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XXXI.14 On the fiefs of Charles Martel

- The Spirit of Law - Book XXXI. Theory of feudal laws among the Franks, in their relation to the transformations in their monarchy -

Date de mise en ligne : samedi 8 septembre 2018

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I shall not decide whether, when Charles Martel gave away the Church's properties as fiefs, he gave them for life or in perpetuity. All I know is that in the time of Charlemagne [1] and Lothaire [2] these sorts of properties existed that passed on to heirs and were divided among them.

I find in addition that a part of them was given as allod, and the other part as fief. [3]

I have said that the owners of allods were subject to service like the owners of fiefs. That was doubtless in part the reason why Charles Martel donated in allods as well as in fiefs.

[1] As appears from his capitulary in the year 801, art. 17, Baluze ed., vol. I, p. 360.

[2] See his constitution appended to the code of the Lombards, book III, tit. 1, §44.

[3] See constitution above, and the capitulary of Charles the Bald, year 846, ch. xx, in *Villa Sparnaco*, Baluze ed., vol. II, p. 31, and that of the year 853, ch. iii and v, in the synod of Soissons, Baluze ed., vol. II, p. 54, and that of the year 854, *apud Attiniacum*, ch. x, Baluze ed., vol. II, p. 70. See also first capitulary of Charlemagne, *incerti anni*, art. 49 and 56, Baluze ed., vol. I, p. 519.