

## EXCURSUS TO CHAPTER 8

### THE SECOND PERIOD OF THE ENGLISH PENNY IN WESTERGO AND SEWENWALDEN (c.1350-c.1500)

#### 8.1 On the marks mentioned in the rhymed statutes of Sewenwalden

One of the surviving Old Frisian judges' books<sup>1</sup> contains the so-called 'rhymed statutes of Sewenwalden'.<sup>2</sup> In these statutes a rhymed clause is found regarding wergeld expressed both in old and new marks. Although Sewenwalden is not mentioned as a separate sealand, it became ranked with the sealands Westergo and Oostergo. It initially constituted seven districts, five of which formerly belonged to Oostergo and two to Westergo. It is unknown when the new regional unit was formed, but this would have occurred after 1395,<sup>3</sup> and it certainly existed at the end of the first half of the 15th century.<sup>4</sup> The dating of the rhymed statutes is also unknown.<sup>5</sup> The question concerns what kind of money these old and new marks were.

The clause, referred to, goes as follows:

*Hwa so den oderne sloge doet/  
dat hyne mit sawen jeldan jelda moet/  
Elcker Jelda lyck  
by xij merckum alder monta wen ick  
Jeftha mit xv merckum nye,  
Aldus thochte god da syen.*

(Who so slays another dead/that he with seven wergelds must requite/ every wergeld again with xij marks old money I feel or with xv marks new, thus thought fit the seven.)

<sup>1</sup> The Codex Furmerius. See: "Fryske stikken ut Codex Furmerius" in Estrikken XXXIII, Frysk Institut University of Groningen.

<sup>2</sup> De Bruin, "De rymwilker fan Sawnwalden", 95-113.

<sup>3</sup> In 1395, some of the constituting districts of Sewenwalden already acted separately from Westergo or Oostergo when they, together with Westergo, Oostergo and Stellingwerven - a district of Drenthe - made a treaty with the bishop of Utrecht on their own authority (OGD2: 876).

<sup>4</sup> Chbk1, 528-529 (1446).

<sup>5</sup> De Bruin, "De rymwilker fan Sawnwalden", 96-97.

So, the statutes tell us that the seven districts of Sewenwalden have set a wergeld at (7 times<sup>6</sup>) 12 marks old money or 15 marks new money. As I read it, the difference was only caused by a difference between old and new money. Hence the 12 marks old money and the 15 marks new money were originally equivalent.

Looking at the amounts of 12 and of 15 marks, and bearing the wergeld hypothesis in mind, it is clear that these amounts cannot have been quoted in Oostergo money. In Oostergo money the lowest wergeld - a small wergeld (c.850g silver equivalence) - would be c.21 to  $22\frac{1}{2}$  Oostergo major marks (of 144 pennies), or c. $25\frac{1}{2}$  to  $27\frac{1}{2}$  Oostergo minor marks (of 120 pennies).<sup>7</sup> If it was not Oostergo money, the only realistic alternative is the money of Westergo. This would in fact be in accordance with the clause in the Mid-Frisian conversion directive which has a wergeld for Bornego (the name for the northern districts of Sewenwalden<sup>8</sup>) of 15 marks, with a mark reckoned at 120 (English) pennies. It is the same mark as that habitually used in Westergo.<sup>9</sup>

There is an instance, I think, of old and new money being used simultaneously in Westergo, during the changeover from the sterlings to *butkens*. The previous wergeld amount was 12 marks. We are not familiar with this as a 14th century wergeld amount, which was usually 10 marks English, but this last amount was quoted in a mark of 144 pennies, as we have seen. Now, 12 marks of 120 pennies are equal to 10 marks of 144 pennies. Marks of 120 pennies became usual in Westergo in the second half of the 14th century.<sup>10</sup> The 12 marks old money would have been 12 marks of 120 Eng-

<sup>6</sup> The multiplication of a normal wergeld (for a free man) by 7 corresponds to the multiplication of a small wergeld (for a rider) by 14, found in the treaty between Westerkwartier, Achtkarspelen and Groningen in 1416. This considerable rise might have been induced by the internal war in Frisia between the Schieringer and Vetkoper factions. This multiplier was also applied in the all-Frisian treaty of the Upstallisbam in 1323. See Appendix I.

<sup>7</sup> Between 1400 and 1450 the Oostergo penny was equivalent to 0.28g - 0.26g of silver (see Chapter 13, 'The history of the measure of value'). Hence a mark of 144 pennies would be equivalent to c.40g - c. $37\frac{1}{2}$  g of silver, and a mark of 120 pennies to  $33\frac{1}{2}$  g - 31g. So, a small wergeld of about 850g of silver could be quoted in approximately 21 to  $22\frac{1}{2}$  Oostergo major marks, or  $25\frac{1}{2}$  to  $27\frac{1}{2}$  Oostergo minor marks. This is roughly confirmed by the Mid-Frisian conversion directive, which reports a small wergeld in Oostergo of 27 minor marks (Buma, *Das Westerlauwerssches Recht I*, 428-429, (§20)). It would have been based on a Leeuwarden penny æ (c.850g : 27) : 120 = c. 0.26g and an old *vleemse grote* æ  $5 \times$  c.0.26g = c.1.3g, which matches its market rate at around 1420 (Chbk1, 427-428: 11 old *vleemse groten* æ 1 lot = 14.6g of silver). See Excursus 7.1: 'On the Mid-Frisian conversion directive: a survey'.

<sup>8</sup> De Vries, "That is riucht", 172-173.

<sup>9</sup> Buma, *Das Westerlauwerssches Recht I*, 428-429 (§21 and §8). See also Excursus 7.1: 'On the Mid-Frisian conversion directive: a survey'.

<sup>10</sup> Buma, *Westerlauwerssches Recht I*, 426-427 (§8).

lish pennies until the end of the 14th century, at least before 1411.<sup>11</sup> The 15 marks of 120 pennies would have been almost equivalent when based on English pennies after 1411 or on *butkens* as standard for the unit of account; that is, after 1390, when the issue of these coins began in Flanders.<sup>12</sup> This development of the wergeld amount in Sewenwalden would be a clear continuation of the previous wergeld amounts quoted in English money since it was first used: 8 marks of 160 pennies at 1.35g æ 10 marks of 144 pennies at 1.20g æ 12 marks of 120 pennies of 1.20g æ 15 marks of 120 pennies at 0.96g = 1,728g of silver.

Yet another observation can be made. The wergeld amounts in the rhymed statutes of Sewenwalden are equal to the usual amounts of wergeld, kin's share excluded. But after 1417, and certainly after 1422, wergeld amounts were formulated with kin's share included; that is, increased by 50%.<sup>13</sup> This would imply that the rhymed statutes were formulated before 1422. This, in turn, confirms that the changeover to *butkens* as pennies of account was established before 1422 - in other words, that the *butkens* came into use in Frisia as standard for the unit of account as early as the end of the 14th or the beginning of the 15th century, although their first mention in documents in Westergo did not occur until 1434.<sup>14</sup>

<sup>11</sup> The penny is valued at the fossilised legal value of 1.2g silver, 12 x 120 x 1.2g = 1,728g. See Appendix I.

<sup>12</sup> 15 x 120 x 0.96g = 1,728g; 0.96g is somewhat below the silver equivalence of the *butken* (1.0g) and somewhat above the silver equivalence of the English penny after 1411 (0.9g).

<sup>13</sup> Excursus 1.1: 'On the wergeld hypothesis'.

<sup>14</sup> OFO1: 64.

