}{3} = 3,763\frac{2}{3}$  pennies =  $3,763\frac{2}{3} : 12$  *grate* =  $313\frac{23}{36}$  *grate* =  $627\frac{5}{18}$  English pennies æ  $627\frac{5}{18} \times c.0.9g = c.565g$  of silver.

<sup>35</sup> See Appendix I.



the example - the wergeld would be (according to the directive): 27 marks of 12 shillings, 6 *grate* for a shilling,<sup>36</sup> hence 27 English marks of 144 pennies. This is 1,944 *grate* æ c.3,499g of silver.<sup>37</sup> This amount roughly matches a normally doubled wergeld, but it differs substantially from the result just accomplished by the conversion calculation!

## 7.2 On the definition of the pound as a multiple unit of account in late medieval Frisia

The Mid-Frisian conversion directive mentions three kinds of pound.<sup>38</sup> If we leave aside the pound in white pennies - as argued in the foregoing section - two kinds are left:

- the pound, equivalent to 7 *grate*, valid in Oostergo and in Westergo;
- the ('great') pound ('of Cologne') equivalent to 4 'Frisian *sceldan*' æ 240 unnamed, but apparently English, pennies. In other words, it is the English pound. We could expect to find this pound in Westergo, Sewenwalden, Achtkarspelen and in the Ommelanden.

As these two different notions are indicated by the same noun 'pound', they are difficult to distinguish in the documents. In Oostergo one would have been likely to come across only the first mentioned kind of pound, but in Westergo, and perhaps Sewenwalden, both kinds occur. To determine which kind we are dealing with, one has to compare the amounts in pounds with other amounts in the document, or in comparable documents, which really amounts to guesswork. In late medieval Achtkarspelen and the Ommelanden, I have found only pounds sterling.<sup>39</sup>

Thus the meaning of the notion 'pound' in late medieval documents may be arbitrary. Strikingly, many of the amounts quoted in pounds regard fines to be paid to the community. If quoted in English money, the amounts of the fines would be incredibly high in relation to the importance of the offences.

<sup>36</sup> This implies that 2 pennies æ 1 *grata*: hence English money of account. This is odd since in the subdistricts concerned, according to the directive itself, it was not English money but Oostergo money that was the money of account. Hofmann, "Zu der neuen Ausgabe", 340, is of the opinion - judging from the contents of the compensation register of Ferwerderadeel and Dongeradeel - that this register is incorrectly titled in the manuscript; it belongs rather to Westergo.

<sup>37</sup>  $27 \times 144 \times 0.9\text{g} = 3,499\text{g}$ . See Appendix I.

<sup>38</sup> Excursus 7.1: 'On the Mid-Frisian conversion directive: a survey'.

<sup>39</sup> For example: the synodal statutes of Achtkarspelen (1395), of Langewold (1406) and of Vredewold (1429) (RuG PEIP: 29; see Boeles, "De hoofdbronnen", 160-163).

Here is an arbitrary example from the town-book of Bolsward of 1455:<sup>40</sup> ‘he, who shirks the administration of justice and consequently has to be taken to the judges, will be fined with 20 pounds’. This would be equal to a (doubled) wergeld if quoted in English money! But in the same town-book we find that, if one is enforced by the town to pay a debt, one has to pay a fine of 1 pound maximum if the debt was not over 1 *schild*.<sup>41</sup> Now, if the *schild* referred to was an old *schild*, this would count 45 *butkens*, and if - more likely - it was a *clinkert*, it would count as only 24 *butkens*. But whichever is the case, both amounts are substantially less than a pound of 240 *butkens*. It seems unlikely that the fine would be 5 or even 10 times higher than the amount in dispute. Another example appears in the 1342 statutes of the Nyeland.<sup>42</sup> The first contumacy in case of summons is fined one cavalier; the second is fined half a pound. As a cavalier was reckoned at 2 English pennies it would be out of proportion to have the second contumacy set at 120 English pennies. The 1417 statutes of the court of Franeker have a similar case. In the case of injuring someone without a weapon the fine was 1 pound, but with a weapon it was 12 *grata* (12 old *vleemse groten*?<sup>43</sup>). Obviously, the second fine must have been higher than the first, so it follows that 1 pound of the unnamed money of account is less than 12 *grata*. This cannot have been a pound in English money - the current money of account - since that is valued in the directive at 120 *grata*.

If a pound in Mid-Frisia was not a pound sterling, what other kind of money can it have been? The only realistic alternative is the ‘old-Frisian’ pound, although ‘old-Frisian’ money had disappeared in the second half of the 13th century. Ineluctably - and surprisingly - the 14th- and 15th-century documents must refer to fines determined in the 13th century, the last time ‘old-Frisian’ money of account was in use.

Why were these archaic fines not adapted to amounts quoted in current money of account? One explanation could be that these fines were rooted in laws that could not easily be adapted. There was no regular legislative authority above the level of a sealand. Treaties between sealands (Westergo and Oostergo) and between districts within Mid-Frisia were the fundamental documents. Particularly interesting in this respect are two 13th century treaties. One was the so-called *Enigha* of Westergo and Oostergo (undated);<sup>44</sup> the treaty identifies itself as *wilkeran*; that is. statutes. The

<sup>40</sup> Telting, *De Friesche stadrechten*, 15 (§20).

<sup>41</sup> *Ibidem*, 19 (§31); the payment is enforced by the town government by levying a distress upon one of his goods and selling it.

<sup>42</sup> Blom, “De dorpsgemeenten”, 433-443. On the dating: Algra, “De Nijlandseed”, 1, note 2.

<sup>43</sup> Telting, *De Friesche stadrechten*, 5 (§7). It is not certain what kind of *grata* were being referred to, but Franeker is situated in Westergo, and in 1404 in Wymbritseradeel, Westergo, a *grata* was a *vleemse grote* (Buma, *Das Westerlauwersches Recht I*, 612-613, §4).

<sup>44</sup> De Bruin *et al.*, “Enigha”, 75-91. The authors date the document considerably earlier than the oldest known treaty between Westergo and Oostergo of 1440 - in the 14th rather than the 15th century. They

other was the so-called treaty on interregional compensation tariffs between Westergo, Oostergo, Wymbritseradeel and Bornego (1270 or 1276).<sup>45</sup> Both treaties specify the fines in 'old-Frisian' pounds and the compensation amounts in English money. The fines in 'old-Frisian' money are often amounts of 8, 20 and 80 pounds - in other words, the amounts that are also frequently found in the 14th and 15th century documents. The compensations in both treaties are quoted in English money, the wergeld being  $16\frac{1}{2}$  marks.

These treaties cover at least Westergo and Oostergo. It may be that statutes based on these treaties were established in various districts or sealands - for instance the statutes of the Fyf Delen (undated),<sup>46</sup> the statutes of Wildinghe (1379),<sup>47</sup> the statutes of Wymbritseradeel (1404)<sup>48</sup> and the statutes of Wynyma (undated).<sup>49</sup> In these statutes the fines are often quoted in 'old-Frisian' pounds, again in amounts of 8, 20 and 80 pounds. Even in the town-books of Stavoren (undated),<sup>50</sup> Franeker (1417),<sup>51</sup> Bolsward (1455; 1479)<sup>52</sup> and Sneek (1456),<sup>53</sup> fines are quoted in 'old-Frisian' pounds alongside amounts in the current system of account.

However, the old fines do not seem to have concerned the younger Mid-Frisian regional unit of Sewenwalden that was established in the 15th century. The pounds used in the statutes of Sewenwalden (undated, 15th century?)<sup>54</sup> might be pounds in English money. This is more clearly demonstrated by the statutes of Utingeradeel (1450),<sup>55</sup> a district of Sewenwalden. In these statutes the fines for the first contumacy in case of summons to the district court is 'II gl' (= 2 guilders); for the second it is half a pound, and for the third it is a pound. In the late Middle Ages the unit of account in Westergo and Sewenwalden was the English penny, represented by the *butken*; a pound English would be equivalent to 240 *butkens* æ 120 white *stivers* æ 6 Rhine guilders (see Appendix II). Hence the fines for contumacies in the statutes of Utingera-

hope for a closer investigation by a money historian! In my view, the document can even be dated at the end of the 13th century.

<sup>45</sup> De Bruin *et al.*, "De boetetaksen", 59-74. There are several copies of this treaty with only minor differences, among them the dating: the ms. Furmerius gives 1270; the ms. 'Jus' gives 1276, and the date is lacking in the ms. 'Unia' and a few manuscripts of Low Saxon judges' books.

<sup>46</sup> Buma, *Das Westerlauwerssches Recht I*, 253-261.

<sup>47</sup> OFO2: 2. This district is called Wonseradeel, afterwards.

<sup>48</sup> Buma, *Das Westerlauwerssches Recht I*, 613-627.

<sup>49</sup> Buma, "Wynyma wilkeren", 73-136.

<sup>50</sup> Telting, *De Friesche stadrechten*, 181-214.

<sup>51</sup> *Ibidem*, 1-8.

<sup>52</sup> *Ibidem*, 9-44; 141-180.

<sup>53</sup> *Ibidem*, 45-140.

<sup>54</sup> De Bruin *et al.*, "De rymwilker", 97-116.

<sup>55</sup> RAF SCHW: 2818; also OFO2: 29.

deel were in fact 2 guilders, 3 guilders and 6 guilders successively. It follows that the pounds in these statutes must have been English pounds.

Apparently the ‘old-Frisian’ pound, being archaic money of account in the late Middle Ages, was stubbornly maintained in many districts, notwithstanding the fact that their statutes were drafted one or two centuries after the ‘old-Frisian’ money of account was abolished. Moreover, fines in the practice of the administration of justice were also still quoted in ‘old-Frisian’ pounds even as late as the end of the 15th century.<sup>56</sup> They must have been based on the above-mentioned statutes, and adjacent statutes and ordinances.

Since these archaic fines remained in use, how were they paid? What was the silver equivalence of this archaic ‘old-Frisian’ money of account? An answer is hardly to be found in the sources. The only reliable information is contained in the 1456 town-book of Sneek, where a pound is set at 7 *butkens*.<sup>57</sup> *Butkens* represented an English penny for most of the second part of the 15th century; see Chapter 8. This expression in Sneek calls to mind a number of similar definitions. An undated gloss on the first page of the new Groningen town-book, released in 1446, tells us: ‘a pound *grunsch* is 7 sterlings’.<sup>58</sup> A pound of 7 *grata* is mentioned in the Mid-Frisian conversion directive (c.1417?). A pound of 7 *tunan* occurs in the compensation register of Wymbritse-radeel.<sup>59</sup> The Riustringen compensation register for priests includes a pound reckoned at 7 pennies of Cologne (in a manuscript dating from the end of the 13th century).<sup>60</sup> Finally, even a version of the second of the *XVII Kesten* (in the same manuscript) states: ‘a pound is seven agrippinian pennies’ (= pennies of Cologne).<sup>61</sup> This is

<sup>56</sup> Examples: OFO2: 26 (Fyf Delen, c.1440); SRB: 13 (Sneek, 1491); OFO1: 404 (Ferwerderadeel, 1493).

<sup>57</sup> Telting, *De Friesche stadrechten*, 134 (§245).

<sup>58</sup> GAG MANUSCRIPTS: RF 1425.4, f<sup>o</sup>.1: *Item een pond grunschen, soven sterlingk*; RF Ms. in folio no.11, f<sup>o</sup>.1 (copy).

<sup>59</sup> Buma, *Das Westerlauwersches Recht I*, 424-425 (§ 118). I believe this definition to be an addition made after 1418. The *tune* must have been the *tuun/tuin*, a double *grote*, in 1425/1426 at c.1.2g silver equivalence (Sassen, “Muntwaarde te Rotterdam”, 75: 1/60th noble æ 1/60 x 80 English pennies æ 1/60 x 80 x 0.9g = 1.2g). It was struck by John of Bavaria in Marsum, near Leeuwarden, during his short rule over Mid-Frisia (1418-1421) (see Van der Chijs, *Holland en Zeeland*, 336; 365; same author *De munten van Friesland, Groningen en Drenthe*, 602-603; 624-625). Jaekel (“Das friesische Pfund”, 155) rejects this meaning without argument and identifies the *tune* as a *tornoyse grote*.

<sup>60</sup> Buma, *Das Rüstringer Recht*, 94-95 (§2b).

<sup>61</sup> One of the oldest manuscripts with that *kest* dates from that period (the so-called *Asegabok*; Buma, *Das Rüstringer Recht*, 32-33 (§2)). But the copy of the ms. ‘Jus’ - which may go back to an older origin than the mentioned *asegabok* - has a pound defined at 72 agrippinian pennies (Buma, *Das Westerlauwersches Recht I*, 136-137 (§2)).

noteworthy since, until at least 1286, the penny of Cologne was generally held to be equivalent to the English sterling.<sup>62</sup>

In 1288 a pound Groningen pennies was valued at 8 English pennies,<sup>63</sup> so ‘old-Frisian’ pennies were still current by then. Though not documented, some time later - at the end of the 13th century - the ‘old-Frisian’ pound would have been valued as low as 7 pennies of Cologne or 7 English pennies. At that time this value may have become fossilised owing to the fact that ‘old-Frisian’ pennies had finally been ousted by English money. At about the same time, one of the oldest surviving manuscripts containing the *XVII Kesten* was made: the so-called Riustringen *asegabok*.<sup>64</sup> This might have been the last time that these *Kesten* were adapted. In this version the rate of the pound in the second *Kest* was emended to: *thet pund skil wesa bi sivgum agripinska panningon*. This version of the 2nd *kest* is not peculiar to Riustringen, by the way; it also survives in nearly all the manuscripts. As I see it, owing to the equivalence of the penny of Cologne and the sterling, this rate of 1 pound æ 7 sterlings was subsequently incorporated as a multiple unit into the English system of money of account. Since then the definition in the 2nd *Kest* may have legitimised the notion that, although a ‘great’ pound of Cologne/English pound was a multiple unit for 240 pennies, a (small) pound was the multiple unit for 7 pennies of Cologne/sterlings.

<sup>62</sup> Spufford, *Handbook*, 235: 1277-1286: 1 Florentine *florin* æ 2s. 6d. money of Cologne and 1298-1299 1 Florentine *florin* æ 5s.1d.; *ibidem*, 198: 1277-1286: 1 Florentine *florin* æ 2s. 6d. English money, 1294-1298: 2s. 11d. and 1301-1302: 2s.8d.

<sup>63</sup> OGD1: 177.

<sup>64</sup> Buma, *Das Rüstringer Recht*, 32-43.

