

ORIGINAL LICENSE

GRANTED TO RICHARD CARTWRIGHT, TO EAT FLESH
ON FAST DAYS, 1632, NOW IN THE POSSESSION OF
THE REV. W. R. CARTWRIGHT, OF OAKLEY;
WITH A TRANSLATION AND NOTES.

BY G. H. SAWTELL, ESQ.

GEORGIUS Providentiâ divinâ Cantuariensis Archie
piscopus totius Angliæ Primatus et Metropolitanus ad
infra scripta Auctoritate Parlamenti Angliæ legitime
fulcitus Dilecto nobis in Christo RICARDO CARTWRIGHT
parochiæ S^{ti}. Dunstani in occidentali Londini Armigero
salutem et gratiam.—Cum leges ad utilitatem omnium
conditæ ad salutem singulorum de rigore suo aliquid
remittere etiammodo cupiant Nos partim ex relatione tuâ
partim ex aliorum fide dignorum testimonio intelligentes
piscium esum sanitati corporis tui adversum et salutem
tuam ex animo exoptantes Permittimus et indulgemus
tibi ut unâcum Mariâ uxore tuâ et omnibus quibusvis
aliis arbitrio tuo eligendis et ad mensam tuam invitandis
carnibus cum debitâ gratiarum actione quibusvis die et
tempore publico vetitis durante vitâ tuâ naturali vesci
possis. Volumus tamen quod sobrieter et frugaliter cautè
itidem et ad vitandum publicum scandalum quoad fieri
possit tectè non palâm facias nec ad dietam valetudinis
causâ tibi permissam alios convivas aliter quam superiùs
est expressum admittas, Proviso semper quod annuatim
sex solidos et octo denarios in parochiâ infrâ quam habi-
tabis ad cistam pauperum conferes et numerabis juxtâ
statutum in Parlamento de anno quinto regni serenissimæ
Dominæ Elizabethæ nuper Reginæ in eâ parte editum
et provisum. Volumus etiam quod omnia et singula alia
perimplebis et observabis quæ in dicto statuto de anno
quinto dictæ nuper Reginæ Elizabethæ continentur
(legibus aliis et consuetudinibus in contrariam non obstan-
tibus quibus-cunque) Proviso autem quod hæ literæ tibi
non proficiant nisi per literas patentes Regiæ Majestatis

debité fuerint confirmatæ Data sub sigillo ad facultates quarto diè mensis Martii anno domini millesimo sexcentissimo tricesimo secundo et nostræ translationis anno tricesimo secundo.

EDM: SCOTT Clericus Facultatum.

CAR CÆSAR ad Factes Commissarius.

CAROLUS Dei gratiâ Angliæ Scotiæ Franciæ et Hiberniæ Rex fidei Defensor etc Omnibus at quos præsentēs literæ pervenerint salutem Inspeximus quasdam literas dispensacionum præsentibus annexatas quas et singula in eis contenta juxta quendam Actum in Parlamento Domini Henrici nuper Regis Angliæ Octavi predecessoris nostri editum Ratificavimus approbavimus et confirmavimus et pro nobis hæredibus et successoribus nostris ratificamus approbamus et confirmamus per præsentēs Ita quod RICARDUS CARTWRIGHT parochiæ Sancti Dunstani in Occidentali Londinensi Armiger in dictis literis nominatus omnibus et singulis in eisdem specificatis uti frui et potiri valeat et possit libere et quieté impuné et licite secundum vim formam et effectum earundam absque impedimento quocunque Eo quod expressa mentio de certitudine præmissorum aut de aliis donis sine concessionibus per nos eidem Ricardo autē hæc tempora factis in præsentibus minime facta existit aut aliquo statuto actu provisione proclamatione sive restrictione in contrariam facto edito ordinato seu proviso aut aliquâ aliâ re causâ vel materiâ quacunque in aliquo non obstante—In cujus rei testimonium has literas nostras fieri fecimus patentes Teste meipso apud Westmonasterium quarto die Martii anno regni nostri Octavo—per BARTHOLOMEUM BALDWIN Regiæ Majestatis ad facultates in Cancellario Clericum.

GEORGE, by divine Providence, Archbishop of Canterbury, Primate of all England and Metropolitan, lawfully authorized by the Parliament of England, for the purposes after mentioned, to our well beloved in Christ, RICHARD CARTWRIGHT, of the parish of St. Dunstan in the West, London, Esq., health and grace.—Forasmuch as laws made for the general benefit desire to abate somewhat of their strictness for the behoof of individuals, we having understood partly from your own statement, partly from the testimony of others worthy of credit, that the eating

of fish is injurious to your bodily health, and desiring above all things your wellbeing, we permit and indulge to you, that you together with Mary your wife, and any others at your will whom you may select and may invite to your table, may during your life eat flesh with due giving of thanks, on days and times whereupon the same is publicly forbidden. We will, however, that you shall do this soberly and frugally, as well as cautiously and secretly, rather than openly, for the avoiding of public scandal, nor that you admit other guests to share the licence granted for your health's sake, otherwise than is above expressed, Provided always that you yearly reckon and pay 6s. 8d. to the poor box of the parish wherein you shall inhabit, according to the statute in that behalf made and provided in the 5th year of the most serene Lady Elizabeth, late Queen.—We will also that you fulfil and observe all other things contained in the said statute (all other laws and customs to the contrary notwithstanding) Provided nevertheless that these Presents shall not avail unless the same shall be confirmed by the Royal Letters Patent.—Given under our seal of the faculties the 4th day of March, in the year 1632, and the 32nd. year of our translation.

EDM^d. SCOTT, Clerk of the Faculties.

CHAS. CÆSAR, Commissary of the Acts.

CHARLES by the grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, to all to whom these presents shall come, health. We have inspected certain letters of dispensation hereto annexed, which and all therein contained We, according to an Act passed in Reign of King Henry VIIIth., our predecessor, have ratified, approved, and confirmed, and for us ourselves our heirs, and successors, do hereby ratify, approve and confirm, so that RICHARD CARTWRIGHT of the Parish of St. Dunstan in the West, London, Esq., therein named, may use, enjoy, and possess freely, quietly, and with impunity, all things therein contained according to the force, form, and effect thereof, without any impediment whatsoever, albeit express mention of the premises or of other gifts or grants by us to the same RICHARD heretofore made shall not be made; any statute, act, provision, proclamation, or restriction to the contrary made, issued, ordained, or provided, or any other thing, cause or matter whatsoever, in anywise notwithstanding. In testimony

whereof, we have caused these our letters to be made patent. Witness ourselves, at Westminster, the 4th day of March, in the 8th year of our Reign.—By BARTHOLOMEW BALDWIN, Clerk of the Faculties in His Majesty's Chancery.

NOTES.

GEORGE ABBOTT, Archbishop of Canterbury, the granter of this License, was born at Guildford, in 1562—his parents were in very humble circumstances, and some singular legends are told with reference to his early history; however, he and his brother Robert, afterwards Bishop of Salisbury, were certainly educated by private charity, and he became after several minor preferments, Dean of Worcester in 1599; in 1609, Bishop of Lichfield and Coventry, and successively Bishop of London and Primate within a year or two afterwards; during the period of his prosperity he left a noble remembrance to his native town, in the form of a stately hospital, which still maintains 24 poor persons under the government of a Master and Vice-Master. The building is a fine specimen of brickwork and a great ornament to Guildford. Before the completion of this good work, the latter days of the Archbishop were clouded by the unhappy accident of his casually killing Lord Zouch's gamekeeper at Bramshill Park with an arrow, aimed at a deer, which, after the fashion of the times, he was engaged in hunting with the cross-bow. He kept a monthly fast ever after, on the day of the week on which the accident occurred, and had to sustain much persecution through the efforts made for his deprivation on the ground that his having shed blood incapacitated him from his sacred office. He died in 1633, and was succeeded by a more widely known and still more unfortunate Lord Primate, and he lies buried at Guildford under a wonderful pile of marble, in which a canopy, six pillars, pedestals of books, nine statuettes, a fancy sepulchre, skulls, bones, an iron grate, and a life-size effigy, all figure, with of course, a most laudatory epitaph, in which no mention of the gamekeeper or the cross-bow is to be found.

NOTES ON LICENSES TO EAT FLESH.

These licenses have little or no relation to theology, but are to be considered rather as arising out of sumptuary laws, which in the reigns of the two last Henrys and of Elizabeth, were multiplied to a most oppressive extent.

The obligation to fast during Lent and upon the other customary days, clearly survived the reformation, and was part of the common law of the land. Prior to that period, those who required dispensations in this behalf, obtained them of the Pope. The statute 28th Henry VIII. chap. 16, referred to in the confirmation above translated, recites that the Pope's authority was usurped, and his licenses void and of none effect, but that, if they should be impeached, it would be to the "intolerable inquietations and utter undoing" of the holders of them—it therefore lets them run on for a year, after which period, the right to grant dispensations is transferred to the Archbishop of Canterbury subject to confirmation under the great seal.

The detailed statement of terms on which these particular licenses are to be granted, is set forth in the statute of Elizabeth referred to in the above license, V. Elizabeth, cap 5., which is intituled "An act touching Politick Constitutions for the maintenance of the Navy." This act contains 51 sections, and must have greatly vexed the minds of seafaring men. Fish appear to have been given to the Queen, as a customary payment for a license to sail to Iceland. Fresh herrings are absolutely prohibited if brought in in foreign vessels, shipwreck excepted. All cod brought in in casks, is forfeited—so are wines and wood brought in on foreign ships—and what is more to our present purpose, Wednesday is to be an extra fish day, "for increase of the provision of fish, by the more common and usual eating thereof." Three months' imprisonment is the penalty for eating flesh on fish days. Special licenses are saved, but they are to be void unless they provide that the grantee shall pay yearly to the poor's box, if a Lord or Lord's wife, 26s. 8*d.*—if a knight or knight's wife, 13s. 4*d.*—and if of commoner degree, like Mr. Richard Cartwright, 6s. 8*d.* Provided that no license shall extend to the enormity of eating beef at any time of the year, or veal between Michaelmas and the 1st of May. This comprehensive enactment then harks back to the wine question—the Queen is to fix the price

(without regard to quality apparently). So also of corn for exportation. By further investigation we discover that abstaining from flesh means, having on table "one usual and competent dish of flesh and no more;" so that there are forthcoming at the same meal "three full competent usual dishes of sea-fish of sundry kinds, either fresh or salt, without fraud or covin," (perhaps this may allude to *lobster-salads*.) The peril of three month's durance does not therefore appear so imminent as at first sight, Then comes the spiritual interpretation of this truly maternal ordinance. "And because no manner of person shall " misjudge of the intent of this Estatute limiting orders " to eat fish, and to forbear eating of flesh, but that the " same is purposely intended and meant politickly for the " increase of Fishermen and Mariners and repairing of " Port Towns and Navigation and not for any superstition " to be maintained in the choice of Meats, be it enacted " that whosoever shall, by Preaching, Teaching, Writing, " or open speech, notify that any eating of fish or forbearing " of flesh mentioned in this statute, is of any necessity for " the saving of the soul of man, or that it is for the ser- " vice of God otherwise than as other politic laws are and " be, that then such persons shall be punished as spreaders " of false news are and ought to be." This dismal deprivation of inward consolation to the High Churchmen of those days, under a fish diet, closes the enactments on the subject. We may presume that Archbishop Laud lived to see these restrictions and the dispensations connected with them die out.

Every license granted by the Magistrates *to an Innholder* was accompanied by a Bond on the part of him and his sureties to prevent flesh from being consumed in his house during Lent and on fast days, and of these recognizances, great numbers remain with the public records, but I was unable to find any enrolment of a dispensation like the present one.

NOTICE OF RICHARD CARTWRIGHT.

This gentleman appears to have been descended from an ancient Nottinghamshire family, and to have been a practising barrister of eminence, and a member of the Inner Temple, where he was resident at the date of the license, being then about sixty-eight years old. His father

and elder brother were resident at Aston, in Cheshire, to which circumstance, he was probably indebted for the notice and friendship of the celebrated THOMAS EGERTON, of Ridley, in that county, afterwards Viscount Brackley and Lord Chancellor, (the Chancellor had himself no connexion with Brackley, but his son, afterwards the first Earl of Ellesmere, had married the heiress of the manor). Mr. Cartwright purchased of Shakerley Marmion, Esq., the father of the dramatist of that name, in 1615, two thirds of the manor of Aynho, for £5,250, and in the succeeding year, the remaining third from Sir Paul Tracy his son for £3,000. He may be supposed to have retired from his profession to his house at Aynho, soon after his appetite for fish failed him, and he died there at the age of seventy-four, in 1638, and is commemorated by a latin epitaph in Aynho Church as “lectissimus conjux pietate
 “innocua prudentia et modesta charitate insignis. Ille ut
 “aliis multis ita præ cæteris illustrissimo viro Thomæ
 “Domino Egerton Baronis de Ellesmere summo Angliæ
 “Cancellario vixit egregie charus.” In the same tomb lies his wife, the daughter of Sir John Egerton, of Egerton, and consequently a niece or cousin of the Chancellor. Their son and heir, John Cartwright, was “plundered” in the civil wars by the cavaliers, to the amount of £800, besides having his manor-house burnt to the ground. He survived the restoration, and founded scholarships at Brase-nose, having during the rebellion, declined sitting on the University Commission of that day. His descendants are the present distinguished family at Aynho.

Richard Cartwright by his will, gave 5s. 4d. annually, for bread every week after divine service, to six of the poorest and most aged people in Aynho who should come to Church every sabbath day.