

Appendix 2. Evolution of bylaw rules and fines relating to peat extraction and commercialisation

Were bylaws adjusted over time to changes in the peat use?

Bylaws were adjusted over time to changes in peat exploitation rates. For the *Bakelse gemeint*, over time (notably in the bylaw of 1649), new rules appeared that applied to persons having either very large parcels or more than one parcel for peat cutting (Gemeentebestuur Deurne 1499; Gemeentebestuur Helmond 1571-1627, 1649). This is an indication of an increasing scale of commercialisation. The oldest bylaw available for the *commune de Xhoffraix* (1430-1515) did not mention peat extraction (Poncelet et al. 1958: 225-6), suggesting that either peat was not yet extracted there at the time, or at least regulation was not considered necessary. Later princely ordinances (1583, 1780) stressed that selling peat to non-entitled outsiders was forbidden (Abbaye de Stavelot-Malmedy 1583b; Polain 1864: 354-5). The 1780 ordinance explicitly mentions the risk of peat depletion. Elsewhere in the Hautes-Fagnes, the 1659 bylaw of the village of Jalhay mentions excessive peat extraction and limits its exploitation in space and time of year (Renier 1905: 31). In 1817, the local authorities of the same village refer to a municipal law prohibiting the commercialisation of peat, in order to reserve the fuel for its own residents (Commune de Jalhay 1817).

Was the amount of peat allowed per entitled user adjusted to the level of remaining peat?

Even though these bylaws and ordinances were adjusted to increasing rates of peat extraction for sustenance and commercial use, these regulations rarely set explicit limits to peat volumes allowed to be extracted annually by individual users. However, in many cases bylaws applying to the *Bakelse gemeint* and neighbouring commons in the Peel did contain information about the maximum area of bog that entitled users could exploit on an annual basis (Van Zalinge-Spooren 2018: 135-7).

We found no evidence that peat quantities which entitled individuals were annually allowed to extract decreased over the longer term with declining peat stocks.

How did the fines related to overuse of peat evolve?

Of the two cases we analysed, we are best informed about fines through the bylaws for the *Bakelse gemeint*. The amounts of the fines connected to specific rules recurring in consecutive versions of the bylaws mostly did not change over time. For example, the fine related to the rule that excluded non-entitled users from the common amounted to 10 *oude schilden* (300 *stuivers*) in all bylaws where this rule was included (1499, 1571-1627, and 1649). Interestingly, three specific rules did show evolving fines over time. All three were rules that aimed at controlling peat cutting by prohibiting extraction outside prescribed places (and/or time periods), and extraction meant for commercialisation (see **Table 1**). Compared to the two other rules, fine amounts were consistently highest for the rule prohibiting peat commercialisation. The fines relating to the two rules that regulated where and when peat cutting was allowed increased after 1499. In contrast, the fine amount prohibiting peat commercialisation was in the 1649 bylaw reduced to one fifth of the amount indicated in the two earlier bylaw versions. Nevertheless, the reduced fine amount was still considerably higher than the fines relating to the other two rules.

Were fines related to peat overuse linked to the availability of the resource or to the number of breaches of the rules?

It is difficult to deduce from the bylaws and ordinances of our case studies whether the amount of the fines was based on the remaining availability of peat and/or on the number of breaches of the rules. The documents do not give explicit information about that. However, in the *Bakelse gemeint* bylaws, the trend displayed by the fine for selling peat to non-entitled users (fine amount reduced to 6 *gulden* by 1649 compared to 30 *gulden* in the 1499 and 1571-1627 bylaws; **Table 1**) suggests the amount of the fines was *not* primarily determined by the remaining quantity of the peat resource. After all, if the fine amount was only determined by the remaining amount of peat in the bog, we would not expect a fine decrease, as peat in the *Bakelse gemeint* only got scarcer over time.

Table 1: Evolution of fine amounts connected to recurring bylaw rules for the *Bakelse gemeint*. Only rules with changing fine amounts over time are listed. The bylaw of 1649 defines 1 *oud schild* as equivalent to 30 *stuivers*. Our other comparisons between coin values, as indicated between [], are based on Geets (2014).

Rule	Bylaw of 1499	Bylaw of 1571-1627	Bylaw of 1649
Peat cutting only allowed at the prescribed place (and/or time period)	Fine ½ <i>peter</i> [9 <i>stuivers</i> , i.e. 0.45 <i>gulden</i>]	Fine 3 <i>gulden</i>	Fine 3 <i>gulden</i>
Peat cutting only allowed during daytime	Fine ½ <i>Bosch libra</i> [~ ½ <i>gulden</i>]	Fine 1 <i>Philippus gulden</i>	Fine 1 <i>Philippus gulden</i>
Selling peat to non-entitled users/outside is forbidden	Fine 10 <i>oude schilden</i> for seller and same amount for buyer [in total 2 x 300 <i>stuivers</i> , i.e. 30 <i>gulden</i>]	Fine 10 <i>oude schilden</i> for seller and same amount for buyer [in total 2 x 300 <i>stuivers</i> , i.e. 30 <i>gulden</i>]	Fine 6 <i>gulden</i> [120 <i>stuivers</i>], to be shared by seller and buyer

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