

## Main text

Heading: On the inheritance of fiefs by noblemen.

Title On the inheritance of dukes and barons and all of them who hold fiefs by us in person. [possibly corrupt] ... so that no doubt shall possibly arise in the future, we decree by a clear constitution, for those who hold fiefs, sons and nephews and great-nephews from them and great-great-nephews and so on until infinity, descending from the descending line, shall freely and absolutely be able to succeed, whatever sex he/she will be. The precedence of sex shall be preserved however, so that male is preferred to female, and also the precedence of greater age among those who live in the realm especially according to the Frankish law ...

## Marginal gloss

Title "On the inheritance" This constitution deals with the inheritance of fiefs, on which it is said that when the lord of the fief dies, whether he has the fief from the court or from another baron, if he leaves issue behind until infinity, they shall succeed him. So that if male and female are mixed, only male shall succeed. Brothers and sisters and you shall always understand that male excludes female if they are mixed, and greater age is preferred if they live by Frankish law. And the father is excluded according to the common law, otherwise as in [reference to the Codex]. The son of a predeceased brother, succeeds, together with the brother of the deceased, that is his uncle, as regards property that belonged to the common grandfather, that is the father of the deceased. In the case of other property, that the deceased acquired elsewhere, the son of the predeceased brother does not succeed together with the uncle, but the uncle only succeeds. But from the common law against [reference to the Codex] but it may be understood in the case of fiefs [to be fiefs received from the King?] but the letter seems to speak also of not fiefs, and furthermore, observe that many do not consider this. I believe, however, that he speaks of fiefs because he could acquire from elsewhere. For when in doubt, we should be devoted to the words of the Edict, that is the King [reference to the Digest]. The first saying is taken without doubt from the Lombard law: married sisters shall not inherit brothers in the case of fiefs, but in other cases otherwise as [reference to the Codex]. But if the brother is dead whose inheritance the case is about, and there is a son of the nephew, he inherits no property of his great uncle, which I understand as concerning fiefs, that is, neither that property which his great uncle had from the inheritance of his father, the great-grandfather of him who doesn't want to (?) inherit, and neither property acquired elsewhere, but it shall fall to the state treasury, and if he is prepared to give equally much to the state treasury as each and every stranger (?) he is preferred to the stranger [reference to the Digest], but if the state treasury is willing, by generosity, to grant [something] to somebody, whoever it may be, he does no wrong to

anybody when he makes use of his right. At last: if the lord of the fief leaves behind "sons in the hair" [probably = grown-up sons] and married daughters, or they should have been married endowed with paternal or maternal property, and they are excluded and then they either lived by Frankish law, and the elder inherits the fief, whether they be married or not, or they lived by Lombard law and they inherit equally after the collecting of the dowry as it is said in the common law [reference to the Codex and Digest].

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