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We come now to the origin of fiefs or feodal holdings in Italy, which like the Gols had their heads so hidden and their origin so concealed, that among the disorders of the Ages by past, it was reputed so difficult and desperate a task to find it out, and their accounts were so differed and inconsistent, that the thing in question was rendered more obscure and dark, than clear and evident. However, we must not take upon us to say that the Longobards were the first who introduced them, and that in imitation of them other Nations afterward discovered them into their Dominions; For in the History of France as Charles Molinios the French Papinian relates, Molin in Confist. Paris. tit. de fiefs n. 13. there is mention of fiefs since the Reign of Charlebert I; and in their Annals, and in Aimoinus lib. 1. cap. 14 and Gregory of Tours Greg. Tours Hist. Frank lib. 4 cap. 45. Atter's orig. foud. cap. 1 We likewise read the same. It was the Ancient French and those Northern people, who settling themselves in other peoples Countries invented fiefs. Not but that in some sort this Invention owes its beginning to the Roman Emperours Molin loc. cit. n. 11 who for the greater security of the Frontiers of the Empire, were wont to grant to the Captains and soldiers, who had signalized themselves in the Conquests, some Lands situated on these frontiers, as a Reward for their Bravery, of which they had all the Profits, so that this Grant was called Beneficium; which was in order to oblige them to continue in the Military profession with the greater Courage, by defending their own Lands, ut Attentius Militarent, propria Rura Defendentes, as Lampridius says Lamprid. apud Loy Jean des Offices lib. 1 cap. 1 n. 404 Jusin. But this is certain, that Much about the same time, the Northern people Viz. the French in Gallia, and the Longobards in Italy, introduced the fiefs. G. Pagnus lib. 1 diq. 5. Jo. Schiltorus Com. ad Rub. Jur. Feod. Thom. Both of them perhaps in Imitation of the Gols, who according to Horatius Montanus in Prae. Feod. were the

the first who laid the foundations of them. Charles Molinios loc. cit. n. 13. asserts that the French were the first who introduced them into Gallia, from whom the Longobards took them, who brought them into Italy afterward, and properly into Lombardy, from Whom they spread into Sicily and our Kingdom. However it is like wise true, that all their Growth, and all the Customs & laws which afterward were introduced and published concerning them are owing to the Longobards, who gave them a certain and Regular form, Remains in Jurispr. Feodal cap. 156. And they so gained Ground, that amongst all other Nations, successions, Acquisitions, Investitures and all other Matters relating to fiefs, were regulated by no other laws and Customs but those of the Longobards; whereupon a New body of Law sprung up which we call feodal.

Lib. 13.
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About the year 1169 was made by the Civilians of Milan that Collection of the feodal Books, which in process of time acquired so much Authority and force in Europe, and all the Academies and Tribunals in the Christian World, that it was looked upon as a part of the Civil Law. The feodal Books, which with the Novelles of Justinian, make up what is now called Decima Collatio, were added to the Roman Law; not that they are truly a Body of the Civil Law, as Gratian, Bartolus, and some other of our Doctors thought them to be, for which Molinios and Confist. Paris. tit. de fiefs n. 24. But because their Authority was so great, that they deserved to be put on a level with the Roman Civil Law. After fiefs were introduced into Italy, there were no written laws concerning them before Conrade the salick. They were regulated according to the Usage and Customs of the places; and seeing, as in other things, the Customs of the places were various and different, so it happened with respect to fiefs, that in one place of Italy they were regulated one way, and in another after a different Manner. So these Customs, Conrade the salick, and other Emperours, added Constitutions of their own concerning fiefs, which were not as yet collected into a certain Volume. Therefore in the time of Frederic I. Some lawyers of Milan, with out any Command, resolved to collect these Customs and