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XXX.7 Different manners of dividing up lands

- The Spirit of Law - Book XXX. Theory of feudal laws among the Franks, in the relation they have to the establishment of the monarchy -

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XXX.7 Different manners of dividing up lands

When the Goths and the Burgundians had under various pretexts penetrated into the heart of the empire, the Romans, to halt their devastations, were obliged to provide for their subsistence. At first they furnished them grain [1] ; subsequently they preferred to furnish them lands. The emperors, or under their name the Roman magistrates, [2] made conventions with them on the division of the country, as we see in the chronicles and codes of the Visigoths [3] and Burgundians. [4]

The Franks did not follow the same plan. In the Salic and Ripuarian laws we find no trace of such a division of lands ; they had conquered, they took what they wanted, and made statutes only among themselves.

Let us therefore distinguish the procedure of the Burgundians and Visigoths in Gaul from those same Visigoths in Spain ; of the auxiliary soldiers under Augustulus and Odoacer in Italy [5] from that of the Franks in the Gauls and the Vandals in Africa. [6] The former made conventions with the previous inhabitants, and consequently a division of lands with them ; the latter did none of all that.

[1] The Romans obliged themselves to do this through treaties.

[2] *Burgundiones partem Galliæ occupaverunt, terrasque cum Gallicis senatoribus diviserunt* (chronicle of Marius for the year 456).

[3] Book X, tit. 1, §8, 9, and 16.

[4] Ch. liv, §1-2, and this division subsisted in the time of Louis the Debonaire, as appears in his capitulary of the year 829 which was appended to the *Law of the Burgundians*, tit. 79, §1.

[5] See Procopius, *The Gothic Wars*.

[6] *The Vandalic Wars*.