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## THE SOCIAL CONTEXT OF THE ORDINANCE OF CHARLES VI AGAINST POACHING

On 10<sup>th</sup> of January 1396<sup>1</sup>, the king of France Charles VI<sup>2</sup> issued an edict aimed at resolving the problem of poaching which was ravaging the hunting grounds of the king and the gentry<sup>3</sup>. It is interesting not only to analyse the manner the king attempted to combat this common practice by thorough regulations, but also the picture of the French society depicted in the contents of the document.

Since the early middle ages hunting has always been a subject of special interest of the tribal chieftains, and later monarchs of the states emerging from the ruins of Charlemagne's monarchy. The interest was displayed by more or less successful attempts of securing monopoly of the ruler for hunting in designated area, which in time transformed into right to hunt in entire kingdom. This in turn created the necessity of issuing relevant ordinances and appointing officials responsible for upholding the law and management of the hunting grounds<sup>4</sup>. Thus the hunting monopoly of the ruler became one of important elements of power in the territory. At the same time, the process of acquiring the right to hunt by people of the Church and secular knights was

taking place. It was connected to weakening of the central power and development of feudal system between IX and XII centuries. The laws originating from the tribal times, which stated that outside of a defined area every member of the community had the right to hunt the game, wandered off into oblivion<sup>5</sup>. It also became necessary to regulate the issue of poaching – namely to impose an interdiction not only on hunting in specific territory for people deprived of the right to hunt, but also a ban on hunting specific species of animals or with the use of specific devices. Since the times of Charlemagne those designated territories – *foresta* – have acquired legal status according to which they were treated as independent right of utility excluding the rights of other persons<sup>6</sup>.

In the time of stabilising of the feudal system (XII-XIII centuries) the right to hunt was also transferred onto feudal lords holding fiefs as one of the many rights of utility of the seniors. It happened so as the ruler transferred his right of hunting. The holder of the fief had a personal right of hunting in his estates, and in case this right was divided he could demand the seniority part of the territory to be designated in order to allow him to execute his rights. This way, apart of the king the right of hunting was also transferred onto secular feudal lords. The people of the Church acquired this right through privileges granted since the Carolingian times.

The kings of France from the Capetian dynasty, in the country where the model of feudal society took the most complicated form, maintained – even in the period of utmost weakness of their power – the right of hunting in the forests of the royal domain. Such forests, used as royal hunting grounds since the times of Charlemagne, were the forests of Saint-Germain-en-Laye or Rambouillet. In turn, the forest of Compiègne was designated as hunting grounds as early as A.D.750. In the French language such a territory designated for this purpose was called *garenne*. A special office called *maîtrise des eaux et forêts* was appointed for management of these forests, and it survived until the final days of monarchy by the end of XVIII century. Each of these forests covered thousands of hectares, sometimes reaching

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<sup>1</sup> The document is dated 10th January 1396, however considering the fact that in France the New Year was on 25 March at that time, therefore according to the new style calendar it was already 1397.

<sup>2</sup> Charles VI de Valois (1368 – 1422), called *the Mad*, started his rule at the age of 12 and until 1388 remained under wardship of his uncles. Between 1388 and 1392 he ruled independently, and after he fell into madness (1392) the Council took over the rule under the leadership of Philip the Bold, Duke of Burgundy. Before 1392, Charles VI engaged France into the civil war in Flanders (1379-1385) and a campaign against the Count of Gelderland (1388). At the same time fight with the English were taking place, mostly in the area of the English Channel.

<sup>3</sup> Archives Départementales de l'Hérault, A 1, folios 219 v° à 200 v°; transcribed by Jean-Claude Toureille; the document is attached at the end of this article, and is also available at the internet address <http://hypo.ge.ch/www/cliotexte//sites/Arisitum/cdf/chas.html>; see also: Isambert, *Recueil des anciennes lois françaises*, t. IV, Paris 1828, p. 770-771.

<sup>4</sup> A synthetic analysis of the matter for the late Roman, tribal and early Medieval (until XI century) periods was presented by A. Samsonowicz in *Łowiectwo w Polsce Piastów i Jagiellonów* (Hunting in Poland of the Piasts and Jagiellons), Wrocław-Warszawa-Kraków 1991, pp. 147-162; see also: L.-J. Bord, J.-P. Mugg, *La chasse au Moyen Âge*, ed. Gerfaut 2008, passim; Ph. Salvatori, *La chasse sous l'Ancien Régime*, Fayard 1996.

<sup>5</sup> A. Samsonowicz, op.cit., p.150.

<sup>6</sup> Ibidem, p.152.

almost twenty thousand hectares in various periods of the middle ages<sup>7</sup>.

Apart from that, Paris and Ile-de-France were surrounded by big and dense forest areas partly owned by grand vassals of the crown. For instance, Saint-Gobain forest of several thousand hectares was owned by the family de Courcy. However, cutting down the forests for new settlements posed a threat for maintaining them as hunting grounds. Vast areas of French forests were cut down in XII and XIII centuries, which due to climatic and demographic changes that occurred in the next century had caused barren soil, abandonment of settlements and mass migration of the people<sup>8</sup>. Therefore it was in the interest of the rulers and the hunting-wise privileged feudal secular lords, as well as the Church, to protect the areas of their gaming activities. It became especially vital during the French-English Hundred Years' War (1337-1453) when defeats suffered by the French chivalry undermined its role in the society on one hand, and on the other hand the knights glorified everything that emphasised their explicit individuality. Hunting was doubtlessly such an activity, and in those times it became almost exclusive domain of the nobility and indispensable element of the court life. On the other hand, closing the hunting grounds for the common people from local villages and burdening them with the costs of maintaining the forestry offices and tolerating the crop damages done by wild animals were the source of possible social conflicts and poaching. In the second half of the XII century, the period of utmost interest for us, the royal officials of the *jurisdiction des Eaux et Forêts* were a well-developed apparatus of management, supervision and arbitration for all aspects of exploitation of forests and waters, including hunting.<sup>9</sup>

By the end of XIV century the royal apparatus of forestry of the king Charles VI is estimated to have had about 800 persons, including court officials responsible for organizing the prowl and maintaining kennels<sup>10</sup>. Starting 1359 this administrative structure was headed by an official of a very

elaborate title: *souverain et général maître, inquisiteur, ordeneur, disposeur et réformateur seul et pour tout le royaume des eaux et forêts, isles et garennes*.<sup>11</sup> Kept on payroll, these officials ensured on daily basis that the tables of the king and his court were full of game of highest quality, available only to the grand feudal lords of the Kingdom, who possessed their own and large hunting grounds.

Beyond the shadow of a doubt, the second half of XIV century was in France the time of particular popularity of hunting, which is reflected e.g. in the sheer number of written tracts devoted to hunting. Between 1354 and 1377, Henri de Ferrières edited a handbook on hunting entitled *Livre du Roi Modus et de la Reine Ratio*, which in the form characteristic for the epoch, through allegories, told about the technique of hunting that combined the method (*Modus*) with the knowledge (*Ratio*).<sup>12</sup> A Norman cleric Gace de la Buigne composed between 1359 and 1377 a long poem of more than twelve thousand verses, which is also a tract full of allegories about hunting. Finally, the most famous book of hunt of count de Foix, Gaston Febus. The book, penned between 1387 and 1388 was dedicated to the duke of Burgundy Philip the Bold. In its contents, besides issues of hunting, the book included also chapters devoted to specific species of the game (*gibier*).<sup>13</sup> All these texts idealised the very act of hunting, organisation and functioning of which was an element of chivalry culture. About the same time the king of France Charles VI was forced to issue the ordinance regulating the problem of less commendable side of the hunting monopoly - poaching.

The ordinance was issued on 10 January 1396, according to the contemporary calendar, and it defended those commoners (*non-nobles*) who in specific circumstances were caught red handed while poaching. The document is even more interesting thanks to the fact that it is quite detailed in describing a specific social problem that seems to have been quite common in the Kingdom of France. The edict was issued in Paris by the king, in the presence of the members of the Great Council and registered by the judge of Paris (*prévôt*) on 7 February<sup>14</sup>. The ordinance is explicitly divided into two

<sup>7</sup> A general information on the history of the French forests in Middle Ages: A. Corvol, *L'homme et l'arbre sous l'ancien régime*, Paris 1984; *Les Eaux et Forêts du XII<sup>e</sup> au XX<sup>e</sup> siècle*, Paris 1987; Groupe d'Histoire des forêts françaises, *Histoire des forêts françaises, Guide de recherche*. Paris 1982; M. Antoine, *Guide des recherches dans les fonds judiciaires de l'Ancien Régime*, Paris 1958; M. Hébert, *Sources cartographiques des Archives nationales pour l'Histoire des forêts*, Paris 1966, Bibliothèque Nationale,

<sup>8</sup> About depopulation of the rural areas in France between the first half of XIV and the end of XV centuries read: M. Roncayolo, *Géographie et villages désertés*, Annales, vol. 20 (1965), No 2, pp. 218 – 242; an in-depth account on the migration of the people in southern Champagne on the turn of XIV and XV centuries, read: R. Fossier, *Remarques sur les mouvements de population en Champagne méridionale au XV<sup>e</sup> siècle*, Bibliothèque de l'École des Chartes, vol 122 (1964), No 1, pp. 177 – 215.

<sup>9</sup> F. Lot, R. Fawtier [ed.], *Histoire des institutions françaises au Moyen Âge*, t. II *Institutions royales*, Paris 1958, p. 252-255.

<sup>10</sup> A. Samsonowicz, op. cit., p. 247

<sup>11</sup> About royal administration of the waters and forests in the Medieval France see: E. Deck, *L'administration des Eaux et Forêts dans le domaine royal en France au XIV<sup>e</sup> et XV<sup>e</sup> siècles*, „Bibliothèque de l'École des Chartes“, vol. 83 (1922), pp. 65-100 and 331-361; vol. 84 (1923), pp. 92-115.

<sup>12</sup> Ph. Salvatori, *La chasse...*, p. 38; W. Rösner, *Die Geschichte der Jagd. Kultur, Gesellschaft und Jagdwesen im Wandel der Zeit*, Düsseldorf-Zürich 2004, p. 204-209.

<sup>13</sup> Ibidem, p. 209-214.

<sup>14</sup> The copy of the document used for the purpose of this article was made on 7 February 1396 (old style) by Jean de Foneville (Folleville), a knight, member of the Royal Council, and *garde de la prévosté de Paris*. About the administration in medieval Paris, read: J. Favier, *Paris – deux mille ans d'histoire*, Paris 1997, pp. 551-562; about Jean de Folleville: G. Dupont-Ferrier, *Gallia regia: ou État des officiers royaux des bailliages et des sénéchaussées de 1328 à 1515*, t. II, Paris 1954, p. 306-307.

parts: the first one includes description of poaching practices, says about the people who committed it and includes the catalogue of punishments, and also presents the species of animals that were hunted, including methods of hunting. The other part is of legal regulatory nature, the implementation of which was meant to put an end to illegal practices.

In the beginning of the document, the king said that entrusted people informed him that commoners, farmers and others without proper privilege or permission of the noblemen with the hunting rights and grounds (*garenne*) had kept dogs (*chiens*) and forest weasels<sup>15</sup> (called *fuiront* or *fuirons*) and had ropes (*cordes*), snares (*lacs*), nets for catching birds (*filletz*) and other traps (*autres engins*). As the animals and devices used for poaching were certainly kept in houses of the mentioned farmers, it was an opportunity for the royal officials to act very effectively. Mutual relations between the officials and the local population practicing poaching were another matter. It remains unknown what percentage of illegally hunted game was, accordingly to the law, given back to local feudal lord or an official, and which part was put in trade. It is also hard to imagine that such practices would have been ceased in the time of weakened royal power, and such was the case in the middle of the 90's in XIV century, when Charles VI already suffering from mental illness was put under the custody of his uncles – the grand feudal lords led by the Duke of Burgundy Philip the Bold. It seems that the Duke might have been the initiator of the issued ordinance.

The mentioned animals and devices were used by the poachers to catch (*prendre*) big game of red and black (*grosses bestes rouges et noires*).<sup>16</sup> This division was widespread in those times. Above-mentioned Henri de Ferrières knew this division well and in his *Livre du Roi Modus* he named the game of both groups. The red game were: deer (*cerf*), doe (*biche*), fallow deer (*daim*) and roe deer (*chevreuil*), but also rabbit, mentioned separately in the ordinance. In turn, the black game were: wild boar (*sanglier*), sow (*truie*), wolf (*loup*), fox (*renard*) and otter (*loutre*)<sup>17</sup>. A similar division has been used in Germany at least since XIII century, where they used the words *Rotwild* for the red game and *Schwarzwild* for the black game<sup>18</sup>. It is worth noticing that Henri de Ferrières does not mention e.g. bear in his text, although the technique of bear hunting was described by Gaston Febus (a Pyrenean by his origins, he might have hunted bears). Apart from the above, peasants prowled rabbits (old French *conils*), hares, partridges, pheasants and other game fowl. The offence was committed not only in the royal *garenes*, but also in the ones owned by nobles and, interestingly enough, other king's

subjects (*tant en nos garenes, comme en celles de nobles et d'autres, nos sujetz*). To prove the scale of the problem, the ordinance says that peasants employed on daily basis on the above offence have neglected farming and production of goods and commit looting of the game. Charles VI directly claims that many times he himself and the noblemen of his court have organised hunting just to find no game, or in very few numbers. For the king, this might have been a reason of potential conflicts among groups of his subjects - the gentry and non-nobles (called also *roturiers*). Charles VI was particularly interested in the fate of those *roturiers* who by violating the hunting monopoly were frequently imprisoned, paid high fines and sometimes disgracefully ended their lives. Such situation caused unrest of the folk, which as a consequence did not serve well for the public affairs of the entire Kingdom of France and inflicted measurable damages to the king and his subjects. It is worth noticing that the contemporary system of royal administration appointed for protection of hunting grounds failed its duty since the officials allowed the game to be knocked-off in the royal forests.

The second part of the ordinance attempted at regulating the issue of poaching in a comprehensive manner. Charles VI says that decisions were made after a council with the participation of the Duke of Burgundy Philip the Bold<sup>19</sup>, the Duke of Orleans Louis I<sup>20</sup> and the Duke Louis II de Bourbon<sup>21</sup>. The order the names of three blood princes were mentioned is significant. Philip the bold was the king's uncle, Louis of Orleans was the king's brother and Louis de Bourbon was the king's cousin. Therefore, the first in the order Philip of Burgundy was neither the oldest nor the closest relative to the king, but in fact it was him who decided upon internal and foreign policy of France at that time. Considering Philip's relish to the chivalrous ceremonies, including hunting, the chances are that he inspired issuing the ordinance. The responsibility of implementing the ordinance was put in the hands of Guillaume of Melun<sup>22</sup>, who was

<sup>19</sup> Philip the Bold (*Le Hardi*, 1342 – 1404), fourth son of the king of France John II the Good and Bonne of Luxembourg, was granted Burgundy as an appanage, in 1369 he married Margaret of Flanders, the heiress of this county, which allowed him to inherit it in 1384, after the death of Louis de Male. He died in 1404 leaving his vast heritage to his son, John the Fearless (†1419).

<sup>20</sup> Louis I d'Orléans, second son of the king of France Charles V the Wise (†1380), younger brother of the king Charles VI, Count de Beaumont and Duke of Valois, since 1386 Duke of Touraine, in 1392 was granted the duchy of Orleans as an appanage, in 1389 he married Valentina Visconti, daughter of Gian Galeazzo, Duke of Milan and Isabelle of Valois, after 1392 along with the wife of Charles VI Isabeau of Bavaria was in the party of adversaries of Philip of Burgundy. The leader of anti-Burgundy party of Armagnac party, †23 November 1407 assassinated by partisans of the Prince of Burgundy John the Fearless.

<sup>21</sup> Louis II the Good (*Le Bon*, 1337-1410), third Duke of Bourbon (1356-1410), suzerain of Mercoeur and count of Forez, son of Peter I of Bourbon and Isabelle de Valois.

<sup>22</sup> Guillaume IV of Melun, count of Tancarville, viscount of Melun, baron of Varengebec, hereditary Constable and Chamberlain of Normandy, Grand Échanson of France, Bailiff of Waters and Forests of Charles VI, envoy in England (1393) and Genoa (1396), chairman of Tax Chamber (Chambre des Comptes)

<sup>15</sup> Forest weasels were used to hunt rabbits. It is worth noticing that in tales and legends of the Western Europe weasels were usually painted in black and presented as negative characters.

<sup>16</sup> Ph. Salvatori, *La chasse...*, p. 69-90.

<sup>17</sup> G. Tillander, *Livre des Desdus du Roy Modus*, Édition critique, Paris 1932 ; see also: B. Hell, *Le sauvage consommé*, Terrain, no 10 *Des hommes et des bêtes* (April 1988), available at the internet address: <http://terrain.revues.org/index2931.html>

<sup>18</sup> A. Schwappach, *Handbuch der Forst-und Jagdgeschichte Deutschlands*, Berlin 1986, p. 102.

at the time holding the title of *souverain maistre et général refformateur des eaux et forestz par tout nostredit Royaume*, superior of the royal forestry administration in France.

The king forbade hunting anybody without proper privilege or permission. There is also a provision in the ordinance saying that the men of Church had, apart from the gentry, the right to hunt (*s'il n'est personne d'église à qui toutes fois, par raison de lignage ou autrement deurement ce doivent compéter*), but also burghers who supported themselves from their lands and rental incomes (*s'il n'est bourgeois vivant de ses possessions et rentes*). The prohibition refers both to specific areas (*garennnes*) and any other lands. Moreover, those people could neither keep animals used in hunting nor snare or use any other devices facilitating catching the game.

The ordinance, however, includes several exceptions from the general principle. Foremost, the ban does not refer to situations where farmers keep dogs or hunt another way in order to protect their crops from devastation by wild animals. In such a case neither a nobleman nor royal official of the area where the law was violated could confiscate the dogs and devices or impose a fine. A peasant who came into possession of the game in such a manner was in turn obliged to hand it over to the nobleman or royal official, and only unless he had done so he would loose the animals (e.g. dogs) and pay appropriate fine.

The king ordered the text of the ordinance to be proclaimed in public places in the most widespread manner and, in addition, he ordered his officials to uphold the law and prevent any attempts of undermining it. Anyone opposing the resolution arising from the text was to be properly punished with a fine charged by a royal official governing the hunting grounds in the area of bailiwick or *sénéchaussée*.

There may be no doubt about whether the ordinance in fact went into effect, as the resolutions almost immediately triggered resistance of the concerned groups. On 20<sup>th</sup> of October 1397 Charles VI addressed a letter to Pierre Gougeul<sup>23</sup>, called Moradas, suzerain of Rouville, and at the same time the official supervising waters and forests of Languedoc (*maître d'hôtel du roi et de ses Eaux et Forêts en toute la Languedoc*) as a response to a complaint filed by the consuls of Toulouse (*sur requête des capitouls*<sup>24</sup>). The king sent Guillaume of Melun, the one mentioned in the document, to southern *sénéchaussées* in order to investigate the matter. Surprisingly enough, the aforesaid Guillaume with no great reluctance issued an edict releasing

between 1402-1410; on 21 January 1390 he married Jeanne of Parthenay, lady of Semblançay; † on 25 October 1415 r. during the battle of Azincourt; he had one daughter Marguerite of Melun.

<sup>23</sup> Pierre Gougeul, called Moradas, suzerain of Rouville, commander of Pont de l'Arche (1374), son of Jean Gougeul called Morequin and Petronella des Essarts; a knight, royal chamberlain, administrator of waters and forests of Languedoc, † 25 October 1415 during the battle of Azincourt; see: G. Dupont-Ferrier, *Gallia regia*, t. V, Paris 1958, p. 573.

<sup>24</sup> Capitoul – in Languedoc dialect, high rank municipal official in Toulouse (consul); the word comes from 2<sup>nd</sup> half of XIV century, turned up for the first time in 1389), see: F. Godefroy, *Dictionnaire de l'ancienne langue française et de tous ses dialectes du IX au XV siècle*, t. 1, Paris 1880, p. 780.

the dwellers of three *sénéchaussées*: Toulouse, Carcassonne and Beaucaire from the duty of abiding by the provisions of the royal ordinance and, even more, they were granted the right to hunt all the game à pié [piège] clox et à pié pelut and all the game fowl outside of the restricted area (*garenne*), however upon the condition that when they would catch falcons or other birds of prey or sporting fowl they were obliged to hand them over to the proper official administrating waters and forests. The king confirmed the privilege and ordered it to be implemented<sup>25</sup>.

The above presented analysis of the contents of the ordinance of Charles VI against poaching allows for a conclusion that the ordinance illustrates weakening of the authority of monarchy and feudal elite of the Kingdom by the end of XIV century and social unrests that followed. The second half of that century was in France the time of demographic and economic breakdown due to outbreaks of the “black death” which were first noted between 1348 and 1351 and systematically returned time and again. Extinction of significant part of the population reflected in the economic system and hunting (poaching) was much faster means to get food than farming. The situation was even more complicated due to the collapse of the dominant role of chivalry which suffered a series of humiliating defeats by the English and attempted to maintain its status at any cost. Economic and political stabilisation was also threatened by emerging companies of mercenaries after the French-English peace treaty of Bretigny (1360) and English chivalry raids in France (*chevauchées*).<sup>26</sup> Vast areas of northern and central France became marching routes of both free companies and regular English troops.<sup>27</sup> For instance, the most devastating raid took place between July and December 1373 when the troops led by John of Gaunt, Duke of Lancaster, accompanied by Duke of Bretagne and counts of Warwick and Suffolk invaded France. The French did not face them in an open field, forcing however the English troops to bypass Paris from the south on the road to Guyenne<sup>28</sup>. Lancaster landed on 25<sup>th</sup> of June in Calais leading about 11 000 troops, marched through Artois, Vermandois (in August), Picardy (in August), Champagne (Espernay, Brienne, Troyes, Chappes), Nivernais, Bourbon and Limousin and on 25<sup>th</sup> of December arrived to Bordeaux with not more than half of his troops from June. The road of their march was marked by plundered and razed cities and villages, and robbery and destruction

<sup>25</sup> Archives de Toulouse, Inventaire AA5/226, registry available at [http://www.archives.mairie-toulouse.fr/fonds/inventaire/articles/AA5/faa5\\_226.htm](http://www.archives.mairie-toulouse.fr/fonds/inventaire/articles/AA5/faa5_226.htm)

<sup>26</sup> About the war in France in the aspect of damages of specific territories in the second half of XIV century, see: M. Mollat, *Medieval origins of modern France, XIV-XV centuries*, Polish edit. Warsaw 1982, pp. 15-46.

<sup>27</sup> About the free companies in France in the times of the Hundred Years' War, especially in the second half of XIV century, see: Ph. Contamine, *Les compagnies d'aventure en France pendant la Guerre de Cent Ans*, „Mélanges de l'École Française de Rome”, vol. 87 (1975), No 2, s. 365 – 396; a synthesis about military operations of mercenaries in the second half of XIV century, see: J. A. Wagner, *Encyclopedia of the Hundred Years War*, Greenwood Publishing Group, 2006, pp. 272-273.

<sup>28</sup> Ibidem, p. 96.

significantly reduced the economic capacities. The problems were further deepened by shortage of food for the people due to climatic change (cooling of climate, bad crops, barren soil). All these elements often forced peasants to violate the law when they were looking for sustenance, and the forest in the neighbourhood has always been the source not only of food but also of firewood, timber for construction and pasture of the livestock.

The ordinance of Charles VI from 1397 is just a small part in the process of creation of law on hunting, but the part that undoubtedly presents the legal situation as well as the picture of hunting and poaching that has always accompanied it on the turn of XIV and XV centuries. It is also very interesting to confront the idealistic picture of hunting as a leisure of the chivalry, which is presented in many contemporary handbooks on hunting, with the everyday practice of poaching and violating the royal law by the peasants of the French province. Finally, the exceptions from the general rule as it happened in Languedoc just few months later, in autumn 1397, prove that in times of weakened royal power it was extremely difficult to execute a royal ordinance, especially when it disturbed the interests of the groups of rich and influential burghers, as it was the case in Toulouse.

### The text

Archives Départementales de l'Hérault, A 1, folios 219 v° à 200 v°; transcribed by: Jean-Claude Toureille.

*A tous ceux qui ces lettres verront, Jean, seigneur de Foneville, chevalier, conseiller du Roy nostre sire, garde de la prévosté de Paris, Salut. Savoir faisons que Nous, l'an de grâce mil trois cens quatre vingtz et seize, le mercredy sept jour de febvrier, vismes unes lettres du Roy nostre sire, seellée en, double queue de son grand sell contenant cette forme:*

*Charles, par la grâce de Dieu Roy de France, à tous ceux qui ces lettres verront Salut. Il est venu à Nostre connoissance par le rapport de plusieurs personnes dignes de foy, tant de nostre conseil comme autres, que plusieurs personnes non nobles, laboreurs et autres, sans qu'ils soient a ce privilégiés, ne qu'ils ayent adveu de personnes nobles ou autres, ayans garennes ou privilèges, ont et tiennent devers eux chiens, fuiront, cordes, lacs, filletz et autres engins à prendre grosses bestes rouges et noires, conils, lièvres, perdrix, faisans et autres bestes et soyseaux d'ou la chasse ne leur appartient, ne doit appartenir, par quoy, il est advenu et advient, chacun jour, que lesdits non nobles en faisant ce que dit est, délaissent à faire leurs laborages ou marchandises et commettent plusieurs larrecins de grosses bestes et de conils, de perdrix et de faisans, et d'autres bestes et oyseaux, tant en nos garennes commeen celles des nobles et autres, nos sujetz, dont il est advenu mault de fois que quand Nous et les nobles de nostredit Royaume avons voulu aller en dedans, l'on a trouvé en plusieurs lieux, peu ou néant de bestes et oyseaux, et par ce le déduit de Nous et desdits nobles a esté et est souvente fois empesché, par quoy, si remède n'y estoit mis, plusieurs dissensions, débats et destours se pourroient survenir et mouvoir entre nos sujetz nobles et non nobles, et s'en ensuivroient plusieurs autres inconveniantz, mesmement que lesdits non nobles, en persévérant en ce, sont souvent emprisonnez et pour ce traitz à grandz amendes, et per les oyseaux qu'ilz y eurent en ce faisant deviennent larrons, meurtriers, espieurs de chemins, et mènent mauvaise vie, dont par ce est advenu et advient souvent, qu'ils ont finé et finent leurs vie par mort dure et honteuse, qui est en grande confusion de nostre peuple et détrimet de la chose publique de nostre Royaume, et au grand dommage de Nous et de nos sujetz; pour quoy Nous voulons à ce estre remédié.*

*Sçavoir, faisons que eue sur ce grand et meure délibération de nostre grand conseil ou estoient nos très chers et très amez oncles et frères, les ducs de Bourgonhe, d'Orléans et de Bourbon, et plusieurs autres notables personnes de nostredit conseil, avons ordonné et ordonnons, par ces présentes, que dores en avant aucunes personnes non nobles de nostre Royaume, s'il n'est à ce privilégié ou de ce il n'a adveu ou expresse commission à ce de personne qui sa luy puisse ou doive donner, ou s'il n'est personne d'église à qui toutes fois, par raison de lignage ou autrement deurement ce doivent compéter, ou s'il n'est bourgeois vivant de ses possessions et rentes, ne se en hardisse de chasser, ne tendre à grosses bestes ou menues, ne oyseaux, en garenne ne dehors,*

*ne de avoir et tenir pour ce faire chiens, fuïrons, cordes, lacz, filetz et autres arnois, et au cas que aucuns desdits non nobles autres que ceux dessus déclarez sera trouvée ayant en sa maison chiens, fuïrons, cordes, lacz, filetz et autres engins ou tendent aux bestes et oyseaux dessus devisez, Nous voulons et mandons que le noble ou la justice sobz qui il sera demeurant ou soubz qui il chassera, les luy puisse oster de fait sans aucune répréhension, toutes fois au temps que les pocz et autres bestes sauvages vont aux champs pour manger les bledz, il ous plaict bien que les laboreurs puissent tenir chiens pour garder leursdits bledz et chasser les bestes d'iceux, sans que pour ce ilz doivent perdre iceux chiens, ne payer amendes, mais si en ce faisant, ilz prenoient aucune beste, ils seront tenus la porter au seigneur ou à la justice à qui il appartiendra, ou si ce non ilz restabliront ladite beste et payeront l'amende, si donnons et mandons et com-mettons si mestier est à nostre amé et féal cousin et conseiller Guillem, viscomte de Melun, souverain maistre et général refformateur des eaux et forestz par tout nostredit Royaume, et à tous autres maistres requesteurs de nos eaux et forestz dessusdits, ou à leurs lieutenans, et à chacun d'eulx, si comme à luy appartiendra que nostredite ordonnance fassent publier solemnellement par tous lieux notables où ilz verront qu'il sera expédient et icelle tenir et garder sans enfreindre en aucune manière, et s'ilz treuvent aucuns faisans le contraire ou contredisant à ce, ilz contraignent à la tenir par amende et toutes voyes et manières deues et raisonnables, ainsi comme ils verront que de raison sera à faire, en tes-moins de ce Nous avons fait mettre à ces lettres nostre seel.*

*Donné à Paris le Xe jour de Janvier, l'an de grâce mil CCC IIIIxx et seize, et le XVIIe de nostre règne. Ainsi signé par le Roy en son conseil. J. de Sanctis.*

*Au dos desquelles lettres estoit escript ce qui ensuit: "publicatae fuerunt praesentes litterae in camera palatii et ad fenestram die quinta february. Anno domini millesimo trecentesimo nonagesimo sexto", J. Billequin, publié en jugement et ez auditoires du Chastelet de Paris le mardi sixiesme jour de febvrier, l'an mil trois cens quatre vingtz et seize, Fresies; et nous à ce présant transcript, avons mis le seel de la prévosté de Paris l'an et le jour dessusditz. A. Lemunier: Collation est faicte.*

### Streszczenie

W dniu 10 stycznia 1396 (1397) r. król Francji Karol VI wydał ordonans, którego celem miało być rozwiązanie kwestii kłusownictwa, pustoszącego królewskie i szlacheckie tereny łowieckie. Interesujące jest nie tylko to w jaki sposób król próbował walczyć z tym nagminnym zjawiskiem, próbując uregulować kwestię całościowo, ale też jaki obraz społeczeństwa francuskiego wyłania się z treści

dokumentu. Zarządzenie zostało wydane w Paryżu przez króla, w obecności członków Wielkiej Rady i zarejestrowane przez prewota Paryża w dniu 7 lutego. Ordonans bardzo wyraźnie dzieli się na dwie części: pierwsza stanowi opis praktyk kłusowniczych, mówi o ludziach, którzy je praktykują i jakie kary ich za to spotykają, wymienia też rodzaje zwierzyny na którą się poluje i sposoby jej chwywania. Część druga ma charakter regulacji prawnej, której w prowadzenie w życie ma ukrócić nielegalne praktyki. Ordonans Karola VI z roku 1397 jest w procesie tworzenia prawa dotyczącego polowań jedynie jednym z elementów, ale dającym bez wątpienia obraz stanu prawnego i faktycznego zjawiska jakim było polowanie i zawsze towarzyszące mu kłusownictwo na przełomie XIV i XV wieku. Nie mniej ciekawie wypada konfrontacja idealnego obrazu polowania jako rozrywki rycerstwa, który pojawia się w wielu ówczesnych podręcznikach łowiectwa, z codziennością związaną z procederem kłusownictwa i łamaniem królewskiego prawa łowieckiego przez chłopów na francuskiej prowincji. Ostatecznie wyjątki od ustalonej reguły, tak jak to miało miejsce w Langwedocji już kilka miesięcy później, bo jesienią 1397 r. udowadniają, że w czasach osłabienia władzy królewskiej niezwykle trudno było wyegzekwować królewskie zarządzenie, szczególnie jeśli uderzało ono w interesy tych grup, których członkowie byli bogatymi i wpływowymi na swoim obszarze mieszczańskimi, jak w przypadku Tuluzy.