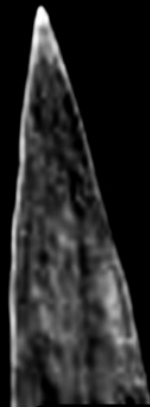


***FREDERIC
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***TRIBAL
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Frederic Seebohm

Tribal Custom in Anglo-Saxon Law

Being an Essay Supplemental to (1) 'The English Village Community', (2) 'The Tribal System in Wales'

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PREFACE

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To the two former Essays, on 'The English Village Community' and 'The Tribal System in Wales,' is now at last added in this volume a third on 'Tribal Custom in Anglo-Saxon Law.'

In the first Essay an attempt was made to approach the early Anglo-Saxon evidence from the point of view of the Manorial system, and mainly by tracing back its connection with the open field system of agriculture—the shell, so to speak, in which it had all along apparently lived.

The object of this third Essay in the trilogy is to approach the Anglo-Saxon laws from the point of view of tribal custom.

As a preliminary to this attempt, a detailed study of Cymric tribal custom was made in the intermediate Essay in the belief that the knowledge so gained might be used as a clue to the understanding of survivals of tribal custom in the laws of the tribes most nearly allied to the invaders of Britain, and lastly in the Anglo-Saxon laws themselves.

The interval which has elapsed between the publication of the three Essays has made it necessary to make each of them, to some extent, independent and complete in itself.

It thus becomes necessary in this volume briefly to repeat, as well as further to develop, what was learned of Cymric tribal custom in the previous volume, especially as regards the 'gwely,' or family unit of tribal society, and as regards the methods of payment of the galanas, or death-fine for homicide in lieu of the blood-feud between kindreds.

The death-fine or wergeld of the Continental tribes forms so important a test of the position of classes in tribal society that it became necessary to ascertain at the outset what were the currencies in which the wergelds were stated and paid. A brief explanation of these will be found in the first chapter.

Then follows the summary of the Cymric evidence. And as some of the points connected with the payment of wergelds can only be rightly understood when regarded from the point of view of the blood-feud for which the wergeld was a substitute, the Cymric evidence is followed by a brief examination of the rules of the feud incidentally revealed in 'Beowulf.'

A chapter on Irish or Goidelic tribal custom completes the preliminary evidence.

The inquiry into the tribal custom of the Continental tribes as revealed in their laws is proceeded with in the following order:—

First the Burgundian and Wisigothic laws are briefly examined, as showing most clearly the disintegration of tribal custom caused by early contact with Roman and Christian influences.

Next are examined the traces of tribal custom in the laws of the Salic and Ripuarian Franks and of the tribes conquered by the Merovingian Kings. Separate consideration is then given to the laws of the tribes conquered by Charlemagne.

The earliest Norse and Scanian laws next claim a full share of attention; for, although much later in date than the others, they exhibit earlier conditions of tribal custom.

Lastly, after a short chapter on tribal custom in the ancient laws of Scotland and the 'leges inter Brettos et Scotos,' attention is turned to the Anglo-Saxon laws, and they are approached from the tribal point of view and the vantage-ground afforded by the previous study of the tribal customs of the Continental tribes.

That by this method of study some fresh light may have been thrown on the conditions of early Anglo-Saxon society I think the reader will admit. And imperfectly as the work has been done, the bringing of Anglo-Saxon evidence more into line with the Continental evidence will, I think, be accepted as a permanent gain.

After all, we are but trying to advance a step or two further, as regards some particular points, the general intention of the masterly contributions of Dr. Konrad von Maurer, made nearly half a century ago to the *Kritische Ueberschau*, which I think have hardly been sufficiently kept in view by English historical students.

How far the evidence contained in this Essay may be found on full consideration to modify previous views of others or my own the reader will be left to judge. I have tried throughout to bring an open mind to the inquiry from a fresh point of view, with but little regard to foregone conclusions. Any new facts elicited will find their proper place without displacing those already known, however much they may ultimately modify the conclusions provisionally drawn from the latter.

The method of inquiry from the known to the unknown is essentially a tentative method. It necessarily leads to results which, if isolated, easily mislead and may be still more

easily misapprehended. But correction comes with perseverance in the same method from other points of view, whilst in the intermediate stages of such an inquiry the student has to learn to be content sometimes with a provisional restatement of a problem rather than a premature solution.

It would be absurd to pretend that, were it necessary to rewrite the Essay on 'The English Village Community' after an interval of nearly twenty years, modification of many points might not be needful. But as further editions were called for, it seemed best to leave it as it was, a link in a chain of inquiry which has not yet come to an end. Other links have been added by far more competent inquirers, and these have generously given it a place in the chain from which it would indeed be ungrateful in me to wish to unlink it. But I venture to hope that the addition of this third Essay will be accepted not only as a further contribution to the understanding of a difficult subject, but also as evidence that kindly criticism of the former volumes has not been thrown away.

For constant help in the preparation of this volume I am indebted to my son, whose essay on 'The Structure of Greek Tribal Society' really ought to form one of this series. My thanks are due to Dr. ATKINSON and Prof. RHYS for help as regards the Irish and Welsh chapters; and to Mr. CRAIGIE for careful revision of the text and translations of the passages quoted from the early Norse laws. To Prof. LIEBERMANN and Mr. W. H. STEVENSON, for help in the reading of some difficult passages in the Kentish laws, I am especially indebted. I regret very much that I have not had the help which Prof.

LIEBERMANN'S notes to his text of the Anglo-Saxon laws would have been. To Mr. F. G. HILL, of the British Museum, I owe very much in connection with the study of the currencies used in the various laws. Finally, I cannot too warmly express my gratitude especially to Prof. VINOGRADOFF, Prof. MAITLAND, and Mr. W. J. CORBETT, amongst others, for the help and encouragement which only fellow-workers can give to the otherwise solitary student.

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CHAPTER I. THE CURRENCY IN WHICH WERGELDS WERE RECKONED AND PAID.

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I. CONNECTION BETWEEN THE WERGELD OF 100 HEAD OF CATTLE AND THE MINA OF 100 GOLD STATERS.

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The inquiry pursued in this volume *The currencies* partakes so much of the character of a *in which* study of the wergelds of the various tribes *wergelds were* of North-western Europe that it becomes *paid.* necessary as briefly as possible to call attention at the outset to the currencies in which they were reckoned and paid.

The Cymric galanas or death fine was *Cows.* reckoned in cows, and the cows were equated with silver.

The Irish 'eric' of the Brehon laws was *Female slaves.* stated in *cumhals* or female slaves, and lesser payments in cows and heifers, and these were all equated with silver.

The Anglo-Saxon wergelds were stated, *Silver.* with perhaps one exception, in silver scillings.

The wergelds of the Scandinavian tribes were generally stated in their laws in silver marks, ores, and ortugs, with the equivalent in gold at a ratio of 1:8, and also in cows.

Those of the Continental German tribes *Gold solidi* were generally stated in gold solidi, but the statements were sometimes supplemented by clauses describing the value of the animals, whether oxen or cows, in which the payments were, in practice, still evidently made, at the date of the laws.

Professor Ridgeway[1] has shown that *Early equation between cattle and gold may go back a long way into the past of Eastern tradition*. The result of his careful inquiry was the brilliant suggestion that the ox—the most usual unit of payment in agricultural countries—was very early and very generally equated in Assyrian, Babylonian, Persian, and Greek usage with the gold stater or didrachma.

The stater was reckoned in Greek usage *Greek stater as of 192 wheat-grains*. [2] It was divided *the ox-unit* into 6 diobols of 32 wheat-grains. And throughout the East the usual multiples of the stater were the *light mina* of 50 staters and the *heavy mina* of 100 staters or 19,200 wheat-grains. [3]

Now if the gold stater of 192 wheat-grains is to be recognised as the ox-unit in traditional equations between cattle and gold, another very important recognition suggests itself.

Wergelds being first paid in cattle, it *Normal* was natural that a round number of cattle *wergelds of 100 head of cattle* should be chosen, and instances are not

wanting in the Eastern world suggesting that 'a hundred head of cattle' was a customary normal wergeld of wide prevalence.

Among the Arabs to this day Professor Robertson Smith states[4] that the camel is the unit of payment, and that, in a feud between two Meccan tribes, the manslayer has the alternative of paying 100 camels or bringing 50 of his kin to take oath of purgation, or lastly of abiding the blood-feud.

According to the laws of Manu, if one of the highest of the twice-born Brahman class slew one of the Warrior class involuntarily, he might cleanse himself by paying to the Brahmans or priests 1000 cows and a bull. If he slew one of the agricultural or trading class, the payment was 100 cows and a bull. If he slew one of the servile class, the payment was 10 cows and a bull.[5]

In this case 100 cows seem to have been the normal wergeld, and the wergelds of those of higher or lower caste or rank seem to have been multiples or fractions of it.

In Homer there are indications of the same thing. Lycaon was sold as a captive for 100 oxen and redeemed as a chieftain's son for 300 oxen—being apparently valued at a threefold wergeld on account of his recognised princely rank.

Iliad, XXI. 39. 'And at that time he sold him into well-peopled Lemnos, sending him on shipboard, and the son of Jason gave a price for him and thence a guest-friend freed him with a great ransom, Eetion of Imbros, and sent him to goodly Arisbe; whence flying secretly he came to his father's house (at Troy). Eleven days he rejoiced among his friends after he was come from Lemnos, but on the twelfth

once more God brought him into the hands of Achilles again.'

71. 'Then Lykaon besought him.... At thy table first I tasted meal of Demeter on the day when thou didst take me captive in the well-ordered orchard, and didst sell me away from my father (Priam) and my friends unto goodly Lemnos, and *I fetched thee the price of an hundred oxen*. And now I have been ransomed *for thrice that*, and this is my twelfth morn since I came to Ilios after much pain.'

Now if a herd of 100 head of cattle had come to be a common normal wergeld in the Eastern world, and if the gold stater had come to be regarded as the ox-unit, it follows that the heavy gold mina of 100 staters would easily come to be adopted as a common equivalent for the wergeld of 100 head of cattle. *The normal wergeld equated with the gold mina of 100 staters.*

Nor are we without examples which show that this connection of the wergeld with the gold mina was not altogether foreign to traditional modes of thought.

In the laws of Gortyn[6] a man whose life was forfeit for crime might be redeemed by his kindred for 100 staters, *i.e.* the heavy gold mina.

The ransom of prisoners between certain Greek tribes or states according to Herodotus was two minas, *i.e.* one heavy mina.[7]

There is a curious instance in the Mosaic law of the connection of something like a wergeld with the mina of silver. In the last chapter of Leviticus the price to be paid for the redemption of a man dedicated by a vow to the service

of the Sanctuary was 50 shekels of silver: that is, the light mina of silver.

II. THE SAME EQUATION REPEATED BETWEEN THE WERGELDS OF WESTERN TRIBES AND 200 GOLD SOLIDI OF CONSTANTINE.

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Following the same thread of *The gold* suggestion and turning from the Eastern to *solidus of* the Western world, we pass at a leap from *Constantine a* the Eastern gold stater of 192 wheat- *half-stater.* grains to the gold solidus of Constantine, of exactly half that number.

Up to the time of Constantine there had been confusion in the currency of the Roman Empire. It had been mainly a silver currency. Few gold coins were in general circulation, and these were of various standards. But at last the gold solidus of Constantine placed the world in possession of a fixed gold standard acknowledged all over Europe and remaining unchanged till the fall of the Eastern Empire.

The importance of this fact is obvious. For our knowledge of most of the wergelds of the tribes conquered by the Merovingian Franks and later on by Charlemagne is dependent upon it, inasmuch as the laws in which the customs of these tribes were in some sense codified, almost always describe the wergelds in gold solidi.

The gold solidus of Constantine was fixed by him at 1/72 of the Roman pound or $\frac{1}{6}$ of the Roman ounce.

The Roman pound (originally used for copper) was built up from the scripulum according to the duodecimal system of the *As*, thus:

Scripulum	24	wheat-grains	=	1.135	grammes
Uncia (of 24)	576	"	=	27.25	"
Libra (of 288)	6912	"	=	327.	"

The solidus of Constantine therefore *Gold tremisses* contained 96 wheat-grains of gold, exactly *of 32 wheat-* the same number as the Eastern drachma, *grains.* and half that of the stater or didrachma. At the same time smaller coins—thirds of the solidus, called *trientes* or *tremisses*—were issued in great numbers, and these tremisses contained 32 wheat-grains of gold, exactly the same number as the Greek *diobol*.

So that, in wheat-grains, the very *The normal* prevalent statement of the wergeld of the *wergeld of 200* full freeman in the laws of various tribes as *gold solidi =* 200 gold solidi was in fact the same thing *gold mina.* as a statement that the wergeld was a *heavy gold mina*, for 200 solidi of 96 wheat-grains contained exactly the same number of wheat-grains as did the heavy mina of ancient Eastern usage—viz. 19,200. In other words, so persistent seems to have been the traditional connection of the wergeld with the gold *mina* that Roman monetary usage was overruled, and instead of reckoning in Roman drachmas, ounces, and pounds, the wergelds were reckoned

once more, or perhaps we should say continued to be reckoned, in what was really the heavy gold *mina* of 200 solidi.

Further than this, in the laws of some of *And was often* the tribes, as we shall find, the double *the equivalent* solidus or stater still retained its position *of 100 oxen.* as the gold equivalent of the ox, so that the typical wergeld of 200 gold solidi in these cases was actually, like the *mina*, the gold equivalent of 100 oxen.

Even where variations are found from this prevalent equation we shall still sometimes find the principle preserved, some other animal being substituted for the ox, and sometimes the long hundred of 120 being substituted for the decimal hundred.

If this had been the whole truth the *The standard* matter would be simple. But the fact is *weight of the* that, although the wergeld of 200 solidi of *wheat-grain* Constantine was the exact equivalent of *varied.* the heavy gold mina reckoned in *wheat-grains*, there were differences in the standard weight of the wheat-grain. As already mentioned, the actual weights of Eastern and Greek staters were not exactly alike, and the Roman standard, in actual weight, was higher than the Eastern and Greek standards.

The latest authorities, Hultsch and Lehmann,[\[8\]](#) on the evidence of inscribed weights, describe what may for convenience be called the Eastern gold mina—*i.e.* the *heavy* gold mina of Assyrian and Babylonian metrology—as weighing 818 grammes, or 100 staters of 8·18 grammes. They tell us also that there was a *commercial* mina of 120 of

the same staters. This commercial mina therefore weighed 982 grammes, and metrologists have inferred that the Roman pound was derived from this commercial mina being in fact exactly one third of its weight, or 327 grammes.

Now, as the commercial mina contained 120 staters of 8·18 grammes, it is obvious that the Roman pound, being one third of it, ought to have been divided, had Eastern reckoning been followed, not, as Constantine divided it, into 36 staters of 9·08 grammes, but rather into 40 staters of 8·18 grammes.

In other words, had Constantine, instead of following the Roman system of division, followed the Eastern system and divided the Roman pound into 40 staters of 8·18 grammes in weight, his double solidus, whilst containing 192 Eastern wheat-grains, would have contained only 172·8 Roman wheat-grains. As a matter of fact the Eastern stater of 8·18 grammes, if put in the Roman scales of Constantine, would have weighed only 172·8 wheat-grains of Roman standard, and the tremisses 28·8 wheat-grains. The Roman pound would have contained 240 of such tremisses, and the ounce 20 of them.

This is not the place to enter more deeply into the metrological question, but its interest in this inquiry lies in the fact that in Western Europe, in spite of Roman conquests and Roman influence, and in spite of the general knowledge and prevalence of the gold solidi and tremisses of the Empire, there seems to have been a remarkable tendency, consciously or unconsciously, to revert to the Eastern standard by dividing the Roman pound into 40 staters, 80 solidi, and 240 tremisses.

The ancient Gallic gold coinage, extending from the valley of the Danube across Gaul into Britain, was apparently of this ancient Eastern standard. And Cæsar himself, after his conquest of Gaul, reverted to it when he issued gold staters of one fortieth of the Roman pound.^[9] Finally we shall find, in our next section, the Merovingian Franks, consciously or unconsciously, doing the same.

III. THE FRANKISH CURRENCY.

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Most of the laws of the Continental tribes seem to have had their origin in the necessity to commit into writing what remained of local custom after Frankish conquest.

Broadly speaking they belong to two periods—the earlier one that of the conquests of the Merovingian Franks, and the later one that of the conquests of Charlemagne.

It becomes necessary, therefore, to distinguish between the coinage and currency of the two periods.[10]

When we turn from the Imperial currency of gold solidi and tremisses to that of the Frankish princes, we find them using a peculiar system of monetary reckoning, founded upon the metrical system already alluded to, of 20 tremisses or pence to the ounce and 240 to the pound.

At first the Merovingian kings seem to have used or copied the Imperial solidi and tremisses. But before long they issued an abundant gold currency of their own, consisting almost entirely of tremisses. And these tremisses were reduced in weight by the division of the Roman pound of 6912 wheat-grains into 240 tremisses of *At first of Roman solidi and tremisses; afterwards of the smaller tremisses of 28·8 wheat-grains; then of silver tremisses 1/20 of the ounce, i.e. 28·8 instead of 32 or pence of the same weight.* these lighter gold tremisses continued till nearly the close of the Merovingian period. And how abundant this gold currency was, is shown by the fact that nearly 10,000 examples are recorded in the catalogues of Merovingian coins in public and private collections.

But towards the close of the Merovingian period came one of those strange monetary changes, so difficult to account for, which before long put an end altogether to the issue of these gold tremisses.

All through the Merovingian period payments had no doubt been made in silver as well as in gold, by weight, and during the later part of the period silver tremisses were issued of the same weight as the gold. And thus gradually,

at first concurrently with the gold tremisses and at last driving them out, came into use a silver currency of 20 pence to the ounce and 240 to the Roman pound.

With this silver currency and the following of this weight system came in apparently the method of silver monetary reckoning, so familiar to us, of dividing the pound of 240 pence into 20 solidi or shillings of 12 pence—the pound being still the Roman pound of 6912 wheat-grains. This silver solidus was, however, only one of account and was never issued as a coin.

Finally, just before Charlemagne *The nova* assumed the title of Emperor another *moneta of* change was made by the issue of his *nova Charlemagne.* *moneta.*

The silver currency had by this time *His pound of* become predominant, and in the *240 silver* capitularies the silver solidus of 12 pence *tremisses of 32* had already come into use. Charlemagne, *wheat-grains,* in issuing the *nova moneta,* made no *and silver* alteration in the method of reckoning, *solidus of* except that he brought the weight of the *account of 12* silver tremissis or penny back again to the *pence.* Imperial standard of 32 wheat-grains, thus making his pound of 240 of the new pence 7680 wheat-grains instead of 6912 and the ounce 640 instead of 576.

At the same time we shall find that he tried, by making his *nova moneta* legal tender, to force the new silver solidus of 12 pence into use as equivalent, in payments, for the gold solidus of three gold tremisses, which up to that time had been the solidus of the Salic laws.

This involved the altogether impossible *Made legal* ratio of 1:4 between the two metals *tender at a* instead of the Imperial ratio of 1:12. *ratio of 1:4 with*

In considering the wergelds of the laws *gold.* belonging to this period, we shall find plenty of evidence of the confusion resulting from this remarkable experiment, made more apparent by the fact that the ratio of 1:12 was restored by one of Charlemagne's successors.

It has been necessary to trouble the reader with this brief statement of somewhat complicated facts, because it would be impossible to understand the wergelds of the various Continental tribes if they were not borne in mind.

For the understanding of these wergelds the points to be considered will be:—

(1) As regards the laws, the recensions of which date from Merovingian times, it will be necessary to ask whether the solidi and tremisses were of Imperial or of Merovingian standard.

(2) As regards the later laws, the recensions of which date from the conquests of Charlemagne, we shall have to consider whether the wergelds are stated in gold solidi and tremisses, or in the silver solidi and pence of the *nova moneta* of Charlemagne.

IV. THE NORMAN AND ANGLO-SAXON CURRENCY.

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Working back from the known to the unknown, the facts relating to the Norman and Anglo-Saxon currency, speaking generally, confirm what has already been said of the

Frankish currency, and become intelligible when the two currencies are considered together.

In the first place, the Norman and Anglo-Saxon pound at the time of the Norman conquest was the pound of 7680 wheat-grains of silver or 240 silver pence of 32 wheat-grains, like that of the *nova moneta* of Charlemagne, and the Normans, like the Franks, divided it for monetary purposes into 20 shillings of 12 pence. *The Norman and later Anglo-Saxon pound of 240 pence of 32 wheat-grains.*

At the same time the Normans recognised that the Mercians had all along reckoned in silver scillings of 4 pence, and the men of Wessex in scillings of 5 pence.

If we examine the actual coinage of the Anglo-Saxons we find that, like that of the Franks, it may be divided into two periods. The earlier one corresponded to the Merovingian period during which the penny or sceatt of Mercia and Wessex was of 28·8 wheat-grains, like the silver tremisses or pence across the Channel.[\[11\]](#) The later period commenced when Offa in Mercia, followed by Alfred in Wessex, abandoned the 'sceatt' and issued pence like those of the *nova moneta* of Charlemagne of 32 wheat-grains. *The earlier pound of 240 sceatts or silver tremisses of 28·8 wheat-grains.*

So marked is the distinction between the silver pence of the two periods in type and weight that they are known by numismatists as the 'Sceatt series' and the 'Penny series.'

Finally, just as, in the case of the Frankish currency, the pound of 240 sceatts was the Roman pound of 6912 wheat-grains, so the pound of 240 of the later pence was the

pound of the *nova moneta* of 7680 wheat-grains, which in England after the Conquest became the standard or Tower pound.

At the same time it must be remembered that the identity or difference in these cases is in the reckoning in wheat-grains, and that there was room for some variation in the actual weight of the coins.

V. THE MINAS WHICH SURVIVED IN USE SIDE BY SIDE WITH THE ROMAN POUND.

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According to the writers of the Merovingian and later period collected by Hultsch,[12] the Roman pound was not the only standard of weight which was in customary use in Europe.

We have seen that the commonly *The gold mina* prevalent wergeld of 200 gold solidi was in *of 200 gold* fact the same thing, in wheat-grains, as *solidi*. the heavy Eastern and Greek gold mina of 19,200 wheat-grains. But besides this, there were two other minas of interest to this inquiry which seem to have been more or less locally in use, and more or less connected with the wergelds.

It seems that the Roman pound of 12 *The mina* ounces was not the only pound in use in *Italica of 240* Italy. A still older Roman pound of 10 *scripula of 24* Roman ounces or 5760 wheat-grains *wheat-grains or* seems to have existed,[13] which was in *20 Roman ounces.*

fact a pound of 240 scripula of 24 wheat-grains. And two of these pounds made what was called the *mina Italica* of 20 Roman ounces. This mina Italica survived into Merovingian times. It contained 480 Roman scripula, and according to authorities quoted by Hultsch[14] the *scripulum* was so far a common unit in Gaul as to have earned the name of the *denarius Gallicus*. The number of Roman wheat-grains in the mina Italica was 11,520. Its weight was 545 grammes.

In the Merovingian formulæ and in the early charters of St. Gall there are constant references to fines of so many *libræ* of gold and so many *pondera* of silver, from which the inference may be drawn that the pondus of silver was a different weight from the libra of gold. Whether the older Roman pound or half-mina-Italica was the 'pondus' or not, the fact that it consisted of 240 scripula may possibly have made it a precedent for the monetary mode of reckoning of 240 pence to the pound, adopted by the Franks and Anglo-Saxons.

This mina Italica has also a Celtic interest. It is curious to note that whilst so late as the tenth century the Cymric galanas or wergeld was paid in cows, the cow was equated with a monetary reckoning in scores of pence, or *unciæ argenti*, of which twelve made a pound of 240 pence. At the same time in the Cymric Codes there are mentioned, as we shall find, two kinds of pence: the *legal* pence, probably those current at the time in England of 32 w.g., and the *curt* pence or scripula of one third less, viz. 24 w.g. Now, whilst 240 of the former would equal the pound of the *nova moneta* of Charlemagne, and of later Anglo-Saxon

reckoning, 240 of the *curt* pence or scripula would equal the older Roman pound or half-mina-Italica.

Turning from the Cymric monetary system to that of the early Irish manuscripts and Brehon laws, we shall find that it was based on the Roman scripulum of 24 wheat-grains, and not, like the Anglo-Saxon and Frankish system, on the tremissis. And we shall find that though thus based upon the scripulum and the ounce, when payments were made in gold and silver, the reckoning, instead of making use of the Roman or any other pound, counted rather in *scores of ounces; i.e.* consciously or unconsciously, in so many of the mina Italica.

So much for the *mina Italica* and its possible Anglo-Saxon and Celtic connections.

The other mina, the mention of which is important, formed the probable basis of Scandinavian reckoning in *marks* instead of in pounds.

The authorities collected by Hultsch describe this mina as of 16 Roman ounces, and as the '*mina Attica*.'[\[15\]](#) It is a fact that 16 Roman ounces did exactly equal in weight (though not in wheat-grains) the light mina of 50 Attic staters or 100 drachmas. But under Roman influence this Attic mina no longer was divided like a mina into 100 drachmas, but had become twisted, as it were, into 16 Roman ounces and into 96 solidi of Constantine.

In Northern Europe, in nearly all the systems of reckoning which survived from mediæval times, the pound of 12 ounces

The mina Attica of 16 Roman ounces or 2 marks.

The mark, ore, and ortug of Scandinavia.

was ignored. A pound of 16 ounces had taken its place. And this pound or mina of 16 ounces lay, as we shall find, at the root of the system of the earliest Scandinavian laws, with its monetary marks, ores, and ortugs, for it was the double of the *mark* of 8 ounces. The Russian zolotnic (or 'gold piece'), on which the weight system of Russia is based, was theoretically identical in wheat-grains with the Roman solidus, and the Scandinavian ortug with the double solidus or stater.

It is not needful to dwell further upon these points at this moment; but it will become important to recognise the Byzantine or Eastern origin of the mina of 16 Roman ounces when we come to consider the wergelds of Northern Europe, and particularly the equation between the Danish wergeld of 8 half-marks of gold and the silver wergelds of Wessex and Mercia as described in the compact between Alfred and Guthrum.

In that compact we shall have to recognise not only the contact of two methods of monetary reckoning widely separated in origin, the one of gold and the other of silver, but also the clashing of two traditional ratios between the two metals, viz. the Scandinavian ratio of 1:8, and the restored Imperial ratio of 1:12 followed by the Anglo-Saxons.

VI. THE USE OF GOLD TORQUES AND ARMLETS, &C., INSTEAD OF COINS.

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Although the amounts of the wergelds *Wergelds paid* are generally stated in the laws in gold or *in cattle or gold* silver currency, more or less directly

equated with the cattle in which they were *or silver by* originally paid, it would be a great mistake *weight.*

to imagine that the wergelds were often paid actually in coin.

A moment's consideration makes it clear that a wergeld of a hundred head of cattle, whether paid as of old in cattle or in gold or silver, was a payment too large to be paid in *coin*. It was a payment that no ordinary individual could pay without the aid of his kindred, and it is hardly likely that so large an amount in actual coin could be collected even from the kindred of the murderer.

There is plenty of evidence to show that *Gold torques* large payments in gold and silver were *&c. made of a* mostly made by weight, and very often in *certain weight* gold articles—torques, armlets, and *and used in* bracelets—made to a certain weight. *payments.*

In the Scald's tale is the well-known passage:—

He to me a beag gave
On which six hundred was
Of beaten gold
Scored of sceatts
In scillings reckoned.

Whether the true meaning be six hundred sceatts or six hundred scillings, we have here a beag with its weight marked upon it.

The museums of Scandinavia and of Ireland—the two poles of German and Celtic culture—are full of these gold objects, and very frequently little coils of fine gold wire are