would lose their holdings only by the judgment of their own peers. The constitution not only confirmed the heritability of fiefs within the empire; it also represents the earliest statement of the right of tenants to be judged by their own peers. The charter, translated by D. Herlihy in its entirety, is found in the *Constitutiones*, ed. L. Weiland (Monumenta Germaniae Historica, Legum Sectio IV; Hanover, 1893), Vol. I, p. 90. The *vassus* in this contract seems to have been a wealthier knight, perhaps a mesne tenant.

CONRAD II. CONST. ON FIEFS 1027

In the name of the holy and undivided Trinity, Conrad, by the grace of God, august emperor of the Romans.

1. We wish that all the faithful of the holy Church of God and our own, both present and to come, know that in order to reconcile the hearts of lords and vassals, so that they may faithfully serve us with loyalty and devotion, we order and firmly establish that no vassal of the bishops, abbots, abbeses, margraves, counts, or any lord, who now holds or once held, and has unjustly lost up to the present, a fief from our public lands or from the properties of the church, that none of them, both from among our great *vassarens* or their vassals, should lose his fief without certain and proved guilt, unless in accordance with the law of our predecessors and the judgment of his own peers.

2. If a dispute should arise between lords and vassals, even though the peers should judge that the vassal ought to lose his fief, if he should protest that this was done unjustly or out of hatred, he should retain his fief until such time that his lord and the accused, with his peers, come before us, and the case should be justly settled. If, however, the peers of the accused fail to support the lord's judgment, the accused should retain his fief, until he with his lord and his peers shall have come before us. The lord or the accused, who has decided to appear before us, should notify him with whom he is disputing six weeks before he begins his journey. This procedure should also be followed in matters involving the great *vassaroes*.

3. In regard to the petty vassals in the realm, their cases should be settled either before their lords or before our legate.

4. We also command that when a vassal, great or petty, should die, his son shall receive his fief. If he has no son, but is survived by a grandson born of male issue, the grandson should in equal manner have the fief, while respecting the customs of the great *vassarens* in giving horses and arms to their lords. If he does not have a grandson born from male issue and if he should have a legitimate brother from the side of his father, and if that brother, after offending the lord, is willing to make amends and become his vassal, he should have the fief which was his father's.

5. Moreover, we absolutely forbid that any lord should dare to exchange a fief held by his vassals, or to give it in fief or lease it without their permission. No one should dare deprive them unjustly of those properties which they have held, whether by right of property or by order of their lords or by legal lease or through precariel grant.

6. *Fodrum* [fodder or fodder tax] from the castles, which our predecessors had, we wish also for ourselves. But we do not in any way demand more than what has been customary.

7. If anyone should violate this order, he should pay 100 pounds of gold, one-half to our treasury and one-half to him who suffered the damage.

The mark of the Lord Conrad, most serene and august emperor of the Romans, Cadulus the chancellor confirms the act, in place of Herman the archchancellor. Given the fifth of the kalends of June, the fifth indiction, the year of the Lord's Incarnation 1037, the year of the Lord King Conrad the thirteenth, of his holding the office of emperor the eleventh. Done while besieging Milan, happily. Amen.

23. The granting of a fief, from the *Liber feudorum maius*.

The following grant of a fief by the count of Barcelona is typical of hundreds that have survived from the twelfth century in the documents of southern Europe. The source is the *Liber feudorum maius*, 1154, and the translation is by D. Herlihy.