

FISH FASTS AND LICENSES TO EAT FLESH
DURING LENT.

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IN a former volume of the RECORDS OF BUCKINGHAMSHIRE (vol. iii. pp. 24—30) is printed an original license granted to Richard Cartwright, to eat flesh on Fast Days, and to it are appended a few interesting notes by Mr. Sawtell, who communicated the license to the publication issued by our Society. Mr. Sawtell's observations are very much to the point, and correct the belief, not less general than it is erroneous, that Fish Fasts are of ecclesiastical obligation. Just before the beginning of Lent in the present year (1883), a London daily newspaper had a leading article upon this subject, whose tenor may be inferred from its opening sentences, which are these:—

“The practice of resorting to a diet of fish during Lent is an established usage of Catholic countries, which is probably an inheritance from times much earlier than the Church herself. The notion of a penitential fast has attached itself to the diet of fish, or rather, to the abstinence from flesh, and the dietetic practice has become a religious solemnity.”

A journal, which issues day by day a quarter of a million copies, which come before several times that number of readers, is a good medium for the circulation of erroneous doctrine, in the sense that it is certain to be set right. It was so in this case, and the article in question drew forth remarks on a subject full of interest, and so very generally misunderstood, that I propose to embody them in this communication, availing myself for the most part of the language of the various writers.

In order to understand the true reason for Fish Fasts, it must be borne in mind that before the Reformation, all good Catholics and all persons with any pretence to good breeding, were expected to abstain from flesh meat on certain days; hence fish, as the next best substitute, became the chief food on these *jours maigres*; but eating fish under such circumstances was considered a sort of penance; hence, when at the Reformation it was decided to

abolish Fast Days as a religious ordinance, a fear arose that no one would eat fish. The fishing interests raised a clamour, and politicians began to fear a national injury. They argued, if people are not obliged to eat fish, they will not eat fish, and the fishing trade will be abandoned; but the fisheries are the nurseries of our seamen, and if we can get no sailors to man our Navy, England will no longer be able to hold her own among the nations; therefore, it was decided that the Fast Days, though abandoned for religious, should be retained for political purposes. The proof of this statement is to be found in the "Homily on Fasting," Part ii.

"But first an answer shall be made to a question that some may make, demanding what judgment we ought to have of such abstinences as are appointed by public order and laws made by Princes and by authority of the Magistrates, upon policy and not respecting any religion at all in the same, as when any realm in consideration of maintaining the fisher towns and for the increase of fishermen, of whom do spring mariners to go upon the sea, to the furnishing of the navy of the realm, whereby may be a necessary defence to resist the invasion of the adversary; . . . by which positive laws, though we subjects for certain times and days appointed be restrained from some kind of meats which God hath left free to be taken and used of all men, at all times, yet for that such laws of Princes and other Magistrates are not made to put holiness in one kind of meat and drink more than another, to make one day more holy than another, but are grounded merely upon policy, all subjects are bound to keep them."

There is, moreover, a Statute of Queen Elizabeth, which, it is believed, is unrepealed, and which enacts that—

"Whosoever shall declare that any eating of fish, or abstaining of flesh mentioned therein, is of any necessity for the saving of the soul of man, or that it is the service of God any otherwise than as other politick laws are and be, that then such shall be punished as the spreaders of false news are and ought to be."—*Act Elizb.* 5.

During the reigns of James I. and Charles I. several Royal Proclamations were issued "for Restrainte of killing, dressing, and eating of Flesh in Lent, or on Fish

Dayes appoynted by the Law to be hereafter strictly observed by all Sorts of People." They speak of "divers Laws and Statutes made and enacted for the due Observation of Lent and other Dayes appointed for Fish Dayes, as well for the sparing and encrease of Flesh Victualls, as for the Maintenance of the Navye and Shipping of this Realm, by the Encouragement of Fishermen to goe to the Seas for the taking of Fyshe." After placing restrictions upon the butchers and their trade, they end in the following (to us) quaint way:—

"For that the Fishmongers may perhaps take Occasion thereby to enhance the Prices as well of fresh as of Seafish, Wee doe, therefore, hereby further charge and commaunde all Fishmongers whatsoever, that they sell and utter their Fish at moderate Rates and usuall prices upon Paine of Our high displeasure and such further Punishment as may be inflicted upon them by Our Lawes."

In the parish register of Stock, Essex, is this entry:

"1663.—Mr. Coo and his wife in regard of their sicknesse and ilbeing were licensed according to ye statute, to eat flesh this Lent by mee.—WILLIAM PINDAR, Parson. Received for ye entering of both 8d."

This was communicated by the Rector, Mr. E. Pendarves Gibson, who (and the fact is somewhat singular) in spite of the distinct reference to the statute considered that, after the Restoration, the Lenten Fast was of ecclesiastical obligation. He was quickly set right by ten correspondents, one of whom, Mr. J. W. Millard, Rector of Shimpling, Norfolk, forwards the following from the register of his parish:—

"Memorandum, that the last day of February, 1636, I sealed a license and delivered it to my present patron, Mr. Mott, allowinge him liberty accordinge to the Statute in this case provided, for to eate some flesh meat this Lent, for his comfortable reliefe in his present sickness and weakness in nature.

"Teste me NI. COLT, rectore ibidem."

Sir Sherston Baker, Bart., a barrister, writes, "That he has in his possession the copy of a license from the Archbishop of Canterbury, granting, by virtue of the Statute in such case made and provided, permission to John Hacker, of Flintham, in the county of Nottingham,

to eat flesh in Lent, on paying 6s. 8d. to the poor box of the parish. It is dated 24th February, 1662, and is written in Latin."

Sir Sherston Baker continues as follows, with respect to Mr. Gibson's communication, and to the license referred to by him :—

"The license although granted by the parson of the parish, was granted 'according to ye Statute.' That is to say, according to the Statute 5th Eliz., c. 5, which was amended by the 27th Eliz., c. 11. By the foregoing Statutes, Fish Days were to be observed 'for the benefit and commodity of this realm, to grow as well in maintenance of the Navy as in sparing and increase of flesh victual of this realm ;' but all persons who were forced by sickness to eat flesh, 'shall be sufficiently licensed by the Bishop of the Diocese, or by the parson, vicar, or curate of the parish,' and the license was to be registered in the Church book, and the party licensed was to pay fourpence for the entry thereof. It will be noticed that this all agrees exactly with the license quoted by Mr. Gibson. The Statute then goes on to enact that, 'no manner of person shall misjudge the intent of this Statute 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.' And again, the Statute that, 'whosoever shall by preaching, teaching, writing, or open speech, notify that any eating of fish mentioned in this Statute is of any necessity for the saving of the soul of man, or that it is the service of God otherwise than as other politic laws are and be,' shall be punished as a spreader of false news."

Among the archives of the ancient Hospital of St. Cross, near Winchester, is a license similar in all respects to that in the possession of Sir Sherston Baker, granted in the same year, and by the same Archbishop to one John Carter.

Thus, after following a road longer and somewhat more varied than that over which Mr. Sawtell led us, we find ourselves at the same spot as that to which he conducted us. The ecclesiastical idea ought to be abandoned as unsound, and, indeed, one of the writers, whom I

have quoted, concludes his remarks with this inquiry:—
“As these Fish Fasts, therefore, however wholesome they may be, are of State, not of Church obligation, is there not a tinge of Erastianism in observing them?”

It may be interesting to add that in 1550, King Edward VI. granted a license to Thomas Cranmer, Archbishop of Canterbury, and to his family and guests, to eat flesh meat for all the life-time of the said Thomas Cranmer, during Lent and other Fast Days. This license may be seen in Rymer's "Fœdera," vol. xv., p. 210. It appears to be granted (as it recites) by virtue of the 2nd and 3rd Edw. VI., cap. 19, which Statute declares that "The King's subjects now having a more perfect and clear light of the Gospel by the hands of the King's Majesty and his most noble father of famous memory," thereby perceive "that one day or one kind of meat of itself is not more holy, more pure, or more clean than another." Yet that divers of them, "turning their knowledge to satisfy their sensuality, have in late times more than in times past broken and contemned such abstinence which hath been used in this realm upon the Fridays and Saturdays, the Embring days, and other days commonly called Vigils, and in the time commonly called Lent." The Statute then proceeds to recite, that the King, "considering that due and godly abstinence is a mean to virtue and to subdue men's bodies to their soul and spirit, and considering also that fishers may thereby the rather be set on work, and that by the eating of fish, much flesh shall be increased," ordains, with the consent of Parliament, that all Statutes and usages concerning fasting or abstinence shall be void; but orders abstinence from flesh during Lent, and on all Fridays and Saturdays of the year. By the 5th and 6th Edw. VI., cap. 3, the eves of certain Feasts shall be kept as Fast Days, and although the former Statute was repealed by the 19th and 20th Vict., cap. 64, the latter is, probably, still capable of being enforced.

It only remains to state, for the benefit of those who desiderate precise references, that the journal referred to is the *Standard* for February, 1883, that the leading article appeared on the 10th, and the other articles on the 13th, 19th, 21st, 23rd, 26th, and 28th of that month. On the 26th, Sir Sherston Baker printed at full length

the license in his possession, but very inaccurately by reason of his want of acquaintance both with the handwriting of the period, and with the form of the document, which is similar to that printed by Mr. Sawtell.

I conclude by recording of my own knowledge that the Duke of Manchester has amongst his muniments a license in English granted to one of his ancestors by the famous John Williams, Bishop of Lincoln. See also on this subject, pp. 77 and 78 of the new edition of Waters's *Parish Registers in England*, published in 1883.
