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A Treatise of the laws of the forest

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London, 1665

Eisenbibliothek Schlatt

Persistent Link: <https://doi.org/10.3931/e-rara-99860>

Chap. V.

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CHAP. V.

1. *What is Venison:*
2. *Of the general signification of Venison.*
3. *Of the special signification thereof.*
4. *Whereof the same receiveth the name of Venison.*

1. What is Venison.

Every Forest hath two ornaments that doth grace and decorate the same, and which are as it were the only beauty of a Forest, and the want of either of them doth in short time not only deface and blemish a Forest, but also make a Forest to be no Forest at all. The first of which ornaments is called Vert, and the second is called Venison: and although that Vert have always the first place, and is set before Venison, amongst the Canons of the Forest Laws, yet because in the former Chapter and Treatise I have already treated of beasts of Venery, Chase, and warren, it is now most necessary, that I do proceed next with Venison, and then next after it, with Vert: And therefore you shall understand, that even as the old Foresters and good Woodmen, do by this general term, Beasts of venery, understand every beast of forest: Even so, they do likewise by this general word Venison, understand every beast of Forest and Chase, as a word of art proper to beasts of Forest, and beasts of Chase, and to none other. And therefore by this word Venison, it is to be understood, that it is, and must be always one of the five beasts of forest aforesaid, or one of the five beasts of chase, or else the same is not to be called Venison. And according

ding to this interpretation, the Forest Laws, and the
 berg Kings, Princes, and the Law makers themselves,
 do understand this word Venison, which in Latin is cal-
 led Venatio; as it appeareth in the 1. book of Kings, in
 these words, Et autem eibus Solomonis per dies singu-
 los triginta Cori simila, & sexaginta cori farinae, decem
 boves pingues, & viginti boves pascuales, & centum pec-
 cudes, excepta venatione Cervorum, Solomons food was
 every day, thirty quarters of manchet flower, and 60.
 quarters of meal, 10. stalled oxen, and 20. oxen out of
 the pastures, and an hundred sheep, besides the venison
 of Harts. And all the whole scope of the Forest Laws
 renderth to the preservation of Vert and Venison: By
 which word Venison is understood, every beast of forest
 and chase: as it doth appear in Charta de Foresta in these
 words, Praetera, singulis quadraginta diebus per totum
 annum, convenient Forestarii & Viridarii, ad videntum
 attachiamenta de Foresta, tam de viridi, quam de venatione,
 Pozeober, every forty days throughout the whole
 year our Foresters and Verderers shall meet toge-
 ther, to see the attachments of the forest, as well for the
 offences and trespasses of bert, as of venison: So that if
 a man do hunt in the forest, and kill a Hare, the Forester
 may attach him for the same offence: for the same is a
 trespassse in the venison of the Kings forest. For proof
 hereof it appeareth in the Assises of 1 forest of Pickring,
 that two men were indicted for striking of a Hare in her
 form, and for taking of another within the forest, and
 the one of them was committed to prison, and made fine
 and ransome for the same offence, and was bound to the
 good abearing of the forest, and the other was outlawed:
 whereby it is to be noted, that Hares are venison and
 beasts of the forest. And likewise it appeareth in Charta
 de Foresta in these words, Nullus de caetero amittat vitam
 vel membra pro venatione posita, from henceforth no
 man

Primo Reg. cap.
 4. vers. 22.

Charta de Fo-
 resta artic. 8.
 in fine ibid.

Assise Foresta
 de Pickring, fol.
 13 An. 8. E. 3.

Charta de Fo-
 resta artic. 10.

man shall lose his life nor members for the killing of our venison: where note, that that word *pro venatione*, must be understood for any beast of Forest or Chase: for before the making of the great Charter of the forest, the killing of any wild beast within the forest was punishable by the King at his will and pleasure, and not by any Law certain: And therefore the King might have punished a man for the killing of a Hare, or a Fox, or a Hart, or any other beast of forest, before the granting of the great Charter of the Forest, even with the losse of life, or the losse of an Arm: And therefore to take the best advantage of the words of the Charter, *Nullus de cetero amittat vitam vel membra pro venatione nostra*, must be understood, that the meaning of the Charter must be that from henceforth no man shall lose life or member *pro venatione nostra*, for the killing of venison: that is for the killing of any beast of Forest, or Chase, and so that word *Venatio*, *Venison*, is understood any beast of Forest or Chase; and so likewise in the same Charter, where it is appointed, who only shall hold pleas of the Forest, in these words, *Nullus Constabularius, Castellanus, vel Ballivus, teneat placita de Foresta, sive de Viridi, sive de Venatione*, No Constable, Castellain, or Bailiff, shall hold any plea of any matters of the Forest, either of bert or of venison: Where Note, that there that word *pro venatione*, must be understood of the killing, hunting, or chasing of any beast that is within the Forest, be it beast of forest, or beast of chase: so that all the pleas of the forest are *aut de viridi, aut de venatione*, either of bert, or of venison: And again in the new Ordinances that were made by King Edw. the first, in 34. year of his reign, called, *ordinatio Forestarum* (but in the Register of writs, and also of some others, it is called *additio Forestarum*) the King doth make a special prohibition or law, that every

Fore-

Charta de Foresta, artic. 16.

Ordinatio Forestarum.

Forester of the forest, shall present all the trespasses and offences of the Forest, at the next Swanimote Court, that shall be holden within the same forest where the same trespass shall be done, the words being these, In primis ordinavimus pro nobis & heredibus nostris, quod de transgressionibus in Forestis nostris, de viridi & venatione de cetero factis, Forestarii, infra quorum ballivas hujusmodi transgressi fieri contigerint, presentent easdem ad proximum Swanimot. coram, &c. First, we have decreed for us and our heirs, that of trespasses hereafter to be done in our forests of bert and of venison, the Foresters or woodmen, within whose bailiwick or walks such trespasses shall happen to be done, or committed, shall present the same at the next Swanimote before the Foresters, Verderors, Reguardors, &c. where note, that all the trespasses of the Forest are there meant to be let down, and it doth there appear, that they are either of bert, or of venison: And so then this word Venison must be understood of every beast, meant and intended to have privilege within the forests, which are the beasts of forest and chase. And in the same Ordinatio forestarum, whereas the King doth pardon offenders, and such as have trespassed in his forests, the King doth pardon them by these words, de transgr. de viridi & de venatione, which is of all offences and trespasses of the forest, viz. of bert and venison, by which the King doth understand every trespass in hunting or chasing of any beast in the forest, be they beasts of forest, or beasts of Chase. The French Authours that do write of the wild beasts of Forest and Chase, do use this word venaison also, indifferently, for any beast of forest or chase: so that hereby you may see, that this word venatio, venison, is understood of foresters but only for beasts of forest and chase. And in Charta de Foresta, artic. 10. in these words, sed si quis captus fuerit,

Ordinatio Forestarum, artic. 1.

Ordinatio Forestarum, artic. 1.

Ordinatio Forestarum, artic. 1.

Ordinatio Forestarum, artic. 34. B.

Ordinatio Forestarum, artic. 1.

Pierius in son primer Liure de la ventry.

Charta de Foresta, artic. 10.

se convictus de captione venationis nostrae; but if any man be taken and convicted for taking of our venison, he shall make a grievous fine: There it doth appear, that this word Venison is taken for every beast of forest and Chase. And so likewise in the same charter, in the 16. artic. where the words are these, *Sed quilibet Forestarius de feodo attachiet placitū de foresta, tam de viridi, quam de venatione;* but every Forester of fee shall make attachments for pleas of the forest, as well of bert, as of venison: so that thereby it seemeth, that all the attachments and pleas of the forest, they are either of Wert or of Venison: then therefore this word venison reacheth to every beast that is meant and intended to have any privilege within the limits of the forest.

Charta de Foresta, art. 16.

2. Of the general signification of Venison.

NOW concerning the general signification of this word Venison, it is often taken for any wild beast that is killed by hunting, as a Squirrel, a wild Goat, and such like, which are not beasts of forest nor chase. And so Hollinshed in his description of England reporteth, that in the East Countie they doe use to hunt the Bear, which saith he, is excellent good venison: And by this word Venatio, being taken in the general sense, may be understood any manner of wild beast that is taken or killed by hunting. Ferina is also Venison, or in the general sense, the flesh of any wild beast that is taken in hunting, as a Squirrel, a wild Goat, or any beast of forest or chase; so that Venatio, or Ferina, being taken in the general signification, is no other, but as if a man should say, *ferina caro*, wild flesh, or the flesh of a wild beast, which may be understood indifferently of any wild-beast: But the foresters, nor forest Labourers, do not understand this word Venatio, Venison, in that sense.

Hollinshed, p. 206. a. 30. b.

for they do understand by this word Venison, but only such beasts as are, or, in times past, have been beasts specially privileged by the King within the forest, which beasts only are called beasts of forest, and beasts of chase, and none other.

3. Of the special signification thereof.

And when as this word Venison before in the second division of this treatise, hath a more large scope and signification, then in the first: so in some special particular sence, the same hath yet a more special and particular signification, then in either of them; for, whereas in the first division of this treatise, this word Venison is understood only for beasts of Forest and Chase: in some sence this word Venison is taken but only for the flesh of the Hare, the Hind, the Buck, and the Doe, and the beasts that are of that kind: for amongst the common sort of people, nothing is accounted Venison, but the flesh of Red and Fallow Doe: And the reason thereof is, because that the common people do not account any beast Venison, but that which is usually eaten and baked for venison, as the red and the fallow Deer is. And as for other beasts of Forest and Chase, albeit that the Foresters, and the Forest Lawyers, do account them Venison, for the pleasure and delight of hunting only, yet because they are not usually eaten and baked for venison amongst them, therefore these beasts do not carry the esteem, nor name of venison with some. But as Budæus saith, you must therefore understand, that this word Venison is two-fold; for, saith he, there are some wild beasts, that are esteemed venison as well for the dainty and pleasant taste of the flesh for meat for Princes; as also for the great delight and pleasure that is in chasing, hunting, and killing of them,

Budæus in 2o
libro Philolo-
gicæ.

such are all the sorts of Red and Fallow Deer: And again, there are some other sort of wild beasts, that are also privileged, which are esteemed Venison, rather for the princely delight and pleasure, in hunting, chasing, and killing of them, then in the pleasant taste and sweetnesse of their flesh, and such are all the residue of the beasts of Forest and Chase, which are not usually eaten, when they are killed and taken by hunting: we read in the 25. of Genesis, that Isaac loved Esau, because he did eat of his venison. And also in the 27. of Genesis, we read that Isaac called his son Esau, and commanded him to take his bow and his arrows, and to go to the fields, and to take him some Venison, to make him meat that he loved: Here this word Venison is to be understood but only of Red Deer, or fallow Deer, and not of other wild beasts that were not to be eaten. And thus you may see the special signification of this word Venison, and how the same is to be understood diversly, and in divers senses.

Whereof the same receiveth the name of Venison?

This word Venison, is called in Latin Venatio: in every place where venison is spoken of in Charta de Foresta, and in Ordinations Foresta, there still this word Venatio is used, and not any other word, and as it seemeth, very aptly for that purpose: for Venatio cometh of the herb Venor, Venaris, to hunt, and is there taken for a wild beast of forest or of Chase, that is to be taken by hunting, or to be hunted, as well those beasts that are not usually eaten for Venison, as those that are eaten. But such venison, as we do accompt venison only for the goodnesse of the meat (as Red Deer and fallow Deer) is called more properly in Latin, Ferina.

as it doth appear by the Poet Virgil in his *Æneids* in these words:

Implemur veteris Bacchi, pinguisque ferina:

They were well filled with fat Wenison and old wine. But our English word Venison is derived from the French tongue, which doth call the same venaison, very little differing from us, which word venaison cometh of the verb vener, to hunt. Also our eldest English writers do call the same Venson, and not Venison: But by what reason I see not. Budæus reporteth this old verse of Wenison:

Non est inquirendum, unde venit Venison,

Nam si forte furto sit, sola fides sufficit.

If any man chance to be bid to his friends house to eat his part of fat Wenison, let him remember this old verse, which in English is this:

It is not to be inquired from whence venison cometh,

For if by chance it stollen be,

A good belief sufficeth thee.

CHAP: VI.

1. What is Vert in general.
2. How many sorts of Vert there are.
3. What is Vert in the Kings own Woods.
4. What shall be said to be Vert in the woods of every common person.
5. Whereof the same receive: h the name of Vers.

1. What is Vert in general.

TH proceed with Vert, being the other of the fore-said principal ornaments of a forest, it is manifest, that eben as a forest, having neither