



КУЛЬТУРА И КУЛЬТУРНЫЕ СВЯЗИ

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THE END OF FRISIAN FREEDOM BY ITS CONFIRMATION: THE FRISIAN IMPERIAL PRIVILEGE OF EMPEROR MAXIMILIAN I AND ITS BACKGROUND. PART I: THE FIRST CHARTERS*

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The article discusses the history of the only ratified charter that confirmed the so-called Charles Privilege that would have enacted Frisian freedom (a presumably thirteenth-century falsum). This charter was issued by Roman King Maximilian I on 23 September 1493 on request of representatives from the West Frisian territories. This article discusses the background of this privilege. It gives a brief overview of the development of Frisian liberty in its relation to Frisian history. Then the so-called Magnus Legend, being connected with Frisian freedom, is discussed. It discusses briefly the alleged privilege of Charlemagne and the Frisian privileges of Roman King and Count of Holland William II (1248) and the Emperor Sigismund (1417). A sequel of this article is planned for publication in the next issue of *Scandinavian Philology*. In that paper, a more closely look will be given at Maximilian's privilege, after which Frisian freedom ended in 1498 for nearly 450 years. It will obtain as well a complete edition of the Latin text of the charter and its English translation.

Keywords: Frisia, Latin, Charles Privilege, Frisian freedom, Maximilian I, Sigismund, William II.

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INTRODUCTION

In Frisian history, the concept of *Frysk en fry*, Frisian and Free, is an important part of the self-identification of Frisian people. Many pieces have been written about this, culminating in 2003 in the major exhibition *Die Friesische Freiheit des Mittelalters — Leben und Legende* in Aurich. The researcher Oebele Vries, in particular, has contributed a great deal to the research. His main publications are *Het Heilige Roomse Rijk en de Friese Vrijheid* [Vries, 1986], *Die Friesische Freiheit: ein Randproblem des Reiches* [Vries, 2012a] and *Frisonica libertas* [Vries, 2015]. From the Middle Ages onwards, the Frisians argued that Charlemagne had bestowed them with their freedom in gratitude for help in defeating the Saxons as well as in taking Rome. No charter was ever issued for this, however, a fact maliciously referred to by chroniclers in the service of the Counts of Holland such as Jacob van Maerlant (c. 1230 — c. 1300) in his *Spiegel Historiaal* (“Mirror of History”), Part III, Book VIII, chapter XCIII (mainly lines 115–222) and Melis Stoke (c. 1235 — c. 1305) in his *Rijmkroniek van Holland* (“Rhyme Chronicle of Holland”), book I, lines 243–258. Shortly, however, after Stoke wrote his *Rijmkroniek*, in the years 1290–1305, a copy of a privilege for the Frisians by Charlemagne, usually called Charles Privilege, appeared for the first time, in a copybook of William III, Count of Holland, from 1317–1336 [Die Urkunden der Karolinger I, 1906, s. 393–397]¹.

On 23 September 1493, now 530 years ago, the Roman King Maximilian I issued a privilege confirming not only two earlier genuine privileges in favour of the Frisians, bestowed by the Roman King William II in 1248 and by the Roman King Sigismund in 1417², but as well the above-mentioned alleged Charles Privilege³ which was cited at the time by many Frisians as the basis of their freedom, presenting this charter as genuine. Maximilian was thus the first official high authority to acknowledge this Charles Privilege, notwithstanding that he declared himself “etiam si privilegia Karoli aliter non ostendantur” [despite the fact that Charles’ original privilege could not be shown] which shows a certain suspicion about its authenticity. The Latin version of Maximil-

¹ Original: Copybook of Count William III of Holland, Nationaal Archief, Hague, Great Register of Friesland, Archiefnr. 3.01.01, inv. no. 324.

² Tresoar, Leeuwarden, Verzameling Aanwinsten 345, inv. no. 788.

³ Preserved in: Sächsisches Staatsarchiv, Dresden, Friesländer Privilegien 1417. Bestand 10024, Geheimer Rat, Loc. 08194/05. fol. 5–9v.

ian's 1493 privilege was unknown for a long period of time. Vries [1986, p. 125] knew only the German version⁴. In 2000, the Latin original text was found, preserved in the same archive [Vries, 2012b, p. 113, note 62]. The transcription to be published in the next paper will be the first edition of the Latin text.

Roman King William II, Count of Holland, referred in his charter issued in Aachen on 3 November 1248 in gratitude for the help of the Frisians in the capture of the coronation city of Aachen for the first time to rights and liberties granted to the Frisians by Charlemagne⁵. The next official affirmation of Frisian freedoms was as late as in 1417 by the Roman King Sigismund in 1417. The original of this charter is preserved now in the Frisian regional historical centre Tresoar in Leeuwarden, with shelf mark Verzameling Aanwinsten 787. Oebele Vries [Vries, 1986, p. 251–255] transcribed the Latin text and published a Frisian and Dutch translation of the charter in the jubilee year 2017, without reproducing the Latin original [Vries, 2017]. A second affirmation was a draft of a new Frisian privilege by Emperor Frederick III in 1479, preserved now as well in Tresoar under shelf mark Verzameling Aanwinsten 345, inv. Nr. 788 as a loan from the Ducal Archive of Guelders. The text was printed first in 1787 [Schwartzenberg en Hohenlansberg, 1767, p. 682–686, Dutch translation, p. 686–689]. Because of Frederick's death on 19 August 1493, the draft did not enter into force [Vries, 1986, p. 119–120].

Finally, a third affirmation was presented in the charter by the Roman King Maximilian I of 23 September 1493, being the subject of this article. Both the latter privileges contain the complete text of the fictitious Charles Privilege, albeit with some adjusted dates. In his own privilege, Maximilian explicitly refers to all three previous “Frisian” charters: “nostra regia de novo concedimus per presentes omnia privilegia Wilhelmi et Sigismundi Regum, Frederici Tercii Imperatoris genitoris nostri colendissimi et omnium aliorum Romanorum Imperatorum et Regum predecessorum nostrorum” (‘we reaffirm, with our royal authority, all the privileges of Kings William and Sigismund, of Emperor Frederick the Third our most honoured progenitor, of all other Emperors and Roman Kings, our predecessors’).

⁴ Preserved in: Sächsisches Staatsarchiv, Dresden, Friesländer Privilegien 1417, Bestand 10024, Geheimer Rat, Loc. 08194/01, fol. 34–40v.

⁵ Text [Hägermann, 1977, p. 365–357], compare [Richthofen, 1882, p. 319–320].

The Charles Privilege included a provision that the Frisians should annually elect a *potestas* as their representative to the Empire. The Roman King Maximilian I used this to gain control of the Frisians. Since the Frisians proved incapable of electing a representative, Maximilian appointed Duke Albrecht III of Saxony as *gubernator* and *potestas* of Frisia west from the Lauwers river in 1498. Emperor Frederick III had earlier appointed Ulrich Cirksena (1408–1466) as first Imperial Count of East Frisia in 1464. With both acts, the traditional Frisian freedom ended.

This paper is divided in two parts. In the present first part, after a brief introduction to Friesland and Frisian freedom, the circumstances of the privilege of William II of 1248 and that of Sigismund of 1417 are discussed. The second part, to be published later, will discuss the Frisian privilege issued by Maximilian I in 1493, giving as well the complete Latin text with an English translation of the thus far unedited charter.

1. THE FRISIAN LANDS

As is evident from the three privileges of 1248, 1417 and 1498, it was not always clear even to contemporaries, which areas belonged to the Frisian territories. Around 700 AD, when a kind of Frisian kingdom existed, referred to in the nineteenth century as *Magna Frisia*, the entire area from the Zwin to the Weser was Frisian. Note, however, that the generally used term *Magna Frisia* is no historic name but invented by nineteenth-century scholars [de Langen, Mol, 2021, p. 116]. This area was conquered by Charles Martel and Charlemagne in several campaigns between 719 and 772. In the years 782–785, the Frisians joined the revolt of the Saxons led by Widukind (743–807) against the Franks. After Widukind's capitulation in 784, Charlemagne suppressed the Frisian revolt and broke the power of the Frisian nobility by taking their paternal inheritance rights from them. The Charles Privilege refers, however, to this event by stating quite the opposite: according to its text the Frisians helped Charlemagne defeat “Liudger” (= Widukind).

Shortly afterwards, around 785, Charlemagne had local law recorded in the *Lex Frisionum* (‘Law of the Frisians’), presumably because of the Diet in Aachen in 802 where Charlemagne issued laws for all his territories [Nijdam, 2021, p. 139–143; *Lex Frisionum*, 1982]. As is the case with most medieval Frisian legal texts, the surviving text was not recorded until the 1557 edition by Basilius Johannes Herold (1514–1567).

Eckhardt [Lex Frisionum, 1982, p. 11] states that a ninth-century codex, now lost, existed in Reims.

This *Lex Frisionum* divided the Frisian area into three larger units: from the Sincfal (river Zwin) to the river Vlie, from the Vlie to the river Lauwers and from the Lauwers to the river Weser [Nijdam, 2021, p. 140–141]. With the exception of the region Westfriesland, the first mentioned area soon lost its Frisian character. This region, now part of the Dutch province Noord-Holland, was as such part of *West Friesland* (i. e. West Frisia), by which in the literature on Frisian history is meant all Frisian territories west of the Lauwers river, i. e. mainly the present province Fryslân. Between the eighth and the eleventh century, Frisians from the area of the present Netherlands colonised the west coast of Schleswig, forming thus the North Frisian territories. This North Frisian region was never officially counted, however, as part of the Frisian lands.

From the early 13th century onwards, the Frisian territories were referred to as the Frisian Sea Lands. Traditionally, they were seven, although in practice there were many more Frisian *terrae*. The first Frisian area to define itself as a land was Rüstringen at the mouth of the Weser, which concluded a treaty with the Hanseatic city of Bremen in 1220. At the time, the *terra Rustringie* used a seal showing *Rex Karul(us)* on a throne with a crown on his head and imperial apple and lily sceptre in his hands, a direct reference to the idea that Frisian freedom would have been received from Charlemagne [Bremmer, 2004, p. 122; Vries, 2015, p. 231; Van Lengen, 2003, p. 98].

The natural conditions and the fact that, up until the 11th century, the Frisians lived mainly isolated on hundreds of artificial hills, the mounds, meant that no feudal system could develop. These mounds are called *terp* in Friesland, *wierde* in Groningen, *Warft* in Northern Germany, *værft* in Denmark and *hallig* in Northern Friesland. At present, 1542 of them still exist in the Dutch provinces Fryslân and Groningen and several hundred along the North German coast. A good impression of the problem is provided by De Langen and Mol [de Langen, Mol, 2021, p. 83–93]. Formally, there was a feudal ruler. For example, Emperor Frederick Barbarossa established in 1165 for West Frisia a condominium of the Count of Holland and the Bishop of Utrecht and the Roman King Rudolf I invested Reinald Duke of Guelders with the same Frisian dominions in 1290. In actuality, the area ruled itself and attempts by feudal lords to gain legitimate control of Friesland ended more than

once with the death of the usurper. To this day, the monuments of the Battle of Oldenswort (29 June 1252) and the Battle of Warns (26 September 1345) recall, respectively, the death of the Danish king Abel (1218–1252) and that of William IV, Count of Holland (1307–1345) and their unsuccessful invasions [Kunz, 2009; Groustra, 1978].

Only with the systematic embankment of the Frisian lands, from the 12th century onwards, the area became more unified. It was mainly, however, the wealthy monasteries, especially those of the Cistercians and Norbertines, that benefited from the embankments and subsequent reclamation of fertile land. A local structure gradually developed of elected judges, originally referred to as *asega* and from the second half of the 13th century called *grietmannen* west of the Lauwers and *redjeven* east of it [Algra, 1991, p. 221, 255–264; Vries, 1986, p. 17–21; Roll, 2010].

Increasing pressure from neighbouring feudal territories made an explanation for this situation necessary. The idea of “imperial indissolubility”, whereby the Frisians were directly subordinate to the Emperor, a concept that emerged in the same period as well for the free imperial cities, provided a logical explanation. To settle mutual issues, Frisian representatives began meeting annually from 1216 onwards at the Upstalsboom near Aurich on Tuesday after Whitsunday. These meetings are documented for the periods 1216–1231 and 1323–1327. Presumably, the traditional Frisian legal texts were recorded as a result of these meetings [Algra, 1991, p. 202–203; Meijering, 1974; Schuur, 2010, p. 188]. However, Nijdam [2021, p. 152] points towards recent research suggesting that the old central *thing* was rather in Franeker or Dokkum.

Although the Frisians managed to fend off threats from outside, Frisian freedom fell victim to a threat from within. Although the judges, *grietmen* (bailiffs) and *redjeven* could in principle be chosen from all free Frisians, over time it was very often the members of more wealthy families who regularly held these positions. Gradually, especially in East Frisia, a caste of chieftains, who in the late 14th century began to feel increasingly equal to the nobles outside Frisia, was formed. The less wealthy Frisians still reacted to this in the early fifteenth century by referring to their emancipation by Charlemagne [Schmidt, 2003, p. 347–348]. Increasing growth of power among some of the chieftains’ clans, especially the Tom Brok clan from East Frisian Norderland, led to tensions that eventually culminated in the Great Frisian War (1413–1422), fought in the East Frisian area between the chieftains’ clans Tom Brok

and Abdena, and in the Frisian areas west of the Ems and Dollard between the Schieringers and the Vetkopers.

Since various local allies of the main parties often gave their support alternately to one main party or the other, the warring parties increasingly asked for “foreign” help from the Counts of Holland, the city of Groningen, the Dukes of Saxony, the Duke of Guelders and the city of Bremen. As a result, Frisian freedom ended by the end of the 15th century. This came about first in East Frisia, where the chieftain family Cirk-sena were elevated to Counts of East Frisia in 1464. With the 1482 treaty with the surrounding Ommelanden, the non-Frisian speaking city of Groningen practically gained control of the area of today’s province of Groningen. In the present Dutch province of Friesland, Frisian freedom ended in 1498 with the appointment of Duke Albrecht III of Saxony as *gubernator* and *potestas* by Emperor Maximilian I. The last areas to lose their freedom were the Stellingwerven in September 1500, the Butjadinger and Stadlander Frisians after the lost battle of Langwarden against Johann V Count of Oldenburg (1514) and the land of Wursten on the right bank of the Weser, annexed in 1524 by the archbishopric of Bremen.

2. THE FIRST CONFIRMATION OF “FRISIAN FREEDOM”

The Frisians were convinced that they had received their freedom from Charlemagne. It was in fact his son Louis the Pious who granted all free Frisians the status of ‘nobles’ in 820 to strengthen the defence of the northern coasts against the Normans [Vries, 2012a, p. 45]. His condition was that they pay an annual *huslotha*, a certain amount of money per fireplace. This was also recalled by the Frisians themselves in 873 when they remarked at a raid by the Normans that “se non debere tributa solvere nisi Hludowico regi eique filiiis” (“they owed tribute to no one but to King Louis and his sons”)⁶.

Traditional Frisian freedom meant, among other things, that Frisians were not obliged to perform military service outside Frisia. As with the free imperial cities, crusades called upon by the Roman King or the Emperor were an exception. Remarkably, from the Second Crusade (1147–1149) until the Sixth Crusade (1228–1229), Frisians participated fairly enthusiastically. The first genuine official confirmation of Frisian

⁶ Annales Fuldenses..., 1891, p. 80. See [Roll, 2010, p. 190].

freedom has to do with a crusade. Abbot Menco of the Premonstratensian monastery Bloemhof in Wittewierum north-east of the city of Groningen mentioned in his *Cronica Floridi Horti* § 30 that Pope Innocent IV declared a crusade in 1246 against Emperor Frederick II, whom he had excommunicated. There were financial difficulties, however, and in 1247 the Friar Minor Wilbrandus together with Albertus Suerbeer, Archbishop of Riga, arrived in Frisia to urge the Frisians to go anyway, as told in *Cronica Floridi Horti*, § 31 (540) [Janse, Janse, 1991, p. 364]:

Venerunt autem <frater Wilbrandus et Aldbertus archepiscopus Livonie etc.> post Exaltationem sancte Crucis Groninge, muniti multis litteris et auctoritatibus dispensationum **necon et privilegiis super libertatibus Frisonum**. Convocatis igitur ibi abbatibus ac aliis prelatibus Frisie et iuratis ac nobilibus laicis, et maxime crucesignatis, ostensis litteris suis et auctoritate, indixerunt tempus passagii transmarini in Maio proximo anno futuro, mandantes ut omnes crucesignati se ad illud tempus prepararent. Sed reclamatum est ab omnibus, quod propter brevitatem temporis, penuriam argenti et navium incertitudinem nullo modo tam cito possent preparari: et sic dilatum est usque ad Maium sequentis anni. Sed tunc propter obsidionem Aquensis civitatis, ad quam plurimi Frisiones iverunt, iter transmarinum est dilatum, et vota auctoritate domini pape commutata.

(‘Brother Wilbrand and Albert, Archbishop of Livonia etc., came, however, after the Exaltation of the Holy Cross to Groningen, equipped with many letters and indulgences, **as well as privileges for the Frisians**. There they summoned abbots and other Frisian prelates, the chosen judges and noble laymen, especially those who had received the sign of the cross. They showed their letters and the authorisation and announced that in May 1248 the great crossing over the sea would take place. There was wide-spread protest, however, because of the short preparation time, lack of money and uncertainty about the ships. There was no way they could be ready so soon, and the crusade was postponed until May 1249. This overseas voyage was also postponed, however, because of the siege of the city of Aachen, where most of the Frisians were going, and the vows were adjusted on the Pope’s authority’.)

Jurrien Schuur [Schuur, 2010, p. 183] argues that the said *privilegia super libertatibus Frisorum* stood at the origin of the Frisian freedoms. As Abbot Menco mentioned in the quoted piece, the purpose of the crusade was changed at the request of the freshly chosen counter-Roman King William II, Count of Holland, to aid in the siege of the coronation city of Aachen. The Frisians played a decisive role in the conquest of that city partly due to their courage and partly because of their hydraulic en-

gineering skills. In gratitude, they were released from their crusade vow and William II issued a privilege on 3 November 1348, explicitly stating [Hägermann, 1977, p. 366]:

Noverit ergo tam presentium etas quam posteritas futurorum, quod nos pensatis meritis Frisonum omnia iura, libertates et privilegia concessa Frisonibus universis a **Karolo magno imperatore**, antecessore nostro sancte memorie, liberaliter innovamus et presentis scripti patrocinio perpetuo confirmamus.

(‘May therefore both the present and future descendants know that having considered the merits of the Frisians <at the siege of Aachen>, we benevolently renew all the rights, liberties and privileges granted to all Frisians by **Charlemagne, Emperor**, our predecessor saintly memory, and confirm them with the eternal protection of the present charter.’)

William’s privilege explicitly refers to the valiant help of the Frisians at the siege of Aachen in the months of June to October 1248, and Men-co describes how that practical Frisian help was provided, as told in the *Cronica Floridi Horti*, § 32 (541) [Janse, Janse, 1991, p. 366]:

Cumque fere tota estate fuissent obsessi, circa autumnum supervenerunt Frisones occupants planiciem campi versus aquilonem et chorum, ante introitum civitatis, quam nemo principum prius audebat occupare. Aqua etiam ab oriente onstructa fuit aggere fortissimo bene XL pedum in altitudine, et sic aque precluse occupaverunt ad minus terciam partem civitatis. Unde dicti cives videntes se ex omni parte coartatos, elegerunt inire pacem et concordiam cum rege et tradere in manus eius civitatem.

(‘After having besieged the city for almost the entire summer, the Frisians came to their aid in the autumn and encamped in an open field on the north and north-west side in front of the city gate, where previously none of the princes had dared to encamp. They made a solid dam as high as forty feet in the east, with which they dammed the water, and consequently the cut-off water covered at least a third of the city. When the citizens of Aachen saw that they were surrounded on all sides, they decided to make peace and make a treaty with the king and surrender the city into his hands.’)

Melis Stoke, *Rijmkroniek III* (lines 910–953) attributes, however, the results of the Frisian hydraulic activity to internal treachery. According to him, a man from the city was said to have designated a secret spring, after which water from that spring inundated the city in a great flood. Stoke did not, of course, make mention of any gratitude by William II to the Frisians.

3. THE MAGNUS LEGEND

Melis Stoke briefly mentioned in his *Rijmkroniek* the story that the Frisians allegedly took Rome for Charlemagne and were in gratitude freed from their wooden collars. This siege of Rome was said to be related to an attack on Pope Leo III, whom several Roman aristocrats wanted to blind. Maerlant, *Spiegel Historiael*, Part III, Book VIII, ch. XCIII, lines 215–222 [De Vries, Verwijs, 1863, p. 165], relates the story in more detail and also adds a reference to a privilege that he believed “to be false as it was sealed with butter”.

Around the time both chroniclers were writing, the first references to the Magnus legend and the Charles Privilege seem to have been noted. The *Magnus Saga* is presumably one of the oldest Frisian stories, but was not recorded in writing until the 15th century in several Old Frisian juridical manuscripts [Noomen, 1989, p. 18–20]. Thus, the legend's antiquity is under discussion. M. P. van Buijtenen [1953, p. 147] dates the legend back to the 11th century, H. Schmidt [1972, p. 526–527] dates to the 12th century, but most researchers date with Bremmer [2004, p. 123], to the 13th century. It is recorded as well at length in Dutch in the *Coronike van Vrieslant* (c. 1440) [Huisman, 2010, p. 158], and in a Latin version in the anonymous *Historia Frisiae* (c. 1490). The only manuscript (Munich, Bayerische Staatsbibliothek, Clm 461) is from c. 1490 and belonged to the Nuremberg humanist Hermann Schedel (1440–1514). According to Bremmer [2004, p. 123], the text must date from 1248, with additions from around 1330, as it ends with the siege of Aachen in that year and does not mention the Frisian victory in Warns of 1345 [Reimers, 1939, p. 114–151].

According to the last-mentioned version, the legend claims that three brethren Friso, Bruno and Saxo moved part of their people from India to north-west Europe because of overpopulation. Saxo settled near the Elbe and became the progenitor of the Saxons, Bruno founded Brunswick near the Weser and became progenitor of the Westphalians, and Friso occupied the North Sea coast, where his seven sons formed the seven Frisian Sea Lands. Descendants of Friso's sons elected twelve men to lead the people, the *asega*. These twelve went to Charlemagne and placed the Frisian people in his service. Since then, the Frisian people had been directly subordinate to the Emperor. The Frisians consequently helped Charlemagne conquer Rome. The Frisians were led by their

chosen standard-bearer Magnus. After the conquest of Rome, Charlemagne offered the Frisians as much gold and silver as they could carry, but the Frisians instead insisted on their freedom. They only surrendered the city to the Emperor after the so-called *Magnuskerren* (Magnus Statutes) had been issued and they could lay down their wooden collars which they wore as a symbol of slavery. As Van Buijtenen [1953, p. 17–18], shows, this “liberation of the neck” — in Frisian: “ther mithe capade hira fria halsar” (‘they bought herewith their free necks’) — is a consequence of no longer understanding the old Frisian translation of the Latin *libertas* with *frihals*. Pope Leo III also had a church built for the Frisians to commemorate their courage.

The legend contains a grain of truth. Indeed, Pope Leo III had been ambushed in Rome in 799 by armed men who had threatened to rip out his tongue and blind him. Intervention by Duke Winniges of Spoleto (†822) prevented this. The Pope then fled the city and travelled to Paderborn to seek the help of Charlemagne. The latter had the Pope escorted back to Rome, had his enemies punished and came himself to the Eternal City in November 800, where he was crowned Emperor during the Christmas Eve service. There is a *Chiesa dei Frisoni*, officially known as the *Santi Michele e Magno*, near St Peter and the Vatican at the place where the “Frisians”, the people from the Low Countries, had their *schola* since the 9th century. The oldest reference is that the Frisians actually welcomed Pope Leo III back to Rome there in 799 [Verweij, 2014, p. 14]. During the raid on Rome by the Saracens in 846, the schola was pillaged and damaged. After the final victory against the Saracens in 849, Pope Leo IV had the schola rebuilt and expanded with a small church. Pope Leo IX granted permission to the Frisians to bury their dead there in 1053. The church was destroyed in 1084 during the Sacco di Roma and rebuilt in 1141. Around 1300, an inscription was placed, recording the foundation of the church above the graves of the Frisian defenders of Rome in Carolingian times [De Blaauw, 1992–1993; Stellingwerf, 2007].

In the early 17th century, the cult of St Magnus was associated with the church, presumably because of an inscription in the church, made around 1300, documenting the transfer of the saint’s relics from Trani to Rome and some of it to Frisia⁷:

⁷ Text according to [Halbertsma, 1868, p.164]. The conjecture is suggested by [Noomen, 1989, p.21]. Picture of the inscription in [Stellingwerf, 2007, p. 14–15].

Per idem tempus exercitu Gallia revertente tres illorum milites de Frisia, Ilderado de Groninga et Leomot de Stavera, et Hiaro, et Celdui ancilla Dei de <E>slinga, hi beati Magni corpus in loco qui dicitur Fundi invenerunt. Quo invento in illorum provincia portare et condire decreverunt, sed divina gratia coherente postquam ad Sutrinas partes ventum est amplius deferre non prevaluerunt, quia bis et ter territi. Et per somnium moniti Romam revertentes, sanctum corpus secum tulerunt. Unde factum est quod illorum devotionis causa partem brachii a se segregari ab illis permisit, partes autem ceterae in crypta prefata remanserunt, super quam sicut dictum est, ecclesia iam fuerat facta.

(At the same time, when the army returned to Gaul, three knights from Frisia, Ilderado from Groningen, Leomot from Stavoren and Hiaro, and Celdui, a nun from Esens, found the body of Saint Magnus in the place called Fondi. When they found it, they decided to carry it to their province and bury it there, but through the grace of God they were unable to carry the body any further after they came close to Sutri, because they were frightened twice or thrice. And warned in a dream, they returned to Rome and took the holy body with them. There a decision was made that because of their devotion <the Pope> allowed them to separate part of the arm, the other parts, however, remained in the said crypt, above which, as stated, a church was already built.)

The personage of Magnus in all probability has its origins in Saint Magnus of Anagni or of Trani (†251 AD), who was a bishop in Turenum, today Trani in South Italian Apulia, in the first half of the third century. He had to flee from there because of the persecution of Christians by the Emperor Decius (250–251). He went to Fundi (present Fondi) where Decius' soldiers found him and other Christians in a cave and suffered martyrdom by decapitation in Fabrateria Vetus (present Ceccano) in Italy [Sausser, 2003]. His worship began in Lazio in the 7th century and flourished from the 12th century onwards.

Paul Noomen [1989, p. 21–22] identified the above-mentioned place names with Groningen and Stavoren, these being the most important towns in Dutch Frisian lands, and with Esens (in Latin Eselinga) in East Frisian Harlingerland, where there is indeed a Magnus church with relics of the saint. The nun would then be from the Benedictine double monastery at Esingfelde near Esens, renamed by the Augustinians in 1420 in Marienkamp [Deeters, 1978].

The transformation of Saint Magnus into a military leader must have taken place in the 13th century. One reason may be confusion with another saint, Magnus of Cuneo, who was a Roman officer of the fa-

mous Theban Legion decimated at Agaunum (St-Maurice-en-Valais) in 286 AD and whose feast day is also celebrated on 19 August. As Hugenoltz [1982, p. 180–182] demonstrated, the church of Anagni became an important church for the Popes since 1159, during the struggle between the Popes and the Emperors. Gregory IX, Pope in 1221–1247, often resided in Anagni and must have been at the core of an adaptation of the vita of Magnus who was now transformed into a genuine martyr.

Noomen [1989, p. 17–21] has demonstrated relations between several churches consecrated to the saints, especially in the bishopric of Utrecht and in Frisian territories. One of the sites where St Magnus was worshipped was probably the old tufa church of Wons in Westergo near to the main West Frisian port Harlingen. The seal of the countryside of Wonseradeel from 1270 displays on one side a knight with a flag and a shield with the imperial eagle, the legend says “+SIGILLVM CETVS WELDINGE IN WESTERGO”, the counter-seal shows St Magnus as enthroned bishop with the legend “+SCS MAGNVS DVX FRISONVM”. Further interpretation of the knight then made out of St Magnus a Magnus Forteman, *vexillifer* of the Frisians before Rome [Noomen, 1989, p. 23–24; Van Lengen, 2003, p. 12]. In the sixteenth century, the inscription in the Frisian Church in Rome was interpreted as a testimony for the transfer of Magnus’ relics to Harlingen, and even an entire Forteman lineage was coined, whose progenitor Gustavus Forteman is said to have founded the city of Harlingen in 777 [Noomen, 1989, p. 7–8]. The word “Slinga” from the inscription was then interpreted as a result of a misunderstanding by the stonemason of the word H<ER>LINGA, this is Harlingen.

4. THE ALLEGED PRIVILEGE OF CHARLEMAGNE

The Magnus Saga also mentions that Charlemagne issued a privilege. As Antheun Janse [1991, p. 8–9] has proved, the first real copy of the alleged Charles Privilege is the above-mentioned copy in the Archives of the Counts of Holland from 1319. This first text, dated in 459 AD (*sic*), begins, like the privilege of the Roman King William, with “Karolus favente divina clementia Romanorum rex et semper augustus” (‘Charles, by the grace of God eternally glorified king of the Romans’) and mentions later Pope Gregory instead of Leo III. This chaotic dating is corrected in later versions, especially in the 15th century.

Janse believes that the possible initiator of this forgery was Willem Berthout van Mechelen (†1301), Bishop of Utrecht, who used the chaotic situation in the County of Holland after the murder of Floris V (1296) to call on the West Frisians to revolt against Holland in 1297, and at the same time declared a crusade against Holland. The Frisian territories originally belonged to the sphere of power of the bishoprics of Utrecht, Bremen and Münster. West Frisia was also claimed by the Counts of Holland, who regarded the landscape as ancestral soil — their progenitor Gerulf (c. 850 — 898/914) having been named *comes Fresonum*, Count of the Frisians, by Emperor Charles III in 882. Similarly, the Counts of Oldenburg and the Imperial City of Bremen claimed the East Frisian territory. The idea that the Bishop of Utrecht could have been the initiator of the Charles Privilege is compatible with the theory of Oebele Vries [2015, p. 244–247] that the style of the forged charter and the reference to a chosen *potestas*, like the North Italian *podesta*, points to an author who studied in Bologna as several Frisians did.

5. THE 1417 PRIVILEGE

The discussion now moves to Sigismund's Privilege issued on 30 September 1417, almost 605 years ago. The Emperor stated that he recently received a request “nobis dilectorum universorum incolarum et inhabitantium tam Orientalis et Occidentalis Frisie *Die Friefriesen* vulgarite numcupatorum” (‘from all our beloved of all our beloved inhabitants and residents of both East and West Frisia who are called the Free Frisians in the vernacular’). And he confirms in great detail all the privileges: “libertates gratas, immunitates, franchises, iura, privilegia et litteras” (‘the given freedoms, immunities, exemptions, rights, privileges and charters’), which his predecessors had bestowed on the Frisians. These rights are granted explicitly to the “mares et feminae, iuvenes et adulti” (‘men and women, youngsters and adults’) — essentially an echo of various provisions of Frisian land-laws. All of them are imperially impartial, just as the Frisian tradition of freedom wanted. The Frisians cannot be obliged “ad serviendum nobis vel successoribus nostris antedictis extra Terras prefatas ac eorum fines et limites” (‘to serve us or our successors outside the said Lands or their frontiers and limits’) or to pay tributes, unless they be disloyal to the Emperor or his successors. The Frisians were allowed to mint their own money in the Frisian capital of Leeuwarden. There was, however, a problematic point at the end

of the document, for Sigismund renewed the *huslotha* in the form of a precisely circumscribed imperial tribute, for which the *grietmen* were made responsible.

The edict was issued at a time when the Frisian Sea Lands were torn apart by a great internal conflict. Since 1413, the Great Frisian War had been raging between the Schieringers (Speakers) and the Vetkopers (Fat-Buyers) in West Frisia and their allies, the Abdena clan against the Tom Brok clan in East Frisia. It was the former who addressed Sigismund in 1416, so they by no means represented the whole of the Frisian people. According to the Frisian *headling* Jancko Douwama van Oldeboorn (c. 1482–1533) in his *Boeck der Partijen* (1523), the name *Schieringers* originated from the poor who wished to negotiate and *Vetkopers* from the rich people that were used to buying fat. The first had their centre in the Cistercian monastery of Klaarkamp, the Vetkopers were joined with the city of Groningen [Douwama, 1849, p. 20–21, 57–58, 67].

Precisely in the spirit of the document, the Emperor imposed an Imperial ban on the Vetkopers and the city of Groningen in 1418, which was on their side at the time. The Emperor's envoys did not succeed, however, in forcing obedience out of them, which led to the disappointment of the Schieringers, who now in turn refused to pay the prescribed tribute. They instead paid homage to Johann of Bavaria, administrator of the county of Holland, being the hereditary Frisian enemy, as their lord. He managed to push back the Vetkopers and the great feud was ended in 1422.

This charter is considered a milestone in the acknowledgement of Frisian identity and it is no coincidence that Arno Brok, King's Commissioner in Friesland, installed on 28 September 1417 a large copy of this document in the Province House⁸ of the Frisian capital Leeuwarden [Replica van vrijheidsdocument...].

CONCLUSION

In a following article, the Frisian Privilege of Maximilian I, issued on 23 September 1493 will be discussed. In that article, as well a complete edition of the text together with pictures of the original document and an English translation will be given.

⁸ The *Provinciehuys* (Province House) is the headquarters of the province of Friesland and the seat of the Province Council and the King's Commissioner.

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КОНЕЦ ФРИЗСКОЙ СВОБОДЫ В РЕЗУЛЬТАТЕ ЕЕ ПОДТВЕРЖДЕНИЯ: ФРИЗСКАЯ ИМПЕРСКАЯ ПРИВИЛЕГИЯ ИМПЕРАТОРА МАКСИМИЛИАНА I И ЕЕ ПРЕДЫСТОРИЯ. ЧАСТЬ I: ПЕРВЫЕ ХАРТИИ*

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В статье рассматривается история единственной ратифицированной хартии, подтверждавшей так называемую Карлову привилегию, которая вводила в действие фризскую свободу (предположительно фальшивку XIII в.). Эта грамота

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была издана римским королем Максимилианом I 23 сентября 1493 г. по просьбе представителей западнофризских территорий. В статье рассматривается история возникновения этой привилегии. Дается краткий обзор развития фризской вольности в ее связи с фризской историей. Далее рассматривается так называемая легенда Магнуса, связанная с фризской свободой. Кратко рассматриваются предполагаемая привилегия Карла Великого и фризские привилегии римского короля и графа Голландии Вильгельма II (1248) и императора Сигизмунда (1417). Продолжение этой статьи планируется к публикации в следующем номере журнала «Скандинавская филология». В этой статье будет более подробно рассмотрена привилегия Максимилиана, после которой в 1498 г. фризская свобода закончилась почти на 450 лет. Кроме того, в ней будет представлено полное издание латинского текста хартии и ее английский перевод.

Ключевые слова: Фризия, латынь, Карлова привилегия, фризская свобода, Максимилиан I, Сигизмунд, Вильгельм II.

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