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Vernacular Manuscript

Culture 1000-1500

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Codifying the Law: Frisian Legal Manuscripts around 1300

Rolf H. Bremmer Jr

Frisia around 1300 was an anomaly in many respects. First of all, unlike what the name may suggest, it was not a coherently organised country under one ruler. On the contrary, the Frisians lived in a conglomeration of almost two dozen small autonomous districts,¹ stretching along the northern coast of what is now the Netherlands and Germany over a distance of about 225 kilometres as the crow flies (Fig. 9). Although officially part of the Holy Roman Empire, they were governed neither by king, duke, nor count, but considered themselves imperially immediate, that is, placed directly under the authority of the Emperor. In fact, they were the only people in Western Europe not to live in a feudal system. Instead, the Frisians ruled themselves, an oddity that the famous encyclopaedist Bartholomaeus Anglicus in Book XV of his *De proprietatibus rerum* (c. 1240) already commented upon with some surprise:²

The [Frisian] men are free and not subject to the lordship of other nations. They risk their lives for the defence of their freedom and they are rather dead than subject to the yoke of slavery. They therefore reject the dignity of knighthood and do not tolerate that anyone

1. Called *universitates*, *communitates*, or *terrae* in Latin documents; the Old Frisian terms are *lond* and *gā*, the latter related to Old English -gē (in place-names) and Modern German *Gau*; on this type of political organization, see, most recently, Vries, 'Frisonica libertas'. For a concise historical survey, see Vries, 'Geschichte der Friesen im Mittelalter'.

2. Bartholomaeus Anglicus, *On the Properties of Things*, Vol. 2, 761-62; cf. Freedman, *Images of the Medieval Peasant*, 182 and 199; Bremmer, 'Friesland and Its Inhabitants', 358.



Fig. 9. The Frisian lands around 1300 (design © Arjen Versloot)

3. Meijering, *De Willekeuren*, 295.

amongst them should raise themselves and be more important under the title of knighthood. However, they are subject to judges whom they annually choose from amongst their midst. These [judges] administer and govern their community.

Pastoral care was fractured over four different dioceses, those of Utrecht, Münster, Bremen, and Osnabrück, a reflection of the missionary activities of some five to six centuries earlier. At best, Frisia was a very loose federacy, whose representatives annually convened at *Upstallesbam* (The Tree of Upstall) near Aurich in Brokmerland around Pentecost, until *c.* 1350.³ At worst, the Frisian lands were either engaged in fighting each other or, more frequently, indulged in community-internal feuds, a liability that would eventually lead to their demise.

Yet, the Frisians, apart from their overall political organisation, had more in common. First of all, they shared

the same language, which, owing especially to geographical circumstances that secluded them from the inland, had taken its own course, away from the Saxons at the one end and from the Franks at the other end of their territory.⁴ In the course of time, various dialects had arisen, but mutual communication clearly remained possible. This possibility is borne out by the circulation of legal manuscripts throughout the Frisian space, resulting in texts written in a Western dialect that were copied and converted into an Eastern dialect, yet still showing traces of the original dialect in which the text had been composed.⁵ Secondly, the Frisians had a legal tradition in common that was rooted in a Germanic past and catered to a society in which blood vengeance was still the ultimate means of redressing physical and social injuries. As a result of the absence of a feudal nobility, violence had not been monopolised, as was increasingly the case elsewhere in the Holy Roman Empire,⁶ but rested in the hands of the local communities and within these communities in the hands of kin groups and alliances. Violence, therefore, often appeared the only solution to re-establish a balance of justice when negotiations had failed to bring peace between contesting groups.⁷ In the thirteenth century, as part of the wave of recording laws that washed over Europe, the Frisians started to entrust their oral legal traditions to parchment in the vernacular. As a matter of fact, practically their entire vernacular written legacy of the High Middle Ages consists of laws and customs,⁸ at least if we go by the manuscripts and fragments of manuscripts that have survived. A curious exception in this respect are the oldest snippets of Frisian, found on fragments of two glossed Latin psalters. One, now in Ghent, consists of two small strips from a manuscript with a few Frisian interlinear glosses in a pre-Gothic hand, datable

4. Bremmer, *Introduction to Old Frisian*, § 204.

5. For examples of texts travelling between the Frisian lands and adapted to the local dialect, see Bremmer, *Introduction to Old Frisian*, § 213.

6. On the persistence of feuding, for example, in the counties of Holland and Zeeland, see Glaudermans, 'Om die wrake wille'.

7. For a concise introduction to medieval Frisia, see Vries, 'Friesland'.

8. Johnston, 'Old Frisian Law Manuscripts'; Popkema, 'Old Frisian'.

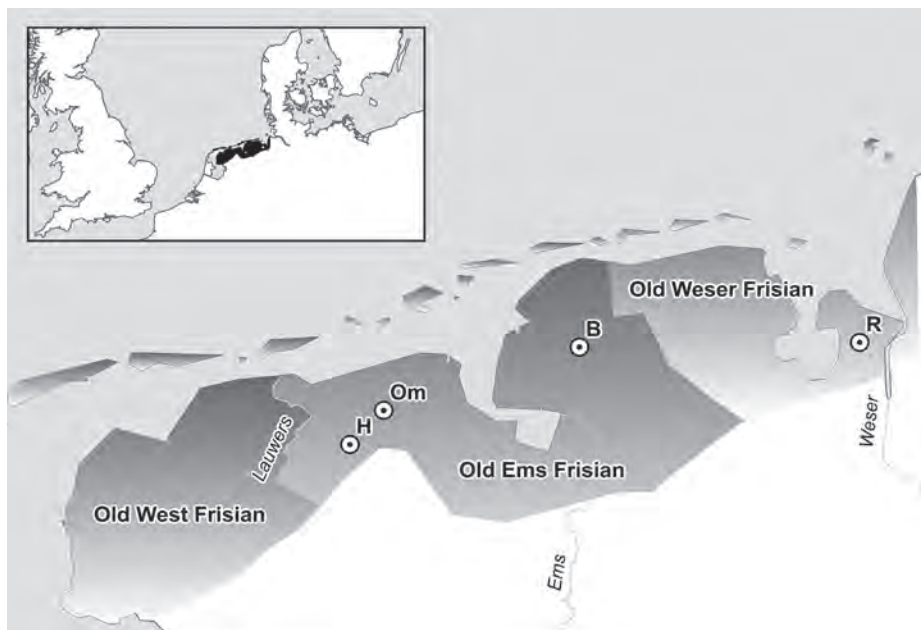


Fig. 10. (a) The three major dialect areas of Old Frisian; (b) the provenance (by approximation) of the manuscripts discussed in this essay. H = H1 and H2; Om = Ommeland fragment; B = B1 and B2; R = R1 and R4 (design © Stephen Laker)

9. On Ghent, MS 3 (provisional shelf-number in private collection): Langbroek, 'So viel geschrieben'; on Groningen, Universiteitsbibliotheek, 404: Lendinara,

to the early twelfth century but of (as yet) undetermined provenance. The other, preserved in Groningen, is larger, consisting of a trimmed bifolium, provided not with inter-linear but with interverbal Frisian glosses that on account of their pre-Gothic hand can be dated with some certainty to approximately the first quarter of the thirteenth century and, in view of certain dialect features, was written somewhere east of the River Lauwers, most probably in the land of Fivelgo (see Fig. 9).⁹

In my contribution, I describe, analyse, and discuss, from a physical point of view, the earliest manuscripts that record the laws and customs of the Frisians, all five of them to be dated to between, roughly, 1250 and 1350.¹⁰ All five, as it happens, originate from Frisia east of the Lauwers (Fig.

10). The purpose of this investigation is to see whether it is possible to establish any overarching similarities in their construction, execution, and targeted users. I have also included in my survey the fragments of two further legal manuscripts, likewise originating from east of the Lauwers. In a way, discussing the palaeographical and codicological aspects of these five manuscripts and two sets of fragments resembles an act of close-reading a poem, because little to no comparative material from the immediate vicinity has come down to us. Demonstrably,¹¹ more such legal manuscripts were circulating in Frisia at the time, but to what extent the Frisians were active in producing vernacular books other than legal ones is difficult to assess.¹² However, a closer look at the material features and script of these five manuscripts and two fragments together has not yet been undertaken and may therefore give us an insight into what kind of codex the scribes and their patrons thought fit for recording the laws and customs that regulated their daily lives, and how the scribes set about to realise these codices.

Manuscripts from Rüstringen

I begin my exploration with the manuscripts that were produced in the land of Rüstringen, situated just northwest of Bremen, but where precisely these manuscripts were written within this area has proved (as yet) impossible to determine. Rüstringen was divided into four districts. Each was provided with a major parish church, but none of these districts was superior to the other three; towns were insignificant and monasteries were absent, the nearest one being the Benedictine Abbey of Our Lady in Rastede, Saxony, a few miles south of the Rüstring border.¹³ Yet, the land was rich and thriving, owing especially to its fertile soil and its strategic

'Glossing the Old Frisian Psalter'; Bremmer, 'Footsteps of Monastic Instruction'.

10. In other words, I have excluded manuscripts that are dated with certainty to after 1400, i.e., the First, Second, and Third Emsingo Manuscripts (c. 1400, 1450, and 1450-75, respectively), the Fivelgo Manuscript (c. 1440), and all of the Old West Frisian manuscripts, none of which is older than 1400.

11. For example, the scribe of the First Rüstring Manuscript had two different exemplars with different redactions of the same text before him; see Bremmer, *Hir is eskriven*, 111-12.

12. For a comprehensive handlist of thirteenth- and early fourteenth-century manuscripts and fragments produced either in Frisia or with a Frisian provenance, see Bremmer, *Hir is eskriven*, Appendix 4; see Appendix A for a tentative reconstruction of the thirteenth-century library of Bloemhof Abbey, Wittewierum. Since the publication of

the handlist in 2004, no new manuscripts from this period have come to light to my knowledge, apart from the Ghent psalter fragment mentioned in n. 9.

13. Schmitt, 'Zur Frühgeschichte'.

14. Lübing, 'Der Handelsverkehr'.

15. Adam of Bremen, *History of the Archbishops*, Book IV, xl-xli.

16. Hill, *Die Stadt und ihr Markt*, 124-36.

17. On the problem of legal manuscripts being intended for private consultation, see Lück, 'Rechtsbücher'.

position on the left bank of the Weser estuary. Its agricultural products were shipped to all sides of Western and Northern Europe.¹⁴ To illustrate their enterprising nature, Adam of Bremen, for example, devoted two chapters of his *History of the Bishops of Hamburg* (c. 1075) to relate how Frisian sailors from Rüstringen rounded the North Cape and ventured into the Arctic Sea.¹⁵ Furthermore, several thirteenth-century treaties between Rüstringen and Bremen express the economic importance of the area.¹⁶

The First Rüstring Manuscript

The first manuscript to be discussed is (incidentally) known as the First Rüstring Manuscript, or simply R₁ (Oldenburg, Niedersächsisches Staatsarchiv, Bestand 24-1, Ab. Nr. 2). Its purpose is not difficult to establish: it contains major law texts that celebrate the autonomous position of the Frisians as a nation within the Holy Roman Empire. At the same time, its leaves also include legal texts of a more restricted relevance for the land of Rüstringen only, such as the *Elder Rüstring Statutes* and the *Rüstring Synodal Law*. Who ordered the manuscript to be compiled remains uncertain, but in view of the random nature of the manuscript's ensemble of texts its patron or patrons must in all likelihood be looked for amongst the landowning peasants who, as judges, ruled the land in annual turns. The collection seems therefore to have been intended not to record comprehensively the then-current laws and regulations for Rüstringen, but was rather compiled to remind the one who ordered it of what traditional laws had been accepted.¹⁷ Additionally, it is difficult to assess in what cultural-intellectual milieu the manuscript was produced, but on account of the number of items that deal with the Church and Church life, such as *Compensations for*

Priests and the *Rüstring Synodal Law*, and the imaginative, eschatologically charged *Fifteen Signs before Doomsday*,¹⁸ to all intents and purposes clergymen, such as the parish clerk, were involved in its production, too. Commercial scribes would have been exceptional in this Frisian land in view of the absence of urbanisation. However, it should be noted that the scribes were familiar with financial administration. For example, the forms of shilling, *skilling*, are abbreviated, or suspended, almost consistently as ‘skill’ with a cross-bar through the top of the ls. This abbreviation is conventional and is also known from the neighbouring countries where shillings were current.¹⁹ Also a longer term of a unit of account, *skilling wicht goldes*, ‘a shilling with its weight in gold, a gold shilling’ is often written by way of suspension as ‘w. goldis’ or even ‘w.g.’.²⁰ Such abbreviations are found especially in the registers of compensations, comprising long lists of injuries and the amount required to make up for the loss both of bodily wholeness and social honour. Finally, another peculiarity in this respect is the scribe’s use of ‘shorthand’ in a text that bears the modern title of ‘This is also Frisian Law’, a translation of the opening words of a series of articles beginning with the words ‘Thet is ak frisesk riucht’. Instead of repeating the formula twelve times, the scribe wrote ‘Thet is ak .f.R.’. In doing so, he assumed, quite understandably, the reader to be able to decode the suspension, an assumption that marks the reader as someone who was also involved in administrative matters.

Since in the scholarly tradition R1 has been held in high esteem, for one thing because of its assumed archaic language,²¹ it seems appropriate to pay special attention to the vehicle of this textual monument. The manuscript is in a rather poor condition today and has been so for many cen-

18. On this text, see Giliberto, ‘Fifteen Signs’.

19. The oldest instance of this abbreviation I have found is in the Laws of Ine, King of Wessex (688-726), preserved in Cambridge, Corpus Christi College, 173, dated to c. 900. On scribes using similar abbreviations in non-administrative texts that are otherwise familiar in accounts, cf. Kwakkel, ‘A New Type of Book’, 233.

20. This usage to abbreviate ‘wicht goldes’ to ‘w.g.’ is not peculiar to R1, but is also found in the texts of the *Register of Compensation* in R2 and R4.

21. Bremmer, ‘Language and Content’, 31-34.

22. Description based on Stahl, *Handschriften in Nordwestdeutschland*, 217; Buma, *De Eerste Riustringer Codex*, 7-23, as well as on a digitized full-colour facsimile of the manuscript.

23. The strips stem partly from an astronomical treatise, partly from a manuscript with texts on Roman law; see Buma, *De Eerste Riustringer Codex*, 13; Stahl, *Handschriften*, 217.

24. Buma, *De Eerste Riustringer Codex*, 12-13.

25. Gumbert, 'Sizes and Formats'.

tures. It was rebound in the course of the sixteenth century, as is revealed by its Renaissance binding.²² Part of the measures taken then involved the destruction of the original gatherings which together made up the manuscript. All the leaves were cut apart and then rebound as binions (quires consisting of two sheets, i.e. four leaves, eight sides) with the help of strips of two cut-up parchment manuscripts.²³ No quire signatures are to be seen. Unfortunately but perhaps understandably so, since this is not infrequently the case when manuscripts were rebound in the Early Modern period, the binder occasionally misbound parts of the manuscript with the result that some texts can no longer be read consecutively.²⁴ The consecutive pagination in the outer top corners in Arabic numerals (instead of foliating the recto leaves) is early modern and was apparently applied after the manuscript had been rebound.

Two scribes appear to have been responsible for copying the contents of R1. When the first scribe set out to begin his task, he designed a space for the writing area. To this end, he made prickings in the left- and right-hand margins of the opened sheets which, once joined by thin lead- or pen-lines, created nineteen horizontal lines with an interlinear space of about 7.5 mm. The first two and the last two ruling lines on each page were drawn in such a way that they extend to the outer and inner edges. The writing area was completed by drawing single vertical bounding lines on the left- and right-hand side of each leaf from top to bottom, yielding a text block of c. 138 mm high by 93 mm wide. The leaf itself measures about 178 x 131 mm, resulting in a ratio (short dimension divided by long dimension) of c. 0.74. Taking into consideration that manuscripts, as demonstrated by Peter Gumbert,²⁵ have on average a ratio of 0.68-0.72, R1 is on the broad side. When the second scribe, who took over from

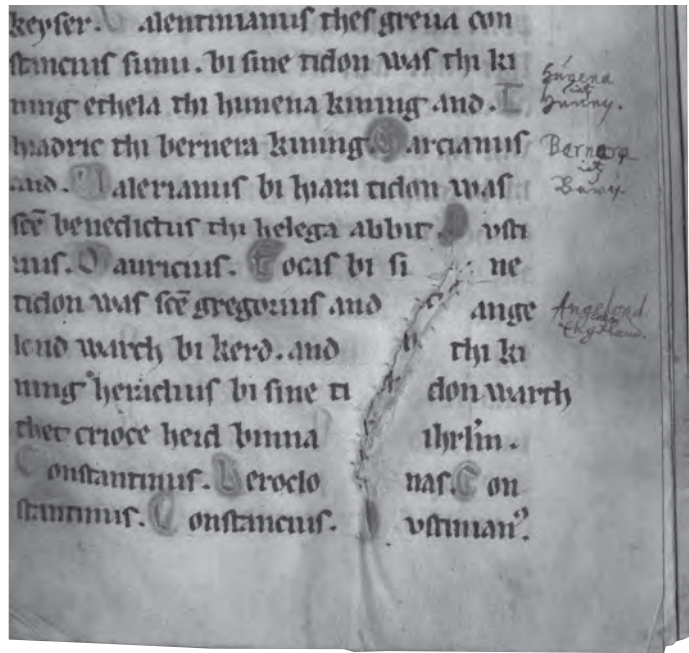
the top of p. 19, noticed that he would probably be unable properly to finish his last item (*the Rüstring Synodal Law*), he provided the last quire – a binion, comprising pp. 95-98 and 103-106, as they are numbered now – with a ruling that allowed for twenty-one lines. This decision gave him sixteen more lines which eventually proved unnecessary, however, for the last leaf and a half have remained blank. Perhaps the scribe did not prepare the quire himself after all, but used one that was lying ready-made on his shelf. Although the manuscript was trimmed in the course of its history, probably when it was rebound in the sixteenth century, the margins are still rather generous, extending to more than 22 mm at the bottom and 25 mm at the outer margin, although the outer margin now varies in breadth, sometimes showing the prickings and sometimes not. The upper margins suffered most from cropping, as can be concluded, by way of example, from the curtailed initial H on p. 12 (Plate 11).

Finally, the parchment which was used for R1 occasionally seems to have been of imperfect quality, for instance, when judging by the skilful repairs with needle and thread of two holes before the text was executed. One such repair can be seen on p. 94, the last leaf of the penultimate quire; another is found on p. 9 (Fig. 11a). A further sign of an imperfect quality of parchment is indicated by the bottom of p. 97, which shows an incomplete corner (Fig. 11b). It is evidence of the leaf having been cut very closely to a leg-hole in the hide from which the sheet of parchment was prepared. In short, the manuscript does not strike for its sumptuousness, but rather exhales a certain degree of modesty.

The dating of R1 is problematic, a difficulty that partly rests in the paucity of comparative material.²⁶ On account of its script, Wybren Jan Buma dated R1 to around 1300, if on

26. The project 'Manuscripts datés' for Germany has not yet reached the libraries of Lower Saxony: see <palaeographia.org/cipl/cmd.htm>.

Fig. 11a-b. Oldenburg, Niedersächsisches Staatsarchiv, Bestand 24-1, Ab. Nr. 2; reproduced with permission. R1: (a) Repair on p. 9; (b) Incomplete corner on p. 97

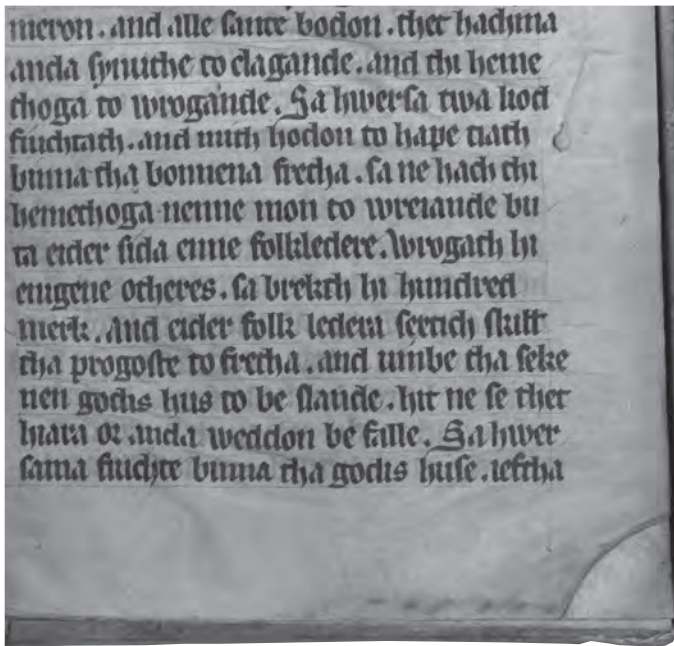


27. Buma, *De Eerste Riustringer Codex*, 29.

28. Oldenburg, Niedersächsisches Staatsarchiv, Best. 23-1 Ab. Nr. 1. Stahl, *Handschriften*, 211-13, facsimile on 214. See also Lübbing, 'Das Rasteder'; Klössel, 'G 81' (with illustrations).

rather subjective grounds: its script (Buma did not distinguish in his conclusion between the two scribes) looked younger to him than that of the First Brokmer Manuscript (B1) and older than that of the Second Brokmer Manuscript (B2), of which the colophon tells us was finished in 1345.²⁷ Furthermore, Buma deemed the script comparable with portions of the Rastede *Liber vitae* that can be dated on internal grounds to the late-thirteenth and early-fourteenth centuries.²⁸ However, Buma did not substantiate his judgement with any particular details or examples, so that his comparison of R1 with the Rastede *Liber* remained impressionistic at best.

In order to arrive at a more objective conclusion of the date when R1 was produced than that claimed by Buma, it is instrumental to consider a number of particular details

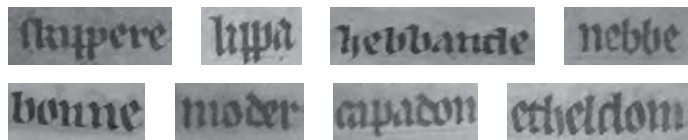


of the script. It will then appear that this is no easy task because sometimes the evidence seems to be contradictory. All in all, as I shall argue, R1 cannot be dated any more precisely than between 1250 and 1300.²⁹ Gauging a date for R1 can be based on at least two elements: the layout and the script. With respect to the former, both scribes write on top of the first ruled line instead of below it, a practice that was gradually abandoned in the first half of the thirteenth century and became rare after 1250.³⁰ On the basis of this layout criterion alone, therefore, a dating to the middle of the thirteenth century seems permissible. However, does the script – a textualis, or book hand – support such a dating? Here we are confronted with a number of different, sometimes conflicting, elements.

29. For the following discussion I have based myself especially on Derolez, *Palaeography of Gothic Manuscript Books*. References to this book will be in-text. A useful listing of objective criteria by which to decide whether literary and semi-literary manuscripts from the Low Countries should be dated to before 1300, up to c. 1350, or even later, is Klein, 'Het getal zijner jaren', 2-3.

30. Ker, 'From "above the top line"'.

Fig. 12. Oldenburg, Niedersächsisches Staatsarchiv, Bestand 24-1, Ab. Nr. 2; reproduced with permission. R1 – (a) and (b): biting of pp: ‘skipperē’ (scribe 1), ‘lippa’ (scribe 2); (c) and (d): no biting of bb: ‘hebbande’ (s1), ‘nebbe’ (s2); (e) and (f): ‘bonne’ (s1 no biting), ‘moder’ (s2 biting); (g) and (h): ‘capadon’ (s2 biting), ‘etheldom’ (s2 no biting)



31. Kwakkel, ‘Biting, Kissing’, 207–208.

The first of these palaeographical elements that requires discussion is that of biting or fusion, that is the joining of two letters with a bow (e.g., **b**, **d**, **e**, **o**, **p**) in such a way that they partly overlap, a feature typical of Gothic script.³¹ Biting begins in the twelfth century with the joining of **pp** and **bb**, but consistent biting is quintessential in the thirteenth century (Derolez, 57). In R1, it appears that biting is still rare and basically confined to **pp**; scribe 2 fuses **de** and **do** somewhat arbitrarily (Fig. 12a-h). Furthermore, both scribes still use two kinds of **d**: the one an Uncial **d** with an upright ascender, the other a Half-Uncial **d** with a leftward slanting ascender. The two scribes’ use of the two **d** allographs seems fully interchangeable, whether initially, medially, or finally. Observe, for example, how scribe 1 writes ‘bod’ (commandment) both with the Uncial and the Half-Uncial **d**. However, in those cases that biting is involved, the slanting **d** is used with the succeeding letter, while the upright one is employed for biting with the preceding letter (Derolez, 87). The two allographs of **d** also appear side by side, e.g., in *thredda*, ‘third’, the vertical **d** coming in first position (Fig. 13a-f), a feature that Derolez (60) links with Spain and Southern France but which was apparently also home on the northern coast of Germany, in Frisia. According to Derolez (87), the upright, Caroline **d** becomes extremely rare after 1300. Likewise, long **s** and round **s** are still used in word-final position by both scribes, although in this position scribe 1 clearly prefers long **s**, as opposed to scribe 2 whose word-final round **s** outnum-

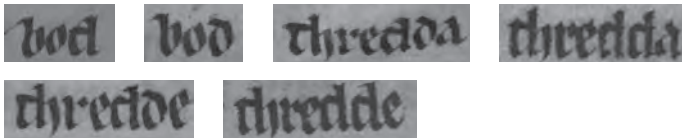


Fig. 13. Oldenburg, Niedersächsisches Staatsarchiv, Bestand 24-1, Ab. Nr. 2; reproduced with permission. R1 allographs of d – (a) and (b): ‘bod’ (s1 2x); (c) and (d): ‘threda’ (s1), ‘threda’ (s2); (e) and (f): ‘thredde’ (s1 and s2)

bers long s by far.³² Final long s disappears in the first half of the fourteenth century (Derolez, 92). Each of these features – limited biting, upright d, final long s – is indicative of what Derolez calls the Northern Textualis script. As such, these aspects of the script taken together allow for a dating of R1 to the first half of the thirteenth century rather than around 1300, as held by previous scholars.

However, there are also indications to suggest that we may be dealing with two old scribes who learned their skills long ago, in any case before 1250, and had not wholly kept pace with the developments in writing fashions. Particularly, scribe 1 exhibits a mix of older and more recent letter-shapes. Biting, for example, is rare in his part, while he uses v both initially, medially, and finally to represent both the consonant /v/ and the vowel /u/.³³ Derolez (94) signals this phenomenon as a peculiarity for German and Dutch manuscripts; to these two cultural-geographical areas, Frisia can now be added for at least one scribe. The same applies to the use of j to represent the vowel /i/ at the beginning of a word (e.g., ‘juin’ [ivin] ‘even’ (p. 17/11)),³⁴ the occurrence of which Derolez (90) also notes for Germany. Clearly, and not wholly surprisingly in view of the geographic vicinity, these Frisian scribes must have received their schooling from teachers who hailed from somewhere in Lower Germany, in nearby Bremen, for example.

Still, there might be yet another explanation for my tentative conclusion that a number of palaeographical fea-

32. I have based my tentative conclusion on a check of final ‘s’ for the verbal form ‘is’: scribe 1 final long s 12x vs round s 1x; scribe 2 final round s 190x vs long s 1x.

33. Scribe 1 is also conservative in his spelling of the /x/-sound, e.g., *fiuwertih* instead of *fiuwertich*, *riiht* vs. *riucht*. See Bremmer, ‘Language and Contents’, 42.

34. Buma, *Eerste Riustinger Codex*, III, line 29. In the present chapter, references to lines are preceded by a forward slash.



Fig. 14. Oldenburg, Niedersächsisches Staatsarchiv, Bestand 24-1, Ab. Nr. 2; reproduced with permission. R1 – (a): ct-ligature; (b): double-crossed Tironian mark in ‘etcetera’

tures suggests a date of production somewhere between 1200 and 1250: both scribes of R1 were working in a cultural backwater that had not yet been reached by the new wave of writing fashions. If this last speculation were realistic, a dating towards the end of the thirteenth century, as assumed by Buma, would become justified after all. There are indeed indications that a slightly later dating towards 1300 is plausible, in view, for example, of what Derolez (96) calls the reduced and atrophied ct-ligature, e.g., in ‘sancte’ (p. 94/11; Fig. 14a), which still has the lengthened t, although it is a t that lacks the backward curve it once had in Carolingian script. Also to be noted is the double-crossed Tironian sign for et in ‘etcetera’ (p. 97/4; Fig. 14b). Single-crossed Tironian signs begin to appear towards the end of the twelfth century and become widespread in the thirteenth century; therefore the double-crossed sign might be taken for a conservatism. The double-crossed sign ‘seems to be specific to English Textualis Formata’ (Derolez, 97), but Derolez also records an example from a Scandinavian manuscript as late as 1460. R1 now also attests to the presence of the double-crossed Tironian sign in a Frisian manuscript, but this fact does not help much, unfortunately, towards a dating of R1. All in all, on the basis of the palaeographical evidence available it must be concluded that this manuscript was produced sometime between 1250 and 1300.

When it comes to user-friendliness, R1 does not really make for easy reference to the extent that it lacks rubrics to announce the contents of a text item; furthermore, the manuscript contains only one *explicit*, in red, to signal the conclusion of text 1, the *Prologue* to the *Seventeen Statutes* and *Twenty-Four Landlaws*: ‘Hic expliciunt . Reges’, at the end of text 1 (p. 11/18). The absence of such signposts for

the reader does not mean, however, that the two scribes did not exert themselves to structure their material. In fact, they used various means of ordering the contents. Ornamented initials announce the beginning of major textual items, though perhaps not always of the texts that we now think are important. The manuscript twice opens with a preface to the *Seventeen Statutes* and *Twenty-Four Landlaws*, the second *Prologue* being a condensed version of the first.³⁵ The first *Prologue* marks its beginning with an initial stretching over seven lines and taking up the space of about twenty letters into the text area. Unfortunately, this initial has now almost completely disappeared because of the chemical substance of the colours that were used. Nor is it clear, because of the re-binding and subsequent trimming of the leaves, whether this initial was accompanied by marginal decorative penwork. Moreover, this margin is now partly covered by the strip of parchment that keeps the first binion together. The second *Prologue* begins with a more modest initial, a so-called puzzle initial, because the jagged, uncoloured line running in between the red and blue sections of the initial makes it appear as if the two coloured parts are jigsaw puzzle pieces that fit together. The initial stretches over four lines with foliate pen-decorations in red, descending down the margin and occupying the space of about fourteen letters inside the text area (p. 12; Plate 11). Annexation of the margin for the decoration of initials is a fashion that starts in the second half of the thirteenth century.³⁶ The *Seventeen Statutes* themselves, however, do not signal their beginning with a major initial; instead, each of the seventeen statutes has to make do with a two-line-high coloured capital, occasionally ornamented with penwork flourishes. The opening of the *Twenty-Four Landlaws*, on the other hand, immediately following

35. Buma, *Eerste Riustringer Codex*, 32-33.

36. At least for England, see Parkes, 'Layout and Presentation', 65.

upon the *Seventeen Statutes*, is signalled by a three-line-high initial, thus indicating a major transition between the texts. Each of the next twenty-three landlaws is introduced by two-line-high coloured initials, frequently adorned with decorative penwork in the margin, sometimes taking up the entire margin, as for example on p. 37. No other than these two text items was accorded such a generous treatment when it comes to coloured and decorated initials, which reveals the manuscript designer's esteem for the *Seventeen Statutes* and the *Twenty-Four Landlaws*.

The beginning of the *General Register of Compensations*, the next text in line, is also marked by a large ornamented initial (p. 46). Like elsewhere, the scribe had left a space for only a two-line-high initial, but he (or the rubricator) cleverly annexed ample space in the margin for his simple but effective penwork to create a more robust initial. On one occasion, to mark the beginning of the *Rüstring Compensations for Priests, Part II* (p. 102), the coloured initial 'J', with penwork flourishes stretching up and down over twelve lines and into the lower margin, was completely executed in the margin on purpose, it would seem, because no room had been left for it within the text area. Instead, the second letter of the word 'Jef' (meaning 'if') begins with a versal E (p. 102; Plate 12a). The size and position of this initial visualises the importance of the text for priests and supports my supposition that clergymen may have been involved in the production of the manuscript. Finally, at the top of p. 92, the *Rüstring Synodal Law* commences with an ornamented initial H that rises out of the space of two lines high into the upper margin. All in all, five initials higher than two lines are used to apply a certain hierarchy in the twenty texts that fill the manuscript, while the smaller initials structure the individual

texts into their smaller components. Paragraph marks ('capitula') as signposts for the reader to discern a text's structure are conspicuously absent from R1, suggesting a date before rather than after 1300.³⁷

One thing, then, that can be concluded from the preceding observations is that Buma's dating of the First Rüstring Manuscript is perhaps too late and preference should be given to a somewhat more generous date, ranging between 1250 and 1300 rather than to around 1300. Furthermore, what is striking, despite the care bestowed on the initials, is the rather unpretentious realisation of the legal texts in R1. It is nothing like a near-contemporary, sumptuous copy of Eike von Repgau's *Sachsenspiegel* that was produced three miles south of the Rüstring border in Rastede Abbey in 1336.³⁸ But then, this copy of one of the most authoritative and popular lawbooks in Germany and beyond, originally composed c. 1220, was ordered at the request of the Count of Oldenburg. So, as the Germans put it, 'Unterschied soll sein'. Still, the execution of five ornamented major initials and the several dozens of smaller, coloured initials, often furnished with decorative penwork and notwithstanding the use of parchment of somewhat imperfect quality, suggest that the person who commissioned the manuscript to be produced invested a good deal of money (and through this money, prestige) in the visualisation of the importance of the law to him.

The Fourth Rüstring Manuscript (Fragments)

In addition to R1, there is another possibility for us to assess how vernacular legal manuscripts in Rüstringen were produced. About thirty years ago, Pieter Gerbenzon announced the presence of five Old Frisian fragments in a box filled with *membra disiecta* kept at the Royal Library in The Hague.³⁹

37. Parkes, 'Layout and Presentation', 69. The symbol is occasionally used, though, to mark that the words following belong to the previous line (pp. 31/5, 64/18 [in red], 91/14). Other marks with a similar function are two vertical lines, || (pp. 34/5, 35/7, 36/18). On pp. 26/5, 40/6 and 43/3, the space between the two vertical lines has been shaded, while on pp. 81/17 and 102/13 the scribe filled the space so as to create a solid bar with a touch of red (Plate 12b). On p. 39, the scribe twice failed to fill in any such mark in the space available.

38. Oldenburg, Landesbibliothek, CIM I 410; see Stahl, *Handschriften*, 195-97, facsimiles on 198-203. For a full facsimile edition, see Eike von Repgau, *Der Oldenburger Sachsenspiegel*; digital version available at <digital.lb-oldenburg.de> (via 'Sachsenspiegel').

39. The Hague, KB, 135 C 81. Recto side available at <mmdc.nl/> (via '135 C 81'); Gerbenzon, 'Oudfriese handschriftfragmenten'.

40. Gerbenzon, 'Oud-friese handschrift-fragmenten', 264.

41. The Third Rüstring Manuscript is a late-fifteenth-century paper manuscript with administrative material, formerly Oldenburg, Niedersächsisches Landesarchiv-Staatsarchiv, Mscr. Abt. Jeverland, but lost since World War II; see Bremmer, 'Language and Content', 32.

42. Cf. Gumbert, 'De datering', 171-73.

43. Cf. Klein, 'Het getal zijner jaren', 2.

Their palaeographical features led Gerbenzon to assign the fragments to the later thirteenth or early fourteenth century, while on account of textual evidence he was able to locate the fragments unmistakably in Rüstringen;⁴⁰ hence they are now referred to as the Fourth Rüstring Manuscript (R₄).⁴¹ When Gerbenzon had transcribed the fragments and arranged the text in proper order, the fragments turned out to form about half a leaf, measuring about 105 x 100 mm, which is certainly less than what once must have been there. Ruling is in lead, vertical bounding lines are single. Ten lines measure about 60 mm, so that according to Gerbenzon's estimations, the original manuscript would have contained about 23 lines per leaf. The text appeared to be yet another copy of the *Rüstring Register of Compensations*, but it contained a number of textual variants not recorded in the two other extant recensions of this text. Some characteristic features of the script are the following (Plate 13): All *ds* appear to be Uncial. The *is* are often marked with a diagonal hairline but not yet consistently. Initial /*u*/ is *u* in 'utgong' (fragment b/1), but *v* in 'vmbe' (e/2). There are hardly any tongue *es*, in any case not word-final. When in the latter position, the head turns inward to the left; in R₁, on the other hand, tongue *es* are used both medially and finally.⁴² Biting is evidenced in the sequence *de*, for example, in 'wecande' (a/4). Word-final *s* is round in 'is' (a/2), but long in 'is' (b/2).⁴³ The majuscules, which signal the individual injuries and their compensations, are more fanciful than those in R₁ and are given more body by duplicating the vertical (Derolez, 183-84), e.g. 'Tha' (c/2). Many minims end in a diamond-shaped or quadrangle serif. The execution of such serifs required great care (Derolez, 74), a feature that bespeaks a more than average quality of writing. The aspect of the script, finally, is somewhat more angular

and compressed than that of R₁, but still a bit roundish. In sum, attributing the fragments to a date later than R₁ seems justified, but not later than c. 1350.

Regarding navigational aids, as mentioned before, each individual article begins with a black majuscule; the fragment contains no coloured letters, while paragraph signs are, not surprisingly perhaps in view of the limited material, absent. Together with the Second Rüstring Manuscript (R₂), of which the original, which according to the colophon was finished in 1327, has disappeared and only survives in an eighteenth-century copy made by the Bremen syndic Gerhard Oehlricks,⁴⁴ the fragments of R₄ testify to an ongoing production of legal manuscripts in Rüstringen in the fourteenth century. Moreover, the fact that in R₁, R₂, and R₄ the scribes use the same suspension 'w.g.' for 'wicht goldis' reveals that they were familiar with particular local text-producing conventions. Apparently, in Rüstringen scribes interacted in such a way that they can be said to have participated in a community of practice.⁴⁵

Manuscripts from Brokmerland

The next two manuscripts to be reassessed take their origin in Brokmerland, north-east of the town of Emden (Ostfriesland); they are prosaically called the First and Second Brokmer Manuscripts (B₁ and B₂).⁴⁶ Both of them contain the *Littera Brocmanorum* or 'The Charter of the Brookmen'. The name 'Brookmen', whose first element is Old Frisian *brök*, 'marshland', refers to the history of the area they inhabited. This had formerly been a vast marshland that separated the Frisians in the area into two parts: east of the marshland they belonged to the Bremen episcopate, west of it to that of Münster. However, from 1100 onwards peasants from the

44. Buma, *Het Tweede Rüstringer Handschrift*, 1-2.

45. Cf. Rogos, 'Crafting Text Languages', 106-108.

46. B₁: Oldenburg, Niedersächsisches Landesarchiv, Bestand 24-1, Ab. Nr. 3; B₂: Hanover, Niedersächsisches Landesbibliothek, Sign. XII, 1423. Descriptions: Stahl, *Handschriften in Nordwestdeutschland*, 218 (concise); Buma, *Die Brokmer Rechts Handschriften*, esp. 4-10; Buma and Ebel, *Das Brokmer Recht*, 9-10.

47. Lübbing, *Die Rasteder Chronik*.

48. Van Lengen, 'Tota Frisia', 74-75; Buma and Ebel, *Das Brokmer Recht*, 7-9; Vries, *Asega is het dingtijd?*, 58-60.

49. Van Lengen, 'Geschichte und Bedeutung'.

50. Buma and Ebel, *Das Brokmer Recht*, 96-97.

adjacent districts started to make incursions into the marshes and gradually managed to reclaim the wasteland and turn it into fertile arable land. In 1145, the Brookmen are mentioned for the first time, in the *Rastede Chronicle*,⁴⁷ and by 1250 the area had become both a decanate of the Münster episcopate and a Frisian land in its own right. The land was divided into four major parts, each with their own church, of which the basilica-structured church of Marienhafte, the largest of all of eastern Frisia, impressed with its tower of 80 metres high. Towns, however, like elsewhere in Frisia, were absent. The *Littera* records the rules and customs that prevailed in this pioneer society, and how its internal and external affairs were administrated by judges chosen annually from the ranks of the peasants. When exactly the text of the Charter was drafted remains uncertain, but the present version includes a reference in § 45 to a peace treaty concluded in 1276 between Brokmerland, Emsigerland (Emsingo), and Rheiderland, on the one side, and Bishop Eberhard of Münster, on the other. A text of this treaty, composed in Latin, is included in B2.⁴⁸

One monastery had actively participated in the reclamation of Brokmerland: the Cistercian Sancta Maria in Schola Dei, founded in Ihlow in 1228. This convent played an important part in the administration of the land, especially since it served as the archive for the public charters and documents.⁴⁹ According to § 161 in the *Littera*, called 'About charters', every assistant of each of the four judges of the land had to have a copy of the *Littera* in his care. Every time a judge needed to consult the charter, his assistant had to hand it to him. However, the text was not read aloud by the judge himself but by a priest that had been chosen by the two litigating parties.⁵⁰ Were judges not yet supposed to

be literate at the time the charter was drafted, so that an appeal had to be made to the only persons in the community who could be supposed to be proficient and reliable readers: the parish priests? Perhaps, but there is sufficient evidence that people of the social strata from which the judges were recruited – the landowning peasants – were literate.⁵¹ More likely, then, the priest functioned as an umpire since he could be considered to not take sides with one of the contending parties.⁵² If, however, the litigants disagreed with the judge about the correctness of the text, the passage in question had to be compared with the mother copy that had been deposited in the monastery. A simple calculation tells us, therefore, that there had to be at least five copies of this Charter in Brokmerland at any given time during the later Middle Ages, of which two have survived until today.

The First Brokmer Manuscript

Turning to the first of these two Brokmer manuscripts, B1, it can be said to strike as a rather modest codex in its production. Moreover, unlike the other Frisian legal manuscripts which are all miscellanies, B1 only contains the Charter of the Brookmen. Its dimensions are c. 179 x 142 mm, so that its relative width is 0.76, which is unusually wide. The size of its thirty-three leaves must originally have been larger still, for in various places post-medieval marginal notes have been cut off as a result of cropping, probably when the manuscript was rebound in the seventeenth century (judging by the binding).⁵³ At this time, the consecutive pagination in majuscule Roman numerals would have been applied. The text area, not visibly bounded by horizontal lines and vertical sidelines, is 135 x 115 mm. According to Buma, who published a detailed, diplomatic edition of the two manuscripts

51. Bremmer, *Hir is eskriven*, chap. 5.

52. In *Hir is eskriven*, 60, I argued in favour of the judge's incapability of reading, but discussions with Erik Kwakkel and Rita van de Poel made me change my mind.

53. Buma, *Die Brokmer Rechtshandschriften*, 6.

54. Buma, *Die Brokmer Rechtshandschriften*, 6.

55. Kwakkel, 'Discarded Parchment'.

56. Gumbert, 'Dating', 168.

in 1949, manuscript B1 is unruled,⁵⁴ but this claim needs some modification. Prickings assisting the scribe in drawing the horizontal lines are clearly visible on, for instance, pp. LXV (Plate 14); in fact, there are eighteen prickings per leaf, creating seventeen lines that guided the scribe in writing his text strictly horizontally without fail. Likewise, prickings for guiding the scribe in drawing the outer vertical bounding lines can be seen in the left- and right-hand top corners and in the right-hand bottom corner of p. XXIII. In all likelihood, the ruling must have been visible to the scribe at the time of writing, but it is now no longer to be discerned. Unlike what the scribes of the First Rüstring Manuscript had done, the first line on each folio of B1 is written below top line, a fact that taken in itself would put its production date to a later point in time than R1.

Regarding the appearance of the parchment, it is rather thick and coarse and therefore of a somewhat imperfect quality. Traces of the parchment maker's scraping knife are clearly visible here and there, for example, at the bottom of p. XXII. Dark stains left by the dorsal stripe betray this leaf to have been cut from near the hind part of the animal, while a defective, crescent-shaped corner on p. XLVII tells us that this is probably where a leg had begun.⁵⁵ A hole on pp. LI-LII, between the tenth and eleventh lines, has been deftly written around. Quire signatures occasionally appear in the centre of the bottom margin of the last verso of individual gatherings; still visible on pp. XXXIV, for example, the superscript abbreviation for the Latin ending *-us*, '9' – the Roman numeral to which it belonged has been lost due to trimming – a method which by 1300 had become rather old-fashioned (Fig. 15a).⁵⁶

The bookhand script of B1, it would seem, has progressed more towards a fully developed Gothic than that of R1, but

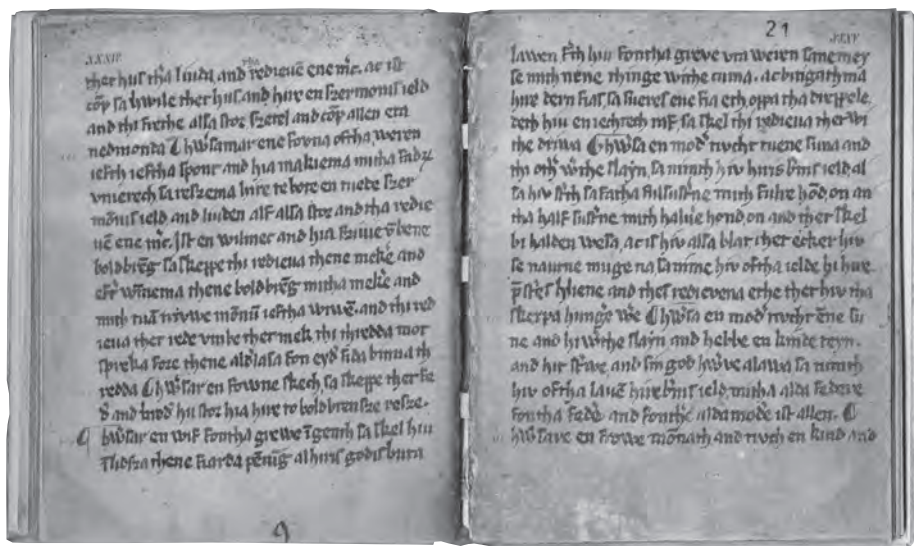


Fig. 15. Oldenburg, Niedersächsisches Staatsarchiv, Bestand 24-1, Ab. Nr. 3, pp. XXXIV-XXXV; reproduced with permission. Br.: (a) 'g' = 'us', part of quire number; (b) new articles of the Charter that begin mid-line are no longer signalled by an initial but by paragraph

its aspect, though striking as perpendicular or 'blockish', is not yet as angular and fully compressed to be considered a fully-fledged Gothic Textualis. Rather, letters usually stand on their own, without touching their neighbours. Also note, for instance, the round character of the top of the **m** and the roundness of the limb of the **h**, which descends well below the baseline. Biting is not yet complete (Fig. 16a-d, e.g., always for **pp**, frequently for **de**, **do**, but not usually for **bb**, **dd**, and infrequently for **be**, **bo**). Uncial **d** is the rule (Fig. 16d), also when it occurs side by side with another **d**. Final long **s** still outnumbers round **s** in this position, but the number of the latter increases in the second half of the text.⁵⁷ In B1, we find single-compartment **a** (Fig. 16e), which, as was seen in the description of R4, is typical for Littera Parisiensis. Occasionally, however, the scribe wrote a two-compartment **a**, both word-initially and word-finally

57. I have based my tentative conclusion on a check of final **s** for all occurrences of the following words: *hus* 'house' (nom.sg.): 14 x long **s** (100%); *is* 'is' (3sg.pres.ind.): 15 x long **s** (c. 38%) and 24 x round **s** (c. 62%); *thes*

‘of the’ (gen.sg.masc.):
13x long s (100%); and
deis ‘of the day’ (gen.
sg.masc.): 6x long s
(60%) and 4x round s
(40%).

58. E.g., Buma, *Die
Brokmer Rechtshand-
schriften*, 7: ‘vermutlich
dem 13. Jahrhundert
angehörig’.

as well as when following a *punctus* (e.g., pp. VIII/16 and I/7, IV/17, respectively), but not medially. As was the case in R1, /i/ and /j/ are usually written as i, but on occasion also as j or even majuscule J; for example, ‘Jeldema’ (3s.pres.subj.), ‘one should compensate’, p. XXI/12, is sentence medial but opening a new line, while ‘Js’ (p. V/10), ‘is’, occurs mid-sentence and mid-line. As seen before, Derolez (90) identifies this feature as German. For /u/ and /v/, the scribe uses v in word-initial position, and u in medial position, but occasionally he also uses v medially, when it concerns the vowel, for instance, ‘hvs’ (p. IX/12) ‘house’. According to Derolez (94), as noted before in the discussion of the script of R1, it is not rare to find a v-shaped u medially in German and Low Countries manuscripts; its presence in B1 consolidates my adding Frisia to these areas. Since the text refers to the 1276 treaty with the Bishop of Münster, there is a *terminus post quem* after which the manuscript must be dated. In view of some old-fashioned features, such as its overall appearance (‘aspect’), limited medial biting, and the frequent occurrence of final long s, B1 was in all probability not produced much after 1300, or perhaps even just before the turn of the fourteenth century. This dating concurs with earlier estimations that were based, however, on rather impressionistic grounds.⁵⁸

For a proper assessment of how the scribe of B1 had structured his text visually, attention should be paid to the way in which he decorated the text (cf. Derolez, 39-43). Ornamental initials appear to be conspicuously absent and the opportunity to achieve something aesthetically special was missed. On the spot where at the opening of the Charter the scribe should have executed a probably ornamented initial, with the space of two lines high and about four letters into



Fig. 16. Oldenburg, Niedersächsisches Staatsarchiv, Bestand 24-1, Ab. Nr. 3; reproduced with permission. B1: (a) biting 'skeppe'; (b) semi-biting 'hebbe'; (c) no biting: 'hebbe'; (d) biting: 'vndom'; (e) a without top bow: 'alf alsa'; (f) abbreviations: 'mercum'

the text, as is indicated by a guide-letter 't', a blank is staring at the beholder. The letter following the blank is a majuscule H, which makes it likely that the initial had to be larger than the majuscule it was to precede. There is one more unexecuted initial, now only the space of one line high and two letters wide, equally provided with a guide-letter and followed by a majuscule H, occurring on p. II/10. The other initials in B1 all take the form of a majuscule and are in the same colour of ink as the text. Up to and including p. IX, the scribe begins a new article in the Charter on a new line, signalled by an initial (Fig. 17). In order to maintain a fairly straight right-hand margin, he either filled the unused space of a line with a line-filler or wrote a few words on the right half of the next line and demarcated this run-over text by a paraph-like symbol. Apparently this policy proved too burdensome, and therefore time-consuming, as from p. X onwards, new articles also follow mid-line. Whenever the initial does not appear at the beginning of a new line, it is preceded by a blank space. This space is frequently filled in the first half of the manuscript by a double slanting slash, probably functioning as a paraph. More proper pilcrows (*capitula*) appear only from p. XXII onwards, those positioned near the margin often accompanied by simple penwork trailing downwards; quite remarkably, and probably not fortuitously, when they start to be applied, the use of initial majuscules conversely decreases (e.g. Fig. 15b).

The scribe of B1 was quite generous with abbreviations, as if he were accustomed to writing Latin rather often. Yet, his hand does not strike one as that of a careful craftsman,

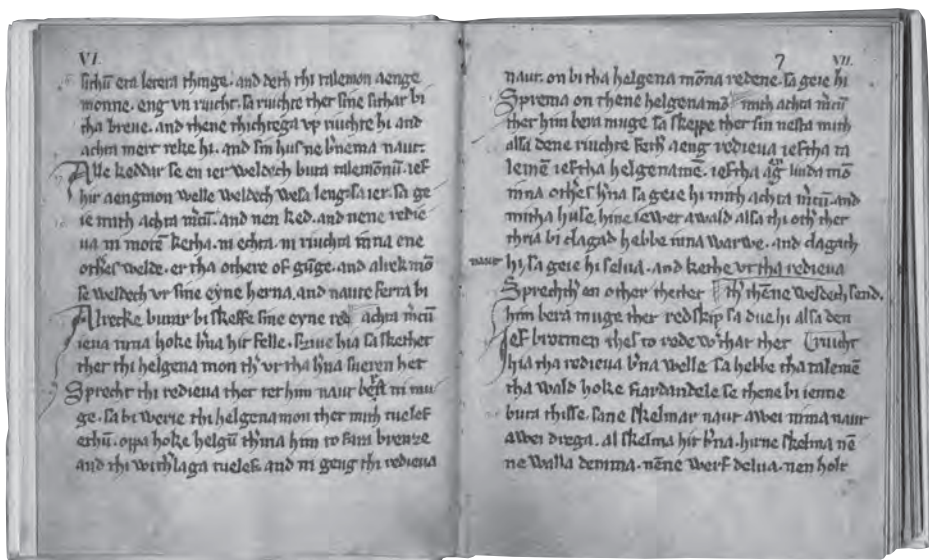


Fig. 17. Oldenburg, Niedersächsisches Staatsarchiv, Bestand 24-1, Ab. Nr. 3, pp. VI–VII; reproduced with permission. B1: new articles begin on a new line, and are signalled by an initial; run-overs at the ends of lines are marked by a paraph

59. Buma, *Die Brokmer Rechtshandschriften*, 34.

an impression that is confirmed by the many errors that have been corrected by the scribe himself, throughout the manuscript. In Buma's opinion, and I tend to agree, the scribe had fulfilled his task in a rather slapdash way,⁵⁹ perhaps because he had contracted the job of copying for a small sum, requiring a moderate effort on his part. The scribe's Latinity that is reflected in his frequent use of abbreviations in his Frisian text (e.g. Fig. 16f) also emerges at the end of the manuscript, when he closes with a Latin colophon (Plate 14). First he writes a cliché leonine verse line: 'Qui scripsit valeat et longo tempore viuat' (May he who copied this be well and live for a long time). This line is followed by an identification of the text he had just finished copying: 'Hec est littera brocmanorum per quam omnes / cause siue exsessus eorum corriguntur et iudicantur' (this is the charter of the Brookmen, according to which all their legal cases and trespasses should be recti-

fied and judged). Another leonine colophon rhyme, equally hackneyed, concludes the manuscript with a pious blessing: 'Qui scriptisit scripta sua dextera sit benedicta' (May the right hand of him who copied this writing be blessed).⁶⁰

The Second Brokmer Manuscript

The Second Brokmer Manuscript (B2) approximately measures 162 x c. 123 mm (ratio 0.73, somewhat on the broad side), the text area being about 137 x 100 mm.⁶¹ Its twenty-eight leaves were originally wider, as is revealed by the many trimmed marginal article summaries, while prickings are no longer visible. The leaves are numbered on the recto sides in post-medieval Arabic numerals. Pages 1-16 (quire 1) are ruled in ink for twenty-five lines, the other three quires (pp. 17-33, 34-48, 49-56) for twenty-seven lines. The bottom lines of the first quire are frequently drawn with a parallel line, clearly intended to bound the text area. Although the quality of the parchment seems to be slightly better, at least thinner, than that of B1, the leaves are nonetheless frequently disfigured by holes that were already present in the parchment before the scribe commenced his task. One or more holes are found on pp. 7-8, 11-12, 15-16, 27-28, 35-36, 37-38, 39-40, 51-52, 53-54 (including a hole that had come about after the text was finished and which has also pierced pp. 55-56). The defective right-hand top corner of p. 9 betrays by its crescent shape that the leaf was cut from the skin near where one of the animal's legs had been, as must have been the case with p. 47, where part of the right-hand bottom corner is missing.

The script of B2 is a fully developed Gothic Textualis (Plate 15). Uncial **d** is the rule, biting of **pp** is found, generally considered to be the earliest combination of letters to exhibit biting. Remarkably, however, there is no biting of **dd**

60. Cf. Bremmer, 'Isolation or Network?', 96-97.

61. Hanover, Niedersächsische Landesbibliothek, Sign. XXII, 1423. For a detailed description, see Buma, *Die Brokmer Rechts-handschriften*, 11-15; cf. Härtel and Ekowski, *Handschriften*, II, 56, who rely on Buma for their description.

62. Biting is not necessary, but remains individual (Derolez, *Palaeography of Gothic Manuscript Books*, 77).

63. I have based my tentative conclusion on a check of final 's' for all occurrences of the following words: *hus* 'house' (nom.sg.): 15x long s (96.6%) and 2x short s (3.4%); *is* 'is' (3sg.pres.ind.): 52x long s (99.47%) and 1x round s (0.53%); *thes* 'of the' (gen.sg.masc.): 12x long s (84.3%) and 2x short s (15.7%); and *deis* 'of the day' (gen.sg.masc.): 6x long s (60%) and 4x round s (40%).

64. In their edition, Buma and Ebel, *Das Brokmer Recht*, have arranged the individual articles in accordance with the scribe's indications.

or **bb**, or indeed of any other possible combination (**de**, **do**, **od**, **bo**, etc.).⁶² Long **s** in final position is still prominently present.⁶³ These features would allow for a rather early dating, for example, to the end of the thirteenth century, but appearances can be deceptive: the colophon relates the year 1345 as the year of production. Would the scribe have been rather old or was he operating in an area that had not yet adopted the latest trend in writing?

In order to help the reader navigate the text from the beginning to the end of the charter, the scribe used two methods: initials and pilcrows. The text of the charter – virtually the same as that of B1 but with some additional articles at the end – opens with the only ornamental initial in the manuscript, a Lombard 'T', which is executed in blue and garlanded with extensive red *fleuronné* decorations that taper off down into the left margin to end in two acorn-shaped finials in the middle of the bottom margin. A capital of four lines high and the space of seven to eight letters into the text area was apparently not deemed enough, for the space of the upper margin, too, was annexed by the initial's flourishes (Plate 15). In order to guide the reader from the beginning to the end of the charter, the scribe employed coloured majuscules, in alternating red, green, and blue, to indicate the beginning of a new article in the charter. Red-coloured pilcrows, too, are used to signal the beginning of a new article, as, for example, at p. 1/3 and 8 (Plate 15). Again, as was seen in B1, when a pilcrow is used the article that follows does not usually begin with an initial. It is not clear to me according to what principle the scribe now used a coloured initial, now a coloured pilcrow, but his system of structuring the text in this way was fairly lucid.⁶⁴ Finally, unique for the manuscripts under consideration, the scribe frequently wrote

tituli – brief indications of the contents – in the margin of where a new paragraph begins, as indicated by a small coloured initial, to signal the purpose. Regrettably, many of these *tituli* were trimmed when the manuscript was rebound. For example, on p. 1, five lines from the bottom the scribe wrote: ‘fon w[er]nim [bi]iecht’ (about the acknowledgement of securities) (Plate 15). In having done so, he provided the charter with a sophisticated tool for moving through the many rules and stipulations, which at the same time would serve as a mnemonic aid.⁶⁵

Manuscripts from Hunsingo

The last two manuscripts to be discussed can be taken in one stride, for they show a great resemblance to each other. The First and the Second Hunsingo Manuscripts (H1 and H2, respectively) are legal miscellanies,⁶⁶ originating from the land of Hunsingo, situated to the northwest of the town of Groningen. The rich but often yet uncultivated soil of this land started to attract monastic establishments from the end of the twelfth century, by which time Benedictines, Premonstratensians, and Cistercians each had their convent in Hunsingo. In the absence of secular rulers, their abbots played an important part in developing the land’s drainage and discharge system, and hence with its administration. This administrative involvement of these monastic prelates is testified to, for example, by the *Statutes of Hunsingo of 1252*, included in H1 and H2. These statutes were drafted in Frisian and accepted, as the Latin colophon in H1 informs us,⁶⁷ in the presence of three *domini abbates* (lords abbot) and the *discretiores* (very judicious men) of Hunsingo. In this period, towns and larger villages are conspicuously absent from Hunsingo.

65. Carruthers, *The Book of Memory*, 244–45.

66. Leeuwarden, Tresoar, Richthofen-collectie, nr. 2 (H1) and Richthofen-collectie, nr. 3 (H2), respectively. Both manuscripts are described by Hoekstra, *De Eerste*, 1–44. Both are available in full at <digicollectie.tresoar.nl> (via ‘Hunsingöer land law, Richthofen Collection’ nos. 2 and 3).

67. The colophon in H2 breaks off after three words, due to material damage.

68. Earlier scholars, notably Hoekstra, Buma and Ebel, and Gerbenzon, did not comment on the similarity between the hands of H1 and H2.

In their assemblage of secular and religious texts, the two Hunsingo codices resemble R1, with which they share at least three texts, to wit the *Seventeen Statutes*, the *Twenty-Four Landlaws*, and the *General Register of Compensations*. Unlike any of the other Frisian legal codices, these three texts are also included in a Latin version. Remarkably, H1 and H2 contain exactly the same texts in the same order, but, curiously, and for no obvious reason, the two manuscripts do not begin with the same text. H1 opens with the Latin version of the above-mentioned three law-texts, while H2 starts mid-sentence in the conclusion of the vernacular *Prologue* to the *Seventeen Statutes* and *Twenty-four Landlaws*, because the first leaf of H2 was lost in the course of its history. Furthermore, what ties the two manuscripts even more closely together is that the hands in which they are written resemble each other so closely, in aspect, duct, and realisation of individual letters, that the conclusion to be drawn cannot be otherwise than that H1 and H2 were executed by the same scribe.⁶⁸

Despite their great similarities as far as content is concerned, there is a notable difference in the sizes of H1 and H2, perhaps because they were made with some interval of time, or, more likely, because they were prepared from a different size of skin from which the parchment was made. H1 measures 266 x 196 mm, which yields a ratio of 0.74, making the manuscript rather broad, relatively speaking. The text area is 156 x 115 mm; the bottom prickings for the vertical bounding lines are still visible. The ruling, in lead, is designed for twenty-one lines per leaf, prickings visible on p. 127; the lines of the first four quires are written above top line, while the bottom line has been left unused, except for pp. 1, 10, and 12. After quire four, however, the scribe continued to write below top line. The leaves are page-numbered

in a post-medieval hand. H2 measures 242 x 154 mm, with prickings for the vertical bounding lines visible in top and bottom margin, resulting in a ratio of 0.64, thus making it the narrowest by far of the five manuscripts under discussion. It would seem that H2 has suffered little loss in size in the course of its history. Prickings are clearly visible on every leaf, while catchwords at the end of a quire (e.g., pp. 10, 35, 58, 106) still have ample space below them. However, in some places, later marginal annotations have suffered some loss. For example, on p. 18, 6 lines from the bottom, to the left of the prickings, someone wanted to draw attention to the beginning of a new text item and wrote '[quin]que claves sapientie', of which the first letters have disappeared through trimming. The text area measures 170 x 105 mm. The leaves are ruled in lead for twenty-three lines per leaf; all lines are written below top line. The vellum of both manuscripts is rather bright. Yet, quite some leaves in especially H2 show signs of having been made from parchment of a somewhat lesser quality, for even before the scribe started his job, a number of holes and slits had been repaired with stitches. Some of these repairs appear in the side and bottom margins, but a dozen appear within the text area and forced the scribe to write around them.⁶⁹ In this respect, H1 seems better served, with only one stitched repair on p. 39, within the text area. Yet, the appearance of this manuscript is impaired by the presence of a dozen small holes, both within and outside the text area.⁷⁰ The last quire of H1, consisting of two bifolia of which the first leaf was cut away so as to keep a stub into which the inner bifolium was fitted, is of a coarser, thicker parchment than the rest, with traces of the parchment maker's *lunellum* clearly visible.

The text of both H1 and H2 is executed in a regular,

69. I noted the following repairs in H2: p. 13 bottom outer margin, but stitches now lost; p. 21 bottom margin; p. 23 from gutter into text area; p. 33 within text area and in outer margin; p. 35 bottom inner margin; p. 37 bottom outer margin; p. 61 bottom two lines from gutter into text area; p. 63 bottom margin; p. 75 from outer margin into text area; p. 77 outer margin; p. 97 bottom margin (2x); p. 103 small one in bottom margin and large one from outer edge into text area.

70. They are: p. 13 small hole in outer margin; p. 47 small hole in bottom margin; p. 65 rather large crescent-shaped recess of eight lines high in edge of outer margin; p. 83 crescent-shaped recess in bottom corner; p. 89 small hole within text area around which was written; p. 97 small hole in bottom edge; p. 99 small hole in bottom margin; p. 101 two small holes in top margin; p. 107 two small holes in lines 2 and 3 around which was written; p. 109 hole in lower half of text area around which was written; p. 116 hole

in text area near outer margin around which was written.

71. But note, e.g., the word 'drochten' (lord) in H2, p. 35, which begins with a half-Uncial **d** in line 18, but with Uncial **d** 2 lines further down. Concordantly, in the former case a straight **r** follows, while in the latter case it is a round (2-shaped) **r**. However, in H1 in this passage (p. 93/7 and 9), both initial **ds** are Uncial.

fully Gothic bookhand. By way of example, **d** is almost always the Uncial variant with a left-sloping ascender,⁷¹ final **s** is always round, and biting is the rule, not just for **pp**, **po**, **pe**, **de**, **do**, **be** (not always), but even for **da**, in which the **a** is two-compartment (Plate 16, e.g., p. 1/5 and 6 's/Secunda'); however, there is no biting for **dd** and **bb**. On the whole, the writing is rather compact and more vertical than that of R1, R4, B1, and B2, suggesting a date that approaches the middle of the fourteenth century. As was the case with R1 and B1, the leaves of H2 are page-numbered with Arabic numerals in a post-medieval hand. The arrangement of the contents strikes one as quite professional: rubrication is in Latin, both in the Latin and the vernacular text items, while, for example, also the individual text elements in the Latin version of the *Seventeen Statutes* and *Twenty-Four Landlaws* are announced in Latin. However, for the vernacular version, the individual items of the *Seventeen Statutes* are rubricated in Latin, whereas those for the *Twenty-Four Landlaws* are announced in Frisian. Initials of two lines high in alternating red and blue indicate where a new item within the texts commences, while puzzle initials in both red and blue and three lines high, but without any marginal penwork flourishes, demarcate the beginning of a number of new text items. Thus, puzzle initials announce the beginning of the *Seventeen Statutes* (p. 1), but not that of the immediately following *Twenty-Four Landlaws*, the *General Register of Compensations* (top p. 23), and the spurious *Charter of Charlemagne* (p. 34, five lines high). Two such initials appear on p. 424, one to mark the Latin introduction to the *Prologue* of the vernacular version of the *Seventeen Statutes* and one to mark the beginning of these statutes; there is another one to begin the *Twenty-Four Landlaws* (p. 56). The last puzzle

initial signals the opening line of the *Five Keys of Wisdom* (p. 70); the remaining twelve text-items have to make do with two-line-high, 'ordinary' Lombards, which suggests that the scribe who produced the initials deemed these texts to be of a lesser status. A similar treatment of capitals as has been seen for H1, at least in as far as can be established in view of the loss of the first leaf, is found in H2. The latter manuscript would have begun with the *Prologue* to the *Seventeen Statutes* and *Twenty-Four Landlaws*, but now opens with the last six lines of the *Prologue* to continue with the *Seventeen Statutes*, so we cannot say whether a puzzle initial was used to signal the beginning of the *Prologue*. Puzzle initials, however, mark the beginning of *The Five Keys of Wisdom* (p. 18), and the Latin versions of the *Seventeen Statutes* (p. 72) and *Twenty-Four Landlaws* (p. 80). The last such initial marks the opening of the *Statutes of Hunsingo* (p. 140).

H1 (pp. 31-33) and H2 (pp. 98-100) are the only manuscripts of the five under review here to assist the reader with an additional guide: following the Latin version of the three pan-Frisian laws – the *Seventeen Statutes*, the *Twenty-Four Landlaws* and the *General Register of Compensations* – there is a table of contents, or *summarium*, of the first two of these law texts (Plate 17). Curiously, the table is not positioned where it would have been more appropriate, that is immediately before or after the two texts it summarises, nor is there a rubric that identifies the listing. To distinguish it from the preceding text, the table is signalled by a two-line-high initial in red. No more space than one line per item is taken up and sometimes even less. Absolute references, by way of page numbers, for example, are absent, so that the table did not allow for speedy retrieval of information.⁷² Rather, its designer will have compiled it to allow the reader

72. On retrieval devices, see Rouse and Rouse, 'The Development of Research Tools'.

73. Gerbenzon, 'De forholding'.

74. On the popularity of this colophon rhyme in Western Europe, see Bremmer, 'Isolation or Network?', 98.

to gain quick mastery over the contents of the *Statutes* and *Landlaws*. Simultaneously, the table added status to the Latin version of the vernacular sources by adopting a practice that had become common in the field of learning, especially that of theology, medicine, and law.

Scholars have more than once debated the question of whether both manuscripts were copied from the same exemplar ('H*') or whether H1 was copied from H2 or, the other way around, H2 from H1, but they could not come to an agreement. Pieter Gerbenzon, a former student of the Oxford palaeographer and codicologist Neil Ker, finally established, by a painstakingly careful collation of the texts in the two manuscripts, that both H1 and H2 must have been copied from the same exemplar.⁷³ However, Gerbenzon did not address the question of which of the two was copied first. The key for an answer to this question may lie in whether the writing is on top line or below it. Since the exemplar H* must have been older than both H1 and H2, it is likely to have been entirely written above top line. When the scribe began writing H1, he first imitated the layout of his exemplar and began writing on top line. After four quires, however, he slipped into writing according to the fashion that he was himself familiar with and continued writing below top line. When he had to produce yet another copy, he started writing below top line right from the start. In other words, the production of H1 precedes that of H2 in time.

Like R1 and B1, H1 also ends with a colophon rhyme, which simultaneously reveals both the scribe's professionalism and his identity: 'Qui me scribebat, elbertus nomen habebat' (He who wrote me, was called Elbert).⁷⁴ Obviously, the scribes of these Frisian law books took pride in their work, whatever the quality of the manuscripts.

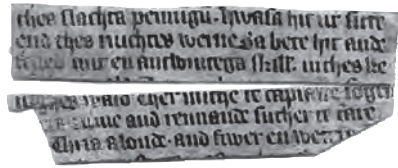
Two manuscripts with the same contents and written by the same scribe suggest production of law manuscripts at a professional scale. Again, as was the case with R1, some text items, such as the *Ten Commandments* and *Compensations for (Injuring) Priests* in H1 and H2, betray a link to ecclesiastical circles, while specific mention of the compensation for robbing an abbot's hat, followed (spontaneously?) by a four-line poem on this shame-incurring deed, may point to monastic interests. By way of conjecture, the two Hunsingo manuscripts may have been produced in a Cistercian monastery, as is suggested by the sober execution of the capitals, for example, in Aduard Abbey.

75. Leeuwarden, Tresoar, 150 Hs/g was first published by Brouwer, 'Hwet in pear flardsjes'. For a localization of this fragment on linguistic grounds, see Bremmer, 'Old Frisian Dialectology', 1-3. The fragment has not yet received a sigil, which is why I have dubbed it 'Om' (for 'Ommelanden').

A Fragment from the Ommelanden

From roughly the same region as H1 and H2, in any case from one of the Frisian lands between the Lauwers and the Ems, a fragment consisting of two sets of two strips of a Frisian legal manuscript has survived owing to its having been used as bookbinding material.⁷⁵ The one set is cut vertically from a leaf and has hardly any coherent text left. The two strips of the other set each measures *c.* 90 x 18 mm, but the bottom strip has a slightly shorter base, resembling an upside-down trapezium. The spaces between two lines are *c.* 5 mm high and when fitted together the two strips contain six continuous, if incomplete, lines of text. The opening words, 'Thiu sogende kest' (The seventh statute), betray the fragment to contain part of the *Seventeen Statutes*, mentioned before. The capital T, executed in red, is two lines high and the space of three letters broad while also protruding into the left-hand margin. In all likelihood, the other individual statutes of this text would have also started with coloured initials. Versals (majuscules) on the verso-side are touched

Fig. 18. Leeuwarden, Tresoar, Hs 150/g, verso; reproduced with permission. Fragments of an Ommeland manuscript. The initial S in l. 2 is touched with red



76. High-quality colour photographs, if without further comment, of most of the Old Frisian legal manuscripts have been included in Vries, *Asega is bet dingtyjd?* Relevant for my discussion are R1: 34-35, 508-509; B1: 506-507; H1: 36-37, 510; H2: 510.

in red, probably with the intention to aid the reader in following the structure of the text. Judging by the looks of the script, the original manuscript from which the fragment was cut was made at a somewhat later date than any of the other manuscripts discussed so far (Fig. 18). Reasons for dating the fragment towards 1400 are the following: the Textualis script is more compressed and reveals, amongst other diagnostic features, biting of **de**. In final position round instead of long **s** is found, while the **a** is a two-compartment **a**, realised by drawing two vertical strokes connected with each other at the top and the bottom, an allograph which the Germans call a 'Kasten-a' (Derolez, 84). The slightly backward-sloping script is more angular than that of both H1 and H2, and has an almost square aspect, while, finally, the minims are less articulated and distinct.

Conclusion

Overlooking the above survey and discussion, what conclusions can be drawn? Since the contents of the five manuscripts and three sets of fragments that have here been analysed were edited in the 1940s and 1950s, with the exception of Gerbenzon's description of fragment R4, no one has subjected them anew to a close inspection, whether from a palaeographical or codicological point of view.⁷⁶ What my reassessment of the script and the material features has therefore brought to light, for one, is the rather modest appearance of

these manuscripts: all of them contain leaves of parchment of inferior quality, some with missing corners, others disfigured by holes, quite a few of which had been repaired with stitches before the scribes set out to do their work. The pride that the Frisians derived from their legal independence is certainly not showcased by the manuscripts in which they recorded their laws. Furthermore, their relative sizes often step out of line to various degrees. In all likelihood, therefore, these manuscripts were written at the request of individual peasant-landowners as a reminder of the prevailing legal traditions to be privately consulted when, in their capacity as judges, they participated in the administration of the districts for which these manuscripts were compiled. As affluent agricultural entrepreneurs, they certainly had the money, but they were apparently reluctant to spend it on a too handsome-looking manuscript. Furthermore, it has been shown that in some cases the script looked rather old-fashioned, displaying features that are incongruent with the time to which they have been dated in the past, at least when compared to neighbouring countries. This observation suggests that Frisian scribes lagged behind in fashions of writing that were current elsewhere. Also, it has now been established that the scribes sometimes show characteristics that according to Derolez are typical for Germany (in a broad sense). My analysis has also brought to light some novelties, not yet observed by Derolez, such as the presence of the double-crossed Tironian sign in Frisian manuscripts and certain combinations of allographs of *d*. Finally, my analysis suggests redatings for *R1* and *B1*, the former being somewhat older than the latter, which on account of its script seems to be no older than *c.* 1300. Over the past two centuries, both the language and the contents of these Frisian law manuscripts have been subjected to

77. Versions of this paper were also presented at the University of Cassino during a graduate workshop ('Coscienza del frammento nell'antichità e nel medioevo') in June 2014, and as a guest lecture at the University of Zurich in May 2015. I have profited from the post-lecture discussions. My thanks are due to both Jacob van Sluis and Haye Bijlstra (Tresoar, Leeuwarden) and to Ed van der Vlist (Koninklijke Bibliotheek, The Hague) for procuring digital images of manuscripts kept in their libraries. I am grateful to Oebele Vries for his helpful comments on a draft version and to my neighbour Erik Kwakkel for our many discussions of the manuscripts examined in this contribution. Jenny Weston and Jenneke Janzen readily answered my palaeographical questions.

detailed analysis and heated discussions. It was high time, therefore, that the vehicles themselves, to which we owe our knowledge of both the language and the contents, received a similarly engaged treatment to generate new insights into the production circumstances in which the codification of the Frisian laws took place.⁷⁷

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Plate 9. The
Hague, Koninklijke
Bibliotheek, 72 A 25,
fol. 11r. Book I of Jean
Froissart's *Chronicles*
produced for Pierre de
Liffol



de comment le rois de chyl (roy) alerement assaillit et vint fustier de comment les francois perirent la ville de arlesme par le fere du se nobal de beaume

De q^u chapitre parle comment jehan de normand eschappa de la cite d'arlesme et de comment il vint a nancy au due de normand

De q^u chapitre parle comment le due de normand mist siege deuant assaillir le fort chapel

De q^u chapitre comment le roy den noreve vint en normandie par le comte mess^{es} de froy de l'oucheur

De q^u chapitre comment le roy den noreve chascia a m. batilles de pays de confins et de normand

De q^u chapitre du mandement que le roy de france fist contre le roy den noreve en normand

De q^u chapitre de la bataille de arlesme et comment le roy den noreve prist la ville de arlesme

De q^u chapitre comment mess^{es} de froy de l'oucheur combay arlesme deuant parer

De q^u chapitre comment le roy de france poursuivit le roy den noreve en beaumes et de comment le roy de france vint a passer par la fin de france

De q^u chapitre de la bataille de la blanchie tache du roy den noreve et des engins de france de de mess^{es} de froy de l'oucheur

De q^u chapitre de l'oucheur de engins a every et quel engin le roy den noreve y avoit

De q^u chapitre de l'oucheur de engins a every et comment le roy de france vint a passer par la fin de france

De q^u chapitre de la bataille de every du roy de france de de mess^{es} de froy de l'oucheur

De q^u chapitre de l'oucheur de engins a every et quel engin le roy den noreve y avoit

De q^u chapitre de l'oucheur de engins a every et comment le roy de france vint a passer par la fin de france

De q^u chapitre de l'oucheur de engins a every et quel engin le roy den noreve y avoit

De q^u chapitre comment le due de normand deffist le siege qui l'avoit mis deuant le chapel d'arlesme en arlesme

De q^u chapitre comment le due de normand deffist le siege qui l'avoit mis deuant le chapel d'arlesme en arlesme

De q^u chapitre comment le due de normand deffist le siege qui l'avoit mis deuant le chapel d'arlesme en arlesme

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De q^u chapitre comment le due de normand deffist le siege qui l'avoit mis deuant le chapel d'arlesme en arlesme

De q^u chapitre comment le due de normand deffist le siege qui l'avoit mis deuant le chapel d'arlesme en arlesme

Plate 10. Toulouse, Bibliothèque d'Étude et du Patrimoine, 511, fol. 3r. Segmentation with red labels in the table of rubrics of Jean Froissart's *Chronicles* copied by Scribe T (Guillebert de Mets)

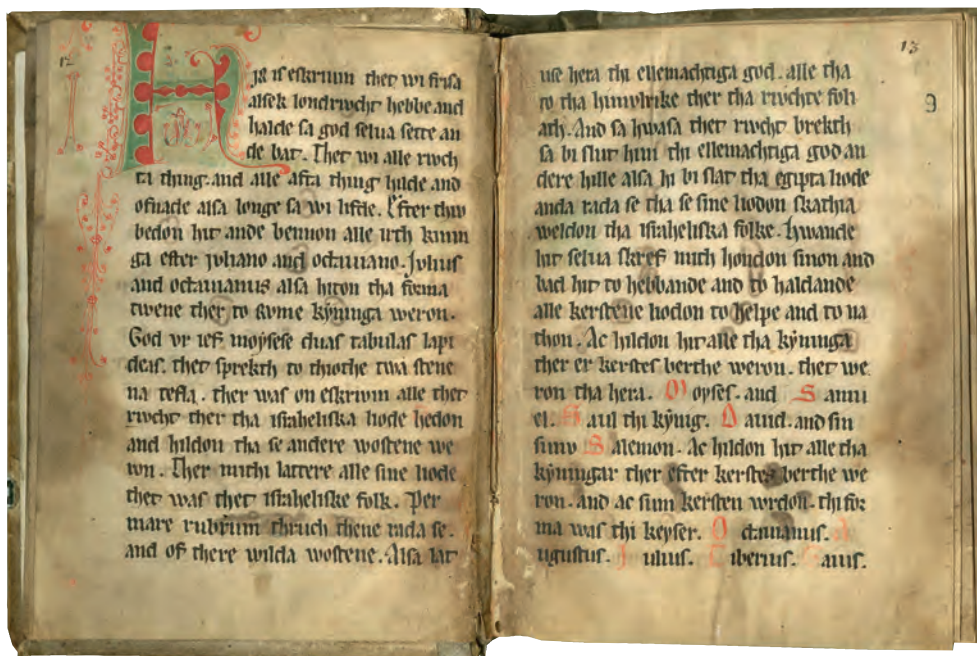


Plate 11. Oldenburg,
Niedersächsisches
Landesarchiv, Bestand
24-1, Ab. Nr. 2, pp.
12-13; reproduced
with permission. R1:
Cropping of upper
margin revealed by
truncated decorated
initial H

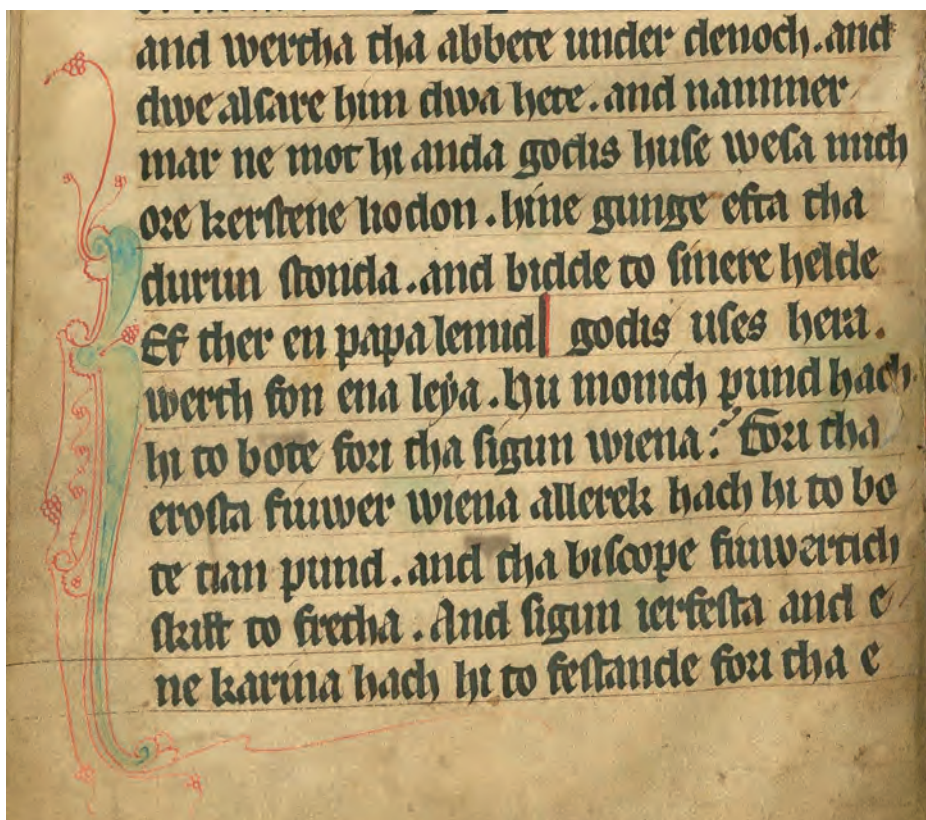


Plate 12. Oldenburg, Niedersächsisches Landesarchiv, Bestand 24-1, Ab. Nr. 2, p. 102; reproduced with permission. R1: (a) Coloured initial 'J' of 'Jef', executed entirely in the margin; (b) vertical bar to demarcate the words 'godis uses hera.' that run over from the previous line

biu nigan skult cona. Sum unecene nigan in
 cona. Sum skel lertine skult cona. Sum spelan in
 skult cona. Jes thu sin dars is eger euda nigan
 skult cona. Ikon wecne and wecne cona is

cona. and nigan skult w. g. In ut gong. nigan in
 gun skult cona. and nigan skult w. g. Sa is the ma
 al semm hie skult w. g. al nigan skult cona. In
 in lemm the achanda holt skult w. g. In m. m. m.
 the lanna tha hie skult w. g. In m. m. m.
 panning w. g. In m. m. m. In m. m. m.
 rich schanda hie skult w. g. In m. m. m.

lesta skredene en skult w. g. In m. m. m.
 magna effeten erdet mucha en skult w. g.
 In m. m. m. to m. m. m. alsa hie skult
 clunus. Sa is sin here the skult w. g.
 In m. m. m. In m. m. m. In m. m. m.
 In m. m. m. In m. m. m. In m. m. m.

Plate 13.
 The Hague,
 Koninklijke
 Bibliotheek, 135
 C 81 recto (a)–
 (e); reproduced
 with permission.
 R4: Fragments
 from a Rüstring
 manuscript

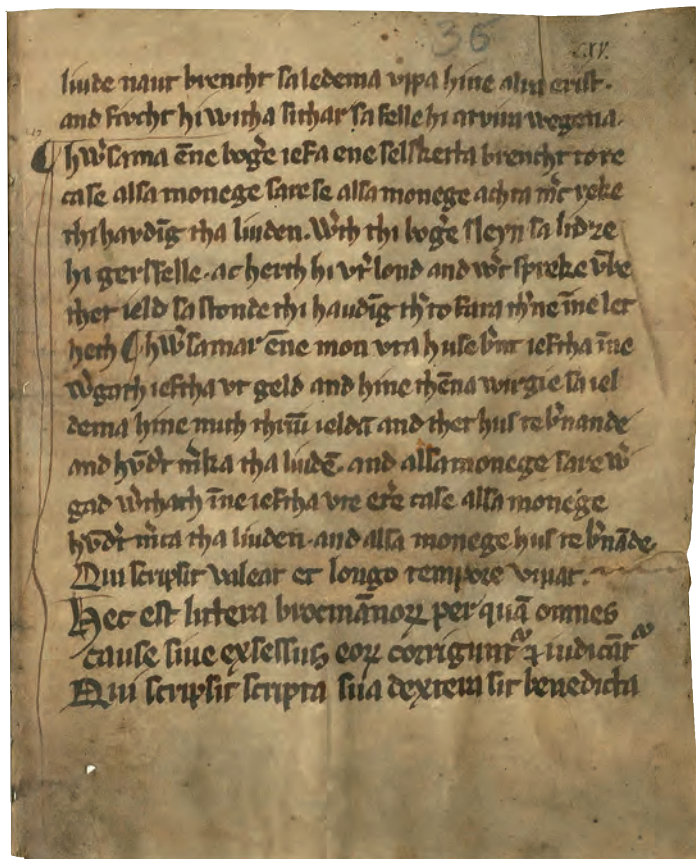


Plate 14. Oldenburg, Niedersächsisches Landesarchiv, Bestand 24-1, Ab. Nr. 3, p. LXV; reproduced with permission. B1: (a) Eighteen prickings left and right assisted the scribe in drawing the now-invisible lines; (b) the last three lines of the four-line Latin colophon are written in a slightly enlarged display script

Plate 15. Hanover,
Niedersächsische
Landesbibliothek,
Sign. XXII, 1423,
p. 1, reproduced with
permission. B2: The
opening of the *Littera*
Brocmannorum

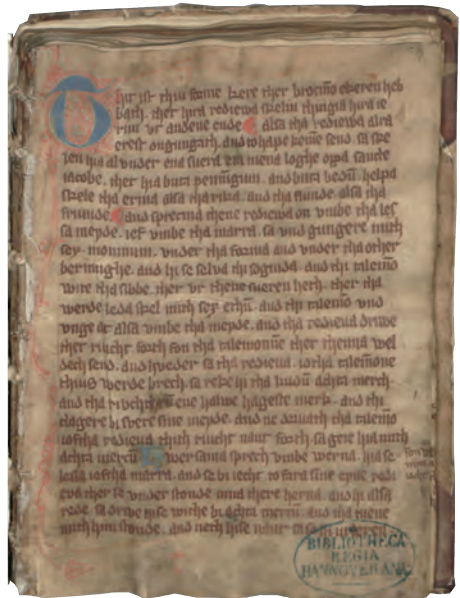
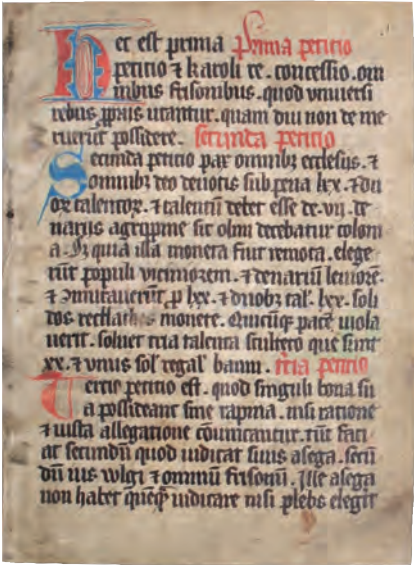


Plate 16. Leeuwarden,
Tresoar, Richthofen-
collectie, nr. 2, p. 1;
reproduced with
permission. H1: The
beginning of the Latin
version of the *Seventeen*
Statutes



De subdit' cont' dūm contendat
 et opatione. vii. statim mercator.
De meta ducendi exercitum
 et ruga uiduarū et orphanorū et aliorū
De pace ppli seruanda. quorū dā.
De restitutione de exilio reuerſi
De oppreſſione uiduarū et uirginū
De redemptione inimicarū p perumam
 quod licet pūamēta et cūſare. ex. v. cāſ.
De pace ul' ſeruitate et cū ul' domorū
 et cōmūnā. et trib' exceptionibus
De hereditate pupilli non uendenda
De restitutione reuerſi de exilio
De uenditione domus cont' ſtatim. pūſ:
De retinendo poſſeſſionē emptā a romperā.
De ſucceſſione filii ſiſ cū patruo et hereditate
 et hereditate am et aue et ſupiorū uēdicanda
 b **D**e eo qui p proximo ſuo pugnat
 a **D**e eo qui uoluit ſatētur. ſ. letale negat.
De reatu ſerui
De noxa animalū
De uolētia impugnatione
De ſpohatione uiduarū et orphanorū

Plate 17. Leeuwarden,
 Treſoar, Richthofen-
 collectie, nr. 3, p. 119;
 reproduced with
 permission. H2: A part
 of the table of contents.
 Note how the ſcribe
 indicates that lines
 18 and 19 ſhould be
 reversed