

TREATISE OF THE LAWES OF THE FOREST:

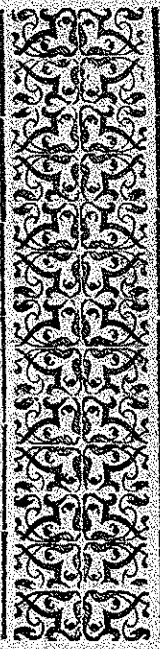
Wherein is declared not onely
those Lawes, as they are now in force, but also the ori-
ginall and beginning of Forests: And what a Forcfe is in
his owne proper nature, and wherein the same doth dif-
fer from a Chate, a Parke, or a Warren, with all such
things as are incident or belonging therunto, with
their severall proper termes of Art.

ALSO A TREATISE OF THE
Poualtee, declaring what Pouallee is, how the
same first began, what a Pouallee man may do, how he may hurt
and vse his owne Pouallee, how farre he may pursue and fol-
low after his chate, together with the limits and bounds, as
well of the Forcfe as the Pouallee.

Collected, as well out of the Common Lawes and
Statutes of this land, As also out of sundrie learned authors
Chors, and out of the Offices of Pickering and Lancaster,
by JOHN MANWOOD.

Whereunto are added the Statutes of the Forcfe, a Treatise
of the severall offices of Verderors, Regardors, and Forc-
fers, & the Courts of Attachments, Swanmore, & Iusticefer
of the Forcfe, and certaine principall Cases, Judgements,
and Histories of the Offices of Pickering and Lan-
caster: Never heretofore printed for
the publike.

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Fol. 1.

CARTA DE FORE- STA, of King Canutus a Dane, and a King of this Realme, graunted at a Par-

liament holden at Winchester in the yeare
of our Lord 1016. as fol-
loweth.

Incipiant constitutiones CANVTI
Regis de Foresta.

Hic sunt sanctiones de Foresta, quas
ego Canutus Rex cum consilio
primariorum hominum meorum
Condo & facio, vt cunctis regi-
nostris Anglie Ecclesijs & pax &
Iustitia fiat, & vt omnis delin-
quens secundum modum delicti,
& delinquentis fortunam patiarur.

¶ Sicut iam deinceps quatuor ex
liberiorib' hominib' qui habent salvas suas debitas con-
suet. Quos Angli *Pegened* appellat. In quolibet regni mei
provincia consistunt, ad Iusticia distribuenda vna cu' poena
merita & materijs Forcfe cuncto populo meo, tam Ang-
lis quatuor Danis per totum regnum meum Anglie, quos
quatuor primarios Forcfe appellandos Consensimus.

For they are foure chiefe men of the Forcfe as they were then; and they doe execute
the same place: and they haue the same authoritie in most things that these chiefe
men had then.

A 2 Sine

Pegened
These foure
chiefe men are
those that
now are called
the Verderors.

A Treatise of

Legend. Sicut sub quolibet horum, quatuor ex medicis hominibus [quos Angli *Legend* nuncupant, *Dum* vero to be those *young men* vocant] locati, qui curam & onus cum viridis men ibi novum veniens suscipiant.

Regardis: for they have the same office & authoritative dicitur they had. *Dum* *Ealdormen* appellam.

3 In administranda autem Iusticia nullatenus volo ut tales se intromittant: medicosque tales post ferarum curam susceperant; pro liberalibus semper habeantur, quos *Dum* *Ealdormen* appellam.

4 Sub horum iteque quilibet sunt duo minorum hominum quos *Tinerman* Angli dicunt, hi nocturnam curam Thele are they called Forestis ar keepers. Here you may note both their Office, authentic, and being.

5 Si talis minutus servus fuerit, tam cito quam in Foresta nostra locabitur, liber esto, omnesque hos ex sumptibus nostris manebimus.

6 Habeat etiam quilibet primariorum quolibet Anno de nostra warda quam *Michehi* Angli appellam, duos e- Here you may see what allowance a Verdor had by the year of the king for his fee.

7 Medicorum quilibet vinum equum, vinam lanciam, vinum scutum & 6c. solidos argenti.

8 Minorum quilibet, vinam lanciam, vinam archaballite by the Assam & 1 s. solidos argenti.

9 Sicut omnes tam primarij, quam medicos, & minores, in unum.

the Forest Lawes.

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immunes, liberi, & quicquid ab omnibus provincialibus sum- monitionibus, & popularibus placitis, quae *Hundred Laiche Hundred* Angli dicunt, & ab omnibus armorum oneribus quod *warfco* Angli dicunt, & Fovineis quereis.

rest are to be acquired of paying of any tribute or tax, and of all Summons and for- reime pleas.

10 Sicut medicorum & minorum causa & eorum All the effi- corolliones tam criminalium quam civilium per provi- ces of the For- dam sapientiam & rationem primariorum iudicare & de- rest are to be corrected and cisse: Primariorum vero enormia si qua fuerint [ne scilicet punished by aliquod tenuerit iudicium] nosmet in ira nostra regali the Verdenos puniamus.

11 Habeant hi quatuor vnam regalem potestatem *Michehi*, [salva nobis nostra presentia] quaterque in Anno genera- The Verdenos les foresta demonstrationes & viridis & veteristoris facti- hant regalem ones quas *Michehi* dicunt, ubi remaneant omnes casum potestatem, ziam de materia aliqua tingerent Forestam, eamque ad tri- *Gang forest* plex Iudicium quod Angli *Gangfordel* dicunt. Ita autem acquiritur illud triplex Iudicium: Accipiat secum quin- They may proceed to a que & sit ipse sextus & sic iurando acquiritur triplex Iu- threefold dicium, aut triplex Iuramentum. Sed *Pargato ignis*, nihil- Iudgement, tenus admittatur nisi ubi nuda veritas nequit aliter in- *Pargato ignis* vestigari.

12 Liberatus autem homo, i. *Pagen*, modo cimen suum *Triplex ordinis Pagen*, non sit inter malthosa, habeat fidelem hominem qui pos- Aitrem an sit pro eo iurare iuramentum, i. *Forsthe*: si autem non may have an- habet, ipsemet iuret, nec paretur et aliquid iuramen- other to swear tum.

13 Si Aduena vel Peregrinus qui de longinquo ve- *Forsthe*, nient sit calumpniatus de Foresta, & talis est sua noxia, How a stran- ge shall be ve non possit habere plegium ad primam calumpnam, get shall be qualera * nullus Anglus iudicare potest: tunc subeat A 1 s. captionem

captiorem Regis. & ibi expectet quousque vadat ad iudicium ferri & aquie: & tamen si quis extraneo aut Perjurino de longe venient. * sibi ipsi nocet si aliquod iudicium in- dicauerit.

Ita stranger being an of- fendor that be hurt, he hath doth hurt him shall haue his Indgement executed vpon him.

Hee that doth beate false wit- nesse before a Verderor, is di- uinede any more, and he shall paie to the King ten shillings.

If any man do offer force to a Verderor, if he be a freeman, hee shall lose his freedom, and all that he hath. And if he be villen, he shall lose his right hand.

If such an of- fendor doe of- fend so againe, he shall lose his life.

17 Si quis contra autem cum puimario pugnaverit in plactio emendet secundum pretium sui ipsius, quod Angli contendunt with *Pere & Pise* dicitur, & soluat primario quadraginta solidos, a Verderor in suite, he shall forfeit to the King as much as hee is worth, and to the Verderor xli.

18 Si pacem quis fregit ante mediores Foreste, quod *Gerberech* dicitur *Gerb-berch*, emendet Regi decem solidis. He that doth breake the peace before a Regarder, shall pay to the King ten shillings.

20 Si

20 Si quis delinquens in Foresta nostra capitur, poe- nas sicut secundum modum & genus delicti. He that is taken offending in the forest, shall be punished according to his offence.

21 Poena & forisfactio non vna eademque erit liberalis *Ealdern an*. E quem Dani *Ealdernan* vocant] & illiberalis, Domini & tenui, non & ignoti; nec vna eademque erit cautaram tum *The punish- ment of him* cuius criminalium, ferarum foreste, & ferarum ment of him regaliu, viridis & venentis tractato: nam crimen venentis ab antiquo inter maiora & non immenno numeraba- tur: viridis vero (fractioe clacet nolle: & regalis excep- ta) sua punitum & exiguum est, quod vix ea respicit nostra constituto: qui in hoc tamen delinquerit, sic criminis Po- nent of a Master, and of reffe reus. a Seruant of a man known, and of man not known, of criminal causes, and ciuil causes. Offences of the Forest, and of royal beasts, shall not be all one. Hunting is one of the greatest offences in the forest. The offence in Ven is but small. But yet it is an offence, for it is a breach of the free chase.

22 Si liber aliquis feram forestae fugerit, siue casu, siue prahabita voluntate, ita vt cursu celeri cogatur fera anhe- lare, decem solidis Regi emendet, si illiberalis dupliciter gauderit, si ferus carcer corio. He that doth hunt a wilde beast, & doth make him paunt, shall pay to the King xli.

23 Si vero harum aliquis interfecerit, soluat dupliciter. The punish- ment for kill- ing a Deere.

24 Sed si Regalem feram, quam Angli a *Staggon* ap- pellant, alter vter coggerit anhelare, alter per vnum An- num, alter per duos carere libertate naturalis: si vero Ser- uis, pro vtegato habentur, quem Angli *Frendelstman* vo- cant. *Staggon*. The punish- ment for hunt- ing a Staggs.

A iij 25 Si

A Treatise of

the Forrest Lawes.

The punish-
ment of him
that doth kill
a wilde beaft which is a roiall beaft.

Epifcops, Ab-
bates, & Barones mei non calumnia-
bos, and Ba-
rions may hunt
all beafts of
the Forcft that are not royall beafts.

Bubalis olivæ 27 Sunt aliæ (præter feras foreftæ) Bestiæ quæ damni-
in Angliâ. ter fepa & fepes; Foreftæ continentur, emendationi fuba-
There be fome cent: quales funt capreoli, Lepores, & Cuniculi. Sane &
wilde beafts alia quam plurima animalia quæ quancquam infra fepa
(befides the Foreftæ vivunt, & oneri & curæ medicorum fubiacent,
wilde beafts Foreftæ tamen nequancquam cenferi poffunt, quales funt e-
that are pro- qui, Bubali, Vaccæ, & familia Vulpes & Lupi, nec Foreftæ
pedic beafts nec venenis habentur, & proinde eorum interfecio nulli
of the Forcft) that fo long emendationi fubiacer. Si tamen infra limites occidun-
as they are re- emendationi fubiacer. Si tamen infra limites occidun-
maintaining with- tur, fractio fit regalis chaceæ, & mitius emendetur. Aper
in the bounds vero quancquam Foreftæ fit, nullatenus tamen Animal ve-
of the Forcft, nis haberi eft affuetus.
the hunting of the is punish-
able by the
Laves of the Forcft, fuch are wilde Goates, Hares, and Conies. And there bee di-
vers other beafts which although they doe live within the Forcft, and they be under
the charge of the Regardors, yet they cannot bee accounted beafts of the Forcft:
Suchare wilde Horfes, Bugalles, Kine, and fuch like. Foxes and Wolves are not ac-
counted beafts of the Forcft, nor of Venenis, and therefore the killing of them fhall
not yeeld any recompence. Yet notwithstanding, the killing of them within the
bounds of the Forcft is a breach of the Kings roiall free Chafe, and therefore the of-
fendor fhall for the fame yeeld a recompence.

A wilde Boare, although he be a beaft of the Forcft, yet he is in no wife accounted
a beaft of Venenis.

28 *Bofco*

28 *Bofco* nec fubbofo noftro fine licentia primario. Ver in the
rum Foreftæ nemo manu apponat, quod fi quis fecerit, Kings Wood,
reus fit fractionis regalis chaceæ. No man may
lay his hand
upon the Kings demefne Woods without licence of the Verdor: for if he doe, hee
fhall be adjudged guilty of the breach of the Kings free chafe Royal: every tree in the
Kings Woods is Vert.

29 Si quis vero ilicem aut arborum aliquam qui viftu Vert in an-
feris fuppeditare fecerit, præter fractionem Regalis cha- ther mans
ceæ, emendet Regi viginti foldis. Wood,
If any man do
cut downe a
Holly Tree, or any other Tree in the Forcft which doth beare fruit for food for the
wilde beafts, befides the breach of the free Chafe Royall, he fhall paye twenty fhillings to
the King for a recompence.

30 Volo ut omnis liber homo pro libito fuo habeat ve-
nerem fve viderem in planis fuis fuper terras fias, fve cha- By this Law
cca tamen: Et devent omnes meam, vbiquncque cam ha- it doth ap-
bere volvero. pear, that be-
fore that time,
were the Kings, wherfoever they were out of the Forcft: And therefore the King
made this Lawe, that every man might take his Venery in his owne ground; fo that
they did not efcape from the Venery of the King in his Forcft.

31 Nullis mediocritis habebit nec cuftodiet Canes quos
Angli *Grey-hounds* appellant. Liberali vero, dum genuif- *Grey-hound.*
ciffio eorum facta fuerit coram primario Foreftæ, jicabit, No mean per-
aut fine genuiffione dum remoti funt a limitibus Foreftæ, fon, may keepe
per decem Milliaria: quando vero propius venerint, c- any Grey-
mendet quolibet Milliare vno folido. Si vero infra fepa hounds; but
foreftæ reperiantur, dominus canis foufciatiet & canemur keepe Grey-
decem foldos Regi. hounds, fo that
their knees be
cut before the Verdorors of the Forcft and without cutting of their knees alfo, if they
doe abide ten miles from the bounds of the Forcft. But if they doe come any nearer
to the Forcft, they fhall paye twelve pence for every mile: but if the Greyhounds be
found within the Forcft, the mafter or owner of the Dog, fhall forfeit the Dogs, and ten
fhillings to the King.

A iij

32 *Vel-*

Vellet law-
32 *Velletes* vero, quos *linggones* appellant, quia man-
fesse contra in his nihil esse periculi, cuiuslibet sic
Rambandi, gemificione eos custodire. Idem de canibus quos *Zym-*
Whar Dogges *hwind* vocant.

a man may
keepe in the
Forest. These little Dogges called Velletes, and such as are called Rambandi (al-
which Dogges are to be in ones lap) may be kept in the Forest, because in them there
is no danger, and therefore they shal not be hoked, or have their knoes cut: but al-
though they be lawful Dogges, they must be lawfully viad and kept as it doth ap-
pear by the next Canon.

The price of a
33 *Quod si casu inauspicato huiusmodi carnes rabidi*
meane man. *fane & vbi que vagantur negligentia dominorum, red-*
It by misfo- *duntur illicitis, & emendetur Regi pro illicitis &c.*
tune such a *Quod si intra septa Forestæ rependantur, falsis exquir-*
kinde of Dogs *urheus, & emendetur secundum precium hominis medio-*
doe become *ma & sanage cris, quod secundum legem Memoriarum est ducenorum*
and doe runne *et ad ducenorum*
et ad ducenorum
yp and downe *emendetur*
emend where,
by the negligence of their master, and so doe become unlawfull, when the owner must
yeeld a recompence to the King for their unlawfulness. If they be found within the
circuit of the Forest: then the master of such Dogs must be sought out, and hee shall
yeeld recompence, according to the estimation of a meane man, which according to
the ancient Law is ten pounds.

The price of a
34 *Si canis rabidus monderie feram, tunc emendetur*
freeman. *secundum precium hominis liberalis, quod est Duodecies*
It a greedie ra- *solidis Centuri. Si vero fera regalis mors fuerit, reus sic*
ning Dog *doe bite a wild maximi criminis.*
doe bite a wild *bestiam the*
best in the
Forest, then the owner shall yeeld recompence for the same, according to the price of
a freeman, which is twelue times a hundred shilling. But if he doe bite a royal beaſt,
then he shall be guilty of the greatest offence.

These

These are the Constitutions of Caninus, concerning
the forest, very barbarously translated out of the Danish
 tongue into Latin, by those that took the same in hand.
 Together, as I find it, so I set it downe, without any
 alteration of my Copie, many tole of it.

Note that in the aforesaid Canon the elementy, there
is mention made of Purgatio ignis: which manner of
triall by fier, I thinke is very darke to many, that al-
most haue neuer heard of it, so that it is now long since
the same was in any great vse in this Island of England:
and yet it both seeme by diuers ancient writers, that
in times past, it was a common vjage to the men wher
that they were guilty of any offence or not, by the Or-
dalian Lawes, as it both appeare by Holenshed his
 Chronicle in the description of Buanne fol. 98. in (a) the
 Columbe the first in fine b. v. c. m. where it is written thus,
 as it followeth.

The Ordalian Lawe (saith the aforesaid author) was
a certaine manner of purgation then thus waies: wher
of the one was by fier, the other by water: In the
 Execution of that which was done by fier, the partie
 accused should goe a certaine number of paces with an
 hot peere of Iron in his hand, or else bare fasted upon
 certaine plough-shares red hot according to the man-
 ner. This Iron was sometime of one pound weight,
 and then was it called Single ordalium: sometimes of
 three, and then was it named Triple ordalium. And
 whosoener was beare of bread on the same without hurt
 of his boole, he was acquitted guiltlesse, otherwise if his
 flame were leached, he was forthwith condemned as
 guilty of the trespass wherof he was accused.

Vide Gray-
 tom pag. 180.
That Emma
the mother of
 King Edward
 the Confessor
 was accused
 of the death of
 her sonne, for
 which she was
 adjudged by
 Robert Bishop
 of Canterbury
 to her triall by
 the Ordalian
 Lawes, and so
 she was led
 blindfold be-
 fore two men, to passe ouer 9. plough shares which were glowing red hot: and as
 Chronicles doe report) she did passe ouer them barrewood without hurt, before she
 thought she had bene come to them.

There were in like sort two kindes of triall by the
 water.