

perpetuity to a free tenant. Plan later imitated by individual tenants. From these the coloni came and the *mitayer* system spring from these coloni who reserved  $\frac{1}{3}$  of produce to themselves. Between the great fortresses between the Rhine and the Danube were a succession of *steppes* of land occupied by veteran Roman soldiers. So these soldiers cultivated the land and had it as long as they were in readiness for military duty. This is a precedent copied by the barbarian monarchs who founded feudalism.

Chap. IX.

The Early History of Contract.

The society of our day is distinguished from that of preceding generations by the largeness of the sphere which is occupied by contract.

Not many of us are so unobservant not to notice that in innumerable cases where old law fixed a man's social position irreversibly at his birth modern law allows him to create it for himself by convention. Political Economy would fail to correspond with facts of life if Imperative law had not abandoned the largest part of the field it had once occupied.

Interval between ancient days and ours, morality has advanced from a very rude state to a highly refined conception.

The social contract and other theories observe the fact that all ~~law~~ had its origin in contract and in Imperative law as it does.

In primitive societies individual creates for himself no rights or duties & what he obeys are derived from the station in which he is born and from the imperative commands addressed to him by the head of the family. Family may contract with family but these are encumbered with great formalities.

Ancient Law's conception of contract is entirely rudimentary. It is first ~~encumbered~~ with great formalities, first one or two steps in the ceremonial are dispensed with-then others are simplified, lastly a few specific contracts are separated from rest and allowed to be entered into without form. Then the mental engagement isolates itself amid the technicalities. Such a mental engagement was called by the Romans

a *manu* persons connected by a strong bond or chain every transaction with the copper and the brass but mancipation was a conveyance. The